



CRI (97) 52

European Commission Against Racism and Intolerance

First report on Greece

Adopted on September 1997

For further information about the work of the European Commission against Racism and Intolerance (ECRI) and about the other activities of the Council of Europe in this field, please contact:

Secretariat of ECRI
Directorate General of Human Rights – DG II
Council of Europe
F - 67075 STRASBOURG Cedex
Tel.: +33 (0) 3 88 41 29 64
Fax: +33 (0) 3 88 41 39 87
E-mail: combat.racism@coe.int

Visit our web site: www.coe.int/ecri

INTRODUCTION

The European Commission against Racism and Intolerance (ECRI) was set up in 1994, at the instigation of the first Summit meeting of Heads of State and Government of the member States of Council of Europe, to combat the growing problems of racism, xenophobia, anti-Semitism and intolerance threatening human rights and democratic values in Europe. The members of ECRI were chosen for their recognised expertise in questions relating to racism and intolerance.

The task given to ECRI was to: review member States' legislation, policies and other measures to combat racism, xenophobia, anti-Semitism and intolerance and their effectiveness; propose further action at local, national and European level; formulate general policy recommendations to member States; and to study international legal instruments applicable in the matter with a view to their reinforcement where appropriate.

One aspect of the activities developed by ECRI to fulfil its terms of reference is its country-by-country approach, which involves carrying out an analysis of the situation in each of the member States in order to provide governments with helpful and concrete proposals.

The procedure adopted for the preparation of country-specific reports can be summarised thus:

- a. The preliminary collection of information as well as the preparation of the texts of the preliminary draft reports are carried out in small working groups of ECRI. Preliminary sources of information used are wide-ranging, including, inter alia, replies provided by governments to a questionnaire sent out by ECRI, input from the relevant national members of ECRI, information on national legislation collected for ECRI by the Swiss Institute of Comparative Law¹, information from international and national non-governmental organisations, various publications and the media.
- b. ECRI examines and discusses the preliminary draft report on each country in plenary session and adopts a draft report.
- c. The report is sent to the relevant government for a process of confidential dialogue conducted through a government-appointed national liaison officer. The draft country report is re-examined and possibly revised in the light of the comments provided by the latter.
- d. The report is then adopted in its final form by ECRI in plenary session, and transmitted through the Committee of Ministers of the Council of Europe, to the government of the country in question. Two months after this transmission, the report is made public, unless the government of the country concerned expressly requests that it is not made public.

The first series of eleven ECRI's country-specific reports² were transmitted to the governments of the countries concerned in July 1997. The reports are accordingly now made public. The following report contains ECRI's analysis and proposals concerning Greece.

¹ The report prepared by the Swiss Institute (ref: CRI (97) 38), covering relevant legislation in member States of the Council of Europe is available from ECRI's Secretariat.

² Reports on Belgium, the Czech Republic, Finland, Greece, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Malta and Poland.

It should be noted that ECRI is carrying out its country-by-country procedure by preparing reports for all forty member States of the Council of Europe. This first series of eleven reports, for which the procedure was completed by June 1997, will be followed by other series of reports on the remaining member States of the Council of Europe. The order in which the reports are produced has no significance other than that these are the first reports to be completed.

The publication of this report represents the start of an on-going and active process of exchange between ECRI and the authorities of each of the member States, in order to identify solutions to the problems of racism and intolerance facing Europe. ECRI will also welcome the input of non-governmental organisations and other parties working in this field to ensure that its work is as constructive and helpful as possible.

REPORT ON GREECE³

Introduction

Greece is a fairly homogeneous country in which a very high proportion of the population are of Greek ethnic descent and practise the Greek Orthodox religion. The notion of "hellenism", or a strong Greek national identity, has historically been emphasised and continues to influence modern Greek society. The geographical location and history of Greece are factors which explain this emphasis: however, the same factors can also engender a sense of insecurity which may, if not checked, lead to excessive ethnocentrism and a climate of mistrust of "otherness". Such a climate could cause some groups - both citizens and non-citizens - to feel at times alienated.

Greece has experienced over the last few years a significant increase in immigration, both legal and particularly illegal, for which the appropriate structures and procedures have, understandably, not always been effective.

Some of the key areas identified by ECRI as meriting particular attention include:

- the situation of minority groups in Greece, including the Muslim minority as recognised by the Treaty of Lausanne of 1923 and the need to ensure that such groups are not disadvantaged by legislation in force or by the strong sense of Greek national identity;
- the need to ensure that the political and civil climate is not one of mistrust towards those who are different;
- the recently-developing phenomenon of legal and illegal immigration into the country.

³ Note: Any development subsequent to 7 June 1996 is not covered by the following analysis and is not taken into account in the conclusions and proposals

I LEGAL ASPECTS⁴

A. International Legal Instruments

1. Greece has not yet signed or ratified the European Charter for Regional and Minority Languages, the UNESCO Convention on Discrimination in Education and the Framework Convention for the Protection of National Minorities. It is felt that these instruments should be signed and ratified without delay. Furthermore, Greece is encouraged to accept Article 14 of the Convention for the Elimination of All Forms of Racial Discrimination, allowing for individual communications to be considered by the Committee. Greece should also consider signing and ratifying the European Agreement Relating to Persons Participating in Proceedings of the European Commission and Court of Human Rights.
2. It is hoped that ratification of the International Covenant on Civil and Political Rights of 1966, which is currently under examination in the Greek Parliament, will be effected as soon as possible.

B. Constitutional Provisions

3. Although it is prohibited under Greek law to discriminate on grounds of nationality, Article 19 of the Citizenship Code provides that Greek citizens who are not of Greek nationality (ethnically Greek) may have their citizenship revoked if they leave the country and it is considered by the Greek authorities that they do not intend to return. In 1994 and in 1995 a number of persons were affected by such measures⁵. The repeal of this Article has already formed the subject of much public debate, and ECRI considers that measures to bring the Citizenship Code into line with common European law should be effected without further delay.
4. The law governing the right to form and manage associations states that only Greek citizens fully enjoy this right. It is therefore considered that this law should be amended to ensure that all residents enjoy the same right to form and manage associations, in conformity with Articles 11 and 14 of the European Convention on Human Rights.

C. Criminal Law Provisions

5. Although Greek legislation contains provisions aimed at repressing acts of racial discrimination (Law N° 927/1979), there seems to be some difficulty in enforcing this law, and very few cases have been successfully brought under it. It is understood that the Ministry of Justice intends to supplement Section 4 of Act 927/1979 in order to allow any interested association or individual to bring judicial proceedings in cases with racist connotations, and such a development would be welcomed. Furthermore, the government and judicial authorities might consider more closely the question of implementation of existing legislation. They could clearly indicate the legal limit differentiating between nationalist discourse and xenophobic speech which incites to discrimination and racial hatred, provide victims with information concerning their rights and encourage them to bring cases, prepare the police and judicial authorities to deal

⁴ A full overview of the legislation existing in Greece in the field of combating racism and intolerance is provided in the publication CRI (95) 2 rev. prepared for ECRI by the Swiss Institute of Comparative Law (see bibliography).

⁵ According to the reports of the US Department of State, in 1994 42 persons were affected by such measures, while in 1995, the number had increased to 72 persons (see bibliography).

with such cases, and provide legal assistance for victims. This would ensure that legislation in force is more rigorously applied to all cases of discrimination and incitement to racial hatred, not only to very severe cases, since even relatively "minor" cases can foster a climate of intolerance, and allowing such incidents to pass can damage the credibility of a piece of legislation and may even be perceived as tacit acceptance of such behaviour.

D. Civil and Administrative Law Provisions

6. The new electoral law, which fixes the level of eligibility at 3% at the national level, combined with the new electoral districts, makes it extremely difficult for members of the Muslim minority to be elected to the Greek Parliament on their own tickets. ECRI wonders whether the Greek government might not consider a solution which would allow tickets representing the Muslim minority to win seats. The new division of local electoral districts has also had a negative effect on the possibilities for members of the Muslim minority to be elected at local level. In order to ensure that the Muslim minority can participate fully in local political life, the revision of the electoral districts of Rodopi and Evros, and Xanthi and two neighbouring districts, might be considered.

E. Specialised bodies

7. At present, there is no specialised body in Greece responsible for matters concerning racism and intolerance. Greece might wish to examine the possibility of creating such a specialised body, drawing inspiration from the range of such specialised bodies which already exist in a number of European countries.

II POLICY ASPECTS

F. Reception and status of non-citizens

8. Greece is currently experiencing a wave of legal and particularly illegal immigration into the country, a phenomenon with which it has not had to deal in the past. Consequently, special consideration needs to be given to this issue and a coherent policy adopted.
9. As regards legal migrants and refugees, special structures could be set up to facilitate the integration of such groups into Greek society. Such structures might include reception structures offering information and advice, structures to facilitate access to employment, language and other training programmes etc. These structures should be co-ordinated on a central level and regularly monitored and evaluated.
10. As regards illegal immigrants, the question of granting social security rights to those who are working and paying social security contributions, but who cannot at present claim the corresponding social security services since they are unable to show a residence permit, is currently under consideration and it is hoped that a solution will be reached as quickly as possible. It is also important that the children of illegal immigrants are permitted to attend school.
11. Training should be provided for police and immigration officials, to ensure that they adhere to government policy and deal in a proper way with both legal and illegal immigrants. Treatment of such groups should be monitored and any misconduct on the part of officials publicly condemned and sanctioned.

G. Education and training

12. The Greek Ministry of National Education has stated its commitment to facilitating the integration of minority pupils into the social and professional life of the country, and has accordingly introduced reforms aiming at improving the means of teaching the official language. The recent draft law to facilitate the entry of the Muslim minority from Thrace into Greek universities is a welcome step. Such efforts go in the right direction: however, they should not exclude the possibility for minority groups to express their own religious, linguistic and cultural characteristics. In this context, it might be appropriate to allow the Muslim minority more autonomy in the provision of schoolbooks and teachers in its schools. At the same time, the Greek authorities might consider, in close co-operation and dialogue with the Muslim minority, any possible measures to ensure that no discrimination exists as concerns access to secondary education, and especially to ensure that the necessary standards for admittance to such education are met by a larger proportion of Muslim pupils.
13. More generally, care should be taken to promote an atmosphere of tolerance and understanding of different cultures and peoples in school education. Children should be encouraged to see differences as a positive aspect, not as a threat. Children who are not of the Greek Orthodox religion should be treated on an equal footing with other pupils, even if they do not participate in Orthodox religious worship. As a step towards improving the climate of tolerance within schools, recent changes to school-books in order to eliminate passages with anti-semitic undertones are to be commended.
14. Special teacher training, both to raise awareness of such issues, and to equip teachers to cope with different minority groups (both Greek citizens and non-citizens) within their class, should be developed.

H. Employment

15. With a view to improving intercommunity relations and the general climate of tolerance within Greece, it is felt that measures should be taken to ensure that members of minority groups having citizenship are fairly represented in the civil service. If it is felt that members of such groups have difficulties in obtaining such posts due to insufficient knowledge of the Greek language or lack of qualifications, special measures should be put into practice to assist them in reaching the required level. The recent decision to allow Muslim Greeks to enter military academies and become officers is welcomed.
16. Non-citizens employed as maritime workers should enjoy equal conditions and rights as Greek colleagues of equal qualifications.

I. Statistics

17. Given the wide discrepancies in figures currently available pertaining to the size and situation of non-citizens and other potentially vulnerable groups in Greece, it is considered that Greece might wish to establish a system of collection of data and information, in accordance with European regulations on data-protection and protection of privacy.

J. Media

18. The media has an important role to play in shaping public attitudes in any country. While politicians and government officials have a responsibility not to supply the media with inflammatory material which may create a climate of xenophobia, and to ensure that

legislation against incitement to hatred is implemented, the profession itself bears the brunt of responsibility for self-regulation: ensuring that codes of conduct are drawn up and are properly applied and any breaches sanctioned.

K. Other areas

- ***Intercommunity relations***

19. The great majority of Greek citizens consider Greek society as being very homogeneous, and have a strong sense of national identity related to Orthodoxy and ethnic Greek descent. This may, under certain circumstances, tip over into a tendency to view any differences as threatening. Such a climate of mistrust should not be allowed to flourish. The onus is on political, religious and other leaders to lead the way by avoiding rhetoric advocating excessive nationalism or ethnocentrism and by firmly and publicly condemning any displays of xenophobia. Another significant contribution to a climate of trust could be an open and taboo-free discussion, particularly concerning the relations between ethnic Greeks and the Muslim minority, a discussion which might extend to the Turkish dimension of the identity of a part of the latter.
20. In a country where the Greek Orthodox religion is so very dominant, particular care should be taken to ensure that government policies do not - intentionally or unintentionally- single out minority groups who are not of this religion as being "foreign", since this may induce a climate of insecurity and mistrust on the part of both the majority and minority populations.
21. In this respect, the reference made on Greek identity cards to a person's religious affiliation is a highly sensitive issue. While it is in principle no longer obligatory to state one's religion on these identity cards, given that this issue has already given rise to much controversy it would seem most desirable that any reference to religion is removed from identity cards. This would hopefully have the effect of limiting overt or covert discrimination against members of non-Orthodox religions, who may in some cases be considered as less "Greek" than Orthodox ethnic Greeks.
22. Any expressions or manifestations of discrimination towards minority groups on the part of police, teachers, the judiciary or other civil servants should be firmly punished and publicly condemned. In this context, consideration should be given to appropriate preliminary and on-job training for public employees, and the possible adoption of provisions allowing for disciplinary proceedings in this respect.
23. With a view to fostering a climate of good intercommunity relations, the recent discussions within the Greek government as regards the possibility of removing the obligation to submit applications to the Orthodox Church before opening places of worship for other religions are welcomed as a positive step. In the same spirit, the law prohibiting proselytism of religions might be reconsidered.

- ***Vulnerable groups***

24. The Roma/Gypsy population in Greece, as in other countries, is particularly vulnerable to disadvantages and exclusion in many fields. Special care should be taken to examine this problem, so that policies may be developed to improve the situation.

General data as supplied by national authorities

For reasons of consistency, ECRI, in its CBC reports, has, in this box, reproduced statistical data only from the replies of Governments to ECRI's questionnaire. The questionnaire was sent to the Greek government on 13 July 1994.

ECRI accepts no responsibility for the data below.

Non-Greeks residing legally in Greece: 69 884 (end 1994), of which a large majority are EU nationals

Estimated number of illegal immigrants: between 240 000 and 290 000, of which 150 000-200 000 are Albanian citizens

Other groups mentioned: Jewish community, Roma/Gypsies (Greek Orthodox and Muslim), Jehova's Witnesses

Population of Greece: 10 280 000 (Jan. 1992). This figure is taken from the Council of Europe publication "Recent demographic developments in Europe" (see bibliography)

BIBLIOGRAPHY

This bibliography lists the main published sources consulted during the examination of the situation in Greece: it does not cover all the various sources of information (media, contacts within the country, national NGOs etc) which were utilised.

1. Reply to the ECRI questionnaire supplied by the Greek authorities
2. CRI (94) 2 and Addendum: Situation in the member States of the Council of Europe concerning the issues under examination by the European Commission against Racism and Intolerance: Working Papers submitted by the members of ECRI, Council of Europe document
3. Recent demographic developments in Europe, Council of Europe Press, 1994
4. CDMG (94) 16 Final: Recent developments in policies relating to migration and migrants, Council of Europe document
5. Trends in International Migration: Annual Report 1993, OECD, 1994
6. CRI (95) 2 rev. : Legal measures to combat racism and intolerance in the member States of the Council of Europe, by the Swiss Institute of Comparative Law of Lausanne, Council of Europe publication
7. Antisemitism World Report 1995, Institute of Jewish Affairs publication
8. "Country Reports on Human Rights Practices for 1994", US Department of State, 1995, and "Country Reports on Human Rights Practices for 1995", US Department of State, 1996
9. "Political extremism and the threat to democracy in Europe", Institute of Jewish Affairs
10. International Helsinki Federation for Human Rights, Annual Report 1995
11. CERD/C/210/Add.1: Report submitted by Greece to the Committee on the Elimination of Racial Discrimination, United Nations public document
12. A/47/18: Report on the Committee on the Elimination of Racial Discrimination to the 47th Session of the UN General Assembly concerning Greece, United Nations public document
13. CERD/C/SR.938-956: Summary record of the 41st session of the Committee on the Elimination of Racial Discrimination, United Nations public document
14. "Preventing racism in the Workplace", European Foundation for the Improvement of Living and Working Conditions.
15. "Detention of Asylum-seekers in Europe", UNHCR publication, October 1995.