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## **The progress of the Assembly's monitoring procedure (January-December 2017) and the periodic review of the honouring of obligations by Estonia, Greece, Hungary and Ireland**

### **Periodic review: Greece**

#### **Report<sup>1</sup>**

Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

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#### *Summary*

All member States of the Council of Europe that are not under a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue, are the subject of a regular periodic review by the Monitoring Committee of the honouring of their membership obligations to the Council of Europe. In this report, the committee presents the periodic review on Greece. The committee concluded that Greece is generally fulfilling its membership obligations to the Council of Europe and, overall, its democratic institutions function in line with the standards of the Council of Europe. However, a number of concerns were raised, and recommendations made in that respect, that deserve the prompt attention of the authorities.

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1. See also Doc. 14450 [Part 1](#), [Part 2](#), [Part 4](#) and [Part 5](#).



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## Explanatory memorandum by Mr Cezar Florin Preda, rapporteur

### 1. Introduction

1. Greece (officially the Hellenic Republic) is located in the north-eastern part of the Mediterranean Basin and forms the southern tip of the Balkan Peninsula in south-east Europe. With a total area of around 132 000 km<sup>2</sup>, including some 2 000 islands and islets, it has the longest coastline in Europe (some 13 700 km) and borders the Aegean, the Ionian and the Mediterranean Seas. Greece has land borders with Albania, Bulgaria, “the former Yugoslav Republic of Macedonia” and Turkey. The vast majority of its population of around 10.8 million are Greek Orthodox (up to 97%).

2. The modern Greek State gained independence from the Ottoman Empire in 1832. During the following century, both the territory and population of the Kingdom of Greece gradually expanded. After its occupation during the Second World War and liberation in 1944, Greece slid into a protracted civil war until 1949. The efforts to consolidate democracy were interrupted by a military coup in 1967; political and civil rights were suspended, thousands of people were arrested and the King was forced to flee the country. After seven years of military dictatorship, the “Regime of the Colonels” collapsed in 1974. The Third Hellenic Republic was established, parliamentary democracy reintroduced and the constitutional monarchy abolished.

3. Greece became the 11th member State of the Council of Europe on 9 August 1949. It initially joined the North Atlantic Treaty Organisation (NATO) in 1952 and reintegrated the organisation in 1980. In 1981, Greece acceded to the European Economic Community, later transformed into the European Union, as the first Mediterranean country which had emerged from a dictatorship. Respectively in 2000 and 2001, Greece became a member of the Schengen Area and the eurozone. Greece is also a founding member of the United Nations, the Organisation for Economic Co-operation and Development (OECD), the Organization for Security and Co-operation in Europe (OSCE), the Organization of the Black Sea Economic Cooperation (BSEC) and the Union for the Mediterranean (UfM).

4. Upon its accession to the Council of Europe, Greece committed itself to respecting the obligations incumbent upon every member State under Article 3 of the Statute of the Council of Europe (ETS No. 1) with regard to pluralist democracy, human rights and the rule of law. In October 2017, Greece had ratified 99 Council of Europe treaties and signed 59 additional treaties without ratification.<sup>2</sup> International conventions are an integral part of Greek domestic law and prevail over any contrary provision of domestic law. In April 2014, Greece ratified the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) and, in March 2016, the European Social Charter (revised) (ETS No. 163). On 25 January 2017, Greece ratified the Convention on Cybercrime (ETS No. 185) and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189), as well as the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) on 7 November 2017. It also signed the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216) in March 2015 and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217) in January 2016.

5. Nevertheless, several important treaties still await ratification by Greece. In particular, in [Resolution 1953 \(2013\)](#),<sup>3</sup> the Assembly called on Greece to sign and/or ratify the following Council of Europe treaties: the European Charter for Regional Minority Languages (ETS No. 148); the Framework Convention for the Protection of National Minorities (ETS No. 157) and Protocol No. 12 to the European Convention on Human Rights (ETS No. 177) concerning the fight against discrimination.<sup>4</sup> The Greek authorities recently announced that were also preparing the ratification of the Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210, “Istanbul Convention”).<sup>5</sup> At the time of writing, no additional information was available on a possible ratification of the European Convention on Nationality (ETS No. 166), Protocols No. 15 amending and No. 16 to the European Convention on Human Rights (CETS Nos. 213 and 214, signed in March 2017), as well as on the possible signature and ratification of the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144).

2. Council of Europe Treaty Office, [Statistics on signatures and ratifications: Greece](#).

3. [Resolution 1953 \(2013\)](#) on the progress of the Assembly's monitoring procedure (June 2012-September 2013).

4. The Greek authorities have, until now, refused ratification, referring to the limited number of ratifications of Protocol No. 12, the increasing workload of the European Court of Human Rights and the wide interpretation and application of Article 14 of the European Convention on Human Rights in practically all non-discrimination cases. Greek Government, [Addendum](#) to the Report of the Working Group on the Universal Periodic Review, Greece, 2 September 2016.

5. Greek Government, [National Universal Periodic Review report](#) submitted in accordance with paragraph 5 of the annex to Human Rights Council [Resolution 16/21](#), Greece, 22 February 2016.

6. This periodic report was drafted in line with [Resolution 2018 \(2014\)](#) on the progress of the Assembly's monitoring procedure (October 2013-September 2014) and the explanatory memorandum approved by the Monitoring Committee on 17 March 2015. It is based, *inter alia*, on the most recent findings of the Council of Europe monitoring mechanisms, the reports of the Parliamentary Assembly and the Commissioner for Human Rights of the Council of Europe and, when relevant, reports prepared by other international organisations and civil society. I would like to thank the Greek delegation to the Parliamentary Assembly for the extensive comments submitted in March and September 2017,<sup>6</sup> which were taken into account when drafting the present document.

## 2. Background

### 2.1. Political system and constitutional powers

7. As set out in the Greek Constitution, Greece is a parliamentary republic.<sup>7</sup> Executive power is exercised by the President and the government. The 1975 Constitution restricted the authority of the President to prevent a concentration of power in his hands, The 1986 constitutional reform further curtailed the competencies of the President to the benefit of the Prime Minister. Following these reforms, the role of the President in the formation of the government is limited to formally appointing the Prime Minister and, on his recommendation, the other members of the government. Moreover, the President cannot force the government to resign.

8. The government is thus politically accountable to the Hellenic Parliament: after a general election or after the previous government's resignation, every new government is required to appear in parliament and request a vote of confidence, and may also do so at any other time. An important mechanism for parliamentary oversight is a motion of censure against the government or one of its members, which must be approved by an absolute majority of the total number of MPs. This is a mechanism of last resort that has a high barrier for success: the last time a government was defeated by a vote of no confidence was in 1993.<sup>8</sup> MPs also exercise parliamentary control through various other means<sup>9</sup> but in the view of several observers, these control mechanisms are considered as being weak in practice.

9. The government (officially the Ministerial Council) defines and directs the general policy of the country and has the right to introduce legislation. The cabinet is led by the Prime Minister, who is usually the leader of the political party with the majority of seats in parliament. He determines and directs the government's policies and actions. The current Prime Minister, Alexis Tsipras, leader of the Coalition of the Radical Left (SYRIZA), took office for his second mandate on 21 September 2015 after his party won the early elections the previous day. He previously served as Prime Minister from 26 January to 20 August 2015, when he was forced to resign after he lost his parliamentary majority. On 4 November 2016, the Tsipras cabinet was reshuffled, with the entry of several new ministers.

10. The Head of State is the President of the Republic. He is indirectly elected, usually by an outright majority of members of parliament (MPs),<sup>10</sup> for a five-year term, renewable once. Although the President is the nominal Commander-in-Chief of the Greek Armed Forces, his powers are limited to a mostly ceremonial role, such as formally promulgating adopted legislation. He represents Greece internationally and may take some important political initiatives, such as sending back already adopted laws to parliament. To exercise most powers conferred on him, the President usually requires the countersignature of the Prime Minister or the responsible minister. Prokopis Pavlopoulos is the seventh President of Greece and took up office in March 2015.

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6. See document AS/Mon (2017)15 rev.

7. Article 1(1) of the [Greek Constitution](#). The current Constitution was formed by a major revision of the 1952 Constitution and entered into force in 1975. It has been revised three times since, in 1986, 2001 and 2008.

8. In August 2015, Prime Minister Alexis Tsipras faced a motion of censure over the government's agreement to Greece's third bailout deal. However, as he resigned and called for new elections, such a motion of censure never materialised.

9. These include petitions or written and oral questions, but also the possibility to establish investigation committees that are called to investigate issues of public interest.

10. The President is elected by the Hellenic Parliament according to a special constitutional procedure; voting takes place in possibly two phases with a maximum of three ballots each. The first and second ballots require a two-thirds majority, while the third ballot requires 180 votes out of 300. If no President is elected even after the third ballot, the parliament is dissolved and parliamentary snap elections take place within ten days. Then the second phase begins with a fourth ballot that requires 180 votes, a fifth ballot that is decided by simple majority and a possible sixth ballot that is decided by a relative majority.

11. Legislative power is entrusted in the Hellenic Parliament. The 300 MPs of the unicameral parliament are directly elected for a four-year term. The parliament has the right of legislative initiative, adopts legislation, approves the State budget, ratifies international treaties and exercises parliamentary control over the government. Moreover, the parliament has the right to revise or amend the Constitution; may introduce a motion of censure and can override a presidential veto. Currently, 19.7% of MPs are women.

12. The Greek electoral system is characterised by a complex system of reinforced proportional representation for the election of MPs, which allows for the formation of strong majority governments. Out of the 300 seats in the Hellenic Parliament, 238 are determined by universal suffrage, voters choosing the candidate or candidates of their choice in the 56 constituencies. The political party receiving the majority of votes is awarded a majority bonus of an extra 50 seats – a system which is intended to enhance government stability.<sup>11</sup> The remaining 12 seats are filled from national party lists based on the proportion of the total vote that each party received. The electoral threshold is set at 3%. According to the Constitution, voting is mandatory in Greece, but none of the existing penalties and sanctions are enforced.<sup>12</sup>

13. The Greek judicial system consists of three tiers: civil and criminal courts; administrative courts; and special courts. The Council of State (also “High Judicial Council”) is the highest administrative court and the Supreme Court (also “court of cassation”) is the highest court as regards civil and criminal matters. There is no constitutional court in Greece. The Greek Constitution provides for several special courts, including the permanent Court of Audit that reviews State expenditure and the non-permanent Supreme Special Court that notably examines electoral violations and adjudicates in cases where the Council of State and the Supreme Court have taken contradictory decisions or if they judge differently the constitutionality of a legal provision, and another non-permanent Special Court that hears cases involving former or serving members of government for criminal offences committed in the course of their duties.

## **2.2. Relations with neighbouring countries**

14. Greece is the largest economy in south-east Europe and an important regional investor. Due to its geostrategic situation at the crossroads of Europe, Asia, the Middle East and Africa, Greece is an important regional actor and has developed a regional policy aimed at consolidating peace and promoting stability throughout its immediate neighbourhood.<sup>13</sup> That said, relations with neighbouring countries are complex, with a number of unresolved issues that remain sources of tension and potential conflict. The Greek Ministry of Foreign Affairs has identified several issues of major political interest for Greece's foreign policy.<sup>14</sup>

15. Firstly, Greek–Turkish relations have long been characterised by alternating periods of mutual hostilities and reconciliation since Greece achieved its independence from the Ottoman Empire. They have been marked by four wars, a major population exchange in 1923, the persecution of the orthodox ethnic Greek minority in Turkey, causing many to flee the country in the 1950s/60s, and the Cyprus conflict in 1974. The delimitation of the continental shelf between the two countries has not yet been settled. Tensions have remained high with regard to legal disputes and claims over sovereignty rights in the Aegean Sea,<sup>15</sup> which led the two countries to the brink of war in 1987 and 1996.<sup>16</sup> After 1999, following major earthquakes in both countries, a period of relative normalisation began which resulted in the lifting of the Greek veto against Turkey's bid for European Union accession. Bilateral relations were aimed at reducing tension and enhancing co-operation, and have been fostered through regular high-level talks since 2009.<sup>17</sup> For instance, progress

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11. The electoral law can be changed by a simple parliamentary majority, but a law changed in this way only becomes enforced in the election following the upcoming one, unless it is voted by a supermajority of MPs.

12. Article 117(1) of Presidential Decree 96/2007 provides for imprisonment of between one month and one year for abstaining from voting. However, the 2001 constitutional reform has removed a clause allowing the enforcement of penal sanctions.

13. Greek Ministry of Foreign Affairs, [Regional Policy](#).

14. Greek Ministry of Foreign Affairs, [Foreign Policy Issues](#).

15. Some of the Greek Aegean islands are located only a few kilometres off the Turkish coast. The authorities stressed that “the legal status of the Greek islands is defined by the relevant international treaties in force, in particular the provisions of the Lausanne Peace Treaty of 1923, the Paris Peace Treaty of 1947 ... and the 1932 Italian–Turkish Agreements defining the maritime borders between the Dodecanese islands, including the Imia islets, and the Turkish coast of Asia Minor”. AS/Mon (2017)15 rev.

16. In their comments, the Greek authorities regretted that a 1995 resolution of the Turkish National Assembly, authorises the Turkish Government to declare war (*casus belli*) against Greece, should Greece decide to extend its territorial waters to the maximum extent possible according to the international Law of the Sea (i.e. 12 nautical miles), which would largely deprive Turkey of access to the Aegean Sea. See AS/Mon(2017)15 rev and Greek Ministry of Foreign Affairs, Issues of Greek–Turkish relations – Relevant Documents, [Territorial sea – Casus belli](#).

17. See Turkish Ministry of Foreign Affairs, [High Level Cooperation Council meeting between Turkey and Greece](#).

has been made on the legal status of the Greek Ecumenical Patriarch in Turkey.<sup>18</sup> That said, the Aegean dispute still remains unresolved and property claims regarding the Greek Orthodox Halki seminary are not settled. According to the Greek authorities, Turkey continues to challenge Greece's sovereignty, notably by violating its national air space.<sup>19</sup> The Turkish President Erdoğan's public and repeated remarks questioning the 1923 Lausanne Treaty delineating the two countries' common borders have raised tensions and suspicions in this respect.<sup>20</sup> The asylum claims by eight Turkish military officers after the attempted military coup and the decision of the Greek Supreme Court to turn down the Turkish extradition request have put further strain on bilateral relations and given rise to fiery rhetoric in recent months. The Turkish authorities immediately protested the court decision, adding that co-operation and relations with Greece would be re-evaluated.<sup>21</sup> This situation resulted in renewed tensions in the Aegean Sea at the end of January 2017 which, for the Greek authorities, were considered as attempts by Turkey to contest Greek sovereignty over some islets which are under Greek sovereignty in accordance with the relevant international treaties in force.

16. Secondly, the Cyprus conflict is still unresolved. The developments leading to the Turkish occupation of the northern part of Cyprus were outlined in the recent periodic review on Cyprus<sup>22</sup> and will not be repeated here. In January 2017, for the first time, the three guarantor powers Greece, Turkey and the United Kingdom gathered to discuss the Cyprus issue.<sup>23</sup> Greece pursues a foreign policy that is aimed at finding a "comprehensive, mutually acceptable, just and viable" settlement of the Cyprus problem, with obvious significance for Greek–Turkish relations.<sup>24</sup>

17. Thirdly, the issue of the name of "the former Yugoslav Republic of Macedonia" impacts on bilateral relations between the two countries. Following the break-up of the former Yugoslavia in 1991, "the former Yugoslav Republic of Macedonia" seceded and declared its independence under the name "the Republic of Macedonia". Greece claims both the historical and cultural heritage of the term "Macedonia". Moreover, the term also designates a wider geographical region, reaching from the current territory of Greece to "the former Yugoslav Republic of Macedonia", Bulgaria and Albania, as well as Greece's largest and second-most-populous region, also called "Macedonia".<sup>25</sup> In 1993, "the former Yugoslav Republic of Macedonia" was accepted as a member of the United Nations under its current provisional name, until such time as an agreed solution could be reached. Based on the 1995 Interim Accord, both countries started negotiations under the auspices of the United Nations. These discussions continue, without any substantial progress being made.

18. Finally, despite frequent high-level contacts and strong co-operation between Greece and Albania, bilateral relations between the two countries are still tainted with tensions on several issues, including Albania's request for the abrogation of the still effective 1940 status of war law by Greece, and Greece's

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18. The Ecumenical Patriarch of Constantinople, Bartholomew I, is "first among equals" of the Eastern Orthodox Communion which consists of 14 autocephalous churches (or "jurisdictions"). Mount Athos (see below) and a great number of local churches in northern Greece and on the Greek islands are under his jurisdiction. According to Turkish law, he is subject to the authority of the Republic of Turkey and must be a Turkish citizen by birth. This has led to a shortage of ethnic Greek priests and consequently potential candidates for the post of Ecumenical Patriarch. In 1971, the Turkish State proceeded to the expropriation of church property which, combined with the conditions of State control that were imposed, has led to the closing of the Greek Orthodox Halki seminary. The European Commission for Democracy through Law (Venice Commission) adopted an opinion in March 2010 on the legal status of religious communities in Turkey and the right of the Orthodox Patriarchy of Istanbul to use the adjective "Ecumenical". In its [Resolution 1925 \(2013\)](#) on the post-monitoring dialogue with Turkey, the Assembly welcomed the ongoing discussions on the reopening of the Halki Orthodox seminary on Heybeliada Island, while urging Turkey to implement [Resolution 1704 \(2010\)](#) on freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (eastern Greece) and the recommendations of the March 2010 Venice Commission's opinion in order to "guarantee the fundamental right of freedom of religion, particularly through recognising the legal personality of non-Muslim religious communities, which would secure access to justice and protection of property rights".

19. *Politico*, [Turkey buzzes weakened Greece](#), 23 July 2015.

20. BBC, [Greek anger at Turkey border treaty remarks](#), 30 September 2016; and *Prothema*, [Erdoğan calls for renegotiation of Lausanne Treaty](#), 22 November 2016. See also Other Solutions, [Turkey – Why Erdoğan denies the Lausanne Treaty](#), 1 December 2016.

21. On 26 January 2017, the court ruled against the extradition of any of the eight men, citing possible violations of human rights, including fair trial rights and the risk of being tortured if they were sent home. *The Guardian*, [Greek court turns down extradition request for eight Turkish officers](#), 26 January 2017; and [Greece–Turkish relations put to test](#), 11 December 2016.

22. The progress of the Assembly's monitoring procedure (October 2014–August 2015) – Periodic review report on Cyprus, [Doc. 13868 Part 5](#).

23. UN Cyprus Talks, [Statement from the Conference on Cyprus](#), 12 January 2017.

24. Greek Ministry of Foreign Affairs, [The Cyprus issue](#). See also Ekathimerini, [Tsipras sets out "red lines" on Cyprus](#), 16 November 2016.

25. Greek Ministry of Foreign Affairs, ["FYROM name issue"](#).

request to settle the division of maritime borders and related sovereignty rights in line with a bilateral agreement signed in 2009 which was overthrown by the Albanian Constitutional Court. Further points of contention concern the claims of the Cham Albanians for recognition of their expulsion in 1944-45 and their right to return to their properties in Greece, as well as demands by the Greek ethnic minority in Albania to use the Greek language and for respect for their property rights.<sup>26</sup>

### 2.3. Economic and migratory crisis

19. Greece has suffered from a deep and prolonged economic recession since late 2009, triggered by the consequences of the 2007-2008 financial crisis and the sovereign debt crisis,<sup>27</sup> which resulted from decades of overspending, maladministration and structural weaknesses. The crisis had significant adverse effects on the economy and the labour market. Real gross domestic product (GDP) fell by more than a quarter in five years, reducing the government's capacity to repay its creditors. According to Eurostat, in 2015, the debt level had slightly decreased to €311 billion or 176.9% of GDP (down from the previous peak of 180.1% in 2014), while the deficit had again increased to 7.2% of GDP.<sup>28</sup> The social consequences of the crisis have been severe and persist today. Unemployment in Greece reached 27.9% in September 2013 and youth unemployment was as high as 60% in March 2013.<sup>29</sup> According to the Organisation for Economic Co-operation and Development (OECD), structural reforms to boost growth and investment to create jobs, improve the stability of public finances and provide an effective social safety net, are crucial to help Greece recover from the profound social costs of the economic crisis.<sup>30</sup>

20. Under pressure from creditors, the Greek authorities accepted three bailout loan agreements with the Troika, i.e. the European Commission, the European Central Bank (ECB) and the International Monetary Fund (IMF), in 2010, 2012 and 2015, totalling some €326 billion.<sup>31</sup> It thus avoided a sovereign default along with being forced to leave the euro. Greece also received a debt restructuring of the sum of €127.1 billion in 2012. The most recent bailout was concluded in July 2015 with the backing of the Hellenic Parliament, following several months of intensive negotiations, despite the rejection by referendum of this bailout by the Greek population shortly before.<sup>32</sup> Under the latter bailout conditions, Greece was required to continue to pass harsh and deep-reaching structural reforms and austerity measures to bring its deficit under control, which triggered widespread discontent and anti-austerity protests among the Greek population. Germany has played a major role in discussions around the Greek debt crisis and has consistently resisted restructuring Greece's debt burden, while the IMF repeatedly called on Eurozone governments for further debt relief for Greece.<sup>33</sup> On 5 December 2016, eurozone finance ministers agreed, for the first time, on a number of short-term measures to lighten Greece's debt burden, including extending the repayment period and an adjustment to interest rates. That said, it is likely that Greece will be required to agree to further austerity measures in return for further medium- and long-term debt relief.<sup>34</sup> Since the beginning of the crisis, Greece has implemented a series of reforms as well as government spending cuts and tax increases,<sup>35</sup> which have had the effect that the economy is gradually recovering, with growth projected in 2017.<sup>36</sup>

21. At the same time, Greece has been heavily affected by the ongoing migration and refugee crisis in the eastern Mediterranean. According to the United Nations High Commissioner for Refugees (UNHCR), more than 850 000 refugees and migrants, mainly from Syria, Afghanistan and Iraq – almost half of them women and children – reached Greek shores in 2015, with a peak in October when more than 210 000 people arrived by sea.<sup>37</sup> The large majority transited through Greece and continued their journey to other European countries. Unilateral measures resulting in border closures along the Western Balkans migratory route in early

26. See Independent Balkan News Agency, "War" and "Peace" in the Albanian-Greek relations, 15 October 2013.

27. Government debt levels and deficits were consistently under-reported.

28. Eurostat, Provision of deficit and debt data for 2015 – first notification, [Euro area and EU28 government deficit at 2.1% and 2.4% of GDP respectively](#), 21 April 2016.

29. Eurostat, [Employment and Unemployment \(LSF\)](#).

30. OECD, [Economic Survey of Greece 2016](#), 10 March 2016.

31. The total amount of funds will however depend in part on Greece's success in implementing new reforms. Most of the bailout money goes towards paying off Greece's international loans, rather than making its way into the Greek economy.

32. The July 2015 referendum, initiated by Prime Minister Alexis Tsipras, who intended using public opposition as a bargaining chip in the negotiations with international creditors, resulted in a clear rejection of the bailout deal by more than 61% of the voters. However, the Troika refused to make major concessions and, with the country on the brink of sovereign default, the Tsipras government was forced to accept the tough bailout conditions.

33. *Financial Times*, [IMF calls on Eurozone for bolder Greece debt relief](#), 23 September 2016.

34. *Ekathimerini*, [Short term debt relief approved by Eurogroup but tough measures loom](#), 5 December 2016.

35. A total of 13 austerity packages were passed between 2010 and 2016 by the Greek authorities.

36. OECD, [Greece – Economic forecast summary \(November 2016\)](#).

37. UNHCR, [Refugees/Migrants Emergency Response – Mediterranean: Greece](#).

2016 left more than 60 000 refugees and migrants stranded in mainland Greece and on the Aegean islands.<sup>38</sup> Greece had difficulties in dealing with these high numbers, with an asylum system stretched beyond its limits as a result of which tens of thousands of refugees and migrants are still living in hastily established camps with substandard conditions. The Parliamentary Assembly stressed that Greece has been left bearing a disproportionate burden simply because of its place on the map, and criticised the European Union and its member States for having failed to provide adequate support to Greece, both in terms of assistance and relocation<sup>39</sup>. Tens of thousands of refugees and migrants thus lived in sub-standard conditions until the dissolution of the Idomeni camp (in the northern part of Greece bordering “the former Yugoslav Republic of Macedonia” (see paragraph 95 below). The authorities also considered that this situation had deteriorated on the Aegean islands since the EU–Turkey Statement<sup>40</sup> and its interpretation by Turkey, which had led to a humanitarian crisis.<sup>41</sup> The good co-operation established between Greece and Turkey to deal with the migration crisis should however be highlighted.

### 3. Democracy

#### 3.1. Impact of the economic crisis on democratic institutions

22. Since the restoration of democracy in 1974, the political system in Greece is characterised by a bipolar two-party system, which was largely dominated by the alternating centre-right New Democracy (ND) and the centre-left Panhellenic Socialist Movement (PASOK), which provided a certain degree of political stability.<sup>42</sup> Until 2011, there were only nine different prime ministers in office (with the exception of caretaker governments). That said, only a few of the governments remained in place to complete their electoral terms, which was mainly due to resignations of the respective prime ministers for different reasons.

23. The economic and sovereign debt crisis altered this status quo and led to an escalated political crisis. As a result of the austerity measures, nationwide anti-austerity protests and social unrest erupted in May 2010,<sup>43</sup> including general strikes across the country. A second wave of demonstrations erupted in May 2011 which initially were peaceful, but later turned violent.<sup>44</sup> Greece's fragile political stability was further shattered by violent attacks by extremist groups determined to exploit discontent over unpopular austerity measures.<sup>45</sup>

24. As the crisis progressed, Greek citizens increasingly lost their trust in the political system. The Greek State was perceived as being unable to deliver on the basic social contract and to limit the socio-economic impact of the crisis and austerity measures on individual citizens. Consequently, the legitimacy of the democratic institutions as a whole was called into question.<sup>46</sup> Mainstream political parties were unable to provide a satisfactory response to the crisis and its social consequences and saw a sharp decline in popularity. In contrast, far-left and far-right political parties, all of them adopting an anti-austerity platform, received growing support. Widespread public discontent with austerity measures helped propel the left-wing SYRIZA into government together with the right-wing Independent Greeks (ANEL).<sup>47</sup> The traditional left-right divide has been replaced by a division between pro- and anti-bailout loan agreements by the European Union and the IMF to Greece. However, once in power, the SYRIZA-ANEL coalition government under Prime Minister Tsipras was forced to accept the bailout to keep Greece in the eurozone, in contradiction to the results of the July 2015 referendum. While his government was re-elected in the September 2015 general elections, it further polarised the already divided Greek society<sup>48</sup> and undermined trust in Greek politics and political parties.

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38. Ibid. According to the UNHCR, almost nine out of ten come from the world's top ten refugee-producing countries.

39. [Resolution 2118 \(2016\)](#) “Refugees in Greece: challenges and risks – A European responsibility”.

40. European Council, [EU–Turkey Statement](#), 18 March 2016.

41. See AS/Mon (2017)15 rev and Assembly [Resolution 2109 \(2016\)](#) on the situation of refugees and migrants under the EU–Turkey Agreement of 18 March 2016.

42. World Affairs, [Greek Politics: economic crisis or crisis of democracy?](#), Autumn 2015.

43. Three people were killed on 5 May 2010 in one of the largest demonstrations in Greece since 1973.

44. In June 2011, groups of hooded rioters clashed with riot police forces that responded with excessive use of force and tear gas. [The Guardian, Greek police face investigation after protest violence](#), 1 July 2011; and Amnesty International, [Greece urged not to use excessive force during protests](#), 16 June 2011.

45. In late 2012/early 2013, there were several violent attacks by far-right extremists and far-left anarchist groups targeting politicians, journalists and banks. [The Hindu, Growing violence threatens political stability in Greece](#), 24 January 2013.

46. World Affairs, [Greek Politics: economic crisis or crisis of democracy?](#), autumn 2015.

47. [ANEL](#), a Eurosceptic right-wing populist and national-conservative political party, was founded in 2012 by the current Minister of National Defence, Panos Kammenos, after splitting from ND, due to its opposition to the bailouts.

48. World Affairs, [Greek Politics: economic crisis or crisis of democracy?](#), autumn 2015.

### 3.2. General elections

25. As already mentioned, the economic and sovereign debt crisis, and growing discontent about the socio-economic consequences of austerity measures had a deep impact on the 2012 and 2015 general elections and considerably altered the Greek party system and the country's political landscape. According to Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), the May 2012 general elections – the first after the outbreak of the crisis – were administered efficiently and impartially, in a competitive and open manner.<sup>49</sup> They saw the decline of the two traditional Greek political parties PASOK, which suffered its worst defeat since 1974 with a mere 13.2% of the votes (down from 43.9% in 2009), and ND with 18.8% (down from 33.5%), due to their support for austerity measures. SYRIZA became the second major party, with an increase of 16.8% (up from 4.6%), and overtook PASOK as the main force of the left wing. Moreover, the neo-Nazi Popular Association – Golden Dawn entered parliament, for the first time, with 7%. However, these elections resulted in no absolute parliamentary majority and political leaders failed in their attempts to form a new government, the parliament was dissolved and new elections were scheduled.

26. The June 2012 general elections were marked by the electoral breakthrough of SYRIZA, gaining 26.9% of the votes cast. That said, ND remained the strongest party with 29.7% and managed to form a new unity government, comprising PASOK (12.3%) and Democratic Left (DIMAR)<sup>50</sup> (6.2%) under Prime Minister Antonis Samaras (ND). The opposition was represented on the left side of the political spectrum by SYRIZA and the Communist Party of Greece (KKE) (4.5%), on the right by the Independent Greeks (ANEL) (7.5%) and on the far-right by Golden Dawn (6.9%).

27. In December 2014, the Samaras government called for snap general elections, which took place in January 2015. After three years of opposition, SYRIZA achieved its first large victory with its electoral promise to ease austerity measures and to renegotiate a new creditor agreement with better terms for Greece. With 36.3% of the votes and the 50-seat bonus for having obtained the most votes, it was only two seats short of an absolute majority. The party formed a coalition government with the right-wing ANEL (4.8%) under Prime Minister Alexis Tsipras (SYRIZA). In these elections, ND came second with 27.8%, and Golden Dawn third with 6.3%, while the newly-created To Potami<sup>51</sup> entered parliament with 6.1%. PASOK was reduced to an all-time low of 4.7%.

28. During the July 2015 bailout vote in parliament, 25 SYRIZA MPs voted against the government or abstained, which meant that the Tsipras government had effectively lost its majority and new elections were held.<sup>52</sup> In these elections, SYRIZA obtained again the 50-seat bonus with a clear majority of 35.5% of the votes cast. SYRIZA renewed its previous coalition government with ANEL (3.7%), resulting in a joint majority of 155 seats (now reduced to 153). ND became the second largest party with 28.1%. The elections also saw the consolidation of the far-right Golden Dawn as the third political force in the country, obtaining 7%. The Democratic Coalition, a political alliance between PASOK and DIMAR, came fourth with 6.3% and ended in the opposition together with KKE (5.6%), To Potami (4.1%), and the Union of Centrists (EK)<sup>53</sup> (3.4%) which entered parliament for the first time.

### 3.3. Extremist parties (Golden Dawn)

29. The disenchantment of the Greek population with the political system combined with the refugee and migrant crisis, provided fertile ground for extremist thoughts to flourish. Popular support for the anti-austerity movement swiftly translated into political support for those parties that emphasised the independence and

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49. The report recommends addressing the lack of explicit legal provisions for domestic and international election observation and inconsistencies in the data related to voter registration. It further recommends enhancing the oversight of campaign financing and reviewing the legal deadlines for lodging and considering appeals in electoral disputes. OSCE, [OSCE/ODIHR report finds May elections in Greece administered efficiently and impartially, recommends improvements to campaign financing](#), 27 July 2012.

50. DIMAR is a pro-European, centre-left to left-wing and social-democratic political party, founded in 2010. DIMAR left the governing coalition in June 2013, in protest of the closure of the State broadcaster, Hellenic Broadcasting Corporation (ERT). Although it was not represented after the January 2015 elections, DIMAR formed the Democratic Coalition electoral alliance with PASOK, ahead of the September 2015 snap elections.

51. To Potami (the River) is a pro-European centrist to centre-left political party, founded in 2014 by journalist Stavros Theodorakis.

52. After Tsipras' resignation, the 25 MPs split from SYRIZA and founded the left-wing political party [Popular Unity](#).

53. The [Union of Centrists](#) is a pro-European centrist political party.

sovereignty of the Greek nation against further bailouts and austerity measures, perceived as “dictated” by international creditors. This resulted in the rise of anti-establishment and extremist parties that pledged to provide an alternative based on their common Euroscepticism and fervent nationalism.<sup>54</sup>

30. The most well-known, and arguably most extreme, far-right political party that benefited from the political crisis in Greece is the Eurosceptic and ultra-nationalist Popular Association–Golden Dawn, which endorses fascist and neo-Nazi ideology.<sup>55</sup> Golden Dawn was founded in 1985<sup>56</sup> and has its origins in the publication, in 1980, of a magazine under the same title.<sup>57</sup> The party is led by Nikolaos Michaloliakos, a Holocaust denier<sup>58</sup> who had ties with the 1967-74 military junta and who was convicted for involvement in terrorist bomb explosions in 1978. Golden Dawn rejects liberal democracy and its institutions. The party is accused of being organised as a militarist organisation that endorses violence and propagates discipline and ultimate respect for the leader. Golden Dawn is staunchly racist and xenophobic; it promotes the superiority of Greek descent and culture and aims to cleanse the Greek nation of its enemies, such as, in the view of Golden Dawn, migrants and other minorities.<sup>59</sup>

31. Golden Dawn was first able to transform popular support into votes during the November 2010 local elections in the municipality of Athens, where the party obtained 5.3% of the votes cast, winning a seat on the City Council.<sup>60</sup> In May and June 2012, Golden Dawn entered the Hellenic Parliament with respectively 7% and 6.9% of the votes cast. Despite a crackdown on Golden Dawn by the Greek authorities in 2013 and 2014, following the stabbing of the anti-fascist rapper Pavlos Fyssas by a Golden Dawn supporter in September 2013, the party retained its support during the May 2014 European Parliament elections, where it obtained 9.4% of the votes. During the January and September 2015 general elections, Golden Dawn attracted 6.3% and 6.9% respectively; with its 18 seats, it is currently the third political force in the Hellenic Parliament.

32. According to the Council of Europe Commissioner for Human Rights, Golden Dawn members and supporters, including its MPs, have repeatedly been linked or involved in violent attacks and hate crimes against migrants and political opponents. The Commissioner expressed concern about presumed links between the party and the Hellenic police.<sup>61</sup> Following the murder of Pavlos Fyssas, the Greek authorities indicted 69 Golden Dawn party members and supporters, including the party's leader and 18 of its current and former MPs, as well as a number of party officials and police officers, for running and participating in a criminal organisation and a range of other criminal offences. Moreover, the Hellenic Parliament suspended State financing of political parties whose leaders or elected officials are charged with serious crimes. The Commissioner welcomed the Greek State's action against Golden Dawn as a major step forward in the protection of the rule of law and democracy in Greece.<sup>62</sup> The trial started on 20 April 2015 and was still ongoing at the time of writing this report.<sup>63</sup>

33. The reasons for the success of Golden Dawn are manifold and complex, but it is obvious that, with its extremist and ultra-nationalist solution, the party was able to provide a plausible response to the deep social and political crisis in Greece.<sup>64</sup> The rise of Golden Dawn and its popular endorsement in the Greek political system raises a number of questions as regards the nature of democratic politics. The fact that a party that clearly positioned itself against parliamentary democracy is able to operate within the confines of the

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54. World Affairs, [Greek Politics: economic crisis or crisis of democracy?](#), autumn 2015.

55. The party's logo is the Greek meander, which is reminiscent of the Nazi swastika, and its two guiding principles are blood and honour. Golden Dawn emphasises white supremacy and equates the Greek State with Greek ethnicity. Ideological documents on the party's website make clear the overtly racist underpinnings of Golden Dawn and its members regularly glorify fascism and the dictatorship under the 4th August Regime of Ioannis Metaxas (1936-1941). See Sophia Vasilopoulou/Daphne Halikiopoulou, [The Golden Dawn's “Nationalist Solution”: Explaining the Rise of the Far Right in Greece](#), 2015.

56. Golden Dawn was officially recognised as a political party in 1993.

57. The magazine had national-socialist content and was aimed at working towards return to right-wing military dictatorship in Greece. Commissioner for Human Rights, [Report on his visit to Greece, from 28 January to 1 February 2013](#), 16 April 2013, CommDH(2013)6.

58. *Ekathimerini*, [Chrysi Avgi blasted over Holocaust comments](#), 15 May 2012.

59. World Affairs, [Greek Politics: economic crisis or crisis of democracy?](#), autumn 2015.

60. In some neighbourhoods with large migrant communities it reached 20%.

61. CommDH(2013)6. See also Human Rights Watch, [Unwelcome Guest: Greek Police Abuse of Migrants in Athens](#), 12 June 2013.

62. Commissioner for Human Rights, [The Commissioner welcomes Greek State's action against Golden Dawn](#), 30 September 2013.

63. See [Golden Dawn Watch](#).

64. In 2012, the party was developing a social programme, which included the delivery of food and clothes among poor ethnic Greeks or the protection of Greek crime victims. See *The Guardian*, [Greek police send crime victims to neo-Nazi “protectors”](#), 28 September 2012.

parliamentary system has revealed the deeply ingrained division of the crisis-ridden society. The suggested constitutional outlawing of the party in order to address the Golden Dawn phenomenon may have the opposite of the intended effect and increase support for the party. A lasting solution would require cultivating a more tolerant political culture and overcoming the artificial division of Greek society.

### 3.4. Media freedom

34. Over the past few years, the economic crisis as well as a selectively enforced regulatory framework have led to an erosion of media pluralism in the country. According to the 2015 Freedom of the Press Report, numerous media outlets have shut down, reduced their staff and salaries or failed to pay wages. A high concentration of ownership animated by business interests also negatively affected media independence. State-owned media tended to avoid critical reporting, due to close ties with the political elite, including the government and political parties. This polarised environment encouraged political and legal pressure on journalists, and the previous government reportedly interfered in editorial matters. Consequently, the Greek media was unable to fully exercise its control function over the executive.

35. In 2013, the government decided to close the Hellenic Broadcasting Corporation (ERT), which operated five nationwide television channels and several radio stations.<sup>65</sup> This step – although found constitutional by the Council of State – was heavily criticised by the political opposition. In 2014, a new, leaner broadcaster was set up, whose independence and impartiality from the government was, at best, questionable. In April 2015, ERT was re-established as Greece's public broadcaster, increasing media diversity in the country. However ERT remains economically dependent on the current government and is therefore vulnerable to political interference.

36. Despite these positive steps, Greece's media environment remains in the category “partially free” in Freedom House's Freedom of the Press Index,<sup>66</sup> the country was classified 88 out of 180 countries in Reporters Without Borders' 2017 World Press Freedom Index.<sup>67</sup>

- According to the Open Society Foundation, Greece was the European Union member State “where journalism and the media face their most acute crisis”.<sup>68</sup> The authorities argued that recent legislation has regulated private broadcasting TV stations, which previously operated without a legal licence.<sup>69</sup> the number of TV stations currently broadcasting in Greece is now the same as before the introduction of the aforementioned legislation. In 2015 – a year marked by the persisting economic crisis, two parliamentary elections and a national bailout referendum – the Greek media remained particularly vulnerable to potential undue pressure and political influence on content. The authorities considered that this was demonstrated by the overwhelmingly biased coverage of the referendum campaigns (in favour of the “yes” camp) by private media,<sup>70</sup> or the rulings issued by the Council of State<sup>71</sup> and the Supreme Administrative Court annulling the conduct of the auction to grant licences to information stations of general content and national range.<sup>72</sup> In the meantime, as noted by the Parliamentary Assembly,<sup>73</sup> the Greek authorities had suspended the auction, pending the decision of the Council of State which stated that the operation of television channels until then had been illegal and not in line with the Constitution; it was thus imperative to restore legality and resume the public auction for broadcasting licences as soon as possible, under the same law that applied until now, provided that the auction is resumed by the National Board for Radio and Television in order to comply with the Constitution.<sup>74</sup> Accordingly, the Greek Government has legislated that the number of the television

65. See also Parliamentary Assembly, statement by the Chairperson of the Sub-Committee on Media and Information Society, [Concern about the closure of the public broadcasting service in Greece](#), 13 June 2013.

66. Freedom House, [Freedom of the Press Report 2017](#), Greece.

67. Reporters Without Borders, [2017 World Press Freedom Index](#).

68. Open Society Foundation, [Media Policy and Independent Journalism in Greece](#), 1 May 2015.

69. In September 2016, the Greek authorities halved the number of national TV licences issued to private TV broadcasters – a decision which almost led to the closure of the four existing television operators that failed to secure a licence.

70. The National Board for Radio and Television, which is an independent authority, recently issued fines in this respect.

71. In October 2016, the Council of State declared the law unconstitutional for failing to involve the competent National Broadcasting Council and for unnecessarily restricting the number of nationwide licences and thus limiting media freedom (*Ekathimerini*, [TV license law deemed unconstitutional](#), 26 October 2016).

72. The transitory provision of Article 2<sup>A</sup> of the relevant law was deemed unconstitutional since the tender would be conducted by the government and not by the National Board for Radio and Television, which had not yet been established.

73. [Resolution 2141](#) (2016) on attacks against journalists and media freedom in Europe, paragraph 16.

74. AS/Mon (2017)15 rev.

broadcasting licences would be defined with the consent of the National Board for Radio and Television (which is fully operational since November 2016), which stipulated that the number of licences to be granted by public tender would be seven.

- The Council of Europe also expressed its concern about several journalists and media outlets facing sanctions for defamation or insult.<sup>75</sup>

37. The rapporteur calls on the Greek authorities to ensure the independence of the Greek media.

### **3.5. Local self-government**

38. According to the Constitution, the State administration is decentralised and matters of local government are exercised by local government agencies. The administrative divisions of Greece consist of two main levels: the regions and the municipalities. There are 13 regions in Greece which are divided into 74 regional units. A major structural reform in 2011 (the “Kallikratis Programme”) reduced the number of municipalities to 325, which may be subdivided into municipal units and communities and which are responsible for social, financial, cultural and spiritual matters. The last local and regional elections were held in May 2014. New Democracy (ND) became the strongest political party with 26.3% of the vote, before SYRIZA (17.7%) and PASOK (Olive Tree) (16.2%). Moreover, seven newly created State administrations under the hierarchy of the Ministry of the Interior oversee the regions. They are not entities of local government, but exercise devolved State powers in issues such as environmental and energy policy or migration.

39. Greece ratified the European Charter of Local Self-Government (ETS No. 122) in 1989. However, several provisions of the Charter are not applicable with respect to Greece and domestic law restricts the scope of the Charter to the first tier of local self-government. In its 2015 recommendation on local and regional democracy in Greece, the Congress of Local and Regional Authorities of the Council of Europe encouraged the Greek authorities to extend the scope of the Charter to the second tier of local government (regions) by amending the existing legislation. Moreover, Greece has not signed the Additional Protocol to the Charter on the right to participate in the affairs of a local authority (CETS No. 207). That said, the Congress noted with satisfaction the progress made in Greece, in particular by means of the Kallikratis Programme, which represented an important step towards a more decentralised territorial system. It notably enhanced the competences, transparency and accountability of local authorities, while increasing their financial autonomy and strengthening their role in formulating and implementing policies at the local level. However, the Congress asked the Greek authorities to review the role, competences and responsibilities among the seven State administrations, regions and municipalities, and to improve the consultation processes among the State, regions and municipalities for all matters which concern them directly.<sup>76</sup>

40. The economic and sovereign debt crisis also had a very significant impact on local authorities. The Congress recommended that the Greek authorities review the legislation so as to confer statutory powers on local authorities and to ensure that the transfer of competences is accompanied by adequate concomitant financial resources, which local authorities may dispose of freely within the framework of their powers, notably through the levying of local revenues and by enhancing their fiscal autonomy. The Congress further made a number of recommendations, such as implementing urgently the existing provisions for island and mountain municipalities and granting them special status, particularly as regards their finances. It also underlined the need to confer special status as capital city to Athens municipality and to introduce special provisions for the metropolitan municipalities of Athens and Thessaloniki.<sup>77</sup>

41. While acknowledging the difficult context and the progress made in the area of local democracy in Greece in recent years, the rapporteur calls on the Greek authorities to take all necessary steps to implement the Congress’s recommendations.

### **3.6. Relations between Church and State**

42. For historical reasons, the Greek Constitution recognises Orthodox Christianity as the dominant religion and confirms the prevalence of the Orthodox Church,<sup>78</sup> notably by prohibiting proselytism. This prevalence is characterised through deep institutional connections between the Orthodox Church and the State. Most importantly, the Greek State grants certain privileges and legal prerogatives to the Orthodox Church and

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75. The Council of Europe [Platform to promote the protection of journalism and safety of journalists](#) lists three Level 1 alerts concerning attacks on the physical safety and integrity of journalists with respect to Greece in 2015 and 2016.

76. Congress of Local and Regional Authorities, [Recommendation 372 \(2015\)](#), Local and regional democracy in Greece, adopted on 24 March 2015.

77. Ibid.

financially supports it.<sup>79</sup> Until 2010, the Orthodox Church was largely exempted from taxes, despite being the second largest owner of property after the Greek State. Following recent legal reforms, the Church is now subject to taxation on property used for non-religious purposes, while property used solely for religious purposes remains exempt from taxation and municipal fees.<sup>80</sup> The Greek National Commission for Human Rights (GNCHR) has underlined the need to regulate relations between the Orthodox Church and the State with a view to establishing distinct roles, in line with international and Council of Europe standards.<sup>81</sup>

43. In practice, the Orthodox Church remains a powerful institution that continues to exercise significant societal and political influence in Greece, notably through the Ministry of National Education and Religious Affairs. For example, the Greek Orthodox Church Archdiocese and Metropolitanates were granted eased capital control by ministerial decision of September 2015.<sup>82</sup> As it seems that co-operating with the Orthodox Church and protecting its privileges might bring political gains, there is a need to introduce clear safeguards with respect to the religious neutrality of the State.

44. Linked to the question of Church–State relations is the special status of Mount Athos (region of *Aghion Oros*), commonly referred to as the “Autonomous Monastic State of the Holy Mountain”. Mount Athos is a mountainous peninsula in northern Greece and home to 20 Orthodox monasteries. Its status and autonomy are protected by the Constitution; Mount Athos thus remains a self-governed autonomous part of the Greek State. The Greek State grants both customs franchise privileges and tax exemptions to Mount Athos.<sup>83</sup> The special status of the monastic State was expressly recognised upon Greece's accession to the European institutions. As a consequence, the free movement of people and goods in its territory and the entry of women are still prohibited<sup>84</sup> and Mount Athos remains outside the European Union's value added tax area.

## 4. Rule of law

### 4.1. Independence and effectiveness of the judiciary

45. In its October 2016 evaluation report on European judicial systems, the Council of Europe European Commission for the Efficiency of Justice (CEPEJ) confirmed the impact of the economic and sovereign debt crisis on the judiciary in Greece. According to the report, the annual budget of the whole justice system, including the budget allocated to the courts, legal aid and the public prosecution services, amounted to only 0.5% of the total public expenditure, which presents the lowest share of all 46 States evaluated. The budget of the Greek judicial system was significantly reduced between 2010 and 2012. Although there was a slight increase between 2012 and 2014, primarily due to major financial efforts accompanying the launch of computerisation of the courts and increased expenses relating to legal aid, the Ministry of Finance still exercises tight control on judicial expenditure due to the economic situation. Moreover, between 2010 and 2014, the number of professional judges decreased by 30% and the number of courts by 29%.<sup>85</sup> This cost efficiency saving measures also had a direct effect on the administration of justice and notably on the increasing workload of Greek courts.<sup>86</sup>

46. Greece is one of the rare States where litigants are required to pay a tax or court fee to launch a complaint and start a procedure, including in criminal matters. The Greek National Commission for Human Rights criticised the rapid increase in court fees which might seriously impede access to courts, and

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78. The Orthodox Church is divided administratively into the Monastic Church of Greece, which has 78 dioceses; the semi-autonomous Church of Crete, with eight dioceses; four dioceses in the Dodecanese Islands; and the self-governing monastic community of Mount Athos.

79. For instance, the Greek authorities notably finance the salaries and religious training of clergy, religious instruction in schools and the maintenance of Orthodox Church buildings.

80. US Department of State, [International Religious Freedom Report for 2015: Greece](#), 2016. That said, more recently, churches and monasteries across the country are facing increasing problems in paying salaries and covering operating costs, as revenues have declined by about 75% compared with 2008 and taxes keep rising.

81. [Submission](#) by the GNCHR to the UN Human Rights Council's Universal Periodic Review of Greece, September 2015 [hereafter: 2015 GNCHR report].

82. *Greek Reporter*, [Government eases capital controls on Church of Greece](#), 14 October 2015.

83. ResearchGate, [The modern legal status of the Mount Athos](#), January 2004.

84. Visits to the peninsula are possible for laymen, but they need a special permit, similar to a visa. The prohibition on the entry for women (and children) is based on a decision that dates back to 1045. The European Parliament has urged Greece in a [Resolution](#) on the situation concerning basic rights in the European Union (2001) to lift the entry ban for women, notably for violating the principle of gender equality.

85. CEPEJ: [Evaluation report](#) on European judicial systems: Efficiency and quality of justice, based on data from 2014, 6 October 2016 [hereafter: 2016 CEPEJ report].

86. See below as regards length of proceedings.

consequently recommended that litigation costs be abolished or at least drastically reduced.<sup>87</sup> Moreover, while the law exempts victims of the most serious crimes as well as racist crimes and domestic or sexual violence from the fee for lodging a criminal complaint, this is, for instance, not the case for victims of police ill-treatment not reaching the seriousness threshold. The revenues generated by court taxes/fees increased by 65% between 2010 and 2014, thus amounting to almost one third of the overall budget of the judicial system. That said, legal aid provision also increased over the 2010-2014 period and amounted to 2.1% of the total budget.<sup>88</sup>

47. While public prosecutors and judges generally enjoy functional and personal independence and are subject to career-related mechanisms and procedural rules which protect their integrity, the Council of Europe Group of States against Corruption (GRECO), in its fourth evaluation report, highlighted several concerns regarding judicial independence in Greece. In particular, judges and prosecutors who occupy the most senior positions are appointed by the Ministerial Council for a maximum term of four years, upon a proposal by the Minister of Justice, who can also initiate disciplinary proceedings against them. GRECO thus recommended that the Greek authorities review the selection process and the terms of tenure of the most senior judges and prosecutors, who are subject to a potentially strong influence by the executive, and consider amending the modalities for the initiation of disciplinary proceedings in their respect.<sup>89</sup>

48. The generous provisions on ministerial immunities contained in the Greek Constitution have led to widespread public discontent with the rule of law.<sup>90</sup> Due to concerns for the operational autonomy of prosecution bodies and the independence and impartiality of proceedings, GRECO recommended amending the complex and time-consuming procedures involving a special court for legal proceedings against serving and former members of government, so that they do not hamper or prevent criminal proceedings against them. Backlogs in the judiciary create additional vulnerabilities which should be addressed through adequate guarantees against both undue delays and interventions by third parties. More globally, according to GRECO, the judiciary needs to be assessed in its overall functioning and made more transparent and accountable through periodic reporting. The Greek authorities also need to codify rules of conduct and streamline general supervision over judges and prosecutors.<sup>91</sup>

49. According to the CEPEJ report, specially authorised police officers in Greece have extended prerogatives during the pretrial phase and might even conduct the investigation and/or the prosecution; tasks that are exclusively held by public prosecutors in many other States, which is of concern. This was also highlighted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its 2015 visit report on Greece,<sup>92</sup> which noted that the current system of investigations into allegations of ill-treatment by law-enforcement officials is characterised by a number of systemic failings by the police and judicial authorities. As a result, these investigations often remain ineffective, thus favouring impunity. The report notably criticises the passive role of prosecutors and judges when it comes to starting an investigation into ill-treatment allegations and the lack of action taken by prosecutorial authorities to effectively investigate such allegations. The CPT recommended legal changes to ensure that administrative investigations of alleged ill-treatment by the police are always carried out by police officers from a different service and reiterated its long-standing recommendation for the creation of a fully independent police complaints body. It also recommended that it be made clear to prosecutors and judges that they must comply with their duties.<sup>93</sup>

50. In August 2016, the Commissioner for Human Rights welcomed the Greek authorities' decision to empower the Greek Ombudsman to independently investigate allegations of ill-treatment by law-enforcement and prison officers, in addition to the existing disciplinary and criminal investigation mechanisms.<sup>94</sup> However, he invited the authorities to envisage enlarging the scope of the mechanism's competencies and to provide for

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87. 2015 GNCHR report.

88. That said, in Greece, legal aid is restricted to EU citizens or residents of another EU member State (with some exceptions for certain administrative cases). *Supra*, 2016 CEPEJ report.

89. GRECO, Fourth evaluation round, Evaluation report on Greece on corruption prevention in respect of members of parliament, judges and prosecutors, adopted on 19 June 2015 and published on 22 October 2015, [Greco Eval IVRep\(2014\)9E](#).

90. The immunity also covers (preliminary) judicial inquiry or preliminary examination, which require approval by the parliament. In addition, serving and former members of government also benefit from an extensive statute of limitations regime which, in combination with lengthy proceedings, poses significant problems for prosecuting corruption in Greece.

91. [Greco Eval IVRep\(2014\)9E](#).

92. CPT: Report on the 2015 visit to Greece, 1 March 2016 (CPT/Inf(2016)4).

93. *Ibid.* See also CommDH(2013)6 and the Commissioner for Human Rights' [Opinion](#) concerning Independent and Effective Determination of Complaints against Police, 12 March 2009; and Department for the Execution of Judgments of the Court, [Makaratzis](#) group of cases, which is still pending.

a public review procedure to ensure the effective functioning of the new mechanism.<sup>95</sup> Most importantly, the envisaged mechanism still presents a risk for impunity, as it will not prevent the involvement of police officers in the criminal investigation or prosecution phase. As the recommendations of the Ombudsman are non-binding, these police officers may take a reasoned decision for not following them. In a statement of 21 November 2016, the Commissioner regretted that the bill tabled for discussion in the Hellenic Parliament falls short of establishing a really effective mechanism, as recommended by him.<sup>96</sup>

51. The Council of Europe Committee of Ministers has repeatedly highlighted the chronic violations by Greece with respect to the excessive length of judicial proceedings and the lack of effective remedies, and called on the Greek authorities to adopt draft legislation with a view to accelerating proceedings and providing compensation to victims.<sup>97</sup> Due to the persistence of this problem, the European Court of Human Rights (“the Court”) decided to apply its pilot judgment procedure in the cases of *Vassilios Athanasiou v. Greece* (concerning administrative proceedings), *Glykantzi v. Greece* (concerning civil proceedings) and *Michelioudakis v. Greece* (concerning criminal proceedings).<sup>98</sup> In all three judgments, the Court identified the structural nature of the problem at stake, pointing to deficiencies in the justice system. In December 2015, up to 347 judgments against Greece were pending execution.<sup>99</sup>

52. In response, the Greek authorities took a number of measures to rationalise the judiciary, to accelerate and improve the efficiency of judicial proceedings, and to provide effective remedies. This was notably achieved by adopting a new Civil Procedure Code, shortening trial times or relieving courts. Moreover, legislative amendments introduced compensatory remedies in excessive length of proceedings cases, allowing for appropriate and sufficient redress as regards all domestic proceedings.<sup>100</sup> The reforms have started to bring about the first results and have significantly accelerated the proceedings, while reducing the average duration of litigations. Moreover, the new remedies were found by the European Court of Human Rights to be effective and accessible.<sup>101</sup> Consequently, the Committee of Ministers decided to close the examination of the three groups of cases and the three pilot judgements against Greece in December 2015.<sup>102</sup> Despite these substantial reforms, challenges remain in making the reforms fully effective in practice and in managing the workload of courts. In October 2016, CEPEJ noted that an impact assessment was not possible for administrative and criminal cases, due to lack of statistical data, and recommended closely monitoring the situation as regards the efficiency and quality of the activities of courts and public prosecutors in Greece.<sup>103</sup>

53. Another issue in this respect is the overuse of pretrial detention which, according to the Greek Centre for European Constitutional Law (CECL), constitutes one of the chronic problems facing the Greek criminal justice system.<sup>104</sup> The lack of judicial faith in the effectiveness of alternative measures renders recourse to pretrial detention widespread. This is, for instance, highlighted by the very limited use of electronic monitoring, despite a pilot project which started in May 2015.<sup>105</sup> Relevant Council of Europe standards in relation to the right to liberty and security, including on the length and reasonableness of pretrial detention, are not being upheld in national courts and Greece has been found in violation of the European Convention on Human Rights in several cases before the European Court of Human Rights.<sup>106</sup> Moreover, limited resources and delays in investigations are often responsible for the relatively long duration of pretrial detention, which on

94. An “Office responsible for handling alleged instances of abuse” was established in law in 2011 but was still not operational in 2016 and lacked institutional independence.

95. Commissioner for Human Rights, [letter](#) to the Greek Alternate Minister of the Interior of Greece and to the Greek Minister of Justice of Greece, 25 July 2016. See also Council of Europe Committee of Ministers, [Guidelines](#) on eradicating impunity for serious human rights violations, March 2011.

96. Commissioner for Human Rights, [statement](#) of 21 November 2016.

97. See, for instance, Committee of Ministers, Interim Resolution [CM/ResDH\(2007\)74](#), 6 June 2007.

98. *Vassilios Athanasiou and Others v. Greece*, Application No. 50973/08, judgment of 21 December 2010; *Michelioudakis v. Greece*, Application No. 54447/10, judgment of 3 April 2012; and *Glykantzi v. Greece*, Application No. 40150/09, judgment of 30 October 2012.

99. *Manios* group of cases (as regards administrative proceedings); *Diamantides No. 2* group of cases (as regards criminal proceedings); and *Konti-Arvaniti* group of cases (as regards civil proceedings).

100. Committee of Ministers, [9th annual report](#) on the supervision of the execution of judgments and decisions of the European Court of Human Rights, 2015, March 2016 [hereafter: Committee of Ministers, [9th annual report](#) (2016)].

101. *Techniki Olympiaki A.E. v. Greece*, Application No. 40547/10, inadmissibility decision of 1 October 2013 and *Xynos v. Greece*, Application No. 30226/09, judgment of 9 October 2014.

102. Committee of Ministers, Resolution [CM/ResDH\(2015\)230](#) and Resolution [CM/ResDH\(2015\)231](#), adopted on 9 December 2015.

103. 2016 CEPEJ report.

104. CECL, The practice of pre-trial detention in Greece, [Research report](#), December 2015 [hereafter: 2015 CECL Research report].

105. The fact that the defendant is obliged to purchase the electronic monitoring devices presents a further barrier.

average lasts 6 to 12 months in Greece. The CECL thus recommends, along with training for judges and prosecutors on the Convention and the Court's jurisprudence, developing unified standards of pretrial detention and enhancing the effectiveness of alternative measures.<sup>107</sup> At the time of writing, the Greek authorities were examining the reduction in the use of pretrial detention in the context of the drafting of a new Criminal Code and Criminal Procedure Code.<sup>108</sup>

54. While recognising the challenges and the measures taken by the Greek authorities to enhance the effectiveness of the judiciary, the rapporteur is concerned about the impact of the crisis on the judiciary in Greece and by the findings of the relevant Council of Europe monitoring bodies as regards judicial independence. He therefore calls on the Greek authorities to implement the relevant recommendations made by GRECO, the CPT and the Commissioner for Human Rights as regards access to courts, judicial independence and for establishing a fully effective independent police complaints body.

#### **4.2. Fight against corruption and money laundering**

55. Corruption remains one of the main problems in Greece. According to GRECO, corruption represents one of the root causes that contributed to the economic and sovereign debt crisis in the country and the perception of corruption remains high.<sup>109</sup> Greece was ranked 58 out of 168 countries surveyed in Transparency International's 2015 Corruption Perceptions Index which marks a noticeable improvement from a historical low ranking in 2008-09.<sup>110</sup> A 2013 Eurobarometer survey on the perception of corruption found that 99% of the respondents are of the opinion that corruption is widespread in the country and 66% consider that bribery and abuse of power for personal gain is common practice among politicians.<sup>111</sup> Transparency International's February 2013 National Integrity System Assessment report estimated the annual turnover of corruption to exceed €3 billion (and more than €70 billion combined with the underground economy).<sup>112</sup>

56. The need to fight corruption is increasingly recognised as an important issue and Greece ratified the relevant Council of Europe conventions on corruption in 2002 and in 2007. Although State officials face criminal sanctions for corruption offences, the legal framework still remains excessively complex, as GRECO pointed out.<sup>113</sup> This is compounded by a low level of implementation and enforcement of existing laws. Tax administration, public procurement and health care are identified as the sectors most affected by corruption. Gifts, bribery and facilitation payments are reportedly widespread.<sup>114</sup> Moreover, the most recent GRECO evaluation report highlights cases of alleged legislative and institutional manipulation that allowed their authors to be exempt from liability – facilitated by an opaque legislative process and insufficient controls. The adoption of a National Anti-Corruption Strategy and Action Plan in 2013 is a promising development in this context.<sup>115</sup> Moreover, the Greek authorities have intensified efforts to combat corruption and tax evasion by increasing inspections among various authorities and by taking numerous disciplinary measures against government officials involved in corruption. Although the judiciary has recently enforced more severe sentences in high-level corruption cases, investigations often remain ineffective and judicial proceedings are characterised by significant delays.<sup>116</sup>

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106. See, for instance, [Vafiadis v. Greece](#), Application No. 24981/07, judgment of 2 July 2009; [Christodoulou and Others v. Greece](#), Application No. 80452/12, judgment of 5 June 2014; and [Koutalidis v. Greece](#), Application No. 18785/13, judgment of 27 November 2014.

107. 2015 CECL Research report.

108. Greek Government, [National Universal Periodic Review report](#), 22 February 2016.

109. [Greco Eval IVRep\(2014\)9E](#).

110. Transparency International: [Corruption by country](#).

111. Special Eurobarometer 397: Corruption: [Report](#), February 2014.

112. The report concludes that corruption in Greece, notably affecting the executive, media and business, originates mainly from a crisis of values ingrained in the country's mentality of tolerance towards corruption and its institutions. Indicatively, less than half of Greek citizens believe that they must comply with the law, since sanctions are only imposed sporadically and selectively. The report, *inter alia*, identifies weak enforcement of the law, a lack of audit and sanctions, the absence of codes of conduct, the lack of transparency of government activities, legislative complexity, bureaucracy, government impunity and broad discretionary powers, and a lack of public awareness as the main factors for corruption in the country. Transparency International: [National Integrity System Assessment report Greece 2012](#).

113. GRECO, Third evaluation round, [Compliance report on Greece](#), adopted on 22 June 2012.

114. US Department of State: [2015 Country Report on Human Rights Practices – Greece](#).

115. Revised in 2015, the action plan identifies key areas of reform and provides for detailed measures towards strengthening integrity and fighting corruption and bribery, including through awareness raising.

116. European Commission, EU Anti-Corruption Report, [Annex 8: Greece](#), February 2014.

57. GRECO concluded that Greece had implemented satisfactorily or dealt with in a satisfactory manner most recommendations of the first evaluation report and half of the recommendations of the second evaluation report.<sup>117</sup> However, it had to prepare three interim reports before reaching the conclusion that the level of compliance with the recommendations contained in the third evaluation report was no longer “globally unsatisfactory”. In this third interim report, GRECO commended Greece for the substantial measures taken to ensure transparency of party funding, and notably for adopting a new legal framework on political financing and the control thereof, which now complies with the rules monitored by GRECO.<sup>118</sup>

58. In its fourth evaluation report, GRECO addressed 19 recommendations to the Greek authorities. According to the GRECO experts, Greece is at an “early stage of integrity-related policies for parliamentarians” as relevant rules, internal procedures and a code of conduct for MPs do not yet exist. They nevertheless praise the supervision by an independent Committee for the Investigation of Declaration of Assets since 2015 as a “promising development”. GRECO recommended providing adequate scrutiny when legislation is in the drafting/adoption stage, reviewing the system of declaration of assets, income and interests, and introducing rules on how MPs engage with lobbyists. It further called on Greece to take determined measures to review its system of immunities for MPs so as to ensure that the procedures to lift the immunity of MPs do not hamper or prevent criminal proceedings in respect of MPs suspected of having committed corruption-related offences.<sup>119</sup>

59. Concerning the fight against money laundering, although Greece is not a member of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), it has been member of the Financial Action Task Force (FATF) since 1991. The 10th FATF follow-up report of October 2011 provides an overview of the main changes made to the anti-money laundering and combating the financing of terrorism and proliferation (AML/CFT) system in Greece since the adoption of their third mutual evaluation report in June 2007. The FATF recognised that Greece had made significant progress in addressing deficiencies previously identified and decided that the country should be removed from the regular follow-up process.<sup>120</sup>

60. As regards foreign bribery, Greece ratified the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Convention) in 1999 and the United Nations Convention against Corruption in 2008. The OECD has called on Greece to urgently raise the priority of fighting foreign bribery by further improving legislation and the relevant rules and to explicitly address foreign bribery in its national anti-corruption strategies.<sup>121</sup>

61. While the rapporteur wishes to commend the Greek authorities for the extensive measures they have taken to ensure transparency of party funding and to fight corruption, he calls on them to pursue their efforts by implementing GRECO’s recommendations so as to effectively address the root causes of the phenomenon.

## 5. Human rights

### 5.1. General considerations about the system of protection of human rights

62. The Greek Constitution provides the basic framework for the protection of human rights in Greece and contains one of the most detailed catalogues of civil and social rights to be found in European constitutions, including the right to employment, to social security and housing, and to health care. These rights were further reinforced through the constitutional revision of 2001 that introduced new individual rights, such as the protection of genetic data and identity or the protection of personal data from electronic processing. All people residing within the Greek territory may enjoy this broad range of human rights and the State and its agents must ensure that individual rights and liberties can be exercised fully.

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117. GRECO, first evaluation round: [Compliance report on Greece](#), adopted on 2 December 2004, and second evaluation round: [Compliance report on Greece](#), adopted on 15 February 2008.

118. GRECO, third evaluation round, [Third interim compliance report on Greece](#), adopted on 19 June 2015.

119. According to the Greek Constitution, MPs can be prosecuted or arrested only with the prior approval of the parliament. [Greco Eval IVRep\(2014\)9E](#).

120. FATF, mutual evaluation, [10th follow-up report to the mutual evaluation report of Greece](#), Anti-money laundering and combating the financing of terrorism, 28 October 2011.

121. OECD, [Phase 3bis report](#) on implementing the OECD Anti-bribery Convention in Greece, March 2015.

63. There are two independent national human rights structures in Greece. The Greek National Commission for Human Rights (GNCHR) is an advisory body to the Greek State on human rights matters, composed of 32 institutions and organisations. It is considered effective and a recent legislative amendment has further strengthened it.<sup>122</sup> The Greek Ombudsman is a constitutionally established authority with the task of protecting individual human rights. The Ombudsman, whose work is considered effective, is notably charged with investigating individual complaints. Following Greece's ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2014, the Ombudsman's Office functions as the National Preventive Mechanism (NPM) and monitors all places of deprivation of liberty in the country. In addition, it was entrusted with the external monitoring of return operations of third-country nationals in 2014. Greece also plans to strengthen the responsibilities of the Ombudsman as an equality body and with respect to investigating allegations of ill-treatment by law-enforcement and prison officers, in addition to his other competencies. Therefore, adequate resources are of paramount importance for maintaining the effectiveness of the Ombudsman's Office.

64. In 2014, the Greek authorities adopted their first National Action Plan on Human Rights, covering the period 2014-2016. Moreover, the authorities set up a number of national strategies, such as the National Strategic Plan for Social Inclusion, as well as specific action plans, for instance the National Action Plan on the Rights of the Child. That said, the GNCHR criticised the absence of a national action plan against racism and intolerance and recommended a mechanism capable of assessing the human rights impact of all actions taken by the Greek State.<sup>123</sup> At the time of writing, the Greek authorities were still evaluating the implementation of the National Action Plan on Human Rights and were developing new priorities for a revised action plan. They also examined possibilities for establishing an "effective, inclusive and operational human rights planning mechanism".<sup>124</sup> The rapporteur would welcome further information from the Greek authorities on the implementation of the National Action Plan on Human Rights and the content and priorities of a possible revised action plan.

65. The economic crisis and austerity measures not only had severe consequences on democratic institutions and the judiciary, they also adversely affected the enjoyment of human rights and particularly of social rights in Greece, with a disproportionate impact on the most vulnerable. Since January 2015, the new government has taken a number of measures in various fields aimed at mitigating the negative consequences of austerity measures and addressing social inequalities. The Greek authorities' continuing focus on international human rights protection mechanisms, including Council of Europe standards, should be warmly welcomed.

66. In 2016, the European Court of Human Rights allocated 337 applications concerning Greece to a judicial formation, declared inadmissible or struck out 455 applications and communicated 275 applications to the Greek Government.<sup>125</sup> It delivered 45 judgments on Greece, 41 of which found at least one violation of the European Convention on Human Rights. Most violations concerned the right to an effective remedy (21 judgments), inhuman and degrading treatment (17 judgments) and the length of proceedings (16 judgments).<sup>126</sup> In addition, Greece made 15 unilateral declarations accepting at least one violation of the Convention and 146 friendly settlements were reached. A total of 707 applications were pending as at 31 December 2016.<sup>127</sup> Noteworthy judgments of recent years concern the issues of inhuman and degrading treatment, forced labour, length of proceedings (three pilot judgments), fair trial rights, access to a court and to legal assistance, private and family life, discrimination based on sexual orientation, conscientious objection, freedom of association, property rights, education, refugees and asylum seekers and Roma.<sup>128</sup>

67. As regards the execution of Court judgments, the Committee of Ministers supervised a total of 302 cases against Greece that were pending execution by the end of 2015, including 52 leading cases and 250 repetitive cases. A total of 94 cases were under enhanced supervision. It is a positive sign that the Committee of Ministers was able to close a total of 387 cases by final resolution in 2015, most of which concerned length of judicial proceedings. Consequently, Greece has significantly improved its record as regards non-implemented judgments<sup>129</sup> – a development that the rapporteur warmly welcomes. Moreover,

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122. US Department of State: [2015 Country Report on Human Rights Practices – Greece](#).

123. [Submission](#) by the GNCHR to the United Nations Human Rights Council's Universal Periodic Review of Greece, September 2015.

124. Greek Government, [National Universal Periodic Review report](#), 22 February 2016].

125. European Court of Human Rights, [Analysis of statistics 2016](#), January 2017.

126. European Court of Human Rights, [Violations by Article and by State 2016](#), January 2017.

127. European Court of Human Rights, [Analysis of statistics 2016](#), January 2017.

128. European Court of Human Rights, [Country profile Greece](#), January 2017. See also Parliamentary Assembly Legal Affairs Department, [Impact of the European Convention on Human Rights in States Parties: selected examples, information report](#), 8 January 2016. This report refers to relevant Court judgments, as appropriate.

the Hellenic Parliament established in 2013 a special permanent committee on the monitoring of Court judgments that is responsible for vetting legislation for Convention compliance and conducting oversight of the execution of Court judgments. At the time of writing, a draft law providing for the establishment of such a special structure is underway.<sup>130</sup>

## 5.2. Prevention of torture and other forms of ill-treatment

68. During the last five years, the European Court of Human Rights has found Greece to be in violation of Article 3 of the Convention (prohibition of torture and inhuman or degrading treatment or punishment), including its positive obligations, in 59 cases that covered a variety of issues, such as conditions and maltreatment in prisons, police custody, or in immigration detention.<sup>131</sup> The rapporteur expresses serious concern about this high number of violations.

69. In its 2015 visit report, the CPT expressed concern that, five years after its public statement concerning Greece in 2011,<sup>132</sup> the Greek prison system was reaching breaking point. Excessive overcrowding and chronic understaffing persisted in most establishments and was compounded by other serious shortcomings, notably the insufficient and inadequate provision of health-care services,<sup>133</sup> the widespread problem of inter-prisoner violence and intimidation, and the very poor detention conditions, some of which could easily be considered as amounting to inhuman and degrading treatment.<sup>134</sup> The CPT notably recommended that the Greek authorities develop a strategic plan for prisons, review the state of prison health-care services and address the other deficiencies highlighted in the report.<sup>135</sup> In their response, the Greek authorities acknowledged most of the CPT's findings and committed themselves to drafting a strategic plan for the prison system,<sup>136</sup> which, I have been informed, has been completed and should soon be published.<sup>137</sup> The measures introduced by the current government to address overcrowding, and notably a 2015 law on prison reform, have significantly reduced the prison population from around 12 800 at the end of 2013 to some 9 600 at the end of 2015,<sup>138</sup> i.e. decreasing the number of prisoners by 20% and prison density from 121.4 inmates to 97.6.<sup>139</sup> The authorities also expect to pursue the decongestion of prisons after the adoption of another law in 2016. This is an encouraging development.

70. The CPT's findings from its 2015 visit illustrate once again the “widespread and deep-rooted problem of police ill-treatment”. The CPT received a “significant number of credible allegations of excessive use of force by police officers” and concluded that the infliction of ill-treatment by the police, particularly against foreign nationals, including for the purpose of obtaining confessions, continued to be a “frequent practice”. The report identifies a “culture of impunity” under which it is not “unprofessional to resort to ill-treatment”. The issue of police ill-treatment was already highlighted in previous CPT reports and also by the Commissioner for Human Rights.<sup>140</sup> The CPT urged the authorities to fully acknowledge this phenomenon and called for a “comprehensive strategy and determined action” to address it. The report also indicates that formal safeguards against ill-treatment, notably the rights of notification of custody, access to a lawyer and access to a doctor from the very outset of deprivation of liberty are still not fully guaranteed in practice.<sup>141</sup>

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129. Committee of Ministers, [9th annual report](#) (2016)

130. Hellenic Republic, [Addendum](#) to the Report of the Working Group on the Universal Periodic Review, Greece, 2 September 2016.

131. European Court of Human Rights, [Hudoc](#).

132. CPT, [Public statement concerning Greece](#), 15 March 2011. The CPT resorted to the exceptional measure of issuing a public statement due to the persistent lack of action by the Greek authorities to improve the situation in the light of the committee's recommendations, as regards the detention of irregular migrants and the state of the prison system.

133. The CPT described Korydallos Prison Hospital as “a dumping ground for sick prisoners” who were “not being cared for and, in some cases, being allowed to die”. See also, [Martzaklis and Others v. Greece](#), Application No. 20378/13, judgment of 9 July 2015.

134. See also Department for the Execution of Judgments of the Court, [Nisiotis](#) group of cases, which is still pending.

135. [CPT/Inf\(2016\)4](#).

136. Greek Government, [Response](#) to the CPT's 2015 visit report, 1 March 2016.

137. [AS/Mon \(2017\) 15](#).

138. Greek Government, [National Universal Periodic Review report](#), 22 February 2016. Due to this important decrease in the prison population, the findings of the Council of Europe [Annual Penal Statistics SPACE I – Prison Population Survey 2014](#) published on December 2015 are not indicative.

139. These figures were confirmed by the latest [Council of Europe Annual Penal Statistics](#) (SPACE), published in March 2017.

140. [CommDH\(2013\)6](#). See also Nikolaos Sitaropoulos, [Rule of law in Greece buckles under institutionalised ill-treatment by law-enforcement agents](#), 15 March 2016; and [Sakir v. Greece](#), Application No. 48475/09, judgment of 24 March 2016.

141. [CPT/Inf\(2016\)4](#). As regards the systemic failings by the police and judicial authorities to effectively investigate allegations of police ill-treatment and the creation of an independent police complaints mechanism, see above.

71. As regards immigration detention, the CPT noted the measures taken by the Greek authorities in early 2015 to reduce the number of people held in pre-departure centres, such as the increased use of alternatives to detention and the release of vulnerable groups and of people whose detention had exceeded six months. However, it stressed that the concept for the operation of pre-departure centres was still based on a security approach with detainees being treated in many respects as criminal suspects. It notably criticised the poor material conditions and lack of activities and the insufficient health-care provision.<sup>142</sup> Recently, the Greek authorities have created five “hotspots” on the Aegean Islands to register and process new arrivals. After the entry into force of the EU–Turkey Agreement in March 2016, the “hotspots” were temporarily transformed into closed detention centres. The CPT visited some of the “hotspots” in April 2016 to examine the treatment and conditions of foreign nationals deprived of their liberty and went back in July 2016. International organisations and non-governmental organisations (NGOs) such as Amnesty International have criticised the appalling and overcrowded conditions in the “hotspots”, in which many vulnerable groups are held, as well as the inappropriate access to medical care, and the lack of legal safeguards and basic support services.<sup>143</sup> The authorities explained that the refugee crisis forced Greece to shoulder a disproportionate burden, and that aid from their European partners has been less than adequate. They also regret that the relocation programme deriving from the EU–Turkey Agreement has not yet been activated, since many EU members have failed to receive refugees as they should under the relocation agreement.<sup>144</sup>

72. The CPT report also pointed to various shortcomings concerning the situation of children in detention, and particularly the unacceptable conditions in which unaccompanied migrant children were placed. The committee made it clear that every effort should be made to avoid resorting to the deprivation of liberty of unaccompanied minors.<sup>145</sup> This problem became acute in 2016<sup>146</sup> due to the lack of any alternatives to detention, the chronic shortage of suitable accommodation and the absence of a comprehensive child protection system.<sup>147</sup> According to Human Rights Watch, unaccompanied children were routinely subjected to prolonged arbitrary detention in excess of the 45 days permitted by the law. They were held under “protective custody”, often in poor conditions and together with adults, while awaiting transfer to dedicated open shelter facilities.<sup>148</sup> The European Court of Human Rights, found the Greek authorities to be in violation of the Convention as regards treatment and detention conditions of unaccompanied minors.<sup>149</sup> The authorities explained that 2 500 unaccompanied minors became stranded in Greece following the EU–Turkey Agreement and the closure of borders. The available accommodation places for unaccompanied minors at that time was 423 – which had been sufficient to cover the – until then – existing needs. The authorities added that unaccompanied minors identified by the police authorities could stay in protective custody for up to 45 days because of the lack of available places in the shelters destined for unaccompanied minors.<sup>150</sup>

73. To address this situation, the Greek authorities have prioritised the protection of unaccompanied children in the context of the National Strategy for the treatment of unaccompanied foreign national children. The government sought to create additional facilities to host unaccompanied children and to have 2 000 places available by the end of the summer of 2017, which reportedly would be enough to shelter all the unaccompanied minors living in Greece.<sup>151</sup> By the end of September 2017, the National Centre of Social Solidarity (EKKA), a government body responsible for placing minors, issued official statistics indicating that there were now 1 125 places available in 50 shelters for unaccompanied children. 106 unaccompanied children were in protective custody while 1 652 unaccompanied children were still on the waiting list.<sup>152</sup> The authorities stressed that unaccompanied minors in “protective custody” are prioritised for placement in

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142. See also European Court of Human Rights, *De los Santos and de la Cruz v. Greece*, Applications Nos. 2134/12 and 2161/12, judgment of 26 June 2014.

143. Amnesty International, *Greece: Refugees detained in dire conditions amid rush to implement EU–Turkey deal*, 7 April 2016. As regards the recent developments on the Aegean Islands, see below.

144. AS/Mon (2017)15.

145. CPT/Inf(2016)4.

146. The Greek authorities registered more than 3 300 unaccompanied minors during the first seven months alone.

147. According to Greek law, public prosecutors act as provisional guardians. In practice, the prosecutors lack the capacity to handle the large number of unaccompanied children who are referred to them and receive support from other State institutions. SRSG on migration and refugees, *Report on the fact-finding mission to Greece and “the former Yugoslav Republic of Macedonia”*, 7-11 March 2016, 26 April 2016.

148. Human Rights Watch, *“Why Are You Keeping Me Here?”: Unaccompanied Children Detained in Greece*, 8 September 2016.

149. European Court of Human Rights, *Rahimi v. Greece*, Application No. 8687/08, judgment of 5 April 2011. See also Department for the Execution of Judgments of the Court, *Rahimi* group of cases, which is still pending.

150. AS/Mon (2017) 15.

151. Currently there are 1 381 available places in shelters for unaccompanied minors and 114 available places in safe spaces for unaccompanied minors in the camps (AS/Mon (2017) 15).

152. <http://www.ekka.org.gr/files/EKKA%20dashboard%2030-9-2017.pdf>.

shelters or in the newly created “safe zones” in existing open camps. The Greek authorities have asked the EU partner States to prioritise relocation for unaccompanied minors – the authorities deplored that to date no satisfactory response has been given to this request. In addition, Greece is working on draft legislation to review the institutional and legislative framework and to reform the guardianship system.<sup>153</sup>

74. In September 2017,<sup>154</sup> the CPT released a highly critical report on Greece with respect to the treatment of migrants in an irregular situation and the continued detention of unaccompanied migrant children, as well as to the situation of adult immigration detainees in Athens and Thessaloniki. It called for action to tackle “the widespread and deep-rooted problem of police ill-treatment”, with ineffective safeguards against ill-treatment. The CPT raised concerns over the treatment of foreign nationals in the Reception and Identification Centres (“hotspots”) on the Aegean islands and the continued and routine detention of foreign national children for lengthy periods in poor living conditions and with insufficient care offered to them. The authorities were invited to review their approach with regard to “protective custody” of unaccompanied children and end their immigration detention, and all detention of parents with children at the Illegal Migration Department (TDPM) of Thessaloniki.<sup>155</sup>

75. Concerning the situation in places of detention, the CPT considered the conditions of detention in immigration detention facilities and in most of the police stations visited as “totally inadequate”, if not “inhuman and degrading”, as in the Drapetzone Police Station. In prisons, a highly explosive situation resulted from overcrowding, combined with high levels of inter-detainee violence, insufficient basic health-care provision, inadequate assistance to vulnerable groups and deficient legal safeguards.<sup>156</sup>

76. The Commissioner for Human Rights, for his part, in a recent letter to the Greek Government, pointed out that the conditions and treatment of people with disabilities in psychiatric hospitals have worsened due to budgetary and staffing cuts and that patients face an increasing risk of excessive use of mechanical and chemical restraint as well as of ill-treatment. The Commissioner notably raised concern about several cases of patients dying in a psychiatric hospital in Athens and encouraged the Greek authorities to limit recourse to involuntary placements<sup>157</sup> and to physical restraint in psychiatry – according to reports by the Ombudsman, a number of inmates in one psychiatric institution had been neglected and “constantly restrained and kept inside cages”.<sup>158</sup> At the time of writing, measures to address these issues are reportedly being prepared by the Ministries for Health and for Labour.

77. On 18 April 2017, the Commissioner reiterated his concerns in a letter addressed to the Greek Government expressing concern about new reports of ill-treatment by Greek police officers. He stressed that these were well-documented and very serious cases illustrating the long-standing and systemic problem of excessive use of violence in law enforcement, which required determined and systematic action by Greece. Noting with interest the adoption, in December 2016, of a law establishing a national mechanism for investigating incidents of arbitrariness in security forces and in detention facilities, the Commissioner called for the adoption also of preventive measures, such as systematic, initial and ongoing training of all law-enforcement officials, prosecutors and judges.

78. In addition, the Commissioner called on the authorities to review existing legislation in order to ensure that adequate and dissuasive penalties are always imposed by courts and fully executed in all cases of ill-treatment by law-enforcement agents. He also invited them to ensure that the definition of torture contained in the Criminal Code is fully aligned with that contained in the United Nations Convention against Torture.<sup>159</sup> The Minister of Justice indicated in his reply that the parliament had been seized on this issue, and that an investigation had been launched into the ill-treatment cases raised by the Commissioner.<sup>160</sup>

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153. AS/Mon (2017) 15.

154. Report to the Greek Government on the visits to Greece carried out by the CPT from 13 to 18 April and 19 to 25 July 2016, [CPT/Inf\(2017\)25](#), published on 26 September 2017.

155. In their reply, the Greek authorities explained that parents and children remain together at the TDPM for 24 hours at the most, and for the absolutely necessary period in order for the administrative procedure to be completed (fingerprinting, fingerprint checking, issuance and delivery of documents to such people). [Response](#) of the Greek authorities to the CPT report, p. 24.

156. In their response, the Greek authorities described their efforts to upgrade the conditions of detention centres since the visit of the CPT, and stressed that unaccompanied migrant children were held separate from other irregular migrants [Response](#) of the Greek authorities to the CPT report, p. 24.

157. See also European Court of Human Rights, [Venios v. Greece](#), Application No. 33055/08, judgment of 5 July 2011, and [Karamanof v. Greece](#), Application No. 46372/09, judgment of 26 July 2011, which are still pending execution.

158. Commissioner for Human Rights, [Letter](#) to the Greek Minister of Health and the Greek Alternate Minister of Social Solidarity of Greece, 17 August 2016.

79. While acknowledging the steps taken to reduce prison overcrowding and to strategically address the situation in Greek prisons, the rapporteur calls on the Greek authorities to increase their efforts to implement the recommendations of the CPT and the Commissioner for Human Rights as regards police ill-treatment, immigration detention, children deprived of their liberty and psychiatric patients, so as to address without delay the serious deficiencies found.

### 5.3. Fight against racism and intolerance

80. In 2012-2013, Greece witnessed a dramatic increase in racist violence and hate crimes, primarily targeting migrants. In his April 2013 report, the Commissioner for Human Rights raised serious concern about this trend and the weak State response to the problem. He called on the Greek authorities to condemn “firmly and unequivocally” all instances of hate speech and hate crime and to use “all available means” to combat these crimes and to end impunity.<sup>161</sup> Acts of racist violence continue to present a significant problem. Although there was a slight decline in 2014, after the Greek authorities took action against Golden Dawn and strongly condemned racist actions, there was again a steep increase of racist violence in 2015. The Racist Violence Recording Network recorded a total of 273 incidents of racist violence with more than 300 victims in 2015, as well as incidents targeting lesbian, gay, bisexual, transgender and intersex (LGBTI) people (185 incidents). It is of particular concern that law-enforcement officials were involved in 16 incidents of racist violence.<sup>162</sup>

81. The Greek authorities have reacted with a number of measures.<sup>163</sup> In 2014, a new anti-racism law was adopted and the existing criminal legislation strengthened.<sup>164</sup> Another major step was the appointment of two special prosecutors and the creation of two specialised police departments and 68 regional offices for investigating acts of racist violence. A recent law provides for the establishment of the National Council against Racism and Intolerance – an inter-ministerial body with the participation of independent bodies and NGOs – which is notably tasked with drawing up a comprehensive anti-racism strategy and a National Action Plan against Racism and Intolerance, as requested by ECRI.<sup>165</sup> In addition, it was tasked with the design of strategies to combat hate speech made in the media and by public officials. A mechanism for registering alleged incidents of racist and xenophobic violence has been established and a hate speech monitoring mechanism is planned.<sup>166</sup>

82. While ECRI welcomed the developments in legislation and law enforcement in its 2014 report, it noted the remaining challenges with regard to the implementation of the law and underlined that the measures taken remained “largely insufficient” to counter racist violence. Under-reporting and lack of will to investigate cases of violent attacks or to consider the question of racist and/or homo-/transphobic motivation during judicial proceedings effectively added to the climate of impunity. Often, hate speech and intolerance, usually directed against migrants, but also against Roma, Jews, Muslims, and LGBTI people, were inadequately addressed and not officially condemned. In addition, State support for victims was inadequate. In this context ECRI reiterated its long-standing recommendation that Greece ratify Protocol No. 12 to the European Convention on Human Rights.<sup>167</sup>

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159. “Commissioner concerned about ill-treatment by law-enforcement officials in Greece”, Letter from Nils Muižnieks, Commissioner for Human Rights, to Mr Stavros Kontonis, Minister of Justice, Transparency and Human Rights of Greece, and Mr Nikolaos Toskas, Alternate Minister of the Interior, concerning ill-treatment by law-enforcement officials, 18 April 2017, [CommDH\(2017\)15](#).

160. Reply by Mr Stavros Kontonis, Minister of Justice, Transparency and Human Rights of Greece, to the letter of Nils Muižnieks, Commissioner for Human Rights, concerning ill-treatment by law-enforcement officials, [CommDH/GovRep\(2017\)7](#), 26 April 2017.

161. [CommDH\(2013\)6](#).

162. Racist Violence Recording Network, [Annual Report 2015](#), 19 April 2016. See also Assembly [Doc. 13384](#) on “Tackling racism in the police” (rapporteur: Mr David Davies, United Kingdom, EDG).

163. As regards the criminal prosecution of members and supporters of Golden Dawn, see above.

164. The law notably criminalises Holocaust denial and punishes public incitement to acts or activities which may result in discrimination, hatred or violence against individuals or groups of individuals. Moreover, stricter penalties for racist crimes were introduced and the commission of an offence on racist grounds constitutes an aggravating circumstance. Racist acts punishable by the law, and any crimes committed as a result thereof, are prosecuted *ex officio*. Further, a ministerial decision provides that non-EU nationals who are victims or witnesses of racist acts may be granted a residence permit on humanitarian grounds. Greek Government, [National Universal Periodic Review report](#), 22 February 2016.

165. ECRI, [Fifth report on Greece](#), adopted on 10 December 2014, 24 February 2015.

166. Greek Government, [National Universal Periodic Review report](#), 22 February 2016.

167. ECRI, [Fifth report on Greece](#), adopted on 10 December 2014, 24 February 2015.

83. The Commissioner for Human Rights, after his recent visit in July 2016, welcomed the government's efforts to combat racism and homophobia, including by condemning racist acts at the highest political level and promoting a positive discourse towards migrants, which sent a clear signal of zero tolerance of racism and xenophobia. Nevertheless, in his view, much more needs to be done to enhance the effectiveness of the law-enforcement and justice systems in investigating racist acts, including through systematic and continuous anti-discrimination training for police officers, prosecutors and judges.<sup>168</sup> In a follow-up letter to the Greek Government in August 2016, the Commissioner stressed the need to enhance implementation of the existing anti-hate crime legislation, to collect and analyse hate crime data in a more systematic manner and to raise public awareness on racism and intolerance against marginalised groups.<sup>169</sup> In this respect, the rapporteur welcomes the recent ratification of the Convention on Cybercrime and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

84. The rapporteur welcomes the Greek authorities' efforts to combat racism and intolerance. However, additional steps are required to effectively combat racist violence and impunity and to implement anti-hate crime legislation, in line with the recommendations of ECRI and the Commissioner for Human Rights. The ratification of Protocol No. 12 to the Convention is of major importance in this respect.

#### **5.4. Fight against discrimination**

85. The austerity-driven policies are exacerbating already existing inequalities and ingrained discrimination practices in Greece and have had a disproportionate impact on the most disadvantaged groups of the population.<sup>170</sup> The crisis has notably had an adverse effect on gender equality which could not be mitigated by the National Programme for Substantive Gender Equality for the period 2010-2013 (extended until 2015). As a consequence, female unemployment rates are particularly high, many women occupying precarious or part-time jobs, and the gender pay gap has increased.<sup>171</sup> This is notably due to cuts in childcare and the lack of adequate public day-care structures, but also because of persistent discrimination, patriarchal attitudes and deeply rooted stereotypes regarding the role of women.<sup>172</sup> To counter inequalities and discrimination against women, the Greek authorities have elaborated a new Action Plan on Gender Equality covering the period 2014-2020. Despite efforts to increase the participation of women in political life and decision-making bodies, women continue to be under-represented and the Greek authorities have recognised that further efforts are needed.<sup>173</sup>

86. Child poverty and youth unemployment as consequences of the economic crisis are major concerns which are likely to have long-term effects on Greek society and the population. In 2015, more than a third of all children (37.8% or 710 000) in Greece were at risk of poverty and social exclusion,<sup>174</sup> Moreover, almost half of young people aged 15 to 24 were unemployed, despite a slight improvement,<sup>175</sup> and 32.4% of all young people aged 20 to 34 were neither in employment nor in education and training.<sup>176</sup>

87. With regard to children's rights, the persisting institutionalisation of children with mental disabilities in psychiatric hospitals and care institutions is of concern. A National Action Plan on the Rights of the Child, which aims to support deinstitutionalisation and make a transition to community-based services, is being drawn up. In addition, several measures, including new legislation, are being prepared to reform foster care and adoption and to review the legal framework for State and private care institutions in order to ensure effective monitoring and supervision.<sup>177</sup>

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168. Commissioner for Human Rights, [Greece: progress in combating racism, but concerns remain about the impact of austerity](#), 8 July 2016.

169. Commissioner for Human Rights, [letter](#) to the Greek Alternate Minister of the Interior and of Administrative Reconstruction, and to the Greek Minister of Justice, Transparency and Human Rights, 25 July 2016.

170. Commissioner for Human Rights, [Issue Paper](#) on Safeguarding human rights in times of economic crisis, November 2013.

171. In 2015, female unemployment rates were still some 7% higher than male unemployment rates. Eurostat, [Unemployment statistics](#), updated October 2016.

172. 2015 GNCHR, [Submission](#).

173. Greek Government, [National Universal Periodic Review report](#), 22 February 2016.

174. Eurostat, [One in four children at risk of poverty or social exclusion in the EU](#), 16 November 2016.

175. Eurostat, [Unemployment statistics](#) [updated October 2016]. The youth unemployment ration, i.e. the share of unemployed youth for the whole population, stands by around 13%.

176. Eurostat, [Statistics on young people neither in employment not in education and training](#), updated in July 2016.

177. Greek Government, [National Universal Periodic Review report](#), 22 February 2016.

88. Recently, the Commissioner for Human Rights expressed concern about the negative impact of the economic crisis on the rights of people with disabilities. His main concerns relate to health care and the standard of living of people with disabilities as well as the situation of people with intellectual and psychosocial disabilities in institutions. These developments have created an increased risk of social exclusion. Despite the Greek authorities' efforts in the context of the recently adopted National Strategic Plan for Deinstitutionalisation, the lack of budgetary resources has led to serious understaffing in psychiatric and social care institutions and is likely to undo the positive effects of the reform of psychiatry initiated by the government.<sup>178</sup> In a letter of September 2016, addressed to the Greek Government, the Commissioner criticised the persistent, grave deficiencies in the mental health-care system and called on the Greek authorities to redouble their efforts towards deinstitutionalisation and to address the shortcomings through better co-ordination and planning, and a stronger and more effective monitoring system.<sup>179</sup> Moreover, as regards social inclusion, the European Committee of Social Rights (ECSR), in its Conclusions XX-1 of 2012, found that there was no proof that people with disabilities are guaranteed effective equal access to employment.<sup>180</sup>

89. It should be highlighted that the Greek authorities have made numerous efforts to fight discrimination based on sexual orientation or gender identity, and carried out a legislative review of equality and non-discrimination policies. The authorities notably passed new legislation extending civil partnerships to include same-sex couples, conferring many rights similar to those deriving from marriage. This was the consequence of a 2013 Grand Chamber judgment of the European Court of Human Rights which found a violation of the Convention due to discrimination based on sexual orientation.<sup>181</sup> Moreover, the competences of the Ombudsman for investigating alleged cases of discriminatory treatment have been reinforced and gender identity and gender characteristics have been explicitly included as grounds for non-discrimination in the new anti-racism legislation and the revised equal treatment law. The higher age of consent for male homosexual acts was abolished and the Law on gender recognition was adopted in October 2017. At the time of writing, the authorities were considering legislation on the possibility of instituting the marriage of same-sex couples and the joint adoption of children by them, in the context of a comprehensive review of family law.<sup>182</sup> Despite these very positive measures in law, the practice in Greece is still characterised by considerable discrimination and intolerance towards LGBTI people, who do not benefit from sufficient support and protection. Harassment by the police and discrimination in education are commonplace. Moreover, an increasing number of LGBTIs have been victims of violent attacks. ECRI therefore recommended that the Greek authorities develop a national strategy to combat discrimination and homo-/transphobia.<sup>183</sup>

90. The current social inclusion policies are inadequate or insufficient to alleviate the difficult situation of Roma: the vast majority of them are still marginalised and socially excluded. Prejudices against Roma remain widespread. The economic crisis has disproportionately affected this group, despite a series of measures promoted by the Greek authorities. The National Strategy for Social Integration of Roma 2012-2020 prioritises housing, education, employment and health, and most regions have developed Regional Strategies for Roma Integration. However, they lack solid legal guarantees and effective implementation, and representatives of the Roma community are not adequately involved in the development and implementation of Roma integration programmes. The Roma population continues to live in inadequate and sub-standard housing and are particularly vulnerable to long-term unemployment and poverty. The ECSR, in two decisions from 2004 and 2009 and in its Conclusions XIX-4 (2011), found that the housing conditions of Roma were inadequate and that Roma families were forcibly evicted and did not benefit from sufficient legal protection and remedies.<sup>184</sup> Racial segregation affecting Roma children in schools still persists, despite relevant judgments of the European Court of Human Rights.<sup>185</sup> ECRI recommended that the Greek authorities develop an effective strategy to put an immediate end to this practice.<sup>186</sup> I have since been informed that a Special Secretariat for the Integration of Roma has been established and operates under the Alternate Minister of Labour.

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178. Commissioner for Human Rights, [Greece: progress in combating racism, but concerns remain about the impact of austerity](#), 8 July 2016.

179. Commissioner for Human Rights, [Letter to the Greek Minister of Health and the Alternate Minister of Social Solidarity of Greece](#), 17 August 2016.

180. ECSR, [Conclusions XX-1 \(2012\) – Greece – Article 15-2](#), 7 December 2012.

181. European Court of Human Rights, [Vallianatos and Others v. Greece](#), Applications Nos. 29381/09 and 32684/09, judgment of 7 November 2013 (Grand Chamber).

182. Greek Government, [National Universal Periodic Review report](#), 22 February 2016, and Greek Government, [Addendum to the Report of the Working Group on the Universal Periodic Review, Greece](#), 2 September 2016.

183. ECRI, [Fifth report on Greece](#), adopted on 10 December 2014, 24 February 2015.

184. ECSR, [European Roma Rights Centre v. Greece](#), complaint no. 15/2003, decision on the merits of 8 December 2004; and [International Centre for the Legal Protection of Human Rights \(INTERIGHTS\) v. Greece](#), complaint no. 49/2008, decision on the merits of 11 December 2009; ECSR, [Conclusions XIX-4 \(2011\) – Greece – Article 16](#), 9 December 2011.

91. It is of concern that the Greek authorities do not recognise the concept of national minorities based on ethnicity. The Muslim minority in Thrace<sup>187</sup> is the only recognised religious minority in Greece, in accordance with the 1923 Lausanne Peace Treaty. Members of the Muslim minority in Thrace enjoy special rights with regard to their religion, language and mother-tongue education. It is positive to note that the Greek authorities took further measures to protect and promote their rights, such as the adoption of legislation that allows pupils of this minority group to participate in optional Islamic classes in Greek public schools.<sup>188</sup> However, it is of concern that Sharia law is still applied by local Muftis in civil and inheritance matters for members of the Muslim minority in Thrace instead of Greek civil law.<sup>189</sup> This issue was already addressed by the previous Commissioner for Human Rights in 2009. He notably stressed the incompatibility of this practice with European and international human rights standards and urged the Greek authorities to ensure that the review and control by domestic civil courts is effective.<sup>190</sup> On 14 November 2017, Prime Minister Tsipras announced the introduction of a bill that would set limits to the jurisdiction of Sharia law in Thrace and make the jurisdiction of the mufti optional.<sup>191</sup> The call on the Greek authorities to ratify the European Charter for Regional Minority Languages and the Framework Convention for the Protection of National Minorities are longstanding Assembly recommendations.

92. The Greek authorities are considering appropriate options to execute three Court judgments in which the Court found a violation of the right to freedom of association due to the refusal to register – or the dissolution of – associations from the Muslim minority in Thrace.<sup>192</sup> Full implementation of the judgments is still pending.<sup>193</sup> One positive step taken by the Hellenic Parliament was the adoption, in October 2017, of legislation providing the procedural avenue for the reopening of civil law cases in compliance with the relevant Court judgments and in direct reference to the Court.<sup>194</sup>

93. The rapporteur notes the Greek authorities' efforts to fight discrimination based on sexual orientation or gender identity, but is concerned about the disproportionate impact of austerity measures on the most vulnerable, such as women, children and young people, people with disabilities and Roma. He urges the authorities to increase efforts to fight discrimination and to overcome existing inequalities by implementing ECRI's recommendations and by addressing the findings of the ECSR and the Commissioner for Human Rights. The authorities are also encouraged to accede to the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities.

#### **5.5. Rights of refugees and migrants (including detention of irregular migrants and asylum seekers, expulsion of aliens, etc.)**

94. The arrival of an unprecedented number of foreign nationals in Greece in 2015 triggered a major humanitarian crisis in the country and continues to pose important human rights challenges.<sup>195</sup> Despite major efforts to rescue people at sea,<sup>196</sup> the Greek authorities struggle with their disproportionate responsibilities.

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185. European Court of Human Rights, [Lavida and Others v. Greece](#), Application No. 7973/10, judgment of 30 May 2013; [Sampani and Others v. Greece](#), Application No. 59608/09, judgment of 11 December 2012; and [Sampanis and Others v. Greece](#), Application No. 32526/05, judgment of 5 July 2008.

186. ECRI, [Fifth report on Greece](#), adopted on 10 December 2014, 24 February 2015.

187. It consists of three distinct groups whose members identify themselves as Turks, Pomaks and Roma. See Assembly [Resolution 1704 \(2010\)](#) on freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (eastern Greece).

188. See also Assembly [Resolution 1867 \(2012\)](#) on the situation of the Greek citizens of Turkish descent in Rhodes and Kos.

189. While Greek courts are in principle competent to review the Muftis' decisions and not to enforce decisions which are contrary to the Greek Constitution or international human rights treaties, a 2013 judgment delivered by the Supreme Civil Court refused to apply the provisions of the Civil Code, holding that the law applying in inheritance cases is the "Sacred Muslim law" which "constitutes domestic law". GNCHR, [Observations](#) on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR), 5 December 2013. See also the report being prepared by the Committee on Legal Affairs and Human Rights on the "Compatibility of Sharia law with the European Convention on Human Rights: can States Parties to the Convention be signatories of the 'Cairo Declaration'?"

190. Commissioner for Human Rights, Report on his visit to Greece on 8-10 December 2008, 19 February 2009.

191. <http://news.in.gr/english/article/?aid=1500174924>

192. European Court of Human Rights, [Bekir-Ousta and Others v. Greece](#), Application No. 35151/05, judgment of 11 October 2007; [Emin and Others v. Greece](#), Application No. 34144/05, judgment of 27 March 2008; and [Tourkiki Enosi Xanthis and Others v. Greece](#), Application No. 26698/05, judgment of 27 March 2008.

193. Department for the Execution of Judgments of the Court, [Bekir-Ousta](#) group of cases which is still pending. See also European Court of Human Rights, [Case of House of Macedonian Civilization and Others v. Greece](#), Application No. 1295/10, judgment of 9 July 2015.

194. Information provided by the Greek delegation to the Monitoring Committee.

195. See also CommDH(2013)6.

The Assembly has on numerous occasions taken a very clear position on the inadequacy of the European response overall and underlined that “the refugee and migrant crisis in the eastern Mediterranean must be fully accepted as a European and global problem, and not only a Greek one. The only effective response will be based on respect for the human rights of refugees and migrants ... and on genuine solidarity and the practical sharing of responsibility”.<sup>197</sup> The dramatic increase in arrivals on the Aegean islands and the more than 60 000 refugees and migrants who currently remain stranded in Greece have stretched the country's already strained budgetary and staffing resources to its limits, and its reception and identification systems are beyond breaking point.<sup>198</sup>

95. Following the border closures along the Western Balkans migratory route, the situation notably deteriorated at the informal camp at Idomeni, on the northern Greek border, where more than 13 000 people – including more than 8 000 women and children – were gathered in early 2016. The abysmal conditions in the camp were qualified as a “humanitarian disaster” by the Special Representative of the Council of Europe Secretary General on Migration and Refugees.<sup>199</sup> Eventually, in May 2016, the Greek authorities completed the evacuation of all refugees and migrants from the Idomeni camp to emergency shelters. However, the situation in most of the 50 or so temporary accommodation centres at the time was desolate in many respects. New accommodation places had to be hastily set up in order to rehouse the thousands of refugees and migrants from the Idomeni camp. Refugees and migrants were accommodated in sometimes overcrowded and often unsanitary accommodation sites which are inadequately equipped for the winter. In addition, the living conditions are poor and only basic needs are being catered for.<sup>200</sup> After his visit in July 2016, the Commissioner for Human Rights, whilst recognising and commending the enormous efforts made by the Greek authorities and the Greek people, noted the need to further improve living conditions, including medical care, in refugee reception facilities.<sup>201</sup> The Greek authorities informed me that they have meanwhile taken measures to cope with the winter months: they have radically restructured the accommodation sites, improved living conditions, and moved 20 000 people to apartments and hotels. Only 23 of the 40 camps initially created in co-operation with the UNHCR after the closure of the borders are still open. Funding by the European Commission should enable more asylum seekers to be relocated in apartments, in co-operation with local authorities.<sup>202</sup>

96. Shortly after the conclusion of the EU–Turkey Agreement, material conditions on the Aegean islands deteriorated drastically and the “hotspots” became severely congested and overcrowded.<sup>203</sup> The Assembly, in a resolution adopted on 20 April 2016, considered that the Agreement raised several serious human rights issues relating to both its substance and its implementation and stressed the European Union's and EU member States' responsibility.<sup>204</sup> The situation on the islands remains explosive. The Greek authorities regret that the procedure now in place, which derives from the interpretation of the EU–Turkey Statement, prevents them from transferring asylum seekers who are unlikely to acquire refugee status to the mainland (in detention, as is required by Greek law) in order for their asylum requests to be processed swiftly and for unsuccessful applicants to be returned to the island they came from, and from there back to Turkey. Greece has repeatedly addressed requests to Turkey and has equally asked for the support of the European Commission on this issue.<sup>205</sup> This situation has led at times to appalling living conditions, creating a volatile security situation marked by violent protests and fights, and mounting tensions and frustration because of

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196. In 2015, Greece rescued more than 100 000 people, while some 800 people died or went missing during the crossings. Greek Government, [National Universal Periodic Review report](#), 22 February 2016, and International Organization for Migration (IOM), [IOM counts 3 771 migrant fatalities in Mediterranean in 2015](#), 1 May 2016.

197. [Resolution 2118 \(2016\)](#) “Refugees in Greece: challenges and risks – A European responsibility”, paragraph 4. See also [Resolution 2173 \(2017\)](#) on a comprehensive humanitarian and political response to the migration and refugee crisis and the continuing flows into Europe, [Resolution 2174 \(2017\)](#) on human rights implications of the European response to transit migration across the Mediterranean.

198. The issue of the highly insufficient reception capacity for asylum seekers was neglected for years by the Greek authorities, when mixed migratory flows were still manageable.

199. SRSG on Migration and Refugees, [Statement on the risk of a new humanitarian disaster on another Balkan border – Tabanovce](#), 11 March 2016, [SG/Inf\(2016\)18](#).

200. Parliamentary Assembly, Committee on Migration, Refugees and Displaced Persons, [Conditions in new centres for people from Idomeni are not up to standard, says Migration Rapporteur](#), 30 May 2016. See also [SG/Inf\(2016\)18](#).

201. Commissioner for Human Rights, [Greece: progress in combating racism, but concerns remain about the impact of austerity](#), 8 July 2016.

202. AS/Mon (2017) 15.

203. In early December 2016, more than 16 000 foreign nationals were present on the Aegean islands for a total capacity of some 8 350 places.

204. [Resolution 2109 \(2016\)](#). See also Commissioner for Human Rights, [The implementation of the EU–Turkey deal must uphold human rights](#), 21 March 2016.

205. AS/Mon (2017) 15.

lengthy asylum procedures and long waiting times. Moreover, assistance for the high number of vulnerable people is insufficient, putting notably women and children at risk.<sup>206</sup> Procedural safeguards, such as access to legal aid and interpretation services, are inadequate.<sup>207</sup> In the meantime, agreements have been concluded with the European lawyers' associations to provide access to legal aid. At the time of writing, the number of new arrivals was again on the rise.

97. In its 2011 *M.S.S. v. Belgium and Greece* judgment, the Court found that asylum seekers in Greece were at risk of violations of their rights due to the living and detention conditions they would face as well as failures in the Greek asylum system. Therefore, a country returning asylum seekers to Greece would be in breach of its obligations under the Convention. Greece reformed its asylum system on the basis of a 2010 National Action Plan on Asylum Reform and Migration Management, revised in 2012. Despite improvements and the welcome establishment of an autonomous Asylum Service and an Appeals Authority, the asylum system is still dysfunctional, mainly due to underlying structural problems as well as lack of capacity and staff, thus limiting asylum seekers' effective access to asylum and the authorities' ability to clear the persistent backlog of cases.<sup>208</sup>

98. The current refugee and migration crisis continues to place pressure on the Greek asylum system. Asylum applications and pre-registration requests increased drastically in 2016 due to the EU–Turkey Agreement and the *de facto* closure of the Western Balkans migratory route. The Greek authorities emphasised that they guarantee the individual right to seek asylum, despite pressure on Greece by the European Commission and EU member States to accelerate processing and returns to Turkey, in order to implement the EU–Turkey Agreement.<sup>209</sup> The authorities consider that the Greek Asylum Service – which was not designed to receive thousands of asylum seekers – has significantly improved its services since the migration crisis.<sup>210</sup> Consequently, a comprehensive long-term strategy for dealing with all aspects and human rights implications is required. This also requires increased European solidarity through further support to Greece by the European Union and its member States: current support still falls short of their commitments in terms of assistance and relocation. In addition, the European Union's asylum and migration policy, and notably the Dublin III Regulation, should be reformed, as has been highlighted by the Assembly.<sup>211</sup> Against this background, the European Commission's recent recommendation to resume transfers of asylum seekers to Greece under the Dublin III Regulation by March 2017 appears premature, particularly in the light of the fact that the Committee of Ministers has not yet closed its supervision of the *M.S.S.* judgment.<sup>212</sup>

99. In December 2013 and February 2014, the Commissioner for Human Rights expressed concern about the alleged breaches of the fundamental rights of migrants in the context of border patrols, including a large number of reported collective expulsions (so-called “push-back” operations) on land and at sea, as well as allegations of ill-treatment of migrants by members of the Hellenic police or coast guards. He called on the Greek authorities to radically change their migration policy and practice, effectively investigate all recorded incidents, and take all necessary measures to end and prevent recurrence of such practices.<sup>213</sup> The stated commitment of the Greek authorities to respect international human rights standards, the implementation of relevant training activities, and the adoption of a code of ethics for coast guard staff are steps in the right direction.<sup>214</sup> The authorities underlined that, since 2015, the Greek State has continuously saved lives at sea, also with the help of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and under the co-ordination of Frontex and NATO.

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206. As regards unaccompanied minor migrants, see above.

207. Amnesty International, [Greece: Refugees detained in dire conditions amid rush to implement EU–Turkey deal](#), 7 April 2016, and Human Rights Watch, [Greece: Refugee “hotspots” unsafe, unsanitary](#), 19 May 2016.

208. Assembly [Resolution 2118 \(2016\)](#).

209. Assembly [Resolution 2109 \(2016\)](#) and [Resolution 2147 \(2017\)](#) on the need to reform European migration policies.

210. AS/Mon (2017) 15.

211. Assembly [Resolution 2118 \(2016\)](#).

212. Department for the Execution of Judgments of the Court, *M.S.S.* group of cases, which is still pending. See also Parliamentary Assembly, Committee on Migration, Refugees and Displaced Persons, Rapporteur Tineke Strik warns against resuming Dublin transfers to Greece, 9 December 2016. See also Amnesty International, [EU: Pressure on Greece for Dublin returns is “hypocritical”](#), 8 December 2016.

213. Commissioner for Human Rights, [Letter](#) to the Greek Ministers for Public Order and Citizen Protection, and of Shipping, Maritime Affairs and the Aegean, 5 December 2013; and [Letter](#) to the Greek Minister of Shipping, Maritime Affairs and the Aegean, 14 February 2014.

214. Greek Government, [National Universal Periodic Review report](#), 22 February 2016.

100. Another concern related to the police round-up operation “Xenios Zeus”, implemented between August 2012 and February 2015, which consisted of indiscriminate identity checks aimed at cracking down on irregular immigration and crime in Athens. The operation mostly targeted foreign nationals and was criticised for the alleged use of the discriminatory practice of ethnic profiling. Some 85 000 people were apprehended and taken to police stations for identification purposes until February 2013, but less than 5 000 people were found to be in an irregular situation.<sup>215</sup>

101. The Greek authorities consider that the integration of refugees and migrants into Greek society cannot be effective as long as the flows of refugees and immigrants are continuous. Efforts have been made by the Greek authorities, such as the adoption of the “Code of Immigration and Social Integration” and legislation on facilitating integration programmes and the acquisition of Greek citizenship by second-generation migrants. The authorities stress that asylum seekers have the right to work (but this is a country where unemployment is at 23% and over 50% for young people). Refugee and migrant children are now going to school. Further relocating refugees and migrants from camps to apartments will contribute to integration. A special plan on integration was to be worked out during May and June 2017.<sup>216</sup> Some 100 migrant integration councils operate at local level. Most resources are allocated to dealing with the emergency initial reception rather than to integrating refugees and migrants. The high unemployment rate in Greece has hindered refugees' and migrants' access to the labour market. In July 2016, the Commissioner for Human Rights called on the Greek authorities not to ignore the long-term integration challenges and to design and implement an ambitious migrant integration policy.<sup>217</sup>

102. In June 2017, the Assembly acknowledged that the situation in Greece had seen some improvements thanks to the creation of hotspots, reception, registration and more efficient asylum processing. However, 63 000 asylum seekers were waiting for the outcome of their status determination procedure – 14 000 of them being confined to the islands and the situation of unaccompanied minors was “of utmost concern”. The Assembly thus recommended that the Greek authorities increase the reception capacity, close unsuitable sites as a matter of urgency, pay more attention to the specific needs of unaccompanied and separated children, end the systematic detention of rejected asylum seekers (and abolish their detention at police stations), and substantially improve detention conditions. At the same time, the Greek authorities were invited to speed up the processing of asylum applications from registration to appeal, improve and harmonise procedures in hotspots and other disembarkation ports, adopt legislation on guardianship, make better use of European Union long-term funding for reception and hosting facilities and the monitoring of the Aegean Sea area, and implement an effective integration policy for recognised refugees.<sup>218</sup>

103. The rapporteur welcomes the important efforts made by the Greek authorities in the context of the migration and refugee crisis. However, there is a need to intensify efforts so as to improve living conditions and the integration of refugees and migrants in Greece, and to ensure the effective functioning of the asylum system, in line with the recommendations of the Commissioner for Human Rights. This requires increased European solidarity and a comprehensive long-term strategy at EU level.

## **5.6. Protection of social rights in the context of austerity**

104. The economic crisis and austerity measures have had a severe impact on the enjoyment of social rights by the Greek population and have led to a rapid deterioration of living standards coupled with the dismantling of the welfare state in the country. The European Committee of Social Rights (ECSR), the Commissioner for Human Rights and the Greek National Commission for Human Rights have repeatedly sounded the alarm about the drastic consequences for the most vulnerable groups, and urged the Greek authorities and international stakeholders to meet their international and European human rights obligations, notably by making impact assessments when designing or implementing austerity measures.<sup>219</sup>

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215. GNCHR, [Observations](#) on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR), 5 December 2013. See also Human Rights Watch, [Unwelcome Guest: Greek Police Abuse of Migrants in Athens](#), 12 June 2013.

216. AS/Mon (2017)15.

217. Commissioner for Human Rights, [Greece: progress in combating racism, but concerns remain about the impact of austerity](#), 8 July 2016.

218. [Resolution 2174 \(2017\)](#) on Human rights implications of the European response to transit migration across the Mediterranean.

219. ECSR, [Activity Report 2015](#) and [Commissioner for Human Rights, [Issue Paper](#) on Safeguarding human rights in times of economic crisis, November 2013] and GNCHR 2015 [Submission](#).

105. Several years of recession and austerity measures have persistently challenged the constitutionally protected right to work and the right to an adequate standard of living. Unemployment has reached unprecedented levels: Greece is the EU country with the highest overall unemployment rate. The use of flexible forms of employment under poor working conditions has also increased.<sup>220</sup> Salaries were drastically cut – in some cases by as much as 50% and working conditions weakened. The system of collective bargaining and collective agreements has been largely dismantled and social benefits drastically reduced or withdrawn. As a result, by 2012, the disposable incomes of households decreased by 40% and more than one million Greeks lived in households with no income at all.<sup>221</sup> In 2014, almost four million people – more than one-third of the Greek population – and almost two-thirds of foreign nationals were at risk of poverty or social exclusion or lived below the poverty threshold.<sup>222</sup> In 2015, nearly one Greek in five lacked funds to meet daily food expenses and the number of daily attendees at soup kitchens exploded to several hundreds of thousands of people.<sup>223</sup> In two decisions in 2012, the ECSR found that several austerity measures violated the rights contained in the 1961 European Social Charter (ETS No. 35) (ESC).<sup>224</sup> None of these measures was repealed and another collective complaint on this issue is currently pending before the ECSR.<sup>225</sup> In its Conclusions XX-1 of 2012 and XX-3 of 2014, the ECSR stressed that the efforts deployed were inadequate to combat unemployment and that minimum wages were insufficient to ensure a decent standard of living, in particular the minimum wage to all workers under the age of 25 was below the poverty level.<sup>226</sup>

106. The economic situation and austerity measures also had a devastating effect on other social rights, such as the right to social security and social protection. Social insurance and social protection programmes as well as pensions and retirement benefits were drastically cut. The reform of the pension system deepened the vulnerability and risk of poverty among the elderly, with pension benefits often below the poverty level. The ECSR also found in five collective complaints that the social security and pension rights guaranteed by the ESC had been violated. The committee concluded *inter alia* that pension reform measures would “risk bringing about a large-scale pauperisation of a significant segment of the population”.<sup>227</sup> In its 2013 conclusions, the ECSR underlined that the minimum unemployment benefit for beneficiaries without dependants were manifestly inadequate and that the rights to social security and social assistance were not complied with.<sup>228</sup>

107. The number of homeless people has drastically increased, with some 20 000 people losing their homes between 2011 and 2012.<sup>229</sup> Moreover, drastic cuts in public health spending, which reached a historic low in 2014, have had a serious effect on the right to health care. The Greek health-care system is drastically underfinanced, with a potentially long-term impact on public health. An estimated 2.5 million Greeks have no health insurance and the proportion of people with inadequate access to health-care services or unmet health-care needs has increased sharply.<sup>230</sup> Waiting times and admission fees have increased, shortages of

220. OECD Data, [Unemployment rate](#).

221. GNCHR, [Observations on the 24th Greek Report on the application of the ESC and on the 9th Greek Report on the application of the Additional Protocol to the ESC](#), 9 April 2014.

222. Hellenic Statistical Authority, [Risk of poverty](#), 2015 Survey on income and living conditions (Income reference period 2014), 23 June 2016.

223. *The Guardian*, [Greece on the breadline: how leftovers became a meal](#), 14 March 2012.

224. ECSR, [General Federation of employees of the national electric power corporation \(GENOP-DEI\) and Confederation of Greek Civil Servants' Trade Unions \(ADEDY\) v. Greece](#), Complaint No. 65/2011, decision on the merits of 23 May 2012; and [General Federation of employees of the national electric power corporation \(GENOP-DEI\) and Confederation of Greek Civil Servants' Trade Unions \(ADEDY\) v. Greece](#), Complaint No. 66/2011, decision on the merits of 23 May 2012.

225. ECSR, [Greek General Confederation of Labour \(GSEE\) v. Greece](#), Complaint No. 111/2014, decision on admissibility of 19 May 2015. A public hearing took place in October 2016.

226. ECSR, [Conclusions XX-1\(2012\) – Greece – Article 1-1](#), 7 December 2012; and [Conclusions XX-3\(2014\) – Greece – Article 4-1](#), 5 December 2014. See also [General Federation of employees of the national electric power corporation \(GENOP-DEI\) and Confederation of Greek Civil Servants' Trade Unions \(ADEDY\) v. Greece](#), Complaint No. 66/2011, decision on the merits of 23 May 2012.

227. ESCR, [Pensioners' Union of the Agricultural Bank of Greece \(ATE\) v. Greece](#), Complaint No. 80/2012, decision on the merits of 7 December 2012; [Panhellenic Federation of pensioners of the Public Electricity Corporation \(POS-DEI\) v. Greece](#), Complaint No. 79/2012, decision on the merits of 7 December 2012; [Pensioners' Union of the Athens-Piraeus Electric Railways \(I.S.A.P.\) v. Greece](#), Complaint No. 78/2012, decision on the merits of 7 December 2012; [Panhellenic Federation of Public Service Pensioners \(POPS\) v. Greece](#), complaint No. 77/2012, decision on the merits of 7 December 2012; and [Federation of employed pensioners of Greece \(IKA-ETAM\) v. Greece](#), Complaint No. 76/2012, decision on the merits of 7 December 2012.

228. ESCR, [Conclusions XX-2\(2013\) – Greece – Article 12-1](#); [Conclusions XX-2\(2013\) – Greece – Article 12-3](#); [Conclusions XX-2\(2013\) – Greece – Article 12-4](#); and [Conclusions XX-2\(2013\) – Greece – Article 13-1](#), all of 6 December 2013.

229. *Financial Times*, [Grim effects of austerity show on Greek streets](#), 17 February 2012.

230. Greek Government, [National Universal Periodic Review report](#), 22 February 2016.

material are endemic and public hospitals and health centres have had to close. Hospitals and pharmacies now demand cash payment for treatment and drugs, which many patients cannot afford, and patients are refused treatment.<sup>231</sup> The Commissioner for Human Rights noted with concern the increasing demand in mental health care coupled with staff and budgetary cuts and urged the Greek authorities and their international lenders to spare health care, in particular psychiatry, from further budgetary cuts.<sup>232</sup> The Greek authorities have announced an increase in the public health-care budget and legislation enacted in early 2016 established health coverage for all uninsured individuals, giving them free access to the public health system, and medical care and treatment at zero or near-zero cost.

108. As of January 2015, the new government made efforts to protect the rights of vulnerable people, notably through measures aimed at addressing social inequalities that particularly affected the most disadvantaged groups of the population. In March 2015, the Greek authorities adopted a law to ensure provision of basic goods and services to people and families living in extreme poverty, including free electricity, rent allowances and food stamps. As of November 2015, individuals and families facing extreme poverty also benefited from a pilot guaranteed minimum income scheme in 13 municipalities which was expected to be extended throughout the country by the end of 2016. The government has also paid a one-off supplement to some 1.6 million low-income pensioners. The Greek authorities have also adopted a National Strategy for Social Inclusion that aims to review policies on tackling poverty and social exclusion and prioritises the reforms of the social protection system.<sup>233</sup> Moreover, the government has indicated that its priority was “to provide support to the unemployed in order to mitigate the effects of the current economic situation”, notably through employment programmes and public benefit employment schemes. It is noteworthy that unemployment rates started to slightly decline (to 23.1%) in September 2016.

109. More generally, Greece has further strengthened the protection of social rights with the ratification of the European Social Charter (revised), of which it has accepted 96 of the 98 paragraphs. That said, the country has not yet made a declaration enabling national NGOs to submit collective complaints.

110. The rapporteur wishes to voice serious concern about the severe impact of the austerity measures on the enjoyment of social rights in Greece, as pointed out by the ECSR and the Commissioner for Human Rights. He commends the measures taken by the Greek authorities aimed at addressing social inequalities and encourages Greece and its international lenders to implement policies that ensure the provision of an effective social safety net.

### **5.7. Other human rights issues**

111. Violence against women and particularly domestic violence remain a serious and widespread problem in Greek society.<sup>234</sup> Despite the extent of the problem, domestic violence remains under-reported and only a few perpetrators are prosecuted and punished. In 2014, some 3 900 victims of domestic violence were identified, almost 1 200 prosecutions were initiated and some 300 perpetrators convicted.<sup>235</sup> A 2006 law presents the basic legal framework on combating domestic violence in Greece and *inter alia* criminalises marital rape. However, the law still fails to address all the aspects and root causes of the phenomenon. In particular, it does not criminalise all offences of a domestic character and does not tackle stereotypes relating to traditional gender roles. Moreover, most of its provisions are not incorporated in the relevant codes.<sup>236</sup> Within the framework of the National Action Plan on Preventing and Combating Violence against Women 2009-2013, a number of initiatives have been taken by the Greek authorities to counter domestic violence and protect victims, such as the launch of a helpline and the creation of several counselling centres and shelters throughout the country. The programme has also contributed to increasing the visibility of domestic violence as a crime which is prosecuted *ex officio*. Awareness-raising activities are being launched by the General Secretariat for Equality and the Research Centre for Equality Issues. That said, further efforts and awareness-raising measures are required. It is expected that the planned ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence, which was signed in 2011, will produce major effects in countering violence against women and domestic violence. The rapporteur encourages the Greek authorities to swiftly accede to the treaty.

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231. Keep Talking Greece, [Man ousted from operation table because he was uninsured](#), 14 May 2014.

232. Commissioner for Human Rights, [Greece: progress in combating racism, but concerns remain about the impact of austerity](#), 8 July 2016.

233. Greek Government, [National Universal Periodic Review report](#), 22 February 2016.

234. The Greek authorities underline however that the relevant statistics are no higher than the European Union average. AS/Mon (2017) 15. See the European Commission [Eurobarometer figures](#) of June 2016.

235. Greek Government, [National Universal Periodic Review report](#), 22 February 2016.

236. GNCHR, [Written submission](#) to the Human Rights Council, 15 June 2015.

112. Greece is a transit and destination country for trafficking in human beings (THB), mainly for the purpose of forced labour and sexual exploitation. Marginalised and other vulnerable groups, such as Roma children and the increasing number of single women and unaccompanied child migrants, are particularly exposed to the risk of becoming victims of THB.<sup>237</sup> The GNCHR expressed its concern about the lack of an effective protection framework for victims of trafficking.<sup>238</sup> While the ratification of the Convention on Action against Trafficking in Human Beings and the transposition of the EU Anti-Trafficking Directive in 2013 have improved the legal framework, it is not in itself sufficient to ensure its implementation and to effectively combat human trafficking. In October 2016, the Group of Experts on Action against Trafficking in Human Beings (GRETA) carried out its first evaluation visit to Greece and its report is forthcoming. The efforts of the Greek authorities, notably by establishing specialised anti-trafficking units for the investigation of relevant cases, are hindered by difficulties in identifying victims of THB and law enforcement. The July 2016 US Department of State's Trafficking in Persons Report noted that, in 2015, the Greek authorities identified only 57 victims of THB, mainly due to under-reporting. Only 37 criminal proceedings were initiated on grounds of THB, leading to convictions in only 23 cases. It is positive to note that, in 2015, the government provided assistance to all identified victims of THB and issued renewable residence permits to three of them.<sup>239</sup> I was pleased to learn that Greece has now appointed a national rapporteur on THB, established (September 2016) a national system for the identification and referral of victims of trafficking, and set up a parliamentary committee against human trafficking (June 2016). A newly established protection framework should also increase protection, services and psychosocial support to (women) victims of trafficking in both State-run and NGO-operated shelters.<sup>240</sup>

113. In its first evaluation report of October 2017,<sup>241</sup> GRETA welcomed the adoption of anti-trafficking legislation and the setting-up of specialised structures, training and awareness-raising activities. It highlighted however the need to improve the identification of victims of trafficking for all forms of exploitation – including among asylum seekers, irregular migrants and unaccompanied children –, effectively grant the 30-day recovery and reflection period to presumed victims and address the special needs of male victims and children. It also urged Greece to identify gaps in “the investigation procedure and the prosecution of trafficking cases in order to ensure an expeditious trial and effective, proportionate and dissuasive convictions”.<sup>242</sup>

114. While the Greek Constitution and State practice guarantee the right to conscientious objection, the length of the alternative civilian service for conscientious objectors (15 months) is still much longer than that of military service in the Greek Army (nine months) where the majority of conscripts serve.<sup>243</sup> This difference in treatment has been criticised repeatedly as disproportionate and discriminatory,<sup>244</sup> and the ECSR, in its Conclusions XX-1(2012), found that it constituted a disproportionate limitation on the “right of the worker to earn a living in an occupation freely entered upon”.<sup>245</sup> Men refusing both military and alternative civilian service face prosecution in the military justice system, with sanctions of up to two years' imprisonment.<sup>246</sup> Moreover, in a recent judgment of September 2016, the European Court of Human Rights found that a Greek conscientious objector did not enjoy the necessary procedural safeguards of impartiality and independence in having his request for alternative civilian service examined.<sup>247</sup>

## 6. Conclusions

115. In the past decade, Greece has suffered from a deep and prolonged financial crisis followed by an economic recession, which have had significant adverse effects on the economy and the labour market. These austerity measures have also persistently challenged the constitutionally protected right to work and the right to an adequate standard of living, and other social rights, such as the right to social security and social protection. This particularly affects the most disadvantaged groups of the population. In addition,

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237. US Department of State, [Trafficking in Persons Report](#), June 2016.

238. GNCHR, [Observations](#) on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR), 5 December 2013.

239. GRETA, [Reply](#) to the Questionnaire from Greece, 26 September 2016.

240. AS/Mon (2017) 15.

241. Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece, First evaluation round, Adopted on 7 July 2017, published on 18 October 2017, [GRETA\(2017\)27](#).

242. [GRETA\(2017\)27](#), p. 8.

243. GNCHR, [Submission regarding the continuous violation of Article 1§2 of the ESC in the case of alternative service for conscientious objectors in Greece](#), November 2016.

244. Amnesty International, [Greece: Stop arbitrary prosecutions and arrests of conscientious objectors](#), 4 November 2013.

245. ESCR, [Conclusions XX-1 – Greece – Article 1-2](#), 7 December 2012.

246. Amnesty International, [Report 2015/16 – Greece](#), January 2016.

247. [Papavasiliakis v. Greece](#), Application No. 66899/14, judgment of 15 September 2016.

Greece has faced a major migration crisis triggered by, *inter alia*, the ongoing conflict in Syria, Afghanistan and Iraq, which has seen hundreds of thousands of refugees reach the Greek coasts in recent years. Greece has assumed a large share of the financial burden of the management of the migration crisis, for which it should be lauded. However, regrettably, this situation also proved to be fertile ground for extremist thoughts to flourish in Greece.

116. In this context, the Monitoring Committee stresses that Greece has ensured that its democratic institutions and human rights protection mechanisms function so as to, overall, comply with Council of Europe standards. Greece globally honours its membership obligations to the Council of Europe. In the light of the findings of the monitoring mechanisms of the main Council of Europe conventions, a number of issues should, however, be addressed by the authorities. The committee therefore wishes to make the following recommendations to the Greek authorities:

- Recalling GRECO's finding that corruption represents one of the root causes that contributed to the economic and sovereign debt crisis in the country, the Monitoring Committee commends the Greek authorities for the extensive measures they have taken to ensure transparency of party funding and to fight corruption. It calls on them to pursue their efforts by implementing GRECO's recommendations so as to effectively address the root causes of the phenomenon.
- The Monitoring Committee remains concerned by the persistent problem of ill-treatment by the police. It welcomes the setting up of a National Mechanism for investigating incidents of arbitrariness in security forces and in detention facilities within the ombudsman institution in December 2016. That notwithstanding, it urges the authorities to take determined action to tackle this systemic problem, in line with the recommendations of the CPT and the Commissioner for Human Rights. It expects the parliament to align the definition of torture contained in the criminal code with that of the Convention against Torture and set up effective safeguards against ill-treatment. It encourages the authorities to reinforce the preventive measures, including systematic training of all law-enforcement officials, prosecutors and judges and to ensure that adequate and dissuasive penalties are always imposed by courts and fully executed in all cases of ill-treatment by law-enforcement agents. In this respect, it also draws attention to the situation of children deprived of their liberty and of psychiatric patients and invites the Greek authorities to address without delay the serious deficiencies found.
- With respect to refugees and asylum seekers, while stressing that the management of the refugee crisis is a shared responsibility of all European countries, the Monitoring Committee acknowledges the efforts made by the Greek authorities to face this migration crisis. It calls, however, on the Greek authorities to end the detention of immigrant children, to intensify efforts to improve living conditions and the integration of refugees and migrants, and to ensure the effective functioning of the asylum system, in line with Assembly [Resolution 2174 \(2017\)](#), the recommendations of the Commissioner for Human Rights and the latest recommendations issued by the CPT.
- In this context, the Monitoring Committee reiterates its call on the Greek authorities to intensify their efforts to combat effectively racism and intolerance, and to take resolute action to combat racist violence. No impunity for racist violence and hate crime should be allowed to exist. Anti-hate crime legislation should be implemented effectively, in line with the recommendations of ECRI and the Commissioner for Human Rights. The committee urges the Greek Parliament to ratify Protocol No. 12 to the European Convention on Human Rights without further delay.
- With respect to the rule of law, the Monitoring Committee remains concerned about shortcomings in the judicial system, in particular as regards access to courts, judicial independence and the absence of a fully effective independent police complaints body, despite recent reforms undertaken. It calls on the Greek authorities to enhance the transparency and accountability of the judicial system and implement the relevant recommendations made by GRECO, the CPT and the Commissioner for Human Rights in this regard.
- The Monitoring Committee also invites the Greek authorities to:
  - take all necessary steps to implement [Recommendation 372 \(2015\)](#) of the Congress of Local and Regional Authorities of the Council of Europe to strengthen local democracy administrations and their financial capacity;
  - ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence signed in 2011 in order to combat violence against women, which remain a serious and widespread problem in Greek society;
  - further enhance the independence of the media and refrain from undue political interference.

117. Finally, in a context marked by recession and austerity measures, the Monitoring Committee commends the measures taken by the Greek authorities aimed at addressing social inequalities and welcomes the ratification of the European Social Charter (revised) in 2016, which should further strengthen the protection of social rights. It encourages the authorities to make a declaration enabling national NGOs to submit collective complaints, and to pay further attention to the severe impact of the austerity measures on the enjoyment of social rights in Greece, as pointed out by the European Committee of Social Rights and the Commissioner for Human Rights.

## Appendix

### 1. Council of Europe conventions signed and/or ratified between 1 October 2013 and 15 November 2017 by Greece

No.	Title		
163	European Social Charter (revised)		
	Signature: 03/05/1996	Ratification: 18/03/2016	Entry into force: 01/05/2016
185	Convention on Cybercrime		
	Signature: 23/11/2001	Ratification: 25/01/2017	Entry into force: 01/05/2017
189	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems		
	Signature: 28/01/2003	Ratification: 25/01/2017	Entry into force: 01/05/2017
197	Council of Europe Convention on Action against Trafficking in Human Beings		
	Signature: 17/11/2005	Ratification: 11/04/2014	Entry into force: 01/08/2014
198	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism		
	Signature: 12/10/2006	Ratification: 07/11/2017	Entry into force: 01/03/2018
213	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms		
	Signature: 02/03/2017		
214	Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms		
	Signature: 02/03/2017		
215	Council of Europe Convention on the Manipulation of Sports Competitions		
	Signature: 18/09/2014		
216	Council of Europe Convention against Trafficking in Human Organs		
	Signature: 25/03/2015		
217	Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism		
	Signature: 27/01/2016		
218	Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events		
	Signature: 03/07/2016		
220	Council of Europe Convention on Cinematographic Co-Production (revised)		
	Signature: 30/01/2017		
221	Council of Europe Convention on Offences relating to Cultural Property		
	Signature: 19/05/2017		

### 2. Recent findings of Council of Europe monitoring mechanisms and other bodies as of 15 November 2017

<b>European Court of Human Rights</b>	<p>European Convention on Human Rights (ETS No. 5) ratified in 1974</p> <p>Protocol No. 1 (ETS No. 009) ratified in 1974</p> <p>Protocol No. 2 (ETS No. 044) ratified in 1975</p> <p>Protocol No. 6 (ETS No. 114) ratified in 1998</p> <p>Protocol No. 12 (ETS No. 177) <b>signed in 2000</b></p> <p>Protocol No. 13 (ETS No. 187) ratified in 2005</p> <p>Protocol No. 14 (CETS No. 194) ratified in 2005</p> <p>Out of a total of 79,750 applications pending before a judicial formation on 31 December 2016, 707 concerned Greece.</p> <p>Resolutions adopted by the Committee of Ministers: 6 in 2013, 10 in 2014, 9 in 2015, 17 in 2016 and 12 in 2017.</p> <p>See <a href="#">Press country profile Greece</a></p>
<b>Congress of Local and Regional Authorities</b>	<p>European Charter on Local Self-Government (ETS No. 122) ratified in 1989</p> <p>Last report and Recommendation on local and regional democracy in Greece adopted in March 2015: <a href="#">CG/2015(28)8FINAL</a> and <a href="#">Recommendation 372 (2015)</a></p>

<p><b>Group of States against Corruption (GRECO)</b></p>	<p>Civil Law Convention on Corruption (ETS No. 174) ratified in 2002 Criminal Law Convention on Corruption (ETS No. 173) and Additional Protocol (ETS No. 191) ratified in 2007</p> <p><i>Third evaluation round: interim compliance report on Greece: “Incriminations (ETS 173 and 191, GPC 2)”, “Transparency of party funding”, adopted by GRECO at its 60<sup>th</sup> plenary meeting, Strasbourg, 17-21 June 2013, published in August 2013, <a href="#">Greco RC-III(2013)13E interim report</a></i></p> <p><i>Third evaluation round: second interim compliance report on Greece: “Incriminations (ETS 173 and 191, GPC 2)”, “Transparency of party funding”, adopted by GRECO at its 64<sup>th</sup> plenary meeting, Strasbourg, 16-20 June 2014, published in August 2014, <a href="#">Greco RC-III(2014)8E interim report</a></i></p> <p><i>Third evaluation round: third interim compliance report on Greece: “Incriminations (ETS 173 and 191, GPC 2)”, “Transparency of party funding”, adopted by GRECO at its 68<sup>th</sup> plenary meeting, Strasbourg, 15-19 June 2015, published in October 2015, <a href="#">Greco RC-III(2015)7E third interim report</a></i></p> <p><i>Third evaluation round: second compliance report on Greece: “Incriminations (ETS 173 and 191, GPC 2)”, “Transparency of party funding”, adopted by GRECO at its 74<sup>th</sup> plenary meeting, Strasbourg, 28 November – 2 December 2016, published in December 2016, <a href="#">GrecoRC3(2016)14</a></i></p> <p><i>Fourth evaluation round: corruption prevention in respect of members of parliament, judges and prosecutors: evaluation report: Greece, adopted by GRECO at its 68<sup>th</sup> plenary meeting, Strasbourg, 15-19 June 2015, published in October 2015, <a href="#">GrecoEval IVRep(2014)9E</a></i></p>
<p><b>Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)</b></p>	<p>Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990 (ETS No. 141) ratified in 1999</p> <p>Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (revised) (CETS No. 198) ratified in 2017</p> <p>Greece is not a member of MONEYVAL.</p>

<b>Commissioner for Human Rights</b>	<p>Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Greece, from 28 January to 1 February 2013, <a href="#">CommDH(2013)6</a></p> <p>Letter from the Council of Europe Commissioner for Human Rights, Nils Muižnieks, to Mr Nikolaos Dendias, Minister of Public Order and Citizen Protection and Mr Miltiadis Varvitsiotis, Minister of Shipping and the Aegean, on collective expulsions (Greece), 5 December 2013, <a href="#">CommDH(2014)2</a></p> <p>Replies of Mr Nikolaos Dendias, Minister of Public Order and Citizen Protection and Mr Miltiadis Varvitsiotis, Minister of Shipping and the Aegean (Greece) to the letter from the Council of Europe Commissioner for Human Rights, Nils Muižnieks, on collective expulsions, 10 January 2014, <a href="#">CommDH/GovRep(2014)2</a></p> <p>Letter of Mr Miltiadis Varvitsiotis, Minister of Shipping, Maritime Affairs and the Aegean (Greece) to the Council of Europe Commissioner for Human Rights, Nils Muižnieks, on the lives lost at sea during the Farmakonisi tragic incident, 28 January 2014, <a href="#">CommDH/GovRep(2014)4</a></p> <p>Reply of the Council of Europe Commissioner for Human Rights, Nils Muižnieks, to the letter of Mr Miltiadis Varvitsiotis, Minister of Shipping, Maritime Affairs and the Aegean (Greece), on the lives lost at sea during the Farmakonisi tragic incident, 14 February 2014, <a href="#">CommDH(2014)6</a></p> <p>Letter from the Council of Europe Commissioner for Human Rights, Nils Muižnieks, to Mr N. Toskas, Alternate Minister of the Interior and of Administrative Reconstruction of Greece, and to Mr N. Paraskevopoulos, Minister of Justice of Greece, 25 July 2016, <a href="#">CommDH(2016)29</a></p> <p>Reply by Mr Toskas, Alternate Minister of the Interior and of Administrative Reconstruction of Greece, to the letter of Nils Muižnieks, Council of Europe Commissioner for Human Rights, 17 August 2016, <a href="#">CommDH/GovRep(2016)17</a></p> <p>Reply by Mr Paraskevopoulos, Minister of Justice of Greece, to the letter of Nils Muižnieks, Council of Europe Commissioner for Human Rights, 17 August 2016, <a href="#">CommDH/GovRep(2016)18</a></p> <p>Letter from the Council of Europe Commissioner for Human Rights, Nils Muižnieks, to Mr Andreas Xanthos, Minister of Health of Greece, and to Ms Theanou Fotiou, Alternate Minister of Social Solidarity of Greece, concerning the human rights of persons with intellectual and psychosocial disabilities and their de-institutionalisation, 17 August 2016</p> <p>Letter from Nils Muižnieks, Council of Europe Commissioner for Human Rights, to Mr Stavros Kontonis, Minister of Justice, Transparency and Human Rights of Greece, and Mr Nikolaos Toskas, Alternate Minister of the Interior, concerning ill-treatment by law-enforcement officials, 18 April 2017, <a href="#">CommDH(2017)15</a></p> <p>Reply by Mr Stavros Kontonis, Minister of Justice, Transparency and Human Rights of Greece, to the letter of Nils Muižnieks, Council of Europe Commissioner for Human Rights, concerning ill-treatment by law-enforcement officials, 28 April 2017, <a href="#">CommDH/GovRep(2017)7</a></p> <p>Reply by Mr Nikolaos Toskas, Alternate Minister of the Interior of Greece, 15 May 2017</p>
<b>European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)</b>	<p>Convention (ETS No. 126) ratified in 1991, Protocols No. 1 (ETS No. 151) and No. 2 (ETS No. 152) ratified in 1994</p> <p>Last country visits: April and July 2016</p> <p>Publication of the last report: September 2017, <a href="#">CPT/Inf(2017)25</a></p>
<b>Group of Experts on Action against Trafficking in Human Beings (GRETA) and Committee of the Parties</b>	<p>Convention (CETS No. 197) ratified in 2014</p> <p>1<sup>st</sup> Evaluation Round:</p> <ul style="list-style-type: none"> <li>. Government's reply to GRETA's questionnaire published in September 2016, <a href="#">GRETA(2016)22</a></li> <li>. GRETA's Report adopted in July 2017, published in October 2017, <a href="#">GRETA(2017)27</a></li> </ul>
<b>Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and Committee of the Parties</b>	<p>Convention on preventing and combating violence against women and domestic violence (CETS No. 210) signed in 2011 but <b>not ratified</b></p>
<b>European Commission against Racism and Intolerance (ECRI)</b>	<p>5<sup>th</sup> report on Greece adopted in December 2014, published in February 2015, <a href="#">CRI(2015)1</a></p>

<b>Venice Commission</b>	No opinion concerning Greece
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**Other treaties:**

<b>Framework Convention for the Protection of National Minorities</b>	Convention (ETS No. 157) signed in 1997 but <b>not ratified</b>
<b>European Charter for Regional or Minority Languages</b>	Convention (ETS No. 148) <b>neither signed nor ratified</b>
<b>European Social Charter</b>	European Social Charter of 1961 (ETS No. 35) ratified in 1984 European Social Charter (revised) (ETS No. 163) ratified in 2016 Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158) ratified in 1998 See <a href="#">Country factsheet Greece</a>