



OFFICE OF THE COMMISSIONER
FOR HUMAN RIGHTS

BUREAU DU COMMISSAIRE
AUX DROITS DE L'HOMME



Strasbourg, 17 July 2002

CommDH(2002)5
Original version in French

**REPORT BY
MR ALVARO GIL-ROBLES,
COMMISSIONER FOR HUMAN RIGHTS
ON HIS VISIT TO THE HELLENIC REPUBLIC
2- 5 JUNE 2002**

for the attention of the Committee of Ministers and the Parliamentary Assembly

Introduction	3
General remarks.....	3
I. Justice and prison system	4
II. Freedom of thought, conscience and religion	4
A. Proselytism	5
B. Places of worship.....	6
C. Conscientious objectors.....	7
III. Minority groups in Greece	7
A. The Muslim minority in Thrace	7
B. The case of the Roma/Gypsy community.....	8
C. Right to identify oneself as one sees fit.....	9
IV. Situation of foreigners (refugees, asylum-seekers and immigrants).....	10
A. Regularisation of illegal immigrants	10
B. Measures to prevent violence against foreigners	10
C. Asylum seekers.....	11
Final remarks and Recommendations.....	12
Additional comments	13
A P P E N D I X	15

Introduction

In accordance with Article 3 e) of Resolution (99) 50 of the Committee of Ministers on the Council of Europe Commissioner for Human Rights, I accepted the invitation addressed by te the Foreign Affairs Minister for an official visit from the 2nd to the 5th of June 2002 and travelled to Athens with the Director of my Office, Mr C. Giakoumopoulos and Mr G. Mathieu, a member of my staff. Thanks are due firstly to the Minister for Foreign Affairs Mr George Papandreou and his colleague the Alternate Minister for Foreign Affairs Mr Tassos Giannitsis, as well as the Secretary General for European Affairs, M. Ilias Plaskovitis, for the kind reception, the openmind attitude and the arrangements made to ensure the success of my visit.

During my visit, I was given the opportunity to meet the Speaker of the Parliament, the Alternate Minister for Foreign Affairs, the Ministers of Justice and Public Order, the Secretary General of the Ministry of National Education responsible for religious affairs, the Secretary General of the Interior Ministry, the President of the Court of Cassation, the President of the Council of State, the Ombudsman, the Chairperson of the National Commission for Human Rights, the representative of the United Nations High Commission for Refugees, representatives of civil society and many dignitaries and representatives of religious groups. In addition to these contacts, I went on my own initiative to the Roma/Gypsy district of Aspropyrgos on the outskirts of Athens and made a point of visiting the premises of the Attica General Police Directorate in Alexandras Avenue where unsuccessful foreigners awaiting expulsion are detained on the 7th floor.

General remarks

1. Greece joined the Council of Europe very shortly after it was founded, on 9 August 1949. On 28 November 1950 it signed the Convention for the Protection of Human Rights and Fundamental Freedoms which it promptly ratified. It has signed and ratified Protocols Nos.1 and 7 together with the Protocol No.6 (abolition of capital punishment), and has signed Protocols Nos.12 (non-discrimination) and 13 (abolition of capital punishment in all circumstances). Greece, a European Union Member State since 1981 which will assume the Presidency of the European Union for the third time in January 2003, has embarked on major economic and institutional reforms in recent years, particularly with the revision of its Constitution in 2001.
2. After my visit, I came to the conclusion that certain areas deserve particular attention in the context of this report: justice and the prison system (I), religious freedom (II), the situation of minority or vulnerable groups (III) and immigration (IV).
3. For several years in fact, owing in particular to a heavy migration flow, the composition of the resident population has changed in such a way as to shatter the traditional conception of a very homogeneous Greek state. Political and social players have all gradually taken into account the various aspects of this diversification, the resultant challenges and the possible repercussions of this process on the human rights situation in Greece.
4. In this respect, the diagnosis and proposed solutions put forward by the institution of the Ombudsman and by the National Commission for Human Rights are significant by their objectiveness and accuracy and moreover apt to have a vitalising effect on the inertia linked with a traditionalist view of society. This is to be welcomed, trusting that the authorities will be able to use the diagnosis and proposed solutions for everybody's benefit.

I. Justice and prison system

5. I discussed these issues with the presiding Judges of the Council of State, M. Christos Yeraris, and Court of Cassation, M. Stephanos Matthias and with M. Philippos Petsalnikos, the Minister of Justice. The recent constitutional reform introduced two new provisions (Articles 94 and 95 of the Constitution) making it possible to resort to coercive execution against state institutions and to apply a penalty for delay in executing judgements. The draft laws putting the new constitutional provisions into effect are in preparation and their tabling in Parliament is expected very soon, at all events before the end of the year. The concurrent reform to the administrative litigation system, providing for extension of the jurisdiction of administrative courts of first instance and appeal, should relieve the grossly overloaded case-list of the Council of State. Generally speaking, these reforms are additions to the list of new regulations which include Article 525 para.5 of the Code of Criminal Procedure, providing for review of proceedings and deletion of convictions from a person's criminal record where a violation of the European Convention on Human Rights has been found by the Strasbourg Court. In the short and medium term, these reforms should increase the effectiveness of the judicial system.
6. Regarding the problem of overpopulation in prisons, the Minister of Justice explained to me that the number of inmates had doubled in ten years. Moreover, the current prison population was 44% foreign. These two aspects raise new problems. The Minister told me of a scheme to build 17 new prisons but reported some local opposition. This is a situation already encountered by several European governments. I appeal to a dialogue between the Government and the elected representatives to ensure that the necessary construction of new prisons is effective as soon as possible. I am confident of the Justice Minister's determination to remedy the distressing situation currently being experienced in Greek prisons and to implement the full scheme as aforementioned.

II. Freedom of thought, conscience and religion

7. The authorities and certain representatives of religious minorities admitted that for several years the situation in this respect has shown important improvement. The case-law of the European Court of Human Rights has steered this trend towards conformity to the relevant European standards. The way in which the delicate question of mentioning the religion on identity cards was handled bears witness to this.
8. Over 97% of the population belong to the Greek Orthodox Church, headed by His Beatitude Archbishop Christodoulos with whom I conferred at length, is professed by. The Greek Constitution grants the Orthodox Church the status of "prevailing religion", which is not in itself incompatible with Council of Europe standards as the phrase is construed by the high Greek courts to mean that the Greek Orthodox faith is the religion of the bulk of the population. According to the Constitution, this must in no circumstances lead to restrictions on the effective observance and full enjoyment of rights and fundamental freedoms secured to other non-Orthodox citizens.

9. Besides Archbishop Christodoulos, I met His Grace Nicolas Foscolos, Catholic Archbishop of Athens, His Eminence Mehmet Emin Sinikoglu, Mufti of Xanthi, representatives of the Jewish community in Greece and representatives of the Jehovah's Witnesses. I did not have the opportunity to meet representatives of other communities. The Church of Scientology handed me a file on its situation, referring in particular to the issue raised by a possible sect legislation.
10. My meeting with Mr Constantinis, Chairman of the Central Committee of Jewish Communities in Greece, left me with an impression of general satisfaction as to their position. He expressed the hope that his community would be able to benefit from the funds granted by the European Union and other bodies for heritage conservation such as old synagogues and old Jewish cemeteries. Lastly, Archbishop Foscolos put to me the problem of certain Catholic Church institutions having no legal personality, which was considered by the European Court of Human Rights in the Canea church case (Judgment Canea Catholic Church v. Greece). The Committee of Ministers held that law 2731 which came into force on 5 July 1999 should allow this question to be settled (Resolution DH (2000) 44 of 10 April 2000).
11. I raised several questions concerning religious freedom with the Secretary General for Religious Affairs, who showed a most receptive, understanding attitude. In his view, whatever solution the problems might receive, it must be applied necessarily in accordance with the spirit of the European Convention on Human Rights. In that regard, the continuation or commencement of liaison between representatives of the religious groups established in Greece and with the authorities should help settle any disagreements and perpetuate a climate of tolerance.

A. Proselytism

12. The first question relating to freedom of thought, conscience and religion relates to proselytism. Although the relevant legislation applies to everybody, Orthodox believers included, the former practice revealed some disproportion in prosecutions and convictions for proselytism to the disadvantage of minority groups. Since certain Court judgments were delivered (Kokkinakis v. Greece and Larissis v. Greece), prosecutions for proselytism has decreased markedly or even disappeared from the Greek judicial scene. The fact remains that proselytism is still subject to criminal sanction under laws 1363/1938 and 1672/1939 promulgated before World War II. I find that this puts needless pressure on religious or spiritual groups wishing to share their convictions in a law-abiding manner without recourse to subversive, coercive, deceptive or improper methods.
13. In my opinion, overt personal expression of belief is inherent in religious observance, everyone being entitled to display his convictions and try to win others over to them. Retention of criminal legislation in this respect seems outmoded and detrimental to respect for freedom of thought, conscience and faith. Here I support the proposal by the National Commission for Human Rights to have these provisions repealed. I would point out that repeal of these laws on proselytism does not signify that anything whatsoever should be permitted and tolerated on account of freedom of thought, conscience and religion, and this brings me to the issue of sects.

14. During our conversation with the Secretary General for Religious Affairs, the issue of a possible draft on sect legislation was raised. I told him that, as a matter of principle, such legislation should be thoroughly considered before it is actually tabled, since in my opinion a Penal Code with clearly defined offences should suffice to counter all criminal attempts carried out on the pretext of religious, esoteric or spiritual activities. The Council of Europe Parliamentary Assembly in Recommendation 1412 (1999) expressed its misgivings about legislation “based on value judgement concerning beliefs”.

B. Places of worship

15. A second question, highlighted inter alia by the Manoussakis case before the European Court of Human Rights, a case whose upshot is being considered by the Committee of Ministers, relates to the legislation on places of worship. Under the aforementioned 1939 laws, the building of any non-Orthodox place of worship is subject to approval by the Ministry of National Education and Religious Affairs. As far as I am informed, refusals are very rare. There was one recently for the Scientological community. It is more disturbing, at first glance, that the Ministry invariably requests an opinion, albeit not binding, from the local Orthodox Bishop who must reply within 20 days. The foundations for this consultative procedure, in a sphere that is strictly the responsibility of the state authorities, are not clearly discernible. It would be desirable to amend the relevant legislation. Accordingly, it might be proposed in future to vest the Secretary General for Religious Affairs with sole authority responsible for applying an administrative procedure which takes into account the demands of public policy, civil engineering or town planning attaching to schemes to set up any new place of worship, in which procedure a hearing would be granted within a specified time to all interested parties without exception including the local bishop, as part of a prior public enquiry.
16. A question related to that of places of worship is the lack of an official mosque in Athens where, apart from the Greek Muslims, several thousand Muslims of foreign origin live as a result of the heavy migration flow. At present these worshippers, according to the report which I received from several NGOs with official confirmation, meet in clearly unsuitable places such as flats, basements, garages and other private premises. When this question was raised, the Secretary General for Religious Affairs – as well as Archbishop Christodoulos - assured me that he had no objection to the building of a mosque, but invoked potential local resistance. I appeal to the solidarity, spirit of tolerance and good will of all concerned to pick out a place readily accessible to worshippers on which to build a mosque for Muslims established in Athens District. Nor is there any special cemetery for Muslims wishing to bury their dead in accordance with their own religious traditions. Consequently, those wishing to bury their dead religiously may be compelled to perform the burial in Thrace, the region where the Muslim minority recognised by the 1923 Lausanne Treaty is concentrated, or in their country of origin. For these Muslims, the authorities including local government would be well advised to consider the matter and find a satisfactory solution for burial in a decent manner upholding their religious traditions.

C. Conscientious objectors

17. Another issue concerns conscientious objectors. The many improvements made for some time past are certainly to be welcomed, particularly the implementation of law 2510/1977 and the recognition, in the revised Constitution, of a right to conscientious objection (Interpretative Resolution of 6 April 2001 on Article 4.6 of the Constitution); this development cannot be unrelated to the Tsirlis and Kouloumpas judgments by the European Court of Human Rights. It is nevertheless appropriate to recall Recommendation (87) 8 of the Committee of Ministers on conscientious objection to compulsory military service. I understand that since the right to conscientious objection received constitutional recognition, the reservation entered by Greece concerning this Recommendation has become void and I recall that the Recommendation stipulates inter alia that alternative service shall not be of punitive nature and that its duration shall remain within reasonable limits by comparison with military service. I find, though, that an extra term of 18 months as currently prescribed in Greece constitutes a disproportionate measure in practice, especially in the light of my information that this alternative service is often performed in a hostile atmosphere. It would be advisable to reduce the duration of alternative service to an equitable term by comparison with military service and work along the lines of recommendations from the Greek Ombudsman in order to rectify the disproportionate character of the present legislation.
18. I was informed by the counsel for the accused of the case of seven Jehovah's Witnesses liable to receive prison sentences on account of administrative errors, which they allegedly were not allowed to remedy subsequently, in drawing up their conscientious objector's papers. Likewise, I was informed of criminal proceedings pending against a conscientious objector liable to a prison sentence of several years for insubordination. In general, a custodial sentence for technical defects seems disproportionate to me. In this connection, transfer of administrative responsibilities as regards granting conscientious objector status from the Ministry of Defence to an independent civilian department would doubtless be a step in the right direction.

III. Minority groups in Greece

A. The Muslim minority in Thrace

19. The status of the Muslim minority in Thrace is defined essentially by the 1923 Treaty of Lausanne. This minority is made up of Turkish speakers together with the Pomaks using Slavic languages and some Roma/Gypsies. Their common feature is the Islamic faith, which is the reason for their being defined as "Muslim" minority, the only officially recognised minority in Greece. According to officials, the minority is composed by 50% of Turkish speakers, 35% of Pomaks and 15% of Roma/Gypsies.
20. When I visited the Parliament, a member of the minority sitting in the Parliament, Mr G. Galip explained me that for several years the situation of the community evolved positively. He raised the question of the appointment of muftis by the State when some members of the community demanded election by the minority without official intervention. It should be noted that the muftis discharge judicial functions in civil law (marriage, divorce, inheritance, custody and emancipation of minors, maintenance) and because of the discharge of these judicial functions, the State exercises a right of supervision over the appointment of muftis, to whom it delegates certain

responsibilities. The European Court of Human Rights found a violation of article 9 of the Convention in the case of *Serif v. Greece* in that the applicant had been criminally convicted for usurpation of the powers of the Mufti. A recent Court of Cassation judgment acquitting another person prosecuted for the same charge brings the Greek high court's case-law into line with the aforementioned Strasbourg Court judgment. H.E. Mehmet Emin Sinokoglu, Mufti of Xanthi, confirmed as for him the existence of a general feeling of contentment.

B. The case of the Roma/Gypsy community

21. It was not possible to obtain any exact figure as to how many Roma/Gypsies are present in Greek territory. According to the General Secretariat for Adult Education, a public body, the Roma/Gypsy population amounted to 150,000-200,000 in 1998. Almost half the Roma/Gypsy population of Greece are thought to have become settled, principally in the Athens region, while the other half are nomadic.
22. The Greek authorities are increasingly aware of the need to improve conditions for Roma/Gypsies. Thus I was favourably impressed by the seven-year plan (2002-2008) worth 308.2 million euros for assisting Gypsies, reported to me by Mr Vassilis Valassopoulos, Secretary General of the Interior Ministry and Co-ordinator of the Joint Ministerial Committee for Roma Affairs. Under this programme, to be funded to a level of 208 million euros by Community funds (Community Support Framework) and the remainder from national resources, the priority areas will be accommodation and services (education, health, employment, culture, sport). Over 61 million euros will be allocated to promoting the employment of 17,000 Gypsies. A sum of some 60 million euros was earmarked earlier for construction work in Northern Greece at Serres, Didymoteihon, Thessalonica, and at Patras and on Corfu in the West. It is important that this programme should be duly and fully implemented.
23. The fact remains that the Roma/Gypsy population of Greece is highly vulnerable and at a disadvantage in many areas such as access to health care, housing, employment or schooling. It is worrying to observe that the implementation of the action plan meets frequent resistance at local level; I received confirmation of this from Mr Valassopoulos. Local authorities are sometimes unwilling to take in members of this minority group and to accept money from the state for improving their circumstances. If the plan is to succeed, it is crucial to educate the public in tolerance and raise its awareness of the benefits of a multicultural society. It would appear that local elected representatives often show little eagerness to act upon the initiatives targeting the Roma/Gypsy population. While appreciating that the action plan cannot be carried through without support from the local institutions, it may be recalled that in the end it is up to the Greek government to implement official policy and thus to overcome any obstacles.
24. At a more practical level, I wished to visit a place where some 20 Roma/Gypsy families are settled on the outskirts of Athens at Aspropyrgos. Words fail me in saying that I am grateful to the families for their reception, as these people live under conditions very remote from what is demanded by respect for human dignity, in particular without running water supplies among other essential services. I referred the situation to the Secretary General of the Interior Ministry Mr Valassopoulos, verbally and in writing, and asked him to take urgent measures for these families. I am glad I can state that his reaction to my requests was immediate. In a letter on the 28th of June 2002, he reminded

the mayor of Aspropyrgos that an important financial contribution, exclusively dedicated to improve public utilities and infrastructures of the Roma/Gypsies of his district, was at his disposal and that urgent measures for running water supplies of this community must be taken. I am confident that M. Valassopoulos personal's dedication to human rights will overcome all obstructiveness from whatever quarter. Of course I was only able to visit one spot, but urgent action could be necessary or desirable elsewhere than at Aspropyrgos.

25. At Aspropyrgos I was able to meet the sister of Mr Christopoulos, a young Roma/Gypsy killed by a policeman's bullet when refusing to obey in a vehicle check. The policeman was dismissed and a criminal proceedings are pending on this issue; during our conversation the Minister for Public Order Mr Chrysochoidis emphasised the policeman's thoughtless reaction.
26. Finally, an NGO, the *Organisation mondiale contre la torture* (OMCT), condemned the evictions of Roma communities from their dwellings in Athens ahead of the 2004 Olympic Games and criticised the International Olympic Committee (IOC) for its silence. I was assured by all my official contacts that it was quite untrue and that all families needing to be possibly moved because of the Games would be relocated on state-owned land. Apparently however, use of the Olympic Games argument is made by certain local authorities for refusing to take in Roma/Gypsy communities or hasten their departure, according to the people I met at Aspropyrgos. A future site of the Olympic facilities is indeed hard to imagine out there, so far from the centre and bordering on the refuse tip. I ask the Olympic organising committee to publish the list of proposed sites in order to prevent pressure from being brought to bear on families settled or wishing to settle in areas supposedly set aside for the organisation of the Olympic Games.

C. Right to identify oneself as one sees fit

27. As already stated above, the only officially recognised minority in Greece is the Muslim minority in Thrace defined on the basis of religion. According to ECRI, members of the Turkish-speaking community in Thrace are prevented from designating themselves as they wish, and this is regarded as an impediment to their freedom of expression. It has been generally observed in the past that Greek citizens belonging to groups defined by linguistic or cultural criteria could meet difficulties in exercising their right to freedom of expression or association and to identify themselves as they wish, a right secured in Article 3 of the Framework Convention for the Protection of National Minorities signed by Greece on 22 September 1997 but not yet ratified. During my visit I met someone who had been sentenced by the trial court to a suspended prison sentence for distributing a brochure of the European Bureau for Lesser Used Languages on the ground of "disseminating false information" about minority languages in Greece. This conviction was set aside by a ruling of the Athens Court of Appeal delivered on 18 September 2001. The ruling has been hailed as indicating greater receptiveness by the Greek authorities to the phenomenon of diversity in the society. I wholeheartedly endorse this approach; it would be a constructive development if Greece continued on this course and ratified the Framework Convention for the Protection of National Minorities and signed and ratified the European Charter for Regional or Minority Languages.

IV. Situation of foreigners (refugees, asylum-seekers and immigrants)

28. I discussed this topic with most of my interlocutors. The authorities admit that Greece is confronted by a major immigration phenomenon with an obvious impact on the country's demographic balance as 10% of the population now consists of foreigners who have arrived during the last decade. The authorities, whose current estimate of the number of immigrants in Greece is 900,000, seem to have been taken unawares and the appropriate legislative framework for coping with the phenomenon is still under construction. In this regard one should commend the efforts of the courts, particularly the Council of State, which have addressed the complex problems of respect for human rights connected with the immigration phenomenon by building up a case-law based on the European Convention on Human Rights and its interpretation by the Strasbourg Court. I also perceived an obvious resolve on the part of the Greek authorities to get to grips with the immigration phenomenon. I was informed that immigration would be a leading theme of the next Greek Presidency of the European Union. It was agreed with the Deputy Minister for Foreign Affairs, Mr Giannitsis, to organise a seminar on immigration in Greece to coincide with its Presidency.
29. I explained that this phenomenon had to be handled in unison by the countries affected and that aid to the economic development of the source countries should be among the priorities. I do not think that anyone leaves their country in this way just for fun, or that immigrants, even illegal ones, should be regarded as criminals.

A. Regularisation of illegal immigrants

30. In April 2001 the government secured the passage of law 2910 on the entry and residence of foreigners, with the aims of introducing a long-term immigration policy, integrating migrants into Greek society, enhancing their personal and social rights and strengthening statutory safeguards against discrimination. Undocumented immigrants will accordingly be given "a second chance" to put their situation in order and granted the right to enrol their children in state schools. Migrants' unwillingness to lodge an application for fear of making their illegal situation known may account for the limited success of the regularisation process. The Ombudsman has recommended certain measures for better administrative management of the procedure, criticised as very laborious due in particular to under staffing. On 17 April 2002 the Interior Ministry announced that six-months residence permits about to expire would be extended until 31 December 2002. In addition, law 3013 of 1 May 2002 has amended the regularisation procedure along the lines recommended by the Ombudsman. The Secretary General of the Interior Ministry informed me of a four-year government programme for improving the conditions of migrants' reception and integration, and I consider its conscientious implementation a priority.

B. Measures to prevent violence against foreigners

31. According to several reports by various NGOs, police officers are regularly accused of making disproportionate use of force, usually against foreign residents; a news report on television which I watched during my stay told of a person identified as Albanian and who reportedly resisted his arrest being forcibly taken away in the boot of a police vehicle. The Minister for Public Order, M. Michalis Chryssochoidis, assured me that such cases were isolated. Nonetheless, the need to continue deploying educational programmes at all levels remains, particularly for instructing security forces in proper

regard for human rights. Besides which representatives of these vulnerable groups should be included in the security forces; I am gratified to be informed of a plan to recruit several hundred Roma/Gypsy fire brigade members. I also consider that racist and xenophobic acts should receive exemplary punishment, particularly where committed by public officers. Here, I support the ECRI Recommendation (2nd Report on Greece, from 10.12.1999, accessible for the public since th 27th of June 2000, point 6), according to which it is necessary to strengthen the range of criminal law measures against offences of a racist or xenophobic character, and criminal sanctions should take account of the culprits' possible racist or xenophobic motives. Despite the existing legislation against discrimination (described in the response of the Greek government to the ECRI's report) racist offences are not specifically defined and it is not expressly stipulated that a racist motive constitutes an aggravating circumstance. Thought should therefore be given to introducing appropriate statutory provisions.

C. Asylum seekers

32. Greece is on the itinerary of numerous asylum-seekers, and this requires the authorities to make special efforts to secure their rights as far as possible, particularly on arrival at the border. I am troubled by information originating chiefly from the Greek Council for Refugees concerning cases where entry was instantly refused without those concerned being given the opportunity to request asylum. The Ombudsman pointed out some cases of difficult access to the procedures defining the status of refugee in his Annual report 2001. The National Commission for Human Rights published, the 6th of June 2002, a comprehensive and detailed report in which are made concrete proposals to improve the reception of asylum seekers and to guarantee their right of access to the procedures defining the status of refugee. I join myself to this initiative and I draw attention to the content of my Recommendation concerning the rights of aliens wishing to enter a Council of Europe member state and the enforcement of expulsion orders. I would also recall the terms of Recommendation R(99)12 of the Committee of Ministers on the return of rejected asylum seekers.
33. I made a request, granted immediately, to visit the premises of the Attica General Police Directorate in Alexandras Avenue where some tens of aliens detained pending expulsion are held. They are detained in a place that is clearly unsuitable having regard to their number and to the length of their detention often extending over several weeks and even months, not more than three according to the legislation in force. However, the case has been brought to my attention of a person held there since March 2001, plainly an unreasonable length for a detention founded solely on administrative dictates. I was able to visually determine an obvious shortage of space, the lack of any facility for physical activities and outdoor exercise, and very precarious conditions of sanitation, leading up to the conclusion that in my view the conditions under which these people are detained amount to a breach of the obligation to prevent degrading treatments.
34. Pending the construction of new modern centres, as announced to me by the Minister for Public Order Mr Chryssochoidis, I put to him an oral and written request to take action that would speedily ensure living conditions more in keeping with European standards for persons awaiting expulsion and held on these premises.
35. The Minister for Public Order responded to my request by informing me in a letter dated 27 June 2002 of urgent measures in hand, such as the construction of

CommDH(2002)5

prefabricated buildings. As to the conditions in the Alexandras detention centre, I also received the assurance that it was to be decongested forthwith, that the sanitation conditions would be tangibly improved, and that it would no longer be used to detain aliens in the process of expulsion.

36. I welcome this action, as it is my deep conviction that asylum seekers and migrants, whether awaiting expulsion or a decision on their application, should be offered conditions of accommodation in accordance with human dignity. I rely on the Ministers whom I met and found particularly alert to the immigration issue to ensure that this is achieved at an early date.

Final remarks and Recommendations

37. Greece is fully entitled to rate as a country with a long-standing commitment to the values of human rights observance and the Greek authorities are aware of the fundamental role of human rights in the building of Europe today. The exchange of view I had during my stay with the Speaker of the Parliament, M. Apostolos Kaklamanis, and with other Greek officials convinced me that the challenges which Greek society faces today are being resolutely met by the authorities. In order to assist them in their action, and in accordance with Article 8 of Resolution (99)50, the Commissioner recommends :

- 1) Continuing efforts in order to apply in its entirety the scheme for the 17 new prisons;
- 2) accepting the proposal by the National Commission for Human Rights to repeal the applicable provisions in force on proselytism (laws 1363/1938 and 1672/1939);
- 3) amending the legislation in force concerning permission to set up places of worship and speeding the procedure to build a mosque and attributing a cemetery reserved for the Athens Muslims worshippers;
- 4) amending the legislation on alternative civilian service in order to remedy to the disproportionate character of the legislation and considering the possibility to transfer the competences for granting conscientious objector status from the Defence Ministry to a civilian department;
- 5) continuing the implementation forthwith the programme of the Joint Ministerial Committee for Roma/Gypsies with the dual priority of ensuring conditions consistent with human dignity in localities such as Aspropyrgos and ensuring that the Roma/Gypsies families possibly moved are going to be relocated properly;
- 6) ratifying the Framework Convention for the Protection of National Minorities, and signing and ratifying of the European Charter for Regional or Minority Languages;

- 7) implementing the 2002-2006 government programme to improve the conditions of immigrants' reception and integration and taking legislative measures in order to define as an aggravating circumstance the possible racist or xenophobic motivation of an offence;
- 8) discontinuing use of the detention facilities of the Attica General Police Directorate for long-term detention of aliens awaiting expulsion; in more general terms, giving a positive follow up to the proposals of the National Commission for Human Rights regarding the reception of asylum seekers and fully enforcing Recommendation (2001)1 of the Commissioner for Human Rights concerning the rights of aliens wishing to enter a Council of Europe member state, and Recommendation (99)12 of the Committee of Ministers on the return of rejected asylum seekers.

38. In accordance with Article 3.f of Resolution (99)50, this report is addressed to the Committee of Ministers and to the Parliamentary Assembly.

Additional comments

39. This report has been presented to the Committee of delegated Ministers of the Council of Europe, on September 11, 2002. At the end of this presentation and in the light of the comments brought by the permanent representative of Greece, the Commissioner decided to add the following precise details concerning the measures taken by the Hungarian authorities following his visit:

- The State authorities have taken all the necessary measures for the construction of a Mosque in Athens. The Mosque will be built at Paeania, near Athens, and the government has granted a large lot to this end;
- The Commissioner's proposal for an Islamic cemetery will be considered by the governmental authorities. In the meantime, it is clarified that the dead Muslims as well as dead people of any religion can be buried in the existing cemeteries which are under the jurisdiction of the municipal authorities;
- The question of the term of alternative military service is considered by the State authorities in the framework of the governmental reforms that are being discussed for the structure of the armed forces;
- All necessary measures have been taken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities;
- 20 Roma/Gypsy families residing in a site near the Olympic stadium belonging to others have been asked to leave this place because the 2004 Olympic Games Committee has decided to extend the Olympic installation into that area. The authorities have assured the families that special measures have been taken for their re-settlement. In fact, an agreement

CommDH(2002)5

was signed between the Maire of Amaroussia and a representative of a Roma/Gypsy association (Elpida) under which the local municipality has undertaken the following:

1. provisional re- settlement in appartments belonging to the municipality
2. subsequent permanent settlement in houses to be built by the municipality
3. economic assistance between 440-1150 Euros (depending on the number of family members)
4. special assistance in clothing and food
5. a special plan has been elaborated by the municipality of Amaroussia for their integration in the local society

40. The Commissioner take note with satisfaction of those developments.

Alvaro GIL ROBLES
Commissioner for Human Rights

A P P E N D I X

**PROGRAMME OF THE VISIT BY THE COUNCIL OF EUROPE
COMMISSIONER FOR HUMAN RIGHTS, MR ALVARO GIL ROBLES,
TO THE HELLENIC REPUBLIC**

2 JUNE

- 9.15: Meeting with representatives of the Roma/Gypsy community and allied NGOs, with the interpreter in attendance.
- 1.30 pm: Working lunch with the Greek Ombudsman Mr Diamandouros.
- 4-6.30 pm: Meeting with local NGOs at the hotel with the interpreter in attendance.
- 7-8.30 pm: Meeting with the press at the hotel, with the interpreter in attendance.
- 9 pm: Dinner hosted by Mrs Marangopoulos, Chairperson of the Greek National Commission for Human Rights.

3 JUNE

- 10.30 am: Meeting with Mr Ioannis Konidaris, Secretary General for Religious Affairs.
- 12.30 pm: Meeting with Mr Christos Yeraris, President of the Council of State.
- 1.30 pm: Working lunch at the Foreign Ministry hosted by Mr Tassos Giannitsis, Deputy Minister for Foreign Affairs.
- 4 pm: Meeting with the authorities of the religious minorities: His Grace Nicolas Foscolos, Catholic Archbishop of Athens, a representative of the Jehovah's Witnesses, and Mr Constantinis, Chairman of the Central Committee of Jewish Communities.
- 6 pm: Meeting with His Beatitude Archbishop Christodoulos, Orthodox Archbishop of Greece.

4 JUNE

- 8.30 am: Visit to the Attica General Police Directorate, Alexandros Avenue, with the interpreter in attendance.
- 10 am: Meeting with Mr Stephanos Matthias, President of the Court of Cassation.
- 11 am: Meeting with Mr Philippos Petsalnikos, Ministry of Justice.
- 12.45 pm: Meeting with Mr Michalis Chryssochoidis, Minister for Public Order.
- 1.30 pm: Lunch without official commitments.
- 4 pm: Meeting at the Interior Ministry with the Joint Ministerial Committee for Roma Affairs.
- 6.30 pm: Meeting with His Excellency Mr P. Rijmenans, Ambassador of Belgium, at the hotel.
- 9 pm: Dinner hosted by Directorate General 3 of the Foreign Affairs Ministry.

5 JUNE

- 10 am: Meeting with His Eminence Mehmed Emin Sinokoglu, Mufti of Xanthi.
- 12 noon: Meeting with Mr Apostolos Kaklamanis, Speaker of the Parliament.
- 1 pm: Meeting with the Parliamentary Committee for Administrative Affairs and Public Order, followed by an official luncheon.
- 5 pm: Debriefing at the Foreign Affairs Ministry.
- 6.30 pm: Press conference.
- 7.30 pm: End of the official visit.