

SOKADRE
Coordinated Organizations and
Communities for Roma Human
Rights in Greece

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M O N I T O R


REFUGEE RIGHTS
EUROPE

MINORITY
RIGHTS
GROUP - GREECE

**CONTRIBUTION TO THE REVIEW
OF THE PERIODIC REPORT OF GREECE –
AN ADDENDUM WITH RECENT DEVELOPMENTS**

Submission to the UN Committee Rights of the Child

85th Pre-Sessional Working Group (10 - 14 Feb 2020)

February 2020

**This is an addendum to the report submitted by the same NGO collation on 31 October 2019:
it includes developments that have occurred since that date.**

1. Registration of religion in birth registration acts

On 5 February 2020, the **European Court of Human Rights** (ECtHR) informed **Greek Helsinki Monitor** (GHM) that its application on behalf of a parent challenging the registration, prescribed by law, in her newly born daughter's birth registration act, of her own religion (and subsequently of the religion of her daughter at the time of the registration of the choice of given name) is a violation of her freedom of religion. **Greece should amend that law to abolish the registration of religion.**



Greek Helsinki Monitor
P.O. Box 60820
GR- 153 04 GLYKA NERA
GREECE

FIRST SECTION

ECHR-LE4.1IR OBS IMSI CHB mod.

05/02/2020

Application no. 45794/19
Pelagia PAPANIKOLAOU
against Greece
lodged on 12 August 2019

SUBJECT MATTER OF THE CASE

The application concerns the registration of the applicant's religion in her daughter's birth registration act, pursuant to Article 22 par. e) of Law no. 344/1976.

QUESTION TO THE PARTIES

Has there been a violation of the applicant's right to freedom of religion, as guaranteed by Article 9 of the Convention, as a result of the requirement to declare her religion in the birth registration act of her daughter?

Priority

The President of the Section further decided to give priority to the application under Rule 41.

Leading case

The President of the Section considers that this application is potentially a leading case.

Third party intervention

Pursuant to Article 36 §§ 1 and 2 of the Convention and Rule 44 § 3 (a), the Hellenic Data Protection Authority has been invited to inform the Court by 01/04/2020 whether they wish to exercise the right to intervene and to submit written comments on the case.



2. Inhuman and degrading treatment of unaccompanied minor in violation of ECtHR interim measures

On 3 February 2020, the **ECtHR** published the communication to Greece of an application on the inhuman and degrading treatment of an unaccompanied minor from Afghanistan in violation even of the **ECtHR** interim measures ordering the end of his previous detention/“protective custody,” imposed on him despite several related **ECtHR** judgments or interim measures against Greece. **Greece should implement UN CAT’s first priority recommendation to end the continuing detention of hundreds of unaccompanied minors and provide them with adequate protection and social support.**



Communicated on 17 January 2020

[Published on 3 February 2020](#)

FIRST SECTION

Application no. [65275/19](#)
W.S. against Greece
lodged on 27 December 2019

SUBJECT MATTER OF THE CASE

The applicant is an unaccompanied minor from Afghanistan. The application concerns the applicant’s reception conditions, as well as the procedure concerning the examination of his asylum application.

QUESTIONS TO THE PARTIES

1. Given the applicant’s status as an unaccompanied minor, as well as his state of health, has the applicant been subjected to inhuman and degrading treatment, in breach of Article 3 of the Convention?
2. Given that, according to the applicant’s allegations, he has not yet received reception conditions compatible with Article 3 of the Convention and the applicant’s particular status, as indicated by the Court in its interim measures, has there been a hindrance by the State with the effective exercise of the applicant’s right of application, ensured by Article 34 of the Convention (see *Mamatkulov and Askarov v. Turkey* [GC], nos. [46827/99](#) and [46951/99](#), §§ 128-129, ECHR 2005-I)?
3. Given the applicant’s allegations concerning the treatment of his asylum request, has there been an interference with the applicant’s right to respect for his private and family life, within the meaning of Article 8 § 1 of the Convention? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?

3. Newly introduced discrimination against migrant and Roma children in social benefits

We subscribe to the 3 February 2020 **Hellenic League for Human Rights (HLHR)** press release entitled **[“Press Release on Restrictions on Aliens and Roma on Social Benefits: Discrimination that violates fundamental rights and impedes social integration”](#)** [translation in English by **GHM**], criticizing the new law that restricts from 1 January 2020 in discriminatory ways allowances that benefit (inter alia) the children of migrant and Roma families:

“For all three allowances, birth allowance, child and housing allowances, and minimum guaranteed income the prerequisite of 12 years of legal residence in Greece has been introduced; until now for children and housing allowances the required time to date was five years. This setback is completely unjustified, as these benefits contribute to social inclusion, constitute substantial support for migrant families in need, and a five-year legal stay is a sufficient criterion to justify the intention to settle in the country. In our view, this provision unjustifiably discriminates against third-country nationals residing permanently in the country and is therefore in breach of principles and provisions of supranational law.

In addition, we consider incompatible with the rule of law, the new law which makes the provision of minimum guaranteed income and child and housing allowances dependent on the number of absences from school of the school-age member of the potential recipient family. (...) It is an act of punishment rather than an organized attempt to deal with school absenteeism; it transfers to the school-age member - or to his or her teacher - the responsibility of obtaining or not a minimum income, and thus makes access to fundamental rights and needs of people who have par excellence such needs dependable on the supervision of minors’ school attendance and their teachers’ decision to justify or not their absence.

We call on the Government to reconsider its position and to comply with the requirements of the International Convention on the Rights of the Child, which prohibits discrimination on the basis of national origin of children. We also call on the whole democratic political world to push for amendments to these provisions and for the elaboration of a comprehensive policy of support for the family in all its modern forms.”

Greece should amend the legislation so that benefits to migrant families are granted upon completion of a five-year residence; while such benefits should not depend on school attendance by children of migrant and Roma families.

4. Autistic child restrained in a state psychiatric hospital

On 23 December 2019, **Michalis Yannakos**, **Chairman** of both the **Panhellenic Federation of Persons Working in Public Hospitals (POEDIN)** and the **Union of Persons Working in the Dromokaiteio Psychiatric Hospital**, through the specialized news blog **Iatropedia**, appealed to the state to end the restraint with straps for 18 months of an autistic child. The appeal at <https://www.iatropedia.gr/eidiseis/dromokaiteio-ekklisi-tou-proedrou-tis-poedin-gia-aftistiko-paidi-enamisi-chrono-demeno-me-imantes/125645/> has shocking pictures, with the consent of the mother who was despairing with the insensitivity of the doctors, which we do not want to reproduce here. This is the most recent such documented case of abuse of restraints in public institutions, despite recommendations by **CPT**, **UN CAT** and **UN CRPD**, all in 2019.

CRC is requested to urge Greece, like CRPD, “to repeal all laws allowing for the involuntary deprivation of liberty on the basis of impairment, end the use of forced treatment, restraints and coercive methods, and provide effective remedies for persons with disabilities deprived of their liberty on the basis of impairment.”

5. Disproportionally light sentences to perpetrators of sexual violence against children

Two recent judgments reported in the media documented once more how Greek justice is extremely lenient in cases of domestic violence combined with rape or other forms of sexual harassment with children as victims.

On 23 December 2019, a columnist in the online magazine [Lifo](#) was wondering “A Cretan raped the 18-year-old boyfriend of his daughter. Why was he sentenced to only 15 months - and even that sentence was suspended? How could he be set free after such a heinous act?” The father had raped the youth with a broomstick to punish him because he dated his daughter. At first instance, he was sentenced to 5 years and 10 months, but the appeals court in December 2019 ruled that since the act aimed at punishment and not sexual satisfaction, there was no rape!

On 29 January 2020, the news portal [Nea Kriti](#) published the information that a Cretan doctor was sentenced on appeal to 30 months and that sentence was suspended for sexually abusing the child from a previous marriage of his then wife for a two year period that the child was 14-16 years old. The first instance court had previously, in 2019, handed a suspended sentence of 36 months. Moreover, as that doctor was abusing the child from the age of 7, in another trial, he was sentenced in 2019 at first instance to 16 years but the sentence was suspended until the appeals trial. The suspensive effects of the first instance trials had as a side effect that he continued to work as doctor in the public hospital from which he was suspended, but not dismissed, on 3 February 2020, that is after the first final conviction!

Greece should take effective measures to ensure that all cases of sexual violence against children, especially when it is also domestic violence, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately, and that the victims or their families receive redress, including adequate compensation. Greece should also provide mandatory training on prosecution of sexual violence against children, especially when it is also domestic violence, to all justice officials and law enforcement personnel and continue awareness-raising campaigns on all forms of violence against women. Finally, Greece should compile and provide to the CRC statistical data, disaggregated by the age and the ethnicity or nationality of the victim, on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of sexual violence against children, especially when it is also domestic violence, as well as on the measures adopted to ensure that victims have access to effective remedies and reparation.