



Convention on the Rights of the Child

Distr.: General
6 March 2012

Original: English

Committee on the Rights of the Child

Sixtieth session

29 May –15 June 2012

Optional Protocol on the involvement of children in armed conflict

List of issues concerning additional and updated information related to the consideration of the initial report of Greece (CRC/C/OPAC/GRC/1)

Addendum

Written replies of Greece*

Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPAC/GRC/Q/1)

1. The exact penal provisions relating to the crime of recruitment or use in hostilities of a person who is under the age of 18 are: the articles 183 and 187 of the Penal Code, as currently in force. According to paragraph 1e of article 9 of Law 3948/2011 (by which, national penal law was adjusted to the Statute of the International Criminal Court), “Whoever in an international or national armed conflict, enlists children who have not attained the age of 15, or compulsory recruits them in the armed forces or armed groups, or forces them to take a direct part in hostilities will be punished with at least ten years imprisonment sentence”.

Reply to the issues raised in paragraph 2 of the list of issues

2. Since persons under the age of 18 are not recruited by the Greek armed forces, and, therefore, cannot be involved in armed conflicts, there is no specific information available concerning budget allocation to the implementation of the Optional Protocol.

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Reply to the issues raised in paragraph 3 of the list of issues

3. Law 2667/1998 in article 1, paragraph 5 provides that: “The Commission shall constitute an advisory organ of the State on matters of protection of human rights”. Paragraph 6 provides that: “The Commission shall in particular: [...]; (b) submit recommendations and proposals, carry out studies, submit reports and give an opinion on the taking of legislative, administrative and other measures which contribute to the improvement of the protection of human rights; [...]; (e) deliver an opinion on reports which the country is to submit to international organizations on related matters [...]”

4. Thus, according to its mandate, the Greek National Commission for Human Rights (GNCHR) has adopted extensive comments on the third periodic report to be submitted to the Committee for the Rights of the Child,¹ the draft report concerning the implementation of the Optional Protocol to the Convention on the involvement of children in armed conflict,² and the draft initial report regarding the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.³

5. With regard to the Optional Protocol to the Convention on the involvement of children in armed conflict, the GNCHR has submitted to the competent authorities recommendations regarding unaccompanied minors.⁴ Members of the GNCHR such as the Greek Ombudsman and the Greek Council for Refugees provide it with information regarding the situation of unaccompanied minors in the field, which contribute to the formation of its recommendations and interventions.

Reply to the issues raised in paragraph 4 of the list of issues

6. The Ombudsman has received no complaints so far with direct reference to the provisions of the Optional Protocol on the involvement of children in armed conflict. However, the Ombudsman has dealt with a large number of complaints regarding the treatment of foreign minors, in particular unaccompanied, including also children who had been involved in armed conflict, by the police and other authorities responsible for immigration. Following a number of complaints and visits in police detention centres, the Ombudsman issued in 2005 a special report on “Administrative Detention and Deportation of alien minors” (<http://new.synigoros.gr/resources/docs/specialreport2005.pdf>), claiming that detention and deportation of foreign minors should be abolished and replaced by appropriate protective measures. Following relevant complaints the Ombudsman has also issued reports about the treatment of foreign unaccompanied minors in Lesbos and the need to improve the available care system for them. During recent years the Ombudsman has observed that there have been some steps towards the improvement of the care system for unaccompanied minors, and more shelters – residential institutions have been created. However, the situation is still critical, considering the extremely large number of arrivals of unaccompanied minors and the demanding obligation for careful consideration of their background and present needs, in particular for asylum-seeking children who have been involved in armed conflict in the country of their origin.

¹ GNCHR, *Annual Report 2008*, pp. 25 et seq.

² GNCHR, *Annual Report 2009*, pp. 47 et seq.

³ http://www.nchr.gr/category.php?category_id=133 [in Greek].

⁴ GNCHR, *Report 2007*, p. 39.

Reply to the issues raised in paragraph 5 of the list of issues

7. The tables below set out statistics on residence permits.

Residence permits awarded to migrant children coming from armed conflict areas

<i>Country</i>	<i>Iraq</i>		
	Year		
	2008	2009	2010
Age			
00-05	69	65	32
06-10	45	46	33
11-15	47	42	26
Sum	161	153	91

<i>Country</i>	<i>Afghanistan</i>		
	Year		
	2008	2009	2010
Age			
00_05	3	2	1
06_10	5	1	1
11_15	2	4	2
Sum	10	7	4

Reply to the issues raised in paragraph 6 of the list of issues

8. Students in Military Schools and Officers studying at the Higher and the Highest Military Training Schools, attend courses in Humanitarian and Human Rights Law. Also military personnel participating in Peacekeeping or Humanitarian missions are attending short time seminars on human rights, which include children rights. Rules of engagement take into account the Optional Protocol and the new military code of discipline and conduct which in present time is being prepared by the Joint General Staff, will be taking into account the provisions of the Optional Protocol as well.

Reply to the issues raised in paragraph 7 of the list of issues

9. There are 10 military schools in operation in Greece, which are Highest Educational Institutes and teachers are skilled and worthy academic professors, who possess the necessary knowledge of human rights and especially children's rights. There are no children studying at Military Schools in Greece, because minimum age for admission is 18 years. The curricula and the administration of military schools in Greece are supervised by the Joint General Staff.

Reply to the issues raised in paragraph 8 of the list of issues

10. The text of Greece's initial report on the implementation of the Optional Protocol has been posted on the website of the Ministry of Foreign Affairs, in the Greek and English languages, together with the periodic report on the implementation of the Convention on the Rights of the Child. The concluding observations of the Committee on the Rights of the Child will be translated into Greek and will be sent to all authorities involved. Furthermore, all the necessary steps will be taken to ensure the posting of the above observations, in the Greek language, on the most appropriate Government websites.