

**ECRI CONCLUSIONS ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF GREECE SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 22 June 2012¹

¹ Any developments which occurred after 29 March 2012, date on which the response of the Greek authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Greece (fourth monitoring cycle) published on 24 February 2009, ECRI recommended that the Greek authorities ensure that the Ombudsman is empowered to provide aid and assistance to victims, including legal aid, as recommended in its General Policy Recommendation No.2 on specialised bodies for combating racism¹, xenophobia, antisemitism and intolerance at national level. ECRI also recommended that the delay within which individuals may file a complaint before the Ombudsman after learning of the administration's illegal action or failure to act be extended to at least a year, inter alia, in order to encourage victims to file complaints to this body. ECRI further recommended that the Greek authorities take measures to raise public awareness of the role of the Ombudsman in implementing Law 3304/2005 on the implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation.*

The Ombudsman has informed ECRI that in discrimination cases that do not fall within her competence, she provides aid and assistance to victims by indicating the administrative or judicial procedures that should be followed in their specific case (for example, by providing information concerning the competence of the other two equality bodies and the courts). The Greek Ombudsman has, however, indicated to ECRI that she cannot represent victims in court, nor before the administrative body competent for the handling of their case.

ECRI also notes that the six-month time-limit for filing a complaint before the Ombudsman has not been extended. However, the Ombudsman has assured ECRI that she has applied the relevant provision - Article 4 § 4 of Law No. 3094/2003 - with flexibility in order not to discourage alleged victims from applying.

As regards awareness-raising, ECRI has been informed that "mobilising civil society, both at the level of sensitising the public and representing victims" is one of the Ombudsman's priorities. In this connection, the Ombudsman has undertaken several initiatives: she has created a website, published reports and information leaflets and participated in various anti-discrimination events.

In ECRI's view, an interesting initiative was the open invitation to participate in a network which was addressed by the Ombudsman, via her website and widely read newspapers, to non-governmental and other civil-society organisations doing work on Roma. This network, which has more than 30 partners, aims, inter alia, at encouraging the organisations in question to act as mediators between the Roma and the Ombudsman and ensuring that knowledge on institutional responses to the problems of this community is widely shared.

ECRI finds it interesting that the Ombudsman plans to create - under the EU funding programme PROGRESS - similar networks for organisations dealing with different discrimination grounds, including religion. Her intention was to launch these networks over the period 2011-2012. The Ombudsman is also conducting visits - under the same EU programme - to the administrative capitals of the regions to raise awareness of discrimination issues. Eight such visits took place in 2011.

ECRI, therefore, welcomes the information it has received on the Ombudsman's awareness-raising activities and her intention to create the above-mentioned networks. However, its recommendation has only been partially complied with since the

¹ Racism is understood as meaning the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt of a person or group of persons or the notion of superiority of a person or group of persons. Racial discrimination is any differential treatment based on a ground such as "race", colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

Ombudsman is not empowered to represent alleged victims or grant them legal aid and the deadline for filing complaints before her has not been extended.

2. *In its report on Greece (fourth monitoring cycle), ECRI strongly recommended the creation of more systematic and long-term mechanisms for monitoring and evaluating the implementation of the Integrated Action Plan for the Social Integration of Roma in order to assess results and make any necessary adjustments. ECRI also recommended that Roma representatives be involved in this process.*

The Greek authorities have informed ECRI that, although there are no systematic and long-term audit and evaluation mechanisms of the implementation of the Integrated Action Plan for the Social Integration of Roma (2002-2008), the Ministry of the Interior has created a database on housing loans granted and infrastructure projects funded thereunder.

The Greek authorities have also informed ECRI that the lessons learned from the first plan (importance of systematic on-going control and need to avoid lacunae in the programming period and fragmentary actions) have helped them to devise the National Roma Integration Strategy which they submitted to the European Commission on 30 December 2011. In this connection, the Ministry of the Interior has requested the Ombudsman's assistance with a view to improving its systems for collecting and processing data. It is also expected that the Kallikratis plan for administrative reform (adopted by virtue of law no. 3852/2010) and the restructuring of the ministries responsible for Roma issues will provide an impetus for creating adequate audit and evaluation mechanisms.

The Ombudsman has proposed in this respect the creation of a national coordination mechanism for the systematic and long-term monitoring and evaluation of the implementation of specific action plans. She has emphasised that it is crucial to involve civil society and the Roma themselves.

To conclude, ECRI notes that, although its recommendation has yet not been complied with, the authorities intend to create an audit and evaluation mechanism and have drawn up a new strategy for Roma. Moreover, ECRI wishes to highlight the Ombudsman's call for more systematic and long-term monitoring and evaluation mechanisms and her emphasis on the need to involve civil society and the Roma.

3. *In its report on Greece (fourth monitoring cycle), ECRI urged the Greek authorities to address any structural problems within the administration which continued to slow down the process for issuing and renewing residence permits and to separate this question from the requirement of revenue stamps.*

In so far as the first part of the recommendation is concerned, ECRI notes, on the one hand, that on 1 January 2011 the competence for issuing and renewing residence permits was transferred from the regions to the prefectural districts (by virtue of law no. 3852/2010 on the Kallikratis plan for administrative reform). According to the Ombudsman, this has resulted in additional problems for those concerned.

On the other hand, ECRI also notes that law no. 4018/2011, which entered into force on 30 September 2011, provides for a "one-stop shop" system for the submission and processing of residence-permits applications². According to the same Act, residence permits will take the form of electronic cards³. The authorities consider these changes

² The new system will have to be in place within one year in most regions and two years in Attica, Macedonia and the Aegean.

³ To comply with Regulation 1030/2002/EC, as amended by Regulation 380/2008/EC.

will result in the delays in the processing of applications being reduced, if not eliminated.

The authorities have informed ECRI that law no. 4018/2011 has also simplified the manner in which applicants for long-term permits are required to prove knowledge of Greek. According to the authorities, other improvements in the procedure for issuing or renewing permits have been introduced by ministerial decisions nos. 933/2009 on the documents required and 22037/2010 on those appealing against the rejection of their applications.

In so far as the second part of the recommendation is concerned, the authorities have informed ECRI that, in their view, there are good reasons for not removing the “stamps” requirement: a secure source of income for migrants ensures decent living conditions; moreover, illegal employment must be combated. However, the authorities have relaxed the requirement twice, by virtue of ministerial decisions nos. 1356/2010 and 15055/2011. Thus, migrants may now have their residence permits renewed upon proving payment of social-security contributions for 120 days⁴ in a period of one year or 240 days in a period of two years.

ECRI welcomes the Greek authorities’ efforts to simplify the procedure regarding the issuing and/or renewal of residence permits and it hopes that these will yield positive results in the near future. It regrets, however, that the Greek authorities have not changed their view on the need to separate the question of the renewal of residence permits from the “stamps” requirement. It follows that ECRI’s recommendation has only been partially complied with.

⁴ Down from 200 days per year.

