

Ref: EUR 25/012/2012
Index: EUR 25/007/2012

Dimitris Avramopoulos
Minister of Foreign Affairs
Ministry of Foreign Affairs
1 Vas. Sofias Avenue
Athens 10671
Greece

19 October 2012

Dear Minister,

OPEN LETTER: GREECE'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 12 November 2012. We welcome your submission of election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 16 January 2012 from the Permanent Mission of Greece to the United Nations addressed to the UN Secretary-General.¹

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² On the occasion of Greece's candidacy, we take the opportunity to comment on your election pledges and to note additional opportunities for your government to promote and protect human rights. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.³

Commitments at the international level

Ratification of international human rights instruments

We welcome your commitment to complete the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We wish to take this opportunity to also encourage you to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Cooperation with the Special Procedures

We welcome your pledge to work and fully cooperate with the Council's Special Procedures and to take into serious account their recommendations. We note that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment visited Greece in 2010, and we urge you to implement his recommendations, in particular to improve the treatment and standards of care of

¹ A/67/68.

² A/RES/60/251, para 9.

³ Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

irregular migrants and refugees held in detention facilities;⁴ to keep accurate registers and custody records;⁵ to separate pre-trial detainees from convicted prisoners and juveniles from adults in all detention facilities;⁶ to establish an independent mechanism for the investigation of allegations of torture and other forms of ill-treatment by police officers;⁷ and to establish an independent and effective national preventive mechanism mandated to carry out visits to all places of detention.⁸ In light of the Special Rapporteur's follow-up to the 2010 visit to Greece, we also urge you to conclude the investigations into the reported death of three people at the Children's Care Center of Lechaina in Ilias Prefecture.⁹

Cooperation with the treaty monitoring bodies

We welcome your commitment to fully cooperate with the treaty monitoring bodies, including through the timely submission of periodic reports and appropriate follow-up to the recommendations made. In this spirit, we urge you to promptly submit the periodic reports that are due to the Human Rights Committee and to the Committee on Economic, Social and Cultural Rights.

We also urge you to implement the 2011 recommendations by the Committee against Torture, in particular to incorporate in the Penal Code a definition of torture that strictly conforms with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;¹⁰ to amend Article 137A of the Penal Code to explicitly include rape and other forms of sexual violence as a form of torture;¹¹ to take immediate and effective measures to prevent acts of torture and other ill-treatment;¹² to combat the increasing manifestations of racial discrimination, xenophobia and related violence, and to take effective measures to prevent discrimination against and ensure protection of all minorities, recognized or not;¹³ to establish an independent and accessible police complaints system to undertake prompt, impartial and effective investigations;¹⁴ to fully guarantee and facilitate access to a fair and impartial individual asylum determination procedure;¹⁵ and to amend legislation to prohibit the detention of unaccompanied or separated asylum-seeking minors.¹⁶

Engagement with the Universal Periodic Review

We welcome your pledge to fully engage with the Universal Periodic Review and to ensure an effective follow-up to the recommendations made.

Among the recommendations made to Greece at its review in May 2011,¹⁷ we consider of particular importance those calling for ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁸ for the establishment of an asylum

⁴ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Addendum, Mission to Greece, 21 April 2011 (A/HRC/16/52/Add.4), recommendations 1(h) & (i).

⁵ A/HRC/16/52/Add.4, recommendation 1(v).

⁶ A/HRC/16/52/Add.4, recommendations 1(cc) & (dd).

⁷ A/HRC/16/52/Add.4, recommendation 1(q).

⁸ A/HRC/16/52/Add.4, recommendation 1(bb).

⁹ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Addendum, Follow-up to the recommendations made by the Special Rapporteur visits to China, Denmark, Equatorial Guinea, Georgia, Greece, Indonesia, Jamaica, Jordan, Kazakhstan, Mongolia, Nepal, Nigeria, Paraguay, Papua New Guinea, the Republic of Moldova, Spain, Sri Lanka, Togo, Uruguay and Uzbekistan, 1 March 2012 (A/HRC/19/61/Add.3), para 39.

¹⁰ Concluding observations of the Committee against Torture, 27 June 2012 (CAT/C/GRC/CO/5-6), recommendation 9.

¹¹ CAT/C/GRC/CO/5-6, recommendation 23.

¹² CAT/C/GRC/CO/5-6, recommendation 10(a).

¹³ CAT/C/GRC/CO/5-6, recommendation 12.

¹⁴ CAT/C/GRC/CO/5-6, recommendation 13(a).

¹⁵ CAT/C/GRC/CO/5-6, recommendation 18.

¹⁶ CAT/C/GRC/CO/5-6, recommendation 22.

¹⁷ Report of the Working Group on the Universal Periodic Review of Greece, 11 July 2011 (A/HRC/18/13).

¹⁸ A/HRC/18/13, recommendations 84.3 (Palestine), 84.4 (Cyprus), 84.5 (Armenia, Brazil), and 84.6 (Slovenia).

system consistent with international and regional standards,¹⁹ and for the recognition of same-sex couples.²⁰

Participation in the deliberations of the Human Rights Council

We note your pledge to actively participate in the work of the Council, in particular to contribute to the full implementation of its mandate, aiming at further strengthening its credibility and efficiency.

In this regard, we urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against human rights defenders, including persons and groups who have engaged or have sought to engage with the UN human rights machinery, are brought to the urgent attention of the Council. We ask you to make sure that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account, and that the Council requests the government concerned to inform it of measures taken in this regard.

Commitments at the national level

We note your commitments to update and reinforce domestic legislation on violence against women; to step up efforts to combat trafficking in human beings; to take all necessary steps to effectively address issues affecting Roma; to ensure accountability of law enforcement personnel; to continue to implement the National Action Plan on Migration Management; to improve asylum procedures and establish efficient screening procedures in accordance with international standards; to continue to implement and develop policies promoting the rights of persons belonging to the Muslim minority in Thrace; to strengthen the fight against intolerance through an effective legislative framework and awareness-raising and training activities; to continue to implement integrated actions for the protection of children's rights; to continue to implement the National Action Plan on Substantive Gender Equality; and to promote the rights of persons with disabilities and their equal participation in the economic, social and political life of the country.

In addition to these commitments, we call on you to ensure access to free, independent and competent legal assistance at all stages of the asylum process and to suspend removals at all stages of appeal. We also urge you to halt the detention of asylum seekers and irregular migrants for immigration purposes other than in the most exceptional circumstances, in line with international refugee and human rights law and standards.

Additionally, we call on you to end the repeated prosecutions of conscientious objectors. We urge you to bring national legislation into line with international standards and ensure that alternative service is non-punitive and of a non-discriminatory length.

Finally, we urge you to immediately stop forced evictions of Roma, to ensure that any eviction is carried out in compliance with international and regional standards, and to take measures to end the segregation of Roma children in schools.

We welcome the pledges and commitments already made by Greece, and we urge your government to establish an effective implementation plan for these commitments and other UN recommendations. We also encourage your government, whether it is successful in gaining a seat on the Council or not, to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

¹⁹ A/HRC/18/13, recommendations 83.11 (Australia), 83.12 (Netherlands), 83.65 (Switzerland), 83.66 (Lebanon), and 83.67 (Poland).

²⁰ A/HRC/18/13, recommendation 84.11 (Brazil).

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

Marek Marczyński
Deputy Programme Director
Europe and Central Asia Programme
Amnesty International