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STATE PARTY EXAMINATION OF THE INITIAL PERIODIC REPORT OF GREECE ON THE OPAC

60TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

29 MAY – 15 JUNE 2012

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Greece ratified the Option Protocol on the Involvement of Children in Armed Conflict (OPAC) on 22 October 2003. On 7 June 2012, the Committee on the Rights of the Child (the Committee) examined the initial periodic report of Greece.

The delegation of Greece was led by Mr Georgakopoulos, General Director for European and International Educational Affairs, Ministry of Education, Lifelong Learning and Religious Affairs. He was supported by a delegation consisting of representatives from the Ministry of Education, Lifelong Learning and Religious Affairs, the Ministry of Justice, Transparency and Human Rights, the Ministry of Health and National Solidarity, the Ministry of Citizen protection, the Ministry of Foreign Affairs and of the Permanent Mission of Greece to the United Nations Office in Geneva.

General Measures of Implementation

Legislation

The Committee asked whether the OPAC had been fully integrated in national legislation. The delegation answered that the law had been amended in order to prohibit the recruitment of children under 18 years in national and international armed conflicts. Also, the penal code had been put in line with the provisions of the Rome Statute of the International Criminal Court, which prohibited the recruitment of children under 15 years in the armed forces and their use in hostilities. The Committee noted that a gap existed concerning 15 to 18 age brackets and urged Greece to expressly prohibit the recruitment of children under 18 in the armed forces and academy schools. The delegation said it had no information about the national legislation prohibiting the recruitment of children under 15 years.

Non-state actors

The Committee asked what measures had been taken to prevent private security companies from recruiting people under 18 through security paramilitary companies, taking advantage of the lack of perspectives among young people, which was more acute in that period. It also wanted to know whether the International Code of Conduct for private Security Service

Providers was applied in Greece. The delegation replied that no special legislation existed against that criminal behavior, but that the penal legislations on trafficking, slavery and international crime could be combined with that regard. The Committee commented that the issue of recruitment of underage children by private security companies should be covered by the criminal law. With that view, a definition of that crime should be formulated in order to create the compulsion for those agencies to apply Code of Conduct for private Security Service Providers. The delegation replied that no cases had been detected to date. It added that companies had to respect the internal legal order and to operate outside the country. The Committee suggested that non-state actors should be better controlled.

Prohibition and Related Matters

On the export of small arms to States that could use children in armed conflict, the delegation said that it was not specifically prohibited, but that every decisions taken by the European Union with that regard would be immediately implemented by the Greek authorities.

Asked what sentence was applied to those who recruited underage children, the delegation replied that whoever recruited children under 18 in international and national armed conflicts would be sentenced to at least 10 years imprisonment.

Protection, Recovery and Reintegration

The Committee noted that a high number of residence permits had been given to children coming from war-torn areas such as Somalia and Afghanistan and asked whether or not they were accompanied, how many of them applied for asylum and how many applications had been refused? The screening procedures carried out at the borders included the assessment of children's nationality and their personal background. The Committee asked what measures were being taken if it was found that the child had been used in armed conflict. The delegation answered that the child would be transferred to centres for specialised care, under the Ministry of Health and Social Solidarity. The delegation added that in 2011, only 59 minors had applied for asylum in Greece, but it did not know how many applications had been refused.

The Committee wanted to have more information about social reintegration programmes available for children who had been used as child soldiers.

Concluding Remarks

Mr Madi, Country Rapporteur for OPAC was satisfied by the discussion and congratulated Greece for its compliance with core principles of the Protocol. He recommended revising the prohibition of recruitment of children under the age of 18 by the armed forces and private security companies and to create a law explicitly prohibiting the exports of small arms. Also, he suggested establishing a comprehensive care system for migrant children who had been involved in conflict.

Mr Georgakopoulos said that despite the economic and financial crisis, the Government would strive to optimise available resources and better coordinate its efforts in the best interest of the child.