



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Sixtieth session

29 May – 15 June 2012

## Consideration of reports submitted by States parties under article 44 of the Convention

### Concluding observations: Greece

1. The Committee considered the combined second and third periodic report of Greece (CRC/C/GRC/2-3) at its 1710th and 1711th meetings (see CRC/C/SR.1710 and 1711), held on 6 June 2012, and adopted, at its 1725th meeting (see CRC/C/SR/1725), held on 15 June 2012, the following concluding observations.

#### I. Introduction

2. The Committee welcomes the submission of the State party's combined second and third periodic report, although it regrets the delay of its submission. The Committee furthermore appreciates the written response to the list of issues (CRC/C/GRC/Q/2-3/Add.1) and the fruitful dialogue held with the multisectoral delegation, which allowed for a better understanding of the situation of children in the State party.

#### II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee notes with appreciation the adoption of the following legislative measures:

(a) Law No. 3918/2011 on the rationalization of the three-child- and large-family benefits to parents;

(b) Law No. 3860/2010 on improvements to the criminal legislation regarding juvenile offenders;

(c) Law No. 3699/2008 on special education of persons with disabilities or special educational needs;

(d) Law No. 3500/2006 on domestic violence, which also prohibits corporal punishment;

(e) Law No. 3443/2006 on the introduction of local youth councils, aimed at strengthening the participation of young people and children above 15 years of age in local issues management; and

(f) Law No. 3304/2005 on the prohibition of discrimination based on racial or ethnic origin in, inter alia, education.

4. The Committee also notes with appreciation the ratification or accession to:

(a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (in 2008);

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (in 2003);

(c) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (in 2012); and

(d) The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 (in 2009).

5. The Committee also welcomes the following policy and institutional measures:

(a) The establishment of the Central Scientific Council for the prevention and combating of victimization and criminality of minors (KESATHEA) and of the ORESTIS network for the protection of minors in 2010;

(b) The adoption of the National Plan of Action for Children's Rights in 2007;

(c) The establishment of the socio-medical centres by the joint ministerial decision (2006) of the Ministries of Health and Social Solidarity; Employment and Social Insurance; Economy and Finance; and the Interior, Public Administration and Decentralization, to combat the exclusion of socially vulnerable groups; and

(d) The establishment of a national committee for children's rights under the Ministry of Education in 2005.

### **III. Factors and difficulties impeding the implementation of the Convention**

6. The Committee notes that the recession and the current financial and economic crisis are taking their toll on families and on public social investment, including on the prospects of implementing the Convention, especially with regard to article 4 of the Convention. In this respect, the Committee reminds the State party that, in time of fiscal constraint, efforts must be made to sustain and expand social investment and social protection of those in the most vulnerable situations and to employ an equitable approach, giving priority to children.

### **IV. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **The Committee's previous recommendations**

7. The Committee notes efforts by the State party to implement the Committee's concluding observations of 2002 (CRC/C/15/Add.170) on the State party's initial report

(CRC/C/28/Add.17). However, the Committee regrets that some recommendations have been insufficiently or only partly addressed.

8. **The Committee urges the State party to take all measures necessary to address those recommendations from the concluding observations of the State party's initial report that have not yet been, or not sufficiently, implemented, including those relating, in particular, to legislation, coordination, allocation of resources for children, data collection, cooperation with civil society, the definition of the child, the administration of juvenile justice, and children in street situations, and to provide adequate follow-up to the recommendations contained in the present concluding observations.**

#### **Legislation**

9. The Committee notes with regret that some aspects of domestic legislation are still not consistent with the principles and provisions of the Convention and that implementation of existing legislation needs to be improved. The Committee is concerned that the application of sharia law in some matters of family law within the Muslim community of Thrace is not always compatible with the principles and provisions of the Convention, in particular with reference to the practice of early marriages, despite the efforts taken by the State party to control it, and in matters of inheritance, which discriminates against girls.

10. **The Committee recommends that the State party take steps to ensure that domestic legislation is fully compatible with the principles and provisions of the Convention and has precedence over customary practices, including the application of sharia law in the Muslim community of Thrace.**

#### **Coordination**

11. The Committee reiterates its previous concern (CRC/C/15/Add.170, para. 13) about the lack of a clear structure or body for the coordination of the implementation of the Convention both at the national level and among the central, regional and municipal levels. It also notes with concern that the National Observatory for the Rights of Children, established in 2001 to design and monitor policy measures for the protection of children's rights, is still not fully operational and its coordinating role is not properly defined.

12. **The Committee recommends that the State party establish a clearly structured body to coordinate the implementation of child rights policies and programmes among all the relevant ministries and institutions and among the central, regional and municipal levels, and provide it with the human, technical and financial resources necessary to implement child rights policies that are comprehensive, coherent and consistent at the national, regional and municipal levels.**

#### **National plan of action**

13. The Committee notes the adoption by the State party of the National Plan of Action for Children's Rights in 2007. However, it regrets the lack of information on the period of action of this plan and its specific time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of all children throughout the State, as well as information on the resources allocated for its implementation.

14. **The Committee recommends that the State party ensure that the National Plan of Action contain specific time-bound and measurable goals and targets to effectively monitor progress in the enjoyment of the rights of children throughout the State. The National Plan of Action should be linked to national, sectoral and municipal strategies and budgets to ensure appropriate allocation of the financial, human and technical resources required for its implementation.**

### **Independent monitoring**

15. The Committee appreciates the status and the range of activities undertaken by the Children's Rights Department in the Independent Authority of the Greek Ombudsman, in particular its monitoring in the area of children's rights through its effective complaint mechanism. Nevertheless, the Committee remains concerned at whether adequate financial resources will be allocated in the future to support the mandate of the Children's Rights Department in the Independent Authority of the Greek Ombudsman with all its activities.

**16. The Committee recommends that the State party ensure the continuity of the mandate of the Children's Rights Department in the Independent Authority of the Greek Ombudsman, by providing it with adequate financial resources, and guarantee its sustainability in the future.**

### **Allocation of resources**

17. While noting the serious financial and economic crisis currently being faced by the State party, the Committee expresses its deep concern at the negative effects that it is having on public spending affecting services provided to children and on subsistence costs incurred by families for basic needs such as food, fuel and housing, including increasing demands on payments for public services such as health care. In addition, the Committee reiterates its concern that the national budget and the budget process do not allow for a clear understanding and identification of financial resources allocated for the implementation of the rights of children at the national and local levels due to, among others, the limitations of clear objectives, targets and data that would allow for adequate monitoring of spending and evaluation of results. The Committee is also concerned at the persistence of corruption in public institutions, the judiciary and other sectors.

**18. The Committee urges the State party:**

**(a) To increase and prioritize budgetary allocations to ensure the implementation of the rights of the child at all levels, especially aiming at protecting the services provided for children from cuts in the current financial situation and ensuring that they are further sustained and developed, bearing in mind the need for services to be equitable and of quality;**

**(b) To pay particular attention to investments in the protection of the rights of children in situations of vulnerability, including children with disabilities, Roma children, children belonging to the Muslim community, and unaccompanied, migrant and asylum-seeking children, by, inter alia, defining strategic budgetary lines that are protected even in situations of economic crisis, natural disasters and emergencies;**

**(c) To establish a budget process with clear allocations to children in the relevant sectors and agencies, as well as specific indicators and a tracking system;**

**(d) To establish mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources allocated to the implementation of the Convention;**

**(e) To do the above in the light of the Committee's recommendations during its day of general discussion in 2007 on "Resources for the rights of the child – responsibility of States" and with emphasis on articles 2, 3, 4 and 6 of the Convention; and**

**(f) To increase anti-corruption efforts to ensure transparent fiscal management.**

### Data collection

19. The Committee is concerned at the lack of a national database with comprehensive and disaggregated data on children. In particular, the Committee is concerned at the lack of statistics on children at risk of domestic violence and/or other forms of abuse and ill-treatment, child victims of sexual exploitation and abuse, and other children in need of special protection, including children with disabilities, unaccompanied children, and refugee and asylum-seeking children.

20. **Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, and reiterating its previous recommendation (CRC/C/15/Add.170, para. 24), the Committee recommends that the State party strengthen its mechanisms for data collection by establishing a national central database on children and developing indicators consistent with the Convention, in order to ensure that data is collected on all areas covered by the Convention, particularly on violence, trafficking and sexual exploitation of children, disaggregated by, inter alia, age, sex, ethnic and socioeconomic background, and by groups of children in need of special protection.**

### Cooperation with civil society

21. **The Committee reiterates its previous recommendation (CRC/C/15/Add.170, para. 26) to further improve cooperation and coordination on a regular basis with non-governmental organizations (NGOs) and involve them in the Convention's implementation, especially in the light of the current economic situation.**

### Dissemination and awareness-raising

22. While welcoming the dissemination, among fifth- and sixth-grade students in schools, of the booklet on the Convention edited in cooperation with the United Nations Children's Fund (UNICEF), the Committee reiterates its concern (CRC/C/15/Add.170, para. 27) that the Convention is still not systematically disseminated among children, the public at large and among professionals working with and for children. It notes the efforts of the State party with regard to the translation into eight languages of a general information brochure that also refers to children's rights, and the complaint form, but reiterates its concern that the Convention has not been translated into the languages spoken by some sectors of the population, such as Romani, Pomak and Macedonian.

23. **The Committee urges the State party to intensify its efforts to incorporate child rights issues into all curricula of different levels of education and strengthen awareness-raising programmes, including campaigns on the Convention, among children, families and professionals working with and for children. It furthermore reiterates its recommendation that the State party ensure that translated versions of the Convention are disseminated, and that it take effective measures to ensure actual dissemination in all the languages spoken within the State party.**

### Training

24. The Committee expresses its concern at the lack of training for professionals working for or with children, including social workers, law enforcement officials, health-care personnel, professionals and staff working in all forms of alternative care, and the media.

25. **The Committee recommends that the State party ensure systematic, mandatory and ongoing training on child rights for all professionals working with and for children, in particular social workers, law enforcement officials, health-care**

personnel, professionals and staff working in all forms of alternative care, and the media.

## **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

26. While noting some measures taken to address the discrimination against Roma children, such as the adoption of the New National Roma Integration Strategy in 2010, which focuses on education, health, employment and housing, the Committee expresses concern at the persistent discrimination against Roma children, children of Turkish origin, children belonging to the Muslim community of Thrace, and children from groups identifying themselves as belonging to the Macedonian minority, particularly in their access to education and essential services. It is also concerned at the existence of discrimination towards children with disabilities, children in street situations and children of undocumented migrant parents. The Committee is further concerned at the local disparities in different regions of the State party.

27. **In the light of article 2 of the Convention, the Committee urges the State party to ensure that all children in the State party enjoy equal rights without discrimination on any ground, and to this end:**

(a) **Review domestic laws and expeditiously take all measures necessary to ensure that all children in the State party's territory be treated equally and as individuals;**

(b) **Ensure that children of Roma origin, children belonging to the Muslim community of Thrace, children of Turkish origin, children from groups identifying themselves as belonging to Macedonian minority, as well as children with disabilities and children of undocumented migrant parents, have equal access to health and social services and to quality education, and that the relevant services used by these children are allocated sufficient financial and human resources; and**

(c) **Enhance monitoring of programmes and services implemented by local authorities with a view to identifying and eliminating disparities.**

### **Right to life, survival and development**

28. The Committee expresses its deep concern about the right to life, survival and development of children and adolescents whose families are quickly losing their means of living and access to State-funded social services, including health care and social security, as well as their sources of family income. In particular, the Committee notes that youth unemployment in the State party is running at 40 per cent, one of the highest rates in Europe, and rising as the economy rapidly shrinks, and that school drop-out rates are increasing among all children, but especially among Roma children, with uncertain development prospects for children neither in school nor working.

29. **The Committee recommends that the State party conduct, as quickly as possible, an assessment of the effects of the crisis on the life prospects and development of children, especially adolescents, with a view to minimizing risks to their survival and development.**

### **Respect for the views of the child**

30. While noting the establishment of the Youth Parliament by the State party's Parliament and the Ministry of Education, in cooperation with the Ministry of Education of Cyprus, the Committee is concerned at the lack of information with regard to the

representation of children from distinct ethnic, religious, linguistic or cultural groups in the Youth Parliament. The Committee is further concerned that in spite of the existing provisions of the State party's legislation on respect for the views of the child (art. 1511 of the Civil Code and art. 681 C, para. 2, of the Code of Civil Procedure), these provisions are rarely used by the courts, mainly because of lack of awareness, which means that children's views are not taken into account. The Committee is also concerned at the lack of information on the measures taken to ensure that the right to be heard is enjoyed by Roma children, children of Turkish origin and children with disabilities.

**31. The Committee reiterates its previous recommendation (CRC/C/15/Add.170, para. 39), and recommends that the State party:**

**(a) Ensure that the Youth Parliament is representative of all sectors of the State party's child population, and that the right to be heard is guaranteed for all children, including children from distinct ethnic, religious, linguistic or cultural groups;**

**(b) Strengthen its efforts, including in respect of legislation, to ensure that children's views are heard and taken into consideration in all judicial, administrative and other decisions affecting them and in accordance with the child's age and maturity; and**

**(c) Ensure that professionals in the judicial, welfare and other sectors dealing with children systematically receive appropriate training on hearing and taking into account children's views in all decisions affecting them and in accordance with the child's age and maturity.**

## **C. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

### **Name and nationality**

32. While noting measures taken by the State party to facilitate the registration of Roma children at birth, the Committee expresses concern that a persistent number of Roma children are still unregistered. The Committee is also concerned that some children are registered only with their parents' last name, and the line for the first name remains blank with an abbreviation "AKO" (awaiting baptism), exposing them to stigmatization and discrimination. The Committee is further concerned at the arbitrary transliteration of Turkish names in the identity cards, which creates problems for persons with such cards while travelling or studying abroad.

**33. In the light of articles 7 and 8, the Committee reiterates its previous recommendation (CRC/C/15/Add.170, para. 41), and calls upon the State party to strengthen all necessary measures to ensure that:**

**(a) All children are duly registered at birth, including through improvement of the provision of information on, and easier access to, birth registration facilities; and**

**(b) All children, especially those from disadvantaged groups, are able to be registered under, and make use of, their full original name as chosen by their parents or other legal guardian.**

### **Freedom of religion**

34. The Committee expresses its concerns that schools keep records on the religion of students and that religion is mentioned in the leaving certificate, as well as that requests for

exemption from religious classes are not always granted to students who are of the religion for which the classes are held.

**35. In the light of article 14 of the Convention, the Committee reiterates its previous recommendation (CRC/C/15/Add.170, para. 45) that the State party ensure that a child's religious affiliation, or lack of one, in no way hinders respect for the rights of the child. The Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion by taking effective measures to prevent and eliminate all forms of discrimination on the grounds of religion and belief and by promoting religious tolerance and dialogue in the society.**

#### **Right to privacy**

36. The Committee is concerned at the revelation of the identity of either victims or perpetrators of crimes in the media through the publication of data from the court records of cases involving minors, while their cases are being examined by court, and through the publication of images or information concerning the personal situation of children accommodated in child-protection institutions. The Committee is further concerned at the lack of information on the existence of a code of conduct for the media.

**37. In the light of article 16 of the Convention, the Committee recommends that the State party ensure the right of the child to have his or her privacy fully respected in all stages of the proceedings, that no information be published that may lead to the identification of child victims nor perpetrators of crimes, and that media violating the right to privacy of a child in conflict with the law be sanctioned with disciplinary and, when necessary, penal sanctions.**

#### **Access to appropriate information**

38. The Committee notes the establishment of the Media Literacy Database for Children, Young People and the Media by the Hellenic Audiovisual Institute, on 18 June 2008, and the establishment of the Independent Committee on the Protection of the Rights of Minors (Law No. 3587/2007) to protect children from harmful influences of commercial products such as toys, computer games and Internet software. The Committee is concerned, however, at the lack of information on measures taken to protect children from harmful information. The Committee is also concerned that the children living in the Muslim community of Thrace and also Roma children do not have adequate access to information and material from a diversity of national and international sources, including in the minority languages, aimed at the child's development.

**39. The Committee recommends that the State party continue its efforts to make sure that the media know and respect the rights of the child. To this end, the Committee recommends that the State party:**

**(a) Develop, in consultation with the media, appropriate guidelines for the protection of children from information and material harmful to their well-being, as well as a code of conduct for the media;**

**(b) Encourage the mass media to disseminate appropriate information and material of social and cultural benefit to children;**

**(c) Ensure that children have access to information and material from a diversity of national and international sources, especially those aimed at the promotion of their social, spiritual and moral well-being and physical and mental health; and**

**(d) Ensure, in the light of article 17 (d), that children have access to information in minority languages.**

**D. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

**Family environment**

40. The Committee notes with concern that due to the current economic hardship facing families, children may increasingly be deprived of their family environment, accentuating a tendency towards the institutionalization of children, which was already of concern to the Committee in the past.

41. **The Committee recommends that the State party put in place measures to prevent a worsening of the trend towards depriving children of their family environment, in particular with regard to improved understanding and knowledge of parental responsibilities, and to provide all forms of support to families to increase their parenting capacities, as well as to search for family-type alternatives when necessary.**

**Children deprived of a family environment**

42. While noting the measures taken by the State party with regard to foster care, the Committee expresses its concern at:

(a) The still widespread use of institutionalization and the low rates of foster care in the State party;

(b) The lack of data on institutions, as well as the lack of systematic monitoring of the situation of children in institutions or in foster care;

(c) The lack of review of placement of children in institutions and the long period spent there; and

(d) The shortage of staff and resources, which is worsening in the context of the current crisis.

43. Additionally, the Committee notes with concern that in the context of the current crisis an increasing number of children are removed from their families or are placed in institutions because the parents no longer have the means to support them.

44. **The Committee recommends that the State party:**

(a) **Develop a clear policy of deinstitutionalization and foster care to ensure that children deprived of a family environment receive adequate care and protection, and introduce measures to ensure the effective functioning, monitoring and evaluation of the existing institutional and foster care programmes;**

(b) **Ensure that institutionalization is used only as a measure of last resort;**

(c) **Develop additional programmes to strengthen its alternative foster care facilities, and provide them with sufficient human and financial resources; and**

(d) **Strengthen its policies in order to assist parents to properly provide for their children so they are not obliged to put the children in care.**

**Adoption**

45. While noting the information provided by the State party in its replies of 2012 to the list of issues (CRC/C/GRC/Q/2-3/Add.1, paras. 80-83) on the legislation in force for adoptions, the Committee is concerned at the lengthy procedures and delays in adoption processes, which has a grave impact on the children who remain in institutions for a long time instead of being integrated into adoptive families in due time. The Committee is

further concerned at the persistence of private adoption, which could increase the risk of sale of children.

46. **In the light of article 21, the Committee recommends that all necessary measures be taken to solve the problems of slow procedures so that the decisions on adoption are taken in due time, and that the State party review its adoption legislation, in particular with regard to the practice of private adoption, to bring it into line with the Convention as well as with the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

**Violence against children, including abuse and neglect**

47. The Committee welcomes the establishment in 2011 of a network against violence in schools, of which the Ministry of Education is a founding member, for the prevention and treatment of violence and bullying in schools. While noting the adoption of Law No. 3500/2006 on domestic violence and other provisions, which protects women, children, elderly persons, and persons with disabilities, as well as of several legislative measures to protect children against abuse and neglect, the Committee is concerned at the general lack of information on all these phenomena, of reliable statistical data collected by the State party to evaluate and monitor the implementation of the legislation, and of information on sanctions imposed on the perpetrators, as well as at the lack of information with regard to the complaint mechanism for child victims. It is also concerned at the inadequacy of the staff and services dealing with child victims of abuse and neglect.

48. **The Committee recommends that the State party:**

(a) **Strengthen mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation, including within the family, in schools and in institutional and other care;**

(b) **Ensure that professionals working with and for children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of abuse, domestic violence and neglect affecting children;**

(c) **Strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure that they are not victimized once again during legal proceedings; and**

(d) **Provide access to adequate services for recovery, counselling and other forms of integration in all parts of the country.**

49. **The Committee draws the State party's attention to general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and recommends that the State party:**

(a) **Prioritize the elimination of all forms of violence against children, including by ensuring the implementation of the recommendations of the United Nations study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultations for Europe and Central Asia (held in Ljubljana, Slovenia, 5-7 July 2005), and paying particular attention to gender; and**

(b) **Provide information concerning the implementation by the State party of the recommendations of the above-mentioned study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on violence against children, in particular:**

- (i) The development of a national comprehensive strategy to prevent and address all forms of violence and ill-treatment against children;
- (ii) The introduction of an explicit national legal ban on all forms of violence against children in all settings; and
- (iii) The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence and ill-treatment against children.

**E. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

50. The Committee notes that the State party has adopted laws and established services and institutions with the aim of supporting children with disabilities, promoting their social participation, including joint learning in schools, and developing their independence. However, the Committee remains concerned that deep-rooted discrimination still exists and that measures for children with disabilities are not carefully monitored, as well as that statistical data on children with disabilities in the State party is still unavailable. It is deeply concerned at the widespread use of institutionalization, which is mainly because of a lack of day-care and community services for children with the most serious forms of disabilities. The Committee is further deeply concerned about the recently reported case of the Children's Care Centre in Lechaina, regarding children with disabilities living under inhumane and unacceptable conditions, including being systematically sedated and subject to practices such as being tied to their beds, and the use of cage beds due to a shortage of staff.

51. **The Committee recommends that the State party, in accordance with the Committee's general comment No. 9 (2006) on the rights of children with disabilities:**

- (a) **Revise and adopt specific legislation in order to fully protect all children with disabilities, and establish a monitoring system that carefully records progress made and identifies shortcomings in implementation;**
- (b) **Provide community-based services that focus on enhancing the quality of life of children with disabilities, meeting their basic needs and ensuring their inclusion and participation;**
- (c) **Make every effort to provide programmes and services for children with disabilities with adequate human and financial resources and periodic monitoring of placement of children with disabilities, and to adopt, as a matter of priority, measures to ensure that no children with disabilities are placed under such inhumane conditions. Furthermore, placement in residential institutions should be the last resort, depending on the needs of the child;**
- (d) **Equip schools with the necessary facilities for the inclusive education of children with disabilities and ensure that they can choose their preferred school or move between regular schools and special needs schools according to their best interests;**
- (e) **Provide assistance to NGOs working for and with children with disabilities; and**
- (f) **Ensure that residential centres for children and persons with disabilities are adequately staffed and that training is provided for professional staff working**

**with children with disabilities, such as teachers, social workers, and health, medical, therapeutic and care personnel.**

#### **Health and health services**

52. The Committee is concerned that the right to health and access to health services is not respected for all children, with regard to the fact that some health services have to be paid in cash and in advance, which may hinder the access to these services especially for Roma children, children of the Muslim community of Thrace, children in street situations, and migrant, asylum-seeking and unaccompanied children. The Committee reiterates its concern (CRC/C/15/Add.170, para. 56) at the lack of data on basic national health indicators, at the weaknesses of infrastructure and at the shortage of nurses and social workers for children.

**53. The Committee recommends that the State party ensure that all children have access to health care, giving particular attention to access to health services for Roma children, children of the Muslim community of Thrace, children in street situations, and migrant, asylum-seeking and unaccompanied children. The Committee further recommends that the State party collect data on its basic national health indicators, and strengthen its health infrastructure, including through the recruitment of additional nurses and social workers.**

#### **Breastfeeding**

54. The Committee is concerned at the low rate of exclusive breastfeeding for the first six months, and at the practice of distribution of free samples of formula and breast-milk substitutes in the hospitals. The Committee is further concerned at the low number of hospitals being certified as baby-friendly.

**55. The Committee recommends that the State party:**

**(a) Strengthen its awareness-raising efforts on the importance of exclusive breastfeeding of children up to the age of 6 months;**

**(b) Ensure that the main maternity hospitals meet the required standards and are certified as baby-friendly; and**

**(c) Strengthen the monitoring of existing marketing regulations relating to breast-milk substitutes and ensure that such regulations are monitored on a regular basis and action is taken against those who violate these regulations.**

#### **Adolescent health**

56. The Committee notes with concern the limited knowledge among adolescents about reproductive health; persistent problems of youth suicides; and alcohol, drug and tobacco use by adolescents in the State party.

**57. Referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee urges the State party to increase the availability of confidential and youth-friendly health services throughout the country, enhance the availability of contraceptive services and promote sex education targeted at adolescents, with special attention to the prevention of early pregnancies and sexually transmitted diseases and youth suicides. The Committee further calls upon the State party to strengthen its efforts to address drug abuse, alcoholism and tobacco use among adolescents.**

### **Standard of living**

58. The Committee notes that the fight against child poverty is one of the three main priorities of the State party in the field of social integration and social protection, and also notes the target set to lower the risk of poverty from 23.6 per cent to 18 per cent by 2020. The Committee, however, expresses its deep concern at the effects of the current crisis and increasing child poverty rates, as well as at the need for more social services to assist families. The Committee expresses its concern that many Roma continue to live in housing that fails to meet minimum standards of habitability and infrastructure, despite the adoption in 2002 of the Integrated Action Plan on the social integration of the Greek Roma and the amendment of Law No. 3448/2006 on qualification of local town plans on the grounds of emergency housing rehabilitation programmes for vulnerable groups of the society.

59. **The Committee recommends that the State party design public policies aimed particularly at addressing, both in the short-term and in a sustained manner, the problem of increasing child poverty. These policies must be capable of effectively coordinating actions at the national, regional and local levels, and actions in different areas (particularly economy, health care, housing, social policy and education) that are particularly relevant to children, and must include the participation of children in its development.**

## **F. Education, leisure and cultural activities (arts, 28, 29 and 31 of the Convention)**

### **Education**

60. The Committee positively notes the adoption of the three national education projects for immigrant and repatriate students, for children of the Muslim minority in Thrace and for Roma children, as well as the establishment in 2010 of the Educational Priority Zones (ZEP). It also welcomes the issuance of the new circular 6/23/2010 on the right to enrol in school of every single child living in the State party, regardless of their residence status, and the possibility to enrol with incomplete documents for the children of third-country nationals residing in Greece. The Committee, however, expresses its concern at the persistence of the limited access of Roma children to school, their limited enrolment and segregation in schools. It is further concerned at violence in schools and the cases of bullying among students.

61. **The Committee calls upon the State party:**

(a) **To ensure the enrolment of all Roma children of mandatory school age, to integrate them in preschool and primary education in all regions and communities of the State party, and to sanction school authorities that refuse the enrolment of children of mandatory school age in the State party;**

(b) **To provide transportation to and from schools for marginalized Roma children in order to eliminate this barrier to education and promote the social integration of Roma children and ensure that they are not discriminated against in the education system;**

(c) **To take all appropriate measures to combat violence and bullying in schools, including by implementing the actions envisaged under the network against violence in schools and by carrying out periodic surveys among students, staff and parents to learn more about peer relations being fostered by schools, and create an environment of tolerance, peace and understanding of cultural diversity in schools; and**

(d) To seek assistance in this regard from, inter alia, UNICEF and the United Nations Educational, Scientific and Cultural Organization.

**G. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

**Asylum-seeking and refugee children**

62. The Committee notes that, according to article 19 of Presidential Decree No. 220/2007, transposing the European Union directive on reception conditions, the Public Prosecutor for minors or, where not present, the competent First Instance Public Prosecutor, will act as a temporary guardian and will take all actions necessary for the appointment of a guardian for each asylum-seeking or refugee child, and that the State party's legislation (Presidential decree No. 114/2010 on the Greek Asylum Procedure) provides for the possibility of determining an individual's age, when it is disputed, through medical examinations. The Committee also notes the programme initiated by the State party in cooperation with Frontex, on screening and briefing, aimed at the determination of age and nationality of asylum-seeking and refugee children. However the Committee expresses its concern that the public prosecutors either are unable to assign the guardianship to a responsible person or agency, or transfer the guardianship to directors of the reception centres for minors, and that the duties of the temporary guardian are vague and unclear.

63. **The Committee calls upon the State party to:**

(a) **Introduce appropriate legislative amendments to the national legislation, to enable the establishment of a functional, substantial and effective guardianship system for unaccompanied and separated minors;**

(b) **Ensure that unaccompanied asylum-seeking children are promptly appointed a legal representative in order to effectively gain access to the asylum procedure, as well as to assistance and protection, including access to free interpretation; and**

(c) **Create a national best-interests determination procedure that is complemented by procedural safeguards, in order to guide public and private institutions and administrative authorities in their actions affecting third-country national children.**

64. While noting the efforts made by the State party since the consideration of the previous report in 2002, regarding the increase of reception facilities for unaccompanied and/or separated children, as well as the new Law No. 3928/2011 on the establishment of new initial reception centres, which is supposed to be fully operational in autumn 2012 and will provide screening and accommodation for migrant and unaccompanied children, the Committee reiterates its previous concern at the substandard conditions of reception of unaccompanied and/or separated children.

65. **The Committee recommends that the State party:**

(a) **Ensure that children, either separated or together with their families, who enter the country in an irregular manner, are not detained, or remain in detention only in very exceptional circumstances and for the shortest period of time necessary;**

(b) **Create new reception facilities and increase the number of spaces in already existing structures, while ensuring adequate conditions in those facilities; and**

- (c) **Sign the planned memorandum of understanding with the International Committee of the Red Cross to provide assistance to unaccompanied alien minors.**

#### **Children in street situations**

66. In the light of the Aghia Varvara case, where 502 out of 661 Albanian Roma children reportedly went missing following their placement during 1998–2001 in the Aghia Varvara children's institution, the Committee expresses its serious concern that the State party did not develop an integrated approach to deal with children in street situations. It is particularly concerned at the limited availability and accessibility of social services for the protection and social reintegration of children in street situations, including the insufficient holding capacity of shelters.

67. **The Committee recommends that the State party:**

(a) **Undertake a systematic assessment of the situation of children in street situations in order to obtain an accurate picture of the root causes and magnitude;**

(b) **Develop and implement a national strategy for children living and/or working on the streets, aimed at prevention, support and social integration, as well as holistic programmes for children in street situations;**

(c) **Increase the number and quality of available shelters and psychosocial rehabilitation centres for children in street situations, equipped with trained personnel and adequate resources;**

(d) **In coordination with NGOs, provide children in street situations with the necessary protection, including a family environment, adequate health-care services, the possibility to attend school and other social services; and**

(e) **Support family reunification programmes, when that is in the best interests of the child.**

#### **Administration of juvenile justice**

68. While noting the establishment, according to the replies to the list of issues (CRC/C/GRC/Q/2-3/Add.1, para. 25), of two drafting committees to review both the Criminal Code and the Code of Criminal Procedure in order to ensure their full compatibility with the principles and provisions of the Convention, the Committee remains concerned that there are still some legal provisions making reference to the age of majority as 17 years (articles 150 and 155 of the Code of Criminal Procedure and 347 and 469 of the Criminal Code). The Committee notes that the provisions for a child to be imprisoned for a period of 20 years were amended in 2010 with the upper limit reduced to 10 years and in exceptional cases to 15 years. The Committee, however, expresses its concern:

(a) That children 15 years of age may be held in custody and that a penal sentence of 10-15 years can be imposed;

(b) At the prolonged pretrial detention of children and lengthy procedures;

(c) At the persistent criminalization of begging by children;

(d) At the lack of protection for minors 15-18 years of age in the State party's Criminal Code;

(e) At the arbitrary and discriminatory manner of the stopping of foreign and Roma children by the law enforcement authorities, despite the State party's new legislative measures to provide new welfare structures to prevent the victimization and criminality of minors; and

(f) That in spite of the provisions of article 126 of the Criminal Code, there are cases where Roma children 9 years of age were arrested for petty theft and their cases were examined without the presence of a lawyer, prosecuted and tried.

69. **The Committee reiterates its previous recommendation (CRC/C/15/Add.170, para. 79) that the State party bring the system of juvenile justice fully in line with the Convention, in particular, articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice. In this regard, the Committee urges the State party:**

(a) **To set a clear age of criminal responsibility, in accordance with international standards;**

(b) **To implement alternative measures to deprivation of liberty, in order to ensure that persons below 18 are deprived of liberty only as a last resort and for the shortest appropriate period of time;**

(c) **To decriminalize begging by children while taking steps to ensure that such a change would not be exploited by adults who may use children to beg;**

(d) **To adopt specific legal provisions in order to provide protection for minors 15-18 years of age in the juvenile justice system; and**

(e) **To conduct a thorough analysis of the overrepresentation of foreign and Roma children in the juvenile justice system and provide these children with the necessary legal safeguards.**

#### **Child victims and witnesses of crimes**

70. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes, for example, child victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, including those perpetrated by State and non-State actors, are provided with the protection required by the Convention, and that it take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20 of 22 July 2005, annex).**

#### **Children belonging to minority groups**

##### *Roma children*

71. While noting that efforts are made by the State party to ensure equal enjoyment of rights for Roma children, the Committee remains deeply concerned at the negative attitudes, prejudices and discrimination against children of minorities and in particular Roma children, especially with regard to disparities, poverty and their equal access to health, education, birth registration, housing, employment and a decent standard of living. The Committee is further concerned at the low rates of enrolment in and high rates of dropout from school, and segregation of Roma children in schools.

72. The Committee urges the State party:

(a) To strengthen its efforts to remove discrimination and to continue to develop and implement, in close collaboration with the Roma community, policies and programmes aimed at ensuring equal access to essential services, in particular, health and education;

(b) To allocate adequate human, technical and financial resources to ensure sustainable improvement in the socioeconomic conditions of Roma children;

(c) To initiate campaigns and trainings, at all levels and in all regions, and develop relevant guidelines, aimed at addressing the negative attitudes towards the Roma in society at large, including among police and professionals; and

(d) To develop curricula units for children at school level, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for the rights of Roma in Greek society.

## **H. Ratification of international human rights instruments**

73. The Committee recommends that the State party ratify the core United Nations human rights treaties and the Optional Protocols thereto to which it is not yet a party, namely, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the 1961 Convention on the Reduction of Statelessness and International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

## **I. Cooperation with regional and international bodies**

74. The Committee recommends that the State party cooperate with the Council of Europe towards the implementation of the Convention, both in the State party and in other Council of Europe member States.

## **J. Follow-up and dissemination**

75. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, Parliament, relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

76. The Committee further recommends that the combined second and third periodic report and written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols and of their implementation and monitoring.

## K. Next report

77. The Committee invites the State party to submit its consolidated fourth to sixth periodic report by 9 December 2017 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

78. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

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