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

*Adopted on 5 December 2017<sup>1</sup>*

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<sup>1</sup> Except where specifically indicated, any developments which occurred after 7 April 2017, the 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, have not been taken into account in this analysis.

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## FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012<sup>1</sup>, 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.

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<sup>1</sup> CM/Del/Dec(2012)1154/4.2.



1. *In its report on Greece (fifth monitoring cycle) published on 25 February 2015, ECRI recommended the creation of a Task Force to develop a comprehensive national strategy to combat racism and intolerance. Such a Task Force should be composed of the relevant authorities, the two independent bodies (Ombudsman and National Commission for Human Rights) and NGOs, so as to enhance the cooperation between the authorities and civil society on this matter. The national strategy should, inter alia, include a situation analysis, an overview of existing measures, gaps and needs, and strategic recommendations on how to address them, including targets and measurable indicators.*

Law 4356 of 2015 (Articles 15-19) establishes the National Council against Racism and Intolerance, an inter-ministerial body tasked with the development of policies on preventing and combatting racism and intolerance with the cooperation and coordination of the relevant stakeholders in this field, including civil society actors. The National Council met for the first time on 21 April 2016 and has held regular meetings since then.

The Council consists of representatives of relevant Ministries, the Hellenic Police, the National Commission for Human Rights, the Migrants Integration Council of the City of Athens, UNHCR, the Racist Violence Recording Network (an association of 35 NGOs), as well as media institutions, trade unions and research organisations. The Greek Ombudsman also participates in the Council's meetings.<sup>1</sup> The Council has formed three working groups: on combating hate crime; on human rights and anti-racism education; and on inter-cultural and inter-religious dialogue.

In September 2017, the Council agreed on a preliminary strategy based on which a National Action Plan should be drafted. It decided on an open and flexible approach and several elements of ECRI's priority recommendation, such as targets and measurable indicators, are to be developed later as part of the National Action Plan.<sup>2</sup>

ECRI welcomes the above-mentioned measures and considers them to be very positive and important steps towards combatting racism and intolerance more effectively. The national strategy, however, is not yet as comprehensive as described in ECRI's priority recommendation. ECRI notes that it is planned to close this gap in the forthcoming National Action Plan and that, eventually, both documents will have to be considered together. ECRI therefore concludes that its recommendation has been partially implemented.

2. *In its report on Greece (fifth monitoring cycle), ECRI recommended that the question of a racist and/or homo-/transphobic motivation in cases of violent incidents is made an integral part of investigations and judicial proceedings from their very beginning. To this end, ECRI recommended training for the police, for which programmes proposed by international organisations could be used. ECRI also recommended that the authorities offer training to judges and prosecutors on the application of Article 81A of the Criminal Code on hate motivated offences.*

ECRI has been informed that Article 81A of the Criminal Code was amended by Law 4356 of 2015 which replaces the notion of "hatred" by providing that bias motivation is established when the victim was selected (targeted) by the offender due to his/her "race", colour, national or ethnic origin, descent, religion, disability, sexual orientation, gender identity or gender characteristics. A series of measures has been adopted in order to strengthen the application of Article 81A

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<sup>1</sup> The Greek Ombudsman participates, at its own request, without the right to vote. However, according to Article 16(4) of Law 4356, the Ombudsman has the right to notify at any time the President of the Council of its intention to become a full member with the right to vote.

<sup>2</sup> National Council against Racism and Intolerance (2017): Preliminary Focus Areas in the Framework of Drafting a National Strategy to Combat Racism and Intolerance.

which provides for increased penalties for offences committed with a racist or homo-/transphobic motivation.

Measures include seminars organised by the Hellenic Police and the National Security School, which contribute to intensified training for the police at all levels through courses on human rights protection and racial discrimination. Since 2015, these seminars have increasingly included lectures on hate speech and hate crime. Close cooperation with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has been established for the training of police officers. In the past two years, the Greek Ombudsman's office also delivered a series of lectures at the Police Academy on human rights and police action with special reference to racism, sexual orientation and gender identity. In March 2015, the office of the Greek Ombudsman together with the Council of Europe's Sexual Orientation and Gender Identity (SOGI) unit and ODIHR organised an awareness-raising seminar on LGBT hate crime issues for police officers working in the anti-hate crime department.

The National School of Judges also included lessons on racism and xenophobia into its 2017 curriculum for judges and prosecutors. Already in 2016 its students attended a seminar on hate crime management organised by the Greek Council for Refugees. The National School of Judges also agreed with ODIHR on: (i) the creation of a customised course by adjusting ODIHR's Prosecutors and Hate Crimes Training (PAHCT) to the situation in Greece; (ii) the training of Greek prosecutors as trainers; and (iii) a commitment to integrate this customised course permanently into its training structures, including as continuous in-service training for prosecutors.

Furthermore, the problem of under-reporting has been tackled by more effectively protecting undocumented migrants who are victims of hate crime, for example through the provision of free legal aid and the granting of temporary residence permits. Improvements on recording procedures have also been made through a unified data base.

ECRI encourages the Greek authorities to continue these efforts in order to ensure that they become firmly embedded in institutional practices so as to reinforce their sustainability. It considers that this recommendation has been implemented.

