Geneva, 3 May 2016

**Initial Statement by Kostis Papaioannou**

**SG for Human Rights**

Mr. President,

Distinguished members of the Working Group on the Universal Periodic Report of the Human Rights Council,

It is an honor and a privilege to present Greece’s second cycle UPR report.

Drafting was coordinated by the Ministry of Foreign Affairs, in close cooperation with all Ministries involved. Publicconsultation with civil society organizations was organized by the General Secretariat for Human Rightsin a public hearing in January 2016. In addition, the draft report was submitted to the National Commission for Human Rights. Their views and comments were taken into consideration as part of an inclusive, participatory and transparent process.

Follow-up to the UPR recommendations is a necessary condition to ensure that the UPR mechanism makes a difference on the ground. Greece will submit a voluntary mid-term progress report of the implementation of the accepted second cycle UPR recommendations, as we did in the context of the first cycle. The outcome of the review will be widely disseminated and will feed into the national actions plans that we are elaborating.

Regarding especially NCHR, its work for hr and recommendations are highly appreciated. Let me also, on a more personal basis, say after having chaired NCHR for 9 years as its elected President: I have seen this national hr mechanism grow in respect and influence, its views on legislation are highly appreciated andits input in drafting action plans on human rights is valuable. Moreover, a recent law strengthens NCHR in the accomplishment of its mission.

I will now present the most significant recent developments and the main challenges my country is facing, also focusing on the advance questions. I will try to depict an objective picture**.** One of course can never be satisfied enough whenexamining respect for human rights in a country. Important steps have been made but we are aware that much more needs to be done. Our approach of critical self-assessment will guide my delegation in today’s dialogue withthe distinguished representatives of Member States.

**During the last six years, Greece has been experiencing a severe economic crisis, part of the broader crisis affecting many countries**. Policy responding to the crisis consisted largely in extreme and horizontal austerity measures, following negotiations with institutions involved, European Commission, European Central Bank and International Monetary Fund. Impact of the economic recession has been significant. **In 2014 36% of the population were at risk of poverty or social exclusion; GDP fell by 25%; unemployment rate reached 24.4%and youth unemployment 49.8%**. The National Commission of Human Rightsmade a number of recommendations aimed at national and European level and stressed the negative effect of austerity on Human Rights and democratic institutions. The Greek Government is striving, while implementing the latest financial agreement, to protect the rights of the most disadvantaged and vulnerable. In March 2015 a law on humanitarian crisis was adopted to ensure basic goods and services to persons and families living under extreme poverty conditions. Also, the Pension Reform which is under way is aiming at developing a fair and rational social security system, protecting the weakest.

Financial constraints cannot be used as an excuse for shortcomings in human rightsprotection. Every effort is being made to give full effect to all UN Conventions. Nevertheless, Greece is a solid proof that undermining economic and social rights cannot leave civil and political rights intact.

As a consequence of the economic crisis, **gender gaps** intensify in the labor market. Unemployment and inactivity rates deteriorated. Young women face more than 60% unemployment rate**.** The National Programme for Substantive Gender Equality 2010–2015 was conceived to deal with gender discrimination across all sectors of public policy making. Being designed before the escalation of economic crisis, it only partly managed to address its consequences on gender equality. Our country is currently preparing a new National Action Plan for Gender Equality for 2015-2020, through consultation with relevant stakeholders.

Regarding **health**, recent laws of February and March 2016 established health coverage of all uninsured individuals including members of vulnerable groups regardless of their residence status.The provision ensures free access to Public Health System and promotes easier access to medical care and treatment, at zero or near-zero cost.

**I now move to Migration and refugee crisis that has been unfolding over the last months. It is one of the most pressing challenges internationally,** as evidenced by the advance questions that we have received fromGermany, Sweden, Mexico, Norway, Spain.

Greece, due to its geographical position, has received more than 1 million refugees and irregular migrants since the beginning of 2015, being the main entry gate to Europe. This influx, the highest since World War II, due to armed conflicts, hunger and rising poverty, has had a direct effect on Greece.

Greeks have welcomed refugees and migrants and, within their means, have catered for their immediate needs. Racist attacks have not increased during this period, even though we are fully aware of the danger of rising racism and xenophobia in the near future, as is the case in many European countries. Greece has welcomed those people despite voices all over Europe calling for closed borders, which, among others, result into further deaths at sea. I would like to pay tribute especially to local communities who rescue, provide food and shelter to refugees, even as these communities face financial distress.

Today, following unilateral measures resulting in border closures along the Western Balkans migratory route, around 55.000 people are stranded in Greece while flows from Turkey continue, though significantly reduced. Greece will not cease to fulfillits duties in upholding fundamental rights and principles and addressing its humanitarian obligations.

The Hellenic Coast Guard carries out search and rescue operations. In 2015, the Hellenic Coast Guard rescued 103.372 people in 2.931 incidents, while 272 persons tragically perished. First quarter 2016, number of refugees/migrants rescued has already reached 44.615, while 128 persons have regrettably lost their lives attempting to cross the Aegean. The Hellenic Coast Guard has done its utmost to strengthen the available Search and Rescue capacity of human resources and operational assets. They are in close cooperation domestically with all responsible Authorities. Contribution of Armed Forcesis crucial. Hellenic Navy is providing surface and aerial assets for Search and Rescue operations. Furthermore, the upscaled EU Joint Operation Poseidon Rapid Intervention, has provided additional human resources, operational assets, and technical equipment, under the coordination of FRONTEX.

Following EU decisions, Greece has created 5 new so-called “hotspots”run by the First Reception Service on the islands of Lesvos, Chios, Samos, Leros and Kos with a current reception capacity of 7.500 people as well as numerous open reception facilities all over Greece with a current capacity of around 37.000 people. Greece is deploying continuous efforts to meet the needs of the people hosted in them. We are working on new reception facilities for additional 20.000 places. Meanwhile, the agreement between Greece and UNHCR for rent subsidies and host family programs for 20.000 people is implemented, and 1500 people have benefited so far.

We recognize that the situation in Eidomeni is unsustainable leading to threats to life and well-being of those residing in and outside the camp. Regrettably, due to misinformation, most of these people insist on staying there hoping that borders will open. It is our intention to remove them in May safely and without use of force, when necessary reception camps are ready.

Following EU-Turkey Statement of 18 March, Greece adopted the necessary legal framework for the implementation of the agreement while fully abiding by its obligations regarding respect of human rights and relevant international and EU law.After the Statement, more than 3.000 asylum requests have been submitted and are currently under consideration by the Greek Asylum Service. We have also recorded almost 5000 additional pre-registration requests for asylum all over Greece and numbersare growing.The new Law foresees a fast-track procedure.However, all requests are being examined individually and on a case by case basis.

I need to stress it is not an easy task. Not only because of the huge workload and limited resources. During the last months there has been growing pressure for closing borders and speeding up procedures. However, we cannot allow ourselves undermine human rights principles that guaranteethe right to seek asylum and forbid collective expulsions.Therefore, most of the difficulties derive from contradictions in European policy on migration and asylum.

Regarding questions posed by Germany, the Greek Asylum Service is a major implementing actor **of the European - Turkish agreement**. In accordance with its mandate and in cooperation with the European Asylum Support Office and the EU Member States, it is committed to examining every single asylum application. Efforts are constantly being made to increase staff capacity, taking into account the need for extensive training and gradual increase to avoid that the agency implodes.

Regarding the question by Sweden, the **Asylum service**has put in place 7 Regional Asylum Offices and 6 Asylum Units, while new ones start operations during 2016. Fast-track procedures for Syrian applicants and pre-registration procedures are already in place.

Regarding a question by Norway, protection of **unaccompanied minors** (UAMs) is considered of utmost priority. Serious challenges remain, such as the malfunction of guardianship.Public Prosecutors designated as provisional guardians, cannot exercise rights and obligations of a guardian, due to limited resources and workload. Relevant legislation is under review. The new framework provides for a Registry of guardians with specific duties and obligations, inspected by a monitoring body, according to international guidelines and standards.

Finally, Greece attaches particular importance to the **integration of refugees and migrants**. However, high unemployment ratehinders the access of these people to labor market.Greece has gradually established a framework through the adoption of Immigration and Integration Code thatsafeguards for legally residing migrants rights comparable to those of Greek nationals.

The Greek Government is implementing all decisions and fulfilling all obligations under **strict budgetary conditions** and with limited available personnel. Beyond EU assistance, Greece has spent over 1,8 billion Euros from its national budget and has been hiring personnel especially for the First Reception Service and the Asylum Service.

No country can deal with such an international humanitarian crisis on its own. It is only through international cooperation and burdensharing that a solution ensuring respect for human rights can be reached. I must share my feeling that this principle is not shared by all our European friends. Nevertheless, Greek authorities are intensely working to strengthen the necessary infrastructure and improve all procedures.

**One of the most alarming developments during the reporting periodwas racist violence, mostlybut not only against foreigners, in particular during 2012-2013**. Extremist organizations attempted to take advantage of the feeling of discontent due to economic crisis and sharp increase in irregular migration. They were empowered by extensive hate speech and impunity for crimes of hate. In mid-2013 we witnessed a dramatic escalation of organized racist and neonazi violence which lead to the killing of a young musician and antiracist activist. Under great pressure by civil society and international bodies, the authorities reacted to such acts of violence.

Members of the political party “Golden Dawn”, including MPs, have been brought to trial for crimes including “membership of a criminal organization”; the trial is ongoing. Furthermore,Parliament may now suspend state financing of political parties whose leaders or elected officials are provisionally detained for racist crimes.

Regarding relevant laws and policies,and in response to the question raised by Belgiumand Spain, I would like to mention that in 2014 and 2015the anti-racist legislation was strengthenedand penalties were further stiffened. Moreover, a criminal offence has been established punishing the provision of goods and services with the contemptuous exclusion of a person on racist grounds.Measures were adopted to protect victims and encourage reporting of crimes. The Racist Violence Recording Network, created by UNHCR and the National Commission for Human Rights with the participation of 38 organizations plays an important role in this field.

Moreover, five Special Prosecutors for racist crime have been appointed.

Data collection on racist crimes has significantly improved.

Following ECRI’s recommendation, the National Council against Racism and Intolerance was recently established for the development of a comprehensive strategy through an Action Plan on Racism and Intolerance. A big challenge is tackling hate speech and we are planning to introduce a Hate Speech Monitoring Mechanism.

Within the Hellenic Police, 2 new Sections and (68) new Offices have been established, tasked with the investigation of acts of racist violence.With regard to the training of the said units, I would like to point out, in reply to a question raised by the United Kingdom, that ….

Let me also state, in response as well to a questionof Spain, that **Accountability of Law Enforcement Personnel** is of top priority for the relevant Ministry of Public Order and Citizen’s Protection. An “Office responsible for handling alleged instances of abuses” was established by Law but still has not been possible to operate mainly due to lack of resources. Currently we are examining alternative ways to ensure effectiveness and independence of this mechanism. A long lasting pattern of impunity, or at least sense of impunity, cannot be tolerated.

Robust legislative framework and decisive law enforcement action bringing the alleged perpetrators to justice, especially state agents, will move us forward in the fight against racism. No racist crime can be left unpunished. This fight can be won by also tackling social conditions which form the breeding ground of racist behavior and by further fostering tolerance and acceptance of diversity, in particular through education.

Concerning equality and non-discrimination policies, which was raised in the advance question of Belgium, the legislative framework is currently under review. The amendments include the reinforcement of the Greek Ombudsman competences’ as Equality Body and the explicit inclusion of "gender identity" and “gender characteristics” as grounds of non-discrimination.

Moreover, in response to the advance question of Mexico, access to justice is ensured for victims of discrimination. Those with low income are provided with free legal aid, have the right to a counsel appointed by the state and are exempted from the obligation to pay a fee for the initiation of criminal proceedings. In civil law cases, victims may request an “indigence benefit” and are exempted from fees and expenses.

Regarding discrimination based on sexual orientation or gender identity, and in response to the questions of Norway and The Netherlands, apart from the inclusion of such grounds in anti-racism legislation, the law on the civil partnership pact was recently extended to same-sex couples, recognizing family ties and conferring rights similar to marriage. Furthermore, art. 347 of the Criminal Code providing a higher age of consent for male homosexual acts was abolished. Ministry of Justice is currently drafting legislation on legal gender recognition and is reviewing family law. Adoption by same sex couples may also be considered.

Mr. President,

A number of questions were raised by Czech Republic and Slovenia on **the rights of the child.**

A National Action Plan on the Rights of the Child is being elaboratedfollowing a public consultation process. Given limited resources and emerging challenges, the Action Plan is being revised, focusing on:

1. Child poverty

2. Children in the context of refugee crisis

3. Children’s health

4. Right to education

5. Community child protection

6. Creating Child friendly justice

The revised Action Plan will be re-submitted in public consultation and a monitoring mechanism will be established by end 2016.

Regarding questions of Czech Republic and Slovenia on **child care**, in conformity with its obligations under UN Convention on the protection of the rights of persons with disabilitiesMinistry of Labour is developing a National Strategic Plan for the De-institutionalization, in cooperation with Ministry of Health, European Commission and European Expert Group on Transition from Institutional to Community-based care. The Strategic Plan provides for development of personalized services at local community level, transition to smaller structures and full accessibility and enjoyment of the existing services.

Concerning the Recovery and Rehabilitation Center at Lehaina, minors have already been transferred to another unit. Moreover, a group of experts will evaluate the situation and develop plans for the care of the people living at Lehaina.

Also, the Greek government is examining measures concerning reforms on foster care and adoption and a pilot foster care program for infants is being implemented.

Finally, we are working on a new legal framework for the National System of Social Solidarity, which will providespecifications and quality standards for the operation of state and private closed care institutions.

The situation in Greek **detention facilities and prisons**, which was also raised in the advance question of Czech Republic, remains a matter of concern.There has been considerable decline in prison population following legislative emergency measures for the earlier release of detainees and special provisions for disabled and seriously ill: number of prisoners has dropped by 19% since beginning 2015 and this decline seems stabilised. All efforts are made for improvement of living conditions, health care, educationalprogrammes, drug treatment, social and vocational integration of released prisoners.Deliberations are under way for a strategic plan on prisons in cooperation with expert European bodies including Committee for the Prevention of Torture.

**Segregation of prisoners**is carried out mainly on ethnic and religious grounds for security reasons. Additionalsegregation is based on age, criminal offence, vulnerability and security issues. Juvenile detainees are held separately. Separation of prisoners on ground of criminal status is partly enforced. Irregular migrants under administrative detention are not held in prison facilities.

**Concerning the OP-CAT**, the Greek Ombudsman, acting as the National Preventive Mechanism, has stressed the urgency of addressing important parameters of the correctional system and the need for a more holistic approach towards structural, systemic and chronic problems. Many of the Ombudsman proposals are adopted by the Ministry of Justice, while a memorandum of cooperation is to be signed between the two parties.

Regarding the conditions in the **prison of Larisa**, issue raised by Germany, the number of prisoners has dropped by 23% from 794 (Jan/2015) to 609 (Apr/2016) and living conditions have effectively improved.

I would also like to clarify, responding to a question by the United Kingdom, that **access to legal counsel**is ensured from the outset of deprivation of liberty, since detainees areinformed about the reasons of detention and have the right to communicate with their lawyer. Moreover, a legal counsel is appointed by the state for all judicial and pre-trial proceedings that necessitate the presence of a lawyer. More specifically, a lawyer is always appointed for persons accused of a felony and for minor offenders who don’t have a lawyer.Free legal aid is also provided to detainees with low income and other vulnerable groups, victims of trafficking, domestic violence, etc.

Concerning the **acceleration of judicial proceedings**, raised in the advance question of Norway, challenges still remain. A number of laws have been adopted to rationalize and accelerate judicial proceedings.The Ministry of Justice focuses on the establishment of a modern system of managing the workload of the courts in order, in particular, to harmonize practice with case-law of the European Court of Human Rights.

Regarding**Domestic violence**, an issue highlighted in the advance questions of Czech Republic, recent increase shows thatviolence,mainly towards women, has reached alarming proportions. It is deeply rooted in society and most victims avoid making a complaint. There is something encouraging in the increase of cases: women break their silence and report the abuse, which may lead to prosecutions. “National Program on Preventing and Combating Violence Against Women”has contributed significantly to increasing visibility. It refers to all forms of gender based violence.

Let me now turn to the **situation of the Roma in Greece**, also in reply to questions submitted by Sweden, Norway, Spain,Belgium.

The situation remains difficult despite interventions implemented in the period 2012-2015. Housing is a major cause for concern: poor living conditions, lack of proper housing, overcrowding and often lack of basic amenities. It is obvious that the economic crisis has disproportionally affected vulnerable groups and the Roma are one of them.

A series of interventions are being specified concerning the Roma. ‘Community Centers” will be implemented in almost all municipalities; specialized branches will operate close to Roma settlements, focusing particularly to the support of children living in poverty and to the empowerment of women. Community Centers will provide Reception-Information-Support/

Collaboration with Services and Structures/

Services aimed at improving the living standards and ensuring social inclusion.

Furthermore, integrated action plans for social inclusion of the Roma will be specified within each Region. These action plans will encompass interventions such as:subsidized rent, support for employment,development of entrepreneurship, Hygienic Services, Social activities,involvement of the local community aimed at collaboration and social cohesion.

The improvement of **human rights education**and education on active democratic citizenship are among the main priorities in the field of human rights, as highlighted in the advance question of Slovenia. Current affairs with regard to the large inflows of refugees in Greece make it imperative that particular, targeted measures be taken in the direction of ensuring access to education for refugee children and young people. Ministry of Education, Research and Religious Affairs has established special committees which are planning and coordinating actions related to education of refugees, as well as on issues related to human rights education therein.

Additionally, the Ministry intends to continue its fruitful cooperation with the Council of Europe and UNESCO on projects related to human rights and democratic citizenship education, as well as on education for sustainable development, for both teachers and students.

Last but not least, Institute of Educational Planning is to approve further educational material related to human rights, as well as the implementation of a significant number of educational programs in schools for awareness-raising, but also for students’ understanding, both in theory and practice, of fundamental rights.

Greece has recently ratified a number of **international human rights treaties**, as mentioned in our report. I would like to point out, in reply to questions raised by Belgium, Liechtenstein, The Netherlands and Spain that we will address the issue of the ratification of the Optional Protocol to the International Convention on Economic, Social and Cultural rights favourably, fully aware of its importance. Likewise, we will actively consider the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in the context of the elaboration of the National Action Plan on the Rights of the Child. With regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence, aworking group is currently elaborating proposals on amendments of domestic legislation required for the ratification of this important Convention. We are still considering accession to the 1961 Convention on the Reduction of Statelessness in due course. The process for the ratification of the Kampala Amendments to the Rome Statute of the International Criminal Court has been initiated. Our legal experts are considering how best to incorporate the amendments in our legal system.

In reply to a question raised by Mexico, I would like to stress that freedom of expression and association are fully protected, without discrimination. All persons are free to declare their origin, speak their language, exercise their religion and observe their particular customs and traditions. In Thrace, where the Muslim minority lives, there is a thriving civil society, comprising of Muslim minority associations and NGOs that have been registered by the competent courts and operate unimpeded. Tens of minority associations have been registered, since 2008. We are currently considering appropriate ways and means of executing three judgments of the European Court of Human Rights, finding a violation of freedom of association, including possible legislative adjustments in order to pave the way for the Courts to be able to provide the appropriate redress. The European Court dismissed in December 2015 two new cases brought before it by two of the said three minority associations based on alleged new violations of the freedom of association. In March 2016, the Council of Europe Committee of Ministers stated that it took note with interest of the information provided by the Greek authorities about the forthcoming establishment of a special structure responsible for the execution of the Court’s judgments. This special structure has started functioning.

This concludes my initial statement, in which I attempted to respond to as many advance questions as possible. We are now ready to listen to the recommendations of Member States and to respond to additional oral questions of the distinguished members of the UPR Working Group.

Thank you, Mr. President.