

ECRI REPORT ON GREECE

(fifth monitoring cycle)

Adopted on 10 December 2014

Published on 24 February 2015

COUNCIL OF EUROPE



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, anti-Semitism and intolerance.

In the framework of its statutory activities, ECRI conducts country-by-country monitoring work, which analyses the situation in each of the member States regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work takes place in 5-year cycles, covering 9-10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002 and those of the third round at the end of 2007, and those of the fourth round will be completed at the beginning of 2014. Work on the fifth round reports started in November 2012.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The fifth round country-by-country reports focus on four topics common to all member States: (1) Legislative issues, (2) Hate speech, (3) Violence, (4) Integration policies and a number of topics specific to each one of them. The fourth-cycle interim recommendations not implemented or partially implemented during the fourth monitoring cycle will be followed up in this connection.

In the framework of the fifth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Except where expressly indicated, it covers the situation up to 18 June 2014. Developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fourth report on Greece on 2 April 2009, progress has been made in a number of fields.

Following a dramatic increase in the number of incidents of racist violence in recent years, which was linked to the rise of the neo-Nazi party Golden Dawn, the Ministry of Public Order and Citizen Protection, in late 2012, introduced special units within the police to tackle racist violence. These units are mandated to carry out in-depth investigations into racist attacks; they can also open an investigation ex officio and receive anonymous complaints. In October 2013, a Public Prosecutor for the prosecution of acts of racist violence was appointed.

In September 2013, the leadership of Golden Dawn was arrested and remanded in custody on criminal charges. The Greek Parliament subsequently changed the rules for the public financing of political parties. Funding can now be cancelled if a party's leaders, or 10% of its members of parliament, are convicted of involvement in a "criminal organisation" or "acts of terrorism".

In September 2014, a new anti-racism law, Law 4285/2014, was adopted by the Greek Parliament, aiming at strengthening the existing anti-racism criminal legislation.

The Ministry of Justice, Transparency and Human Rights has included the fight against racism and racist violence into its Human Rights National Action Plan 2014-2016.

Law 3852 of 2010 established the framework for local integration councils. There are approximately 100 such councils operating across the country, serving as a useful integration tool by providing a platform for dialogue between the different migrant communities and the municipal authorities.

In 2013, Article 79(3) of the Criminal Code, which already listed racist and homophobic motivation as an aggravating circumstance, was amended to include gender identity and make it impossible to impose a suspended sentence. Law 4285/2014 abolished the part of Article 79(3) on aggravating circumstances and introduced Article 81A to the Criminal Code, rendering more severe the lowest sentences that can be imposed for hate motivated offences. Colour was added to the list of grounds and, again, the sentences cannot be suspended.

ECRI welcomes these positive developments in Greece. However, despite the progress achieved, some issues give rise to concern.

Greece has still not ratified Protocol No. 12 to the European Convention on Human Rights and the authorities have not indicated any intention to prepare ratification.

Although the Greek authorities acknowledge the need to fight racism, there is no comprehensive and multisectoral strategy in place to address its root causes and to involve civil society partners in the fight against racism.

There has been a strong increase in the levels of incitement to racial hatred, in particular in the context of public discourse, including from representatives of political parties. Hatred is usually directed against immigrants, but also against Roma, Jews and Muslims. This situation is not adequately addressed and there is widespread impunity for acts of hate speech and insufficient official condemnation.

Greece has seen a surge of racist violence in recent years and although some measures have been taken, these have remained largely insufficient. Fear of arrest and deportation discourages victims of racist violence who do not have a regular residence status from reporting incidents to the police. The negative attitudes of members of the police towards migrants and their unwillingness to investigate cases of

racist violence against the latter effectively added to a general atmosphere of impunity. In addition, there is inadequate support for victims, with the notable exception of some charitable non-governmental organisations providing assistance.

The situation of Roma in Greece is still characterised by social exclusion and deprivation. Segregation in the education sector has not been ended, in spite of judgments of the European Court of Human Rights in this regard, and the housing conditions in many Roma settlements remain substandard. Roma integration programmes do still not involve adequate participation from representatives of the Roma community.

Irregular migrants are routinely detained in Greece, without an assessment of the need for such a measure or the consideration of alternative and less coercive measures. Once released, the migrants are left to fend for themselves without access to social services. NGOs are barred by law from providing housing to the growing number of irregular migrants who are suffering from homelessness. This has increased their level of destitution, as has been witnessed in the centre of Athens.

There is also considerable discrimination towards LGBT and in particular against transgender persons. Harassment by the police is a common phenomenon as is discrimination in the education sector. The individuals concerned do not have sufficient support or protection from discrimination.

In this report, ECRI requests that the Greek authorities take action in a number of areas; in this context, it makes a series of recommendations including the following.

Greece should ratify Protocol No. 12 to the European Convention on Human Rights.

The Greek authorities should create 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 Human Rights Commission) 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.*

The question of a racist and/or homo-/transphobic motivation in cases of violent incidents should be made an integral part of investigations and judicial proceedings from their very beginning. There should be further training provided to the police, for which programmes proposed by international organisations could be used. The authorities should also offer training to judges and prosecutors on the application of Article 81A of the Criminal Code on hate motivated offences.*

The Greek authorities should launch a broad-based public campaign to denounce racist attitudes as contrary to Greek values and interests and to promote an inclusive and multi-cultural approach towards Greek identity.

The Greek authorities need to develop an effective strategy to put an immediate end to racial segregation affecting Roma children in schools and to prevent any reoccurrence in the future. Such a strategy should be in full compliance with the judgments of the European Court of Human Rights and can also draw inspiration from ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.

* This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

The authorities should de-criminalise the provision of accommodation to irregular migrants in order to enable charitable organisations to provide assistance to irregular migrants who suffer from homelessness.

The authorities should develop a national strategy, together with LGBT representatives, to combat discrimination and homo-/transphobia, including in educational facilities. Furthermore, all educational staff should be encouraged and supported to assist victims of bullying. The authorities should also issue a clear instruction to all police officers that transgender persons should not be fined for alleged prostitution offences merely due to their identity and appearance.

FINDINGS AND RECOMMENDATIONS

I. Common topics

1. Legislation against racism and racial discrimination¹

- Protocol No. 12 to the European Convention on Human Rights

1. In its third and fourth reports, ECRI had recommended that Greece ratify Protocol No. 12, which it signed on 4 November 2000, as soon as possible. The Greek authorities reiterated their position, relying on the relatively small number of ratifications and the absence of a well-established body of case law of the European Court of Human Rights with regard to this instrument. ECRI considers, however, that the willingness to ratify the Protocol, which entered into force on 1 April 2005, should not be dependent on the number of other ratifications, but on its usefulness in fighting racism in Greece. Moreover, ECRI wishes to draw Greece's attention to the *Sejdić and Finci v. Bosnia and Herzegovina* judgment of 22 December 2009², in which the Grand Chamber of the European Court of Human Rights established that Protocol No. 12 would be interpreted in the same manner as Article 14 of the European Convention on Human Rights.

2. ECRI once again recommends Greece to ratify Protocol No. 12 to the European Convention on Human Rights.

- Criminal law

3. The criminal law provisions to fight racism and racial discrimination are contained in Law 927/1979, as amended by Laws 1419/1984, 2910/2001 and 4285/2014. Law 4285/2014 was enacted on 9 September 2014 with the purpose of adapting Law 927/1979 to Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.
4. Article 1.1 of Law 927/1979 criminalises the intentional public incitement³ to acts or activities that may result in discrimination, hatred or violence against individuals or groups based on their racial, national or ethnic origin, colour, religion, sexual orientation or gender identity.⁴ The creation or leadership of or participation in a group that promotes racism is banned by Article 1.4 of the law. While the law covers the recommendation contained in § 18 c of ECRI's General Policy Recommendation (GPR) No. 7 on national legislation to combat racism and racial discrimination, which relates to racist threats, it does not address those in §§ 18 b, referring to insults and defamation, or 18 f, concerning the public dissemination, public distribution or production or storage of racist material.

¹ According to ECRI's General Policy Recommendation (GPR) No.7, "racism" shall mean the belief that a ground such as race, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons. According to GPR No. 7 "racial discrimination" shall mean any differential treatment based on a ground such as "race", colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

² *Sejdić and Finci v. Bosnia and Herzegovina* (ECtHR applications nos. 27996/06 and 34836/06).

³ Article 1 stipulates that for the behaviour in question to fall under the law it must "endanger public order or pose a threat to the life, freedom or physical integrity of such persons" or "amount to a threat for (a protected individual's or a protected group's) life, liberty or physical integrity".-

⁴ This is also Relevant for sections I.2, I.3 and II.2.2.

5. Article 1 does not refer to the grounds of language and citizenship.
6. ECRI recommends that language and citizenship are included in the list of grounds of Article of Law 927/1979. It also recommends that the offences that are still missing (see § 4 above) be included in the law.
7. Racial discrimination in the exercise of one's public office or occupation - as per General Policy Recommendation (GPR) No. 7 on national legislation to combat racism and racial discrimination, § 18 h – is not criminalised by Law 927/1979, as amended by Articles 1 and 2 of Law 4285/2014.
8. ECRI recommends to amend Law 927/1979 in order to criminalise racial discrimination in the exercise of one's public office or occupation.
9. The act of denying, condoning, or trivialising genocide, crimes against humanity and war crimes is criminalised by the amendments introduced to Article 2 of Law 927/1979 by Article 2 of Law 4285/2014.
10. Law 927/1979 does not criminalise the public expression, with a racist aim, of ideologies with a claim of superiority as recommended in GPR No. 7, § 18 d.
11. ECRI recommends to amend Law 927/1979 in order to criminalise the public expression, with a racist aim, of ideologies with a claim of superiority.
12. Law 927/1979 does not follow § 20 of GPR No. 7 (criminalising the instigating, aiding, abetting, or attempting to commit the criminal offences) directly, but there are general provisions in the Criminal Code to this effect.
13. The concept of criminal liability of legal persons does not exist in Greek law. However, Article 4 of Law 4285/2014 provides for the imposition of administrative fines on legal persons, when one of the punishable offences of Law 927/1979 is committed on their behalf.
14. Article 79(3) of the Criminal Code made it an aggravating circumstance to commit an act out of hatred based on race, religion, national or ethnic origin, or because of the different sexual orientation or gender identity of the victim. The sentence could not to be suspended.⁵ Law 4285/2014 introduced Article 81A to the Criminal Code rendering more severe the lowest sentences that can be imposed for hate motivated offences.⁶ Law 4285/2014 abolished the part of Article 79(3) on aggravating circumstances. The list of grounds in Article 81A is the same as the one that used to figure in Article 79(3) only that colour (as well as disability) has been included. Again the sentences cannot be suspended. ECRI notes that the new provision does not correspond entirely to § 21 of GPR No. 7. However, ECRI's attention has also been drawn to the perfunctory application of Article 79(3).⁷ In ECRI's view, it is important for the authorities to monitor carefully the way Article 81A will be used by the courts to assess whether it can help overcome the problems encountered with Article 79(3). ECRI will also revisit this question in the next monitoring cycle.

⁵ Article 79(3) was introduced in 2008. The 2013 amendment added gender identity as a ground and made it impossible to impose a suspended sentence.

⁶ The Criminal Code determines the lowest and highest sentence that can be imposed for each category of criminal offences: petty offences, misdemeanours and crimes (felonies).

⁷ See §§ 75 and 76 in section I.3.

15. ECRI recommends that language and citizenship are included in the list of grounds in Article 81A of the Criminal Code.

- **Civil and administrative law**

16. Law 3304/2005 provides protection against discrimination.⁸ In its last report, ECRI welcomed the adoption of the law as a positive step, but also pointed out certain gaps which required amendments in order to provide wider protection against discrimination on the grounds contained in ECRI's GPR No.7.
17. Law 3304/2005 covers discrimination on the grounds of race⁹, ethnic origin, religion, political or other beliefs, sex, disability, age or sexual orientation and extends to both the public and private spheres. It covers employment, social protection, education, and access to public goods and services, including housing. Although this is not explicitly mentioned in the law, some observers consider that it is obvious from the context that natural persons as well as organisations are liable when committing acts of discrimination.¹⁰ Article 2(1) prohibits direct and indirect discrimination and Article 2(3) also prohibits instructions to discriminate.
18. Law 3304/2005 does not mention discrimination based on colour, language or citizenship, as is advised in ECRI's GPR No.7, § 1 a. ECRI recommended in its fourth report that the Greek authorities reinforce Law 3304/2005 by broadening its scope to include the above-mentioned grounds. However, no amendments have been made to this effect so far.
19. Chapter III of the Law, which prohibits discrimination based on, inter alia, religious or other beliefs, does not extend the scope of this prohibition to social protection, education and access to goods and services. ECRI recommended in its fourth report that the Greek authorities reinforce Law 3304/2005 by broadening the scope of Chapter III to include these areas; but no amendments to this effect have been made so far.
20. Discrimination by association or discrimination by assumption, as mentioned in § 6 of ECRI's GPR No. 7, are not covered by the law.
21. There are no provisions in Law 3304/2005 that place a direct obligation on public authorities to prevent discrimination in carrying out their functions, as recommended in §§ 8 and 9 of ECRI's GPR No. 7.
22. ECRI recommends that Law 3304/2005 be amended in line with its General Policy Recommendation No. 7 to: include the grounds of colour, citizenship and language; extend the scope of Chapter III of the law to social protection, education and access to goods and services; include discrimination by association and by assumption; and include a direct obligation on all public authorities to prevent discrimination in carrying out their functions.

⁸ This law implements EU Directives 2000/43/EC and 2000/78/EC, which establish the principle of equal treatment between persons irrespective of racial or ethnic origin and a general framework of equal treatment in employment and occupation respectively.

⁹ The law does not contain a definition of this term. However, Law 474/1990, which ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), provides such a definition in its Article 1(1): "racial discrimination means any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

¹⁰ See also: Athanasios Theodoridis, Report on Measures to Combat Discrimination - Directives 2000/43/EC and 2000/78/EC - Country Report 2012, Greece, 2013, p.39.

23. In its fourth report, ECRI recommended that the Greek authorities take measures to ensure a more vigorous application of Law 3304/2005 in cases of racial discrimination by, inter alia, amending it to enable civil society actors to bring cases to court, even if a specific victim is not referred to, as indicated in § 25 of ECRI's GPR No.7. This has not happened so far.
24. ECRI repeats its recommendation to amend Law 3304/2005 so as to enable non-governmental organisations to bring cases to court without representing a specific victim.
25. Law 3304/2005 does not provide for the possibility to suppress public financing for political parties that promote racism or for dissolving them, as per §§ 16 and 17 of ECRI's GPR No.7 respectively. However, in autumn 2013, following the arrest of several members of the leadership of the neo-Nazi party Chrysi Avgi (Golden Dawn) on criminal charges, Parliament decided that public funding for a party can be suspended if its leaders, or 10% of its members of parliament, are charged with involvement in a "criminal organisation" or "acts of terrorism". Funding can be cancelled if the accused are convicted; if not, however, the suspended funds will have to be paid. ECRI is fully aware of the importance of public financing for political parties in order for them to fulfil their mandate within a democratic system. However, this cannot constitute a justification for providing public funds to racist parties which violate core democratic values.¹¹
26. The same reasoning applies to the question of whether racist parties should be permitted to exist and run in elections. Although the creation or leadership of a group that promotes racism is banned by Law 927/1979, this provision is not applied. Current practice obliges political parties wishing to register for the elections to submit a written pledge to abide by the Constitution, but whether such a pledge actually corresponds to the party's programme and conduct is never subject to any review. The Greek authorities pointed out that the country's constitution does not contain a provision for the banning of political parties. Many civil society organisations indicated to ECRI that they would view such a step with suspicion; this approach is based on Greece's experience with banning political parties in the aftermath of the civil war and during the period of the military junta. Nevertheless, the Constitution does not rule out banning racist and neo-Nazi parties, even though this is not explicitly stipulated. ECRI stresses that timely action should be taken against such parties to avoid an escalation of criminal activities. For the same reason, poor electoral results of such parties should not be used as an argument for not banning them.
27. ECRI recommends, in line with its GPR No. 7, that the legislation be amended not only to suppress public financing of organisations which promote racism, but also to provide for the possibility of dissolution of such organisations.

- **Independent authorities**

28. Law 3304/2005 entrusts three specialised bodies with the promotion of the principle of equal treatment. The Ombudsman is one of them¹²; his/her mandate covers equal treatment regardless of racial or ethnic origin, religious or other beliefs, age, disability or sexual orientation in the public sector. ECRI notes that its fourth cycle recommendations concerning the empowerment of the Ombudsman to represent alleged victims in court or grant them legal aid, and

¹¹ Article 29(1) of the Greek Constitution states that: "Greek citizens possessing the right to vote may freely found and join political parties, the organisation and activity of which must serve the free functioning of democratic government."

¹² The Ombudsman's Office is a constitutionally established independent authority. Its organisation, staffing and operation are defined in Law 3094/2003 and Presidential Decree 273/1999.

the extension of the deadline for filing complaints, have not been followed up on.¹³

29. The Ombudsman can only refer a case to the competent prosecutor or administrative authority for investigation, without having the right to initiate and participate in court cases. Since 2010, the National Commission of Human Rights (NCHR) has been proposing to amend Law 3304/2005 to allow the Ombudsman to intervene in favour of a plaintiff in cases which have been previously investigated by him/her and are subsequently heard by the courts. However, no such amendments have been made or are planned.
30. The Ombudsman cannot receive complaints concerning the private sector, as recommended in § 24 of ECRI's GPR No. 7.
31. ECRI recommends Law 3304/2005 be amended to give the Ombudsman the right to initiate court cases, to participate in them and to intervene in favour of plaintiffs whose cases s/he has investigated. The Ombudsman should be allowed to receive complaints from the private sector concerning racial discrimination. Alternatively, an independent equality authority, dealing inter alia with racial discrimination, should be created along the lines recommended by ECRI in its above-mentioned General Policy Recommendation No. 7 and the more detailed General Policy Recommendation No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level.
32. The other two bodies tasked with monitoring compliance with the principle of equal treatment are the Equal Treatment Committee, which covers all fields with the exception of the public sector and employment, and the Labour Inspectorate, which is active in the field of employment and occupation in the private sector. They are not independent bodies though - being an integral part of the Ministry of Justice, Transparency and Human Rights and the Ministry of Labour, Social Security and Welfare respectively. The authorities have informed ECRI that there are no plans to change the status of these bodies.
33. ECRI recommends that in order for the Equal Treatment Committee and the Labour Inspectorate to become independent authorities, they should be given a status similar to that of the Ombudsman. Alternatively, their competencies could be transferred to an independent authority, as recommended in § 31.

2. Hate speech¹⁴

- Data

34. During its visit to Greece, ECRI's delegation was informed by various interlocutors that the widespread problem of hate speech had increased substantially since 2009, in particular in the context of the rise of Golden Dawn. These views were confirmed by a review of media, internet blogs and political discourse. Hate speech is mainly directed against migrants, Muslims and Roma, but also against Jews and LGBT persons. Moreover, there have been borderline incidents against those whose countries are perceived as being responsible for the economic crisis and the austerity measures taken in response thereto. The exact number of these incidents is difficult to ascertain in the absence of systematic data collection. Furthermore, there are no detailed statistics on the few cases that reach the courts, since there is no central hate

¹³ ECRI's conclusions on the implementation of the recommendations in respect of Greece subject to interim follow-up, 22.6.2012.

¹⁴ This section covers racist and homo/transphobic speech. For a definition of "hate speech" see Recommendation No. R (97) 20 of the Committee of Ministers to the member States on "hate speech", adopted on 30.10.1997.

crime database. Each court is supposed to compile its own data, without standardised criteria.

35. ECRI recommends that the Greek authorities set up a national monitoring mechanism for incidents of hate speech. This should also include, but not be limited to, a centralised database for court cases.

36. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) received the last submission from the Greek Prosecutor's Office in 2013 covering the period of 2012. According to it, no new cases were reported in 2010 and 2011, one sentence was handed down for a racist crime in 2011, and only one racist crime - against persons of African origin - was prosecuted in 2012.¹⁵ The authorities informed ECRI's delegation that 15 cases had been investigated and nine prosecutions initiated under law 927/1979 in 2013. This increase is largely related to the crackdown against Golden Dawn.¹⁶

37. ECRI, before analysing the different manifestations of hate speech in Greece today, wishes to stress the absence of any systematic prevention efforts. It also wishes to stress the lack of any effective responses: relevant criminal laws are not always applied and the situation is made worse by the non-condemnation of hate speech and the absence of self-regulatory measures amongst political parties or the media. ECRI has, of course, been informed by the authorities about projects to promote tolerance in schools. While ECRI welcomes these activities, it notes that they remain few and far between.

- **Political and other forms of public racist discourse**

38. Since ECRI's last report, Greece has seen the rise of Golden Dawn, which entered the Athens City Council in 2010 and the national Parliament in 2012. The leadership and members of Golden Dawn have openly voiced their hatred of immigrants and Jews on many occasions. Praise of Nazism and Hitler, Holocaust denial and antisemitic hate speech are frequent occurrences.

39. Antisemitic stereotypes are not limited to far-right political parties, but have permeated large parts of society as well as some parts of the Greek Orthodox Church. Metropolitan Seraphim of Piraeus made openly antisemitic statements on television in December 2010 when he blamed Jews for orchestrating the Holocaust and accused world Zionism of a conspiracy to enslave Greece and the Orthodox Church.¹⁷ In a recent global survey, the Anti-Defamation League found that Greece had the highest index score (69%) of antisemitic attitudes outside the Middle East and North Africa.¹⁸ Such views also manifested themselves in acts of vandalism against the Holocaust Memorial for the Jews of

¹⁵ ODIHR's information to ECRI, 2013; and ODIHR, Hate Crimes in the OSCE Region, 2013, p.27.

¹⁶ In March 2013, the British TV station "Channel 4" broadcasted a documentary about Golden Dawn, in which a party member, Alexander Plomaritis, stated, with reference to methods used in Nazi death-camps, that "immigrants should be turned into soap" and that "we are ready to open the ovens". The Central Board of Jewish Communities in Greece publicly protested against these comments. Subsequently, the newly founded anti-racism police unit sent excerpts of the documentary to the prosecutor. An ex-officio prosecution was brought against Alexander Plomaritis for violation of Law 927/1979. This is a rare example of such statements resulting in an official investigation.

¹⁷ USA Greekreporter.com, [Greek Orthodox Community of America Renounced Anti-Semitic Statements by Metropolitan Seraphim of Piraeus](#), publ. 27.10.2010; – Robert Mackey, [A Greek Bishop's Anti-Semitic Tirade](#), publ. 22.12.2010 on New York Times.com; - Haaretz, [European Jewish Congress 'repulsed' by Greek priest's anti-Semitic remarks](#), publ. 22.12.2010, all accessed 22.5.2014. - It should be noted that such antisemitic views are not representative of the Greek Orthodox Church as a whole. Although some bishops were vehemently opposed to the newly adopted anti-racism law, the Holy Synod of the Orthodox Church of Greece praised it as an effort to promote social peace and respect for the rights of all.

¹⁸ Anti-Defamation League, [ADL Global 100: A Survey of Attitudes Toward Jews in Over 100 Countries Around the World – Executive Summary](#), 2014, accessed on 14.5.2014.

Rhodes in October 2012, which had already been vandalised several times in the past and the desecration of the local synagogue in May 2010.

40. Representatives of migrant groups and other groups of concern to ECRI indicated that hate speech in day-to-day public life has increased in recent years. Examples include derogatory comments made on public transport, in schools, in shops or in the streets. While these observations are not based on statistical evidence but on the subjective experience of victims and witnesses of such hate speech, they are nevertheless an important indicator of changes in public attitudes. This information also helps to understand individuals' perceptions of their vulnerability to discrimination and social exclusion. The situation seems to be particularly difficult in the greater Athens area, where many migrants reside and problems caused by the fear or experience of social deprivation amongst the long-term residents of some neighbourhoods merge with racial prejudice. These developments are closely linked to the political discourse, which in recent years has been strongly shaped by anti-immigration rhetoric. The current financial, economic and social crisis in Greece has eroded social cohesion and the state's ability to counter its consequences. Populist rhetoric is a common phenomenon in such situations, not only in Greece. However, the need to understand and address citizens' concerns, including with regard to immigration, should under no circumstances be misused to encourage racial prejudice or to stir up confrontational attitudes. The political leadership should fulfil its responsibilities by calming tensions and promoting mutual understanding and tolerance.
41. ECRI recalls in this connection that in August 2012, the Minister of Public Order and Citizen Protection stated that because of irregular migration "...the country perishes. Ever since the Dorians' invasion 4,000 years ago, never before has the country been subjected to an invasion of these dimensions...this is a bomb on the foundations of the society and the state".¹⁹ These statements were made in the context of the Xenios Zeus operation, which had started in August 2012 and included racial profiling-based checks of the legal status of migrants by police on the streets. The term "bomb" was also used publicly in July 2012 by the same minister when referring to the centre of Athens, where many irregular migrants and asylum seekers often rent and live in overcrowded apartments characterised by substandard living conditions, often deprived of access to public social welfare services.²⁰ It is noteworthy that two days later Golden Dawn referred to the minister's statement as a "vindication of (its own) positions".²¹ ECRI refers to these unfortunate events in order to stress the need for the country's leadership to abstain from dehumanising remarks.
42. There are other examples of dangerous comments, including that made in January 2014 by Sofia Voultepsi, member of Parliament for conservative/centre-right Nea Dimokratia. During a live television broadcast she called refugees "unarmed invaders, weapons in the hands of the Turks". As a matter of fact, she was referring to the Farmakonisi shipwreck, which had resulted in the drowning of nine children and three women during a controversial Greek Coastguard operation to intercept irregular migrants.²²
43. Similarly, Roma are not only victims of day-to-day insults by members of the general public, but also subject to negative stereotyping in political discourse. In

¹⁹ Quoted in: Council of Europe's Commissioner for Human Rights, Report following his visit to Greece, Strasbourg, April 2013, p.8.

²⁰ Quoted in: CoE's Commissioner for Human Rights, 2013, p.8.

²¹ CoE's Commissioner for Human Rights, 2013, p.8.

²² Damian Mac Con Uladh, [Refugees are 'unarmed invaders' sent by the Turks, says government MP](#), published by EnetEnglish.gr, 31.1.2014, accessed 3.4.2014.

October 2013, during a police raid on the Roma settlement in Farsala, a blond girl was taken from the couple who had raised her, because of the perceived lack of physical resemblance with them. Police suspected that the girl had been abducted – which turned out to be untrue – and the Minister of Public Order and Citizen Protection, addressing police officers on this case, congratulated them for “dissolving ghettos of lawlessness where abduction of children occurred”.²³

44. Many representatives of vulnerable groups explained that while the day-to-day racist comments they have to face in the public sphere can, to some extent, be countered and discouraged by personal dialogue, the level and quality of hate speech takes on a frighteningly different dimension when people feel encouraged by political leaders who are echoing and promoting prejudices and resentments. The resulting acceptance of hate speech creates a general climate in Greek society that facilitates the increasing willingness to commit or tolerate acts of violence against these groups. Such statements encourage further popular hate speech exactly at a time when due to heightened social tensions the building of bridges between communities becomes even more necessary.
45. ECRI calls upon all political parties, as well as the leadership of the Greek Orthodox Church, to take a firm stand against racist discourse and instruct their representatives to refrain from making derogatory comments targeting a group of persons on grounds of their “race”, religion, nationality, language or ethnic origin.

- **Hate speech by political extremists in Parliament**

46. Golden Dawn has repeatedly used the Greek Parliament as a platform for its racist propaganda. Examples include an incident on 18 October 2012, when during a plenary session, the Golden Dawn MP Eleni Zaroulia referred to migrants in Greece as “sub-humans who have invaded our country, with all kinds of diseases”. There was no strong reaction by parliament to this extreme example of hate speech, which was widely reported in the Greek media.²⁴ Another example is the reading of extracts from the infamous antisemitic forgery Protocols of the Elders of Zion by party spokesperson Ilias Kasidiaris during a plenary session on 23 October 2012.
47. The lack of resolute responses against hate speech in Parliament was pointed out by the Council of Europe’s Commissioner for Human Rights, following his visit to Greece in early 2013. He called on the Greek political parties and the national Parliament to adopt self-regulatory measures to counter and sanction intolerant, xenophobic and racist speech used by politicians, for example by amending the disciplinary measures that may be imposed on MPs under Article 77 of the Greek Parliament’s Standing Orders accordingly.²⁵ ECRI notes that recently action has been taken by those chairing parliamentary sessions against Golden Dawn deputies. This positive trend needs to be followed up by structural measures.
48. ECRI recommends that a provision prohibiting racist and homo-/transphobic insults and providing for measures and/or sanctions to be taken in case of its breach is introduced in the Parliament’s Standing Orders.

²³ European Roma and Travellers’ Forum (ERTF), Briefing paper on the situation of Roma and Travellers in Greece, submitted to ECRI’s Secretariat, December 2013, p.15.

See also: <http://www.antenna.gr/news/Politics/article/320004/dendias--aytokatharsi-stin-astynomia->.

²⁴ CoE’s Commissioner for Human Rights, 2013, p.8.

²⁵ CoE’s Commissioner for Human Rights, 2013, p.10.

- **Hate speech in the media and on the Internet**

49. Hate speech is widespread in the media and on the Internet; it goes largely unchecked and unpunished. One of the reasons is the lack of effective self-regulatory mechanisms in this connection. The rise of Golden Dawn seems to have been facilitated by TV stations broadcasting interviews with its leadership in a life-style-show fashion, leading to trivialisation, rather than providing in-depth information on its racist ideology and activities. A study to examine political behaviour in specific areas of Athens, such as St Panteleimon where Golden Dawn was very successful in the last municipal elections, found that: "The proponents of radical views have a privileged access to the mainstream media, the serious press. With great ease columnists submit opinions that are non-institutional, non-political. There's a flirtation with extremism".²⁶
50. The case of the blond girl found in the Roma settlement also demonstrated the prevalence of negative stereotypes in the media. Many newspapers immediately, before any results of the police investigation were known, announced that the girl must have been abducted and published headlines such as "Roma grab babies" or "The blonde angel and the kidnappers". Several TV channels spoke about trafficking networks, claiming that the parents would force her to beg or that they wanted to sell her "entirely or in pieces". The Ombudsman criticised the media for reproducing "stereotypes and racist attitudes".²⁷
51. The anti-terrorism discourse in the media also often targets immigrants and refugees, as well as the Muslim community in general. Media play a significant role in linking criminality and terrorism with immigration, further fuelling hate speech. In December 2011, for example, the extreme-right newspaper Stohos openly referred to Muslims and immigrants coming from Turkey as "terrorists".²⁸ Islamophobia has dramatically increased since the far-right press began to link Islam to terrorism.²⁹ On 9 April 2011, the offices of a Somali community association in Athens were vandalised. This incident followed the publication in ultra-conservative Eleftheri Ora of an article with the title "Somali pirates with a mosque in Fylis street" and the subtitle "Christianity v. Islam". Its author stated that "the Somali are the most dangerous Islamists in the world".³⁰ References to "Islamic terrorism" can also be found on many extremist Internet-blogs - such as Greek National Pride or Hellas - where contributors often remain anonymous.³¹
52. ECRI recommends that Law 927/1979 is always applied to cases of hate speech in the media. It also recommends that the authorities encourage, without encroaching on the independence of the media, the creation of an effective self-regulatory mechanism for the media industry to prevent racist comments in newspapers, on television and on the radio. Furthermore, it recommends that Greece ratifies the Additional Protocol to the European Convention on Cybercrime, as stated in the 2014-2016 Human Rights National Action Plan.

²⁶ Undertaken jointly by Greek (Panteion and Macedonia), British (Oxford) and French (Sorbonne) universities; its initial findings were released in April 2011.

²⁷ ERTF, 2013, p.15. – See also Espresso newspaper and Ethnos newspaper.

²⁸ See Stohos newspaper, <http://www.stoxos.gr/2011/12/2007.html>, accessed 5.12.2013.

²⁹ European Network Against Racism (ENAR), 2013, p.32.

³⁰ Antigone NGO, Annual Report 2011, p. 145; - quoted in: ENAR, 2013, p.32.

³¹ ENAR, 2013, p.32 – See also: <http://national-pride.org/2011/02/21/> and <http://www.hellasontheweb.org>.

- **Homo- / transphobic speech**

53. ECRI has been informed by LGBT groups that homo- and transphobic hate speech, verbal harassment and inappropriate comments are common amongst the general public, resulting in LGBT persons feeling constantly discriminated against and excluded in day-to-day life.
54. Golden Dawn and extreme religious groups led a violent protest that forced the closure of Terence McNally's controversial play *Corpus Christi* - in which Jesus and the apostles are portrayed as gay men - in Athens in October 2012. Golden Dawn MP Ilias Panagiotaros was filmed shouting homophobic insults at the play's director. After the cancellation of the play, the director received death threats.³²
55. In early December 2013, Serafim of Piraeus, known for his homophobic views³³, threatened³⁴ to excommunicate any member of Parliament who would vote in favour of extending civil partnerships to homosexuals.³⁵ The prominent role of the Orthodox Church in Greek society places a moral obligation on its leaders to pronounce themselves clearly against any form of hate speech, including homophobic statements made by some representatives of the Church.
56. ECRI recommends that the authorities discuss with the leadership of the Orthodox Church ways in which the Church can use its moral standing to prevent and combat hate speech, including against LGBT.
57. ECRI recommends that the authorities make a public declaration condemning homo-/transphobic hate speech. It also recommends that all political parties take a firm stand against homo-/ transphobic discourse by their representatives.

3. Racist and homo- / transphobic violence

- **Official data**

58. There is a severe problem with underreporting of racist or homo-/transphobic violence in Greece. In so far as racist violence is concerned, this is mainly due to fear amongst victims of being arrested and deported when reporting such a crime to the police, given the fact that many of them do not have residence permits. Other deterrents include the absence of successful prosecutions of culprits, and the persistent and continuing allegations, some of which were officially investigated, of collusion between police officers and Golden Dawn, which have severely diminished trust in the police amongst victims of racist violence. Furthermore, the fact that the police have requested a number of victims to pay a fee of € 100 to lodge their complaints created an additional obstacle, although the authorities indicated to ECRI that in such cases no fee should be charged by the police.³⁶ This has been made clear in Law 4285/2014, which in Article 5 expressly rules out such fees.

³² Paul Mason, [Alarm at Greek police 'collusion' with far-right Golden Dawn](#), publ. 17.10.2012 on BBC News World online, accessed 3.4.2014.

³³ See for example Robert Mackey, [A Greek Bishop's Anti-Semitic Tirade](#), publ. 22.12.2010 on New York Times.com, accessed 22.5.2014, on his homophobic remarks.

³⁴ <http://www.tanea.gr/news/politics/article/5062171/epistolh-benizeloy-se-serafeim-h-orthodoksia-apexei-plhrws-apo-antihpseis-kanonistikes-hthikoplastikes-timwrtikes/>, accessed 3.4.2014.

³⁵ It should be noted that such views are not representative of the Greek Orthodox Church as a whole.

³⁶ Under Article 46 of the Code of Criminal Procedure a fee of €100 is required in order to file a criminal complaint in cases which are not prosecuted ex officio. Victims of racially-motivated attacks should not have to pay this fee since the related offences are prosecuted ex officio. However, a number of victims

59. ECRI recommends that the authorities ensure that clear instructions are issued to all police officers that no fee is to be charged for reporting racist or homo-/transphobic violence; the victims should always be informed accordingly.

60. The Greek authorities do not compile full statistics about the extent of racist violence. There are official figures for the hate crime data submitted by the prosecutor's office and the Ministry of Justice to the OSCE (ODIHR), already mentioned in section I.2 above. However, much more needs to be done to transform the current data collection into a full-scale system. This fact should not, however, be seen as an indication of a low number of occurrences, but rather indicative of the massive problems with regard to reporting, investigating and prosecuting acts of racist violence in Greece. Furthermore, racist motivation as an aggravating circumstance, for example in cases of murder, attempted murder, or assault, is currently only taken into consideration at the end of a trial when a guilty verdict has been reached and the sentence is to be determined. However, even this is rarely done, as exemplified by the case of the two men who were convicted on 15 April 2014 for the murder of a Pakistani migrant, Sachzat Loukman, in January 2013, without having their racist motivation taken into consideration.

- **Extent of the real problem**

61. In October 2011, a group of NGOs (20 today) together with the National Human Rights Commission and the UNHCR set up the Racist Violence Recording Network (RVRN) to fill the data gap. As the RVRN is not present throughout the country and largely depends on victims' willingness to come forward, its numbers do not constitute a full account of racist violence in Greece either; most likely they show the tip of the iceberg, with many incidents remaining unreported.³⁷

62. The reports and conclusions of the network indicate an explosion of racist violence in Greece in recent years, coinciding with the unfolding of the country's financial and economic crisis. Already during the period November 2010 – June 2011, the polyclinic of the NGO "Praksis" in central Athens recorded 206 incidents of racist violence. Most victims were men aged 25-45 years. There were also 45 assaults against women and children. During the first half of 2011, Médecins du Monde, which also operates a polyclinic in central Athens, recorded that around 300 immigrants were victims of physical assault. The most common countries of origin among victims were Bangladesh and Afghanistan.³⁸

63. In 2012, the RVRN registered two racially motivated murders³⁹ and 154 incidents.⁴⁰ Most occurred in inner-city Athens or in the surrounding prefectures. The majority of incidents occurred in public places, including on public transport.⁴¹ There were also attacks on an Afghan restaurant and a

have reported that they have been required by the police to pay it. This is excessively high for many of them given their social conditions. (See also: CoE's Commissioner for Human Rights, 2013, p.19).

³⁷ The Ombudsman, The phenomenon of racist violence in Greece and how it is combated, September 2013, p.2.

³⁸ ENAR, Racism and related discriminatory practices in Greece. Shadow Report 2011-2012, 2013, p.29.

³⁹ RVRN, [2012 Report](#), Athens, April 2013, accessed 16.12.2013.

⁴⁰ Out of the 154 documented cases of racist violence in 2012, the victims consisted of 149 men and 5 women, mainly from Afghanistan (47), Pakistan (13), Algeria (12), Bangladesh (12), Egypt (10) Morocco (7) and Somalia (6). 44 of them were asylum seekers, four were recognised refugees, 15 were holders of residence permits and 79 held no legal documents or were under deportation order. In some cases the victim's legal status was unknown.

⁴¹ RVRN, 2013.

Somali community centre.⁴² Even in private homes people were not safe, as was evident by an attack on the house of the Imam of the Pakistani community in Sepolia.

64. The majority of victims were Muslim. The attacks were often accompanied by verbal insults and threats through which the racist motive of the attack was clearly expressed. The vast majority of the perpetrators were believed to be Greek, although there have also been some attacks in which ethnic Albanians reportedly participated. Examples of involvement of Albanian youth with Golden Dawn at the local level, for example in schools, have also been reported by other civil society organisations that ECRI's delegation met. In only six out of the 154 incidents, did the perpetrator act alone. According to testimonies given by victims to RVRN, in 91 cases, the perpetrators were believed to be associated with Golden Dawn. In several cases, victims or witnesses either clearly recognised persons belonging to the local branch of Golden Dawn or the perpetrators wore the party insignia. Attackers acted in an organised manner and in groups, moving either by motorcycle or on foot, often accompanied by aggressive dogs. They were dressed in black or in military-style clothing, wearing helmets or with their faces covered. Victims spoke of areas in Athens which had become inaccessible to them due to fear of being attacked. Most incidents occurred after dark or in the early morning hours. The recording of incidents by RVRN has revealed not only that the level of violence in the attacks has increased, but also that there is greater tolerance or fear by witnesses who do not intervene to assist victims during the attacks. In many cases victims reported the use of weapons, such as clubs, crowbars, folding batons, chains, brass knuckles, sprays, knives and broken bottles, while the use of large dogs has been repeatedly reported in the areas of St Panteleimon and Attica square. The victims often suffered multiple injuries such as fractures, sprains, contusions, lesion injuries, abrasions, eyesight and hearing damage, and/or symptoms of post-traumatic stress.⁴³ One victim had his whole back scarred with the initials "XA", the Greek initials of Golden Dawn.⁴⁴
65. In 2013, the number of incidents of racist violence rose again sharply compared with the previous year. The RVRN registered 320 victims of 166 separate attacks.⁴⁵ Of these, 143 concerned migrants or refugees, including the murder of the Pakistani man mentioned above. One attack was against a human rights activist and 22 incidents targeted LGBT individuals. Although this was the first time that the RVRN recorded attacks motivated by hatred related to sexual orientation, it does not mean that there were no such incidents in the past; this is linked to the recent mobilisation and participation of LGBT NGOs in the RVRN.⁴⁶
66. In April 2013, more than 150 mainly Bangladeshi migrants working as strawberry pickers were shot at in Manolada by their foremen when they protested and demanded their outstanding pay. As a result, some 35 migrants were injured and required hospitalisation. This incident shows that racist violence has spread far beyond the activities orchestrated by Golden Dawn, and that a dehumanising attitude towards migrants has spread to other parts of society.

⁴² ENAR, 2013, p.30.

⁴³ RVRN, 2013.

⁴⁴ CoE's Commissioner for Human Rights, 2013, p.6.

⁴⁵ RVRN, [Racist Violence Recording Network presents 2013 annual report](#).

⁴⁶ RVRN, 2013.

67. Although the general trend in incidences of racist violence declined after the autumn 2013 crackdown against Golden Dawn, the problem of racist violence has not disappeared. In fact, 18 more incidents were recorded in the three months following the arrest and prosecution of the party's leadership for forming a criminal organisation. In March 2014, ECRI's delegation was informed that a resurgence in attacks had been noticed in the period preceding the visit.

- **Racist violence in the police force**

68. In May 2011, the National Commission for Human Rights (NCHR) adopted a special report on tackling racist violence in Greece by the police and the justice system.⁴⁷ It found that racist violence could not be dealt with effectively without a complete change in the way that the police handled such cases. Reform was especially important in cases involving police officers. Such cases generally resulted in an acquittal, if investigated at all. This failure to investigate complaints properly contributed to victim's reluctance to report crime. The police were accused of being a neutral observer of the attacks by right-wing groups at best. At worst, they actually perpetrated racist violence. Furthermore the police often refused to investigate, even when there was ample evidence.⁴⁸
69. For the year 2012, the RVRN reported a distinct category of 25 incidents of racist violence involving police officers.⁴⁹ Seven of them occurred in police stations where irregular migrants are often detained for prolonged periods of time. In some cases, victims reported that they were brought to police stations, were detained and then ill-treated for a few hours. There was also at least one incident alleging collusion between port police officers and members of Golden Dawn during an assault on a migrant's house in Chios.⁵⁰
70. Law 3938/2011, as amended by Law 4249/2014, set up an office for arbitrary incidents within the Greek Police to investigate cases of abuse of powers by the police. However, this office has not commenced its work yet. ECRI's delegation was informed by the authorities that in 2013, 109 complaints about racist acts committed by police officers were lodged. While it is a positive step that such a body has been created, it is unfortunate that it is not fully independent, but remains part of the police force.
71. ECRI reiterates its recommendation that the authorities provide for a body, independent of the police and prosecution, entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police, as called for in Chapter II 10) of its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.

⁴⁷ Greek National Commission for Human Rights, Racist Violence, 2011. – However, it should be noted that already in October 2012, the Chief of the Greek Police had issued a circular order (No. 6004/1/128) containing instructions to the Directorate of Internal Affairs/Hellenic Police Headquarters, to handle, as a matter of absolute priority, complaints about alleged ill-treatment of foreigners by police officers during the exercise of their duties. Also: a manual entitled "Guide of Conduct of the Hellenic Police towards religious and vulnerable social groups" was issued and distributed to all the police personnel,

⁴⁸ ENAR, 2013, p. 29; - See also: The Ombudsman, 2013, p. 3-4 and the report of the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its [2011 visit to Greece](#) (pp.12 and 41).

⁴⁹ RVRN, 2013.

⁵⁰ The CoE's Commissioner for Human Rights in his 2013 report cites allegations by homeless migrants living in the Pedion tou Areos park in Athens, that police officers who had checked their documents during the day, often returned at night, wearing Golden Dawn t-shirts, to engage in violence against them (p.22).

- **Reporting of racist violence**

72. In addition to the obstacles listed in this section's introduction, many victims who reside legally in Greece have no trust in the judicial system either.⁵¹ Of the 154 reported victims in 2012, only 24 filed official complaints and started judicial procedures; another 23 indicated that, in principle, they would like to do so. The rest did not take further action, mainly because they lacked documents and were afraid of being arrested and deported. Instead of dealing with complainants as potential victims of a crime, the police often seemed to prioritise control of their residence status. In many cases, the victims stated that they attempted to report the incidents to the police but were faced with unwillingness to help or were discouraged and, in some cases, even encountered actual refusal to respond. Some victims did not wish complain because they had already experienced police violence or because they argued that the perpetrators were associated with the police and/or Golden Dawn; as a result, the victims feared reprisals.⁵²

- **Measures taken by the authorities**

73. While some measures had been taken by the authorities, such as the creation of new anti-racist police units in early 2013, these remained largely insufficient to address the problem of racist violence. It was only after the murder of the Pavlos Fyssas, an ethnic Greek, by a member of Golden Dawn in September 2013 that the authorities acted against the neo-Nazi party, arresting and charging its leadership with having formed a criminal organisation. A Public Prosecutor for the prosecution of acts of racist violence was appointed in October 2013. The arrests also sparked a public debate as to whether the crackdown might have been mainly motivated by party politics.⁵³ On the other hand, the fact that hundreds of attacks against foreigners, including several killings, had not resulted in any steps against this organisation, but that this required the death of a Greek, is in itself worrying. This attitude is also implied by a comment made by the former high-ranking Cabinet Secretary, responding in 2012 to the annual NHRC report, which had raised the problem of racist violence, that "We are not interested in the human rights of foreigners".⁵⁴ The Ministry of Justice, Transparency and Human Rights has included the fight against racism and racist violence into its Human Rights National Action Plan 2014-2016.

74. ECRI recommends 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 Human Rights Commission) 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.

⁵¹ ENAR, 2013, p.29.

⁵² RVRN, 2013.

⁵³ See for example: [Greek PM's aide quits over purported Golden Dawn video](#), published by Reuters, 2.4.2014, accessed 23.5.2014.

⁵⁴ See for example: Marcus Walker / Marianna Kakaounaki, Greece struggles to outlaw its Golden Dawn fascist party, published on 5.12.2013 on the website of the UNHCR Greece (1 Against Racism), accessed 17.4.2014.

75. There were hardly any criminal proceedings against perpetrators of racist violence until the arrests of the Golden Dawn leadership. Furthermore, ECRI was informed by the prosecuting authorities, the Ombudsman and several NGOs that the racist and/or homo-/transphobic motivation of an act, in line with Article 79 of the Criminal Code on aggravating circumstances, was considered only at the end of a trial, when deciding the length of a sentence. This means that usually the full racist and/or homo-/transphobic background and dimension was not properly taken into account during the collection of evidence, the investigation and the judicial proceedings, in spite of a 2006 Police Circular regarding the inclusion of such motivations in police investigations. This in turn also led to a skewed picture with regard to the extent of hate crime committed and the severity of this problem within Greek society. Several recommendations had been made in the past by human rights organisations concerning the need to take racist or homo-/transphobic motivations into account from the outset of an investigation and at the beginning of a trial. Given the scale of the problem in Greece, it is difficult to comprehend why this had not been done before. The new Article 81A of the Criminal Code on hate motivated offences, introduced in 2014, is intended to remedy this problem now.
76. ECRI recommends that 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. ECRI recommends training for the police, for which programmes proposed by international organisations could be used. ECRI also recommends that the authorities offer training to judges and prosecutors on the application of Article 81A of the Criminal Code on hate motivated offences.
77. In late 2012, the Ministry of Public Order and Citizen Protection introduced special units within the police to tackle racist violence.⁵⁵ They are mandated to carry out in-depth investigations into racist attacks; they can also open an investigation ex officio and receive anonymous complaints, including via a dedicated telephone hotline. However, according to users the hotline (11414) has no interpreters available. Furthermore, callers did not receive any information about the reporting process or any assistance available, but were merely told to report to a police station. Operating in this manner, the hotline cannot be effective.
78. ECRI recommends that the hotline be staffed with interpreters (at least in Arabic, Farsi, English) and that staff be instructed to provide detailed information on the procedure for reporting racist violence, as well as information on any assistance available to victims, such as medical, psycho-social or legal counselling.
79. The competence of the new police units is limited to victims of acts of hatred “on national, racial, or religious grounds” and does not include sexual orientation and gender identity.
80. ECRI recommends including sexual orientation and gender identity in the mandate of the new anti-racism police units.
81. While the initiative of setting up specialised police units is to be welcomed, there is little evidence so far of their effectiveness. Most victims of racist violence do not trust them because, inter alia, their staff have been recruited from within the police force. Without a visible inculcation of a new and different attitude amongst members of these units, this problem is likely to remain. Careful

⁵⁵ Presidential Decree 132/2012.

selection of staff and adequate training (see also the recommendation made in paragraph 74) is crucial in this regard.

82. ECRI recommends further training for the new anti-racism police units.

83. Furthermore, police officers remain under a legal obligation to check the residence status of victims of racist violence, which is often a substantial disincentive for victims to come forward. Guarantees are needed for persons who do not have residence permits. Preventing and combating racist violence requires victims to be able to report such a crime under safe conditions.

84. During its visit, ECRI's delegation was informed by the authorities that the new Migration and Integration Code was to provide guarantees for provisional subsidiary protection for victims of racist violence who did not have a regular migration status in Greece. This proposal has since been withdrawn.

85. However, a ministerial decision (No. 30651), of 5 June 2014, provides for residence permits to be issued - on humanitarian grounds - by the Minister of Interior to third country nationals who are in Greece and who are victims or important witnesses of racist offences; a preliminary investigation must have been ordered or criminal proceedings initiated. The permits are valid until the case is closed or a final court judgment issued. ECRI welcomes this step, although it would have been preferable for the law to provide for the automatic suspension of the deportation orders rather than leaving it to ministerial discretion.

4. Integration policies

- Migrants

86. In the 1990s most migrants in Greece came from Albania and Eastern Europe. This changed in the following decade, when many migrants arrived from Africa and Asia, especially Pakistan and Bangladesh. It seems that the first group – many of the members of which have resided in the country for prolonged periods of time – often remains a distinct and lower social stratum within Greek society.⁵⁶ The second group has fared even worse, probably due to larger cultural differences, made worse by the onset of the economic crisis in the later part of that decade. This illustrates the need for a strong integration policy.

- Measures taken by the authorities

87. In 2013, Greece developed a National Strategy for the Integration of Third Country Nationals, but no specific results are yet known.⁵⁷ Priority areas are: information services, education and Greek language courses, employment and vocational training, health, housing, political participation, equal opportunities and intercultural dialogue. In 2012, Greece figured far below average in the

⁵⁶ Kasimis Charalambos, Greece: Illegal Immigration in the Midst of Crisis, published on the website of the Migration Policy Institute, 8 March 2012; and Kasimis Charalambos / Kassimi Chryssa, Greece: A History of Migration, published on the website of the Migration Policy Institute, 1 June 2004. Both last accessed: 30 April 2014. - See also: Inam Ullah Leghari, Pakistani immigrants in Greece: from changing pattern of migration to Diaspora politics and transnationalism, Paper presented at the Hellenic Observatory, London School of Economics, 2009.

⁵⁷ Website of the European Commission, accessed 29.4.2014: http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=34568 - See also: CoE's Commissioner for Human Rights, 2013, p.9.

OECD list of “key indicators on immigrant integration”, concerning, *inter alia*, housing, income, education, skill-matching and naturalisation.⁵⁸

88. The authorities informed ECRI that the new Migration and Integration Code (Law 4251/2014) entered into force on 1 April 2014. Although it does not include a further reduction in the number of work stamps required to renew residence permits from the current 120 to 50 per year, as was initially envisaged; it contains some transitional provisions. They aim at assisting third country nationals who lost or are at risk of losing their legal residence status due to unemployment. Persons whose residence permit expired before 30 September 2014 and who did not have the required number of work stamps, could have their permit renewed simply by producing a valid national social insurance card. ECRI welcomes this flexibility, although it cannot be seen as a substitute for a permanent reduction of the number of work stamps.⁵⁹ It is also positive to note that the Ministry of Interior streamlined the administrative process for the renewal of residence permits by setting up 58 so-called “one-stop-shops” across the country that became operational in early 2014. Additional staff was still being trained to reinforce the Athens and Piraeus offices, where all residence permits were in the meantime automatically renewed for four months.
89. Article 78 of Law 3852/2010 establishes the framework for local integration councils.⁶⁰ There are 219 such councils registered country-wide, but only about 100 are reported to be operating. ECRI’s delegation met with members of the Athens City Council for the Integration of Migrants, which has been described as a very useful integration tool because it provides a platform for dialogue between the different migrant communities and the municipal authorities. In the absence of voting rights in local elections for non-EU citizens, this body can also promote engagement and representation in public affairs.⁶¹ However, the scope is limited as the Council is merely a consultative body and has no decision-making powers.
90. ECRI recommends carrying out an assessment as to why more than half of the existing local councils for the integration of migrants do not operate.
91. In 2013, a chamber of the Council of State, Greece’s Supreme Administrative Court, questioned the constitutionality of Law 3838/2010 on citizenship⁶² to the extent that it would have granted citizenship to foreign children that have been born in Greece and whose parents have been permanently and legally residing in the country for at least five consecutive years or citizenship to foreign children born in Greece or abroad under the condition that they have successfully completed at least six grades of schooling in Greece (Art.1A); and voting rights in local elections to second-generation immigrants (Art.14).⁶³ The chamber criticised Article 1A of the law for not providing for a procedure to demonstrate the relationship of the person who would have become a Greek citizen with the

⁵⁸ Source: OECD, [Key indicators of integration by country](#), Greece.

⁵⁹ See ECRI’s conclusions on the implementation of the recommendations in respect of Greece subject to interim follow-up, 22.6.2012.

⁶⁰ Website of the European Commission, accessed 29.4.2014: http://ec.europa.eu/ews/en/resources/detail.cfm?ID_ITEMS=21974.

⁶¹ See also: CoE’s Commissioner for Human Rights, 2013, p.9. - Attention is also drawn to the Convention on the Participation of Foreigners in Public Life at Local Level and paragraph 158 in ECRI’s fourth report on Greece.

⁶² See also: Dimitris Christopoulos, EUDO Citizenship Observatory, Country Report: Greece, European University Institute, Florence, January 2013.

⁶³ Website of the RED Network, accessed 18.12.2013: <http://www.rednetwork.eu/?i=rednetwork.en.items&id=946>.

Greek nation. The chamber also found the criteria set by the law for deciding on a person's citizenship unsuitable and demanded stronger ties with Greece. Furthermore, the chamber referred to the Constitution which gave the right to participate in local elections only to Greek and EU citizens.⁶⁴ ECRI recalls that, although not necessarily a requirement, citizenship can be a major tool for the integration of migrants. It is, therefore, regrettable that a progressive political initiative seems to have been stopped.

92. Migrant workers often suffer from abusive employment relationships, which became visible again in the light of the 2013 shooting in Manolada, which was the culmination of months of neglect and exploitation of thousands of migrant workers.⁶⁵ The Labour Inspectorate investigated the case afterwards to ensure that outstanding salaries were paid, but it is worrying that violence had to occur to bring such conditions to the attention of the authorities.

93. ECRI recommends that the Labour Inspectorate pays special attention to the working conditions of migrants in order to prevent their exploitation.

94. ECRI regrets that the Athens Mosque has not been built yet⁶⁶, in spite of some progress made. Most Muslim worshippers⁶⁷ meet in private premises, which are often unsuitable. ECRI has been informed that there have been many problems with the registration of such locations as places of worship. A circular was issued by the authorities in May 2014 to provide guidance on this matter. However, ECRI considers that the authorities should take a proactive stance towards resolving the problem of Muslim worship.

95. ECRI reiterates its recommendation that the Greek authorities remove any administrative obstacles towards building a mosque in Athens.

96. Many migrant organisations informed ECRI that the operation Xenios Zeus, consisting of stop-and-search measures by the police to identify and detain irregular migrants, had serious negative consequences on integration. Many long-term residents were subjected to racial profiling and treated with suspicion which alienated them from Greek society.⁶⁸ Several migrants reported abusive language and improper behaviour of police officers when they could not immediately produce their residence documents.

97. ECRI recommends that the authorities instruct police officers to refrain from racial profiling during stop-and-search operations and to ensure respectful tone and behaviour towards all persons stopped.

⁶⁴ The RED Network, 2013.

⁶⁵ Amnesty International visited the area in April 2013 and observed horrendous conditions where workers – some in their early teens – lived in crowded sheds (for which they had to pay € 20 “rent” per month) without access to clean water and sanitation. According to witnesses, some 2 000 Bangladeshis work in the area, with a further 3 000 or more workers from other countries, including Bulgaria and Albania. Some had residence permits or had lodged asylum applications, but others are irregular migrants without insurance or access to health care. Many worked for as little as € 3.15 per hour. (Amnesty International, December 2013, p.10).

⁶⁶ See ECRI's 4th report on Greece, paragraph 107. See also the Report of the CoE's Commissioner for Human Rights, 2013, p.9.

⁶⁷ The situation is different for the Muslim minority of Western Thrace (see below).

⁶⁸ Only about 5% of the people who were taken to a police station, were found to be residing unlawfully in Greece. (The Ombudsman, The phenomenon of racist violence in Greece and how it is combated, September 2013, p.5).

- **Roma**

98. The number of Roma in Greece is estimated to be around 265 000 (approximately 2.5 % of the population).⁶⁹ As a result of failed integration plans, many Roma are still marginalised and socially excluded.⁷⁰ The Greek authorities set up an inter-ministerial committee for the coordination of all government institutions involved in Roma integration programmes. While the committee is only scheduled to meet once a year, it is positive to note that it had met three times in the seven months prior to ECRI's visit. This reflects the importance of the matter and the need for strong and synchronised actions to be taken.
99. ECRI recommends that the inter-ministerial Committee on Roma integration continues to meet at least once every three months to monitor developments.
100. The National Strategy for Social Integration of Roma 2012-2020 has the objective of ending the social exclusion of Roma and creating conditions for their integration. The previous Integrated Action Plan, with broadly similar objectives, has largely failed. There was also insufficient participation of Roma representatives in its evaluation.⁷¹ The new strategy prioritises housing, education, employment and health.
101. ECRI recommends that Roma communities are involved in the systematic follow-up of programme interventions in to ensure sustainability and greater involvement of community members.
102. ECRI recommends that an ongoing monitoring and accountability mechanism for the new Roma Integration strategy 2012-2020 is created, in which Roma communities are represented. ECRI also recommends an independent mid-term evaluation to be carried out in due course.
103. A large problem is still the lack of coherence between national strategies, regional action plans and local-level implementation. At the moment, the effectiveness of the integration measures depends to a large extent on the cooperation of local authorities and institutions. Representatives of different Ministries as well as NGOs confirmed that local resistance to Roma integration is often strong and difficult for the central authorities to overcome.
104. ECRI recommends that the implementation of the National Strategy for Social Integration of Roma 2012-2020 is closely coordinated with regional and local authorities.
105. Problems persist especially with regard to segregation in housing and education, often based on widespread prejudice against Roma within local communities. A majority of older Roma continue to be illiterate, and although school attendance is more common among younger Roma, their involvement in the educational process is still insufficient. The illiteracy and dropout rates among Roma children are still high.⁷² Their position in the formal labour market is, in general, precarious or even non-existent. Many Roma met by ECRI's delegation explained that due to a lack of formal education and reduced demand for unskilled workers, especially in the construction sector, as a result

⁶⁹ In September 2010 the estimates ranged from 180 000 to 350 000. - Council of Europe Roma and Travellers Division, quoted in: Claude Cahn and Elspeth Guild, [Recent Migration of Roma in Europe](#), 2010 (2nd edition), p.87. – published by the OSCE High Commissioner on National Minorities.

⁷⁰ ERTF, 2013, p.2.

⁷¹ See ECRI's conclusions on the implementation of the recommendations in respect of Greece subject to interim follow-up, 22.6.2012.

⁷² ERTF, 2013, p.7.

of the economic crisis, they now have to rely even more on informal economic activities, such as collecting scrap metal. Child benefits provided by the state are often the only stable source of income, thus perpetuating dependency and socio-economic marginalisation.

106. Roma pupils are often excluded from schools or sent to Roma-only facilities. In its 2012 judgment in *Sampanis and Others v. Greece*⁷³, the ECtHR found a violation of Article 14 (prohibition of discrimination) of the ECHR in conjunction with Article 2 of Protocol No.1 (right to education). The case concerned the education of Roma children at the 12th Primary School in Aspropyrgos. The school was supposed to accept both Roma and non-Roma children without distinction, but no non-Roma children were enrolled and the school provided a level of education inferior to that provided in other schools. The ECtHR recommended enrolling the pupils in other schools. The Ombudsman had described it as a “ghetto school” and requested, unsuccessfully, its merger with another local school.⁷⁴
107. ECRI’s delegation visited the school and found that still only Roma children attended it. Attempts to enrol these children in the primary school closest to their settlement, which in the meantime had been moved on orders of the local authorities, had failed. Parents of non-Roma pupils and local residents had threatened violence if Roma children were enrolled there and the headmaster, supported by local officials, refused to enrol them. While the Ministry of Education and Religious Affairs attempted to initiate a dialogue to solve the problem in accordance with the ECtHR judgment, it eventually decided to keep the Roma children in the 12th Primary School for “their own safety”.
108. Following the ECtHR judgment, the government made some efforts to abolish segregated schools through a national programme for Education of Roma Children and through so-called Education Priority Zones. This initiative was taken by the Ministry of Education and Religious Affairs and the programme is co-funded by the EU.⁷⁵ It aims to ensure the equitable educational integration of students and, if possible, to remove social and economic barriers to their progress. However, Greece currently still continues to fail in securing access to desegregated, inclusive education for all pupils.
109. ECRI strongly recommends that the Greek authorities develop an effective strategy to put an immediate end to racial segregation affecting Roma children in schools and to prevent any reoccurrence in the future. Such a strategy should be in full compliance with the judgments of the European Court of Human Rights and can also draw inspiration from ECRI’s General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.
110. The living conditions in many Roma settlements in Greece continue to be a cause of concern. Some settlements are in complete isolation from the rest of the population, without running water or electricity, with no heating in winter and leaking roofs in some cases, and without a sewage system or access to public transport. Furthermore, many forced evictions of Roma took place without

⁷³ [Sampanis and Others v. Greece](#) (ECtHR application no. 32526/05) - see also: *Lavida and Others v. Greece*.

⁷⁴ www.humanrightseurope.org/2012/12/human-rights-complaint-raises-concerns-about-ghetto-schools-for-greeces-roma-children/ accessed 25.4.2014.

⁷⁵ The programme is being implemented by the Universities of Thessaloniki and Athens, under supervision of the Ministry of Education and Religious Affairs, in 84 municipalities with large concentrations of Roma, focusing on regions where primary school integration indicators are low.

specifying a suitable place to install a safe and legal settlement and without adequate access to legal remedies.⁷⁶

111. According to data from the International Romani Network, following a study conducted in cooperation with the Greek Ministry of Labour, some 80% of Roma makeshift settlements and 20% of settlements that consist of a combination of houses and makeshift constructs, were not connected to the national power grid. 31 out of 37 makeshift settlements were not connected to the water supply system and 26 had no sewage facilities.⁷⁷

112. ECRI recommends that the Greek authorities take action to address the situation of Roma who live in settlements of inadequate standards.

113. ECRI's delegation visited a Roma settlement in Spata. It lay on an isolated site. Its residents were moved there by the local authority from another settlement.⁷⁸ They were provided with some pre-fabricated houses, but no other facilities. The lack of access to water, sewage and electricity systems has never been addressed. On at least one occasion, the authorities allegedly explained that the settlement cannot be connected to the utility grids due to its location in the vicinity to Athens Airport, where in fact no housing is normally permitted.

114. The Roma living on the settlement have been refused registration with the local authority because they cannot provide electricity or water bills as proof of residence. Some Roma children from the settlement had initially been enrolled in the local school, were then expelled and their re-enrolment subsequently refused due to lack of registration of residence. This problem is recognised by the Ministry of Education and Religious Affairs as a widespread obstacle to school enrolment of Roma children.

- **The Muslim minority of Western Thrace**

115. The Muslim minority of Western Thrace is the only recognised minority and consists of persons, the majority of whom identify themselves as Turks, others as Pomaks and Roma. Their number is estimated to be approximately 100 000–120 000, roughly one third of the population of the region. They enjoy special rights with regard to their religion, language and mother-tongue education.⁷⁹

116. Some 60 000, mainly ethnic Turks, from Western Thrace lost their Greek citizenship under Article 19 of the citizenship law, which was in force from 1955 until 1998.⁸⁰ The repeal of the provision was not retroactive.⁸¹ One has to apply to regain one's Greek citizenship. The persons concerned must reside in Greece. The Ministry of Interior has informed ECRI that so far all requests from persons living in Greece have been processed, except for one which is still

⁷⁶ In December 2009, the [European Social Committee](#) found, for the second time in five years, violations of Article 16 of the European Social Charter on the grounds that a significant number of Roma families continued living in conditions that failed to meet minimum standards, and that Roma families continued to be forcibly evicted in breach of the Charter. The complaint detailed the Greek government's continuing failure to provide adequate housing and related infrastructure for the Roma as well as its involvement in over 20 forced evictions since 2004. It also highlighted the systematic discrimination experienced by the Roma and lack of adequate safeguards and remedies.

⁷⁷ ERTF, 2013, p.10.

⁷⁸ Decision 177/1995 of the Spata Municipal Council, carried out in October 2000.

⁷⁹ Greece is not yet a State Party to the Framework Convention for the Protection of National Minorities. The rights of the Muslim minority of Western Thrace are set out in the 1923 Treaty of Lausanne.

⁸⁰ Article 19 read: "a person of non-Greek ethnic origin leaving Greece without intention of returning may be declared as having lost Greek nationality".

⁸¹ See ECRI's [Third Report on Greece](#), 2004, paragraph 9; and Western Thrace Minority University Graduates Association (WTMUGA), Comments on the US Human Rights Report on Greece 2011.

pending; minority representatives have mentioned that at least 30 requests have not been granted yet, which they perceive as an ongoing injustice and obstacle to full integration. The authorities dispute this number; they refer in this connection to five cases of statelessness in which the persons concerned did not apply for citizenship and were issued with a special type of residence permit.

117. ECRI recommends that the authorities reinforce their efforts to rectify the negative consequences of Article 19 of the citizenship law, which resulted in many persons still being unable to regain their Greek citizenship.

118. ECRI is concerned about the significant influence that the three offices of the Ministry of Foreign Affairs exercise over issues concerning the status of the minority, although the Greek authorities have informed ECRI that their task is “limited to monitoring the implementation of the State policy, in compliance with Greece’s international obligations.” ECRI wishes to stress that this is perceived by many members of the minority as a sign of not being recognised as equal Greek citizens.

119. The minority representatives met by ECRI’s delegation were satisfied with the existing University quota of 0.5% for members of the Muslim minority of Western Thrace. This is seen as a positive mechanism that has also helped to increase the number of female students. However, further improvement of primary and secondary education is viewed as crucial to enable more minority children to qualify for tertiary education. Particular concerns exist about the delayed accreditation of the new faculty for Turkish mother-tongue teaching at the Aristotelian University of Thessaloniki, which replaced the old Special Pedagogical Academy. Official recognition, which has been pending since 2011, is necessary in order to issue students, the first batch of whom is due to graduate in 2014, with state-recognised diplomas.

120. ECRI recommends that the Ministry of Education and Religious Affairs facilitates the timely accreditation of the new faculty for Turkish mother-tongue teaching.

121. There are only two schools providing secondary bilingual education for the minority (in Xanthi and Komotini). This situation, together with a general lack of teaching resources for the bilingual primary schools, has resulted in lower educational standards and attainment levels amongst minority children, and ultimately their social and economic marginalisation and exclusion.⁸² Pupils often have to give up their right to bilingual education, if they wish to access the better quality education provided in mono-lingual (Greek-language) schools.

122. ECRI recommends that the Ministry of Education and Religious Affairs, in addition to the progress made already, scales up its support to the bilingual schools in Western Thrace to ensure that the standard of teaching is equal to that of mono-lingual schools. ECRI also draws the Greek authorities’ attention to its General Policy Recommendation No. 10, which contains useful guidelines on these issues.

123. Law No. 3518/2006 has made pre-school education compulsory. There are no special measures for the Muslim minority of Western Thrace, where it is only provided in Greek.⁸³ The Government has rejected proposals to open Turkish-

⁸² See for example WTMUGA, Submission to the UN Human Rights Council, Forum for Minority Issues, November 2012, p.2.

⁸³ WTMUGA, Comments on the US Human Rights Report on Greece 2011.

Greek bilingual kindergartens in the existing bilingual primary schools.⁸⁴ In September 2012, the regional school inspectors in Echinós, Xanthi Prefecture, refused to enrol 20 children who had not attended the obligatory (Greek-language only) kindergarten and dismissed a bilingual school's principal, who had registered and taught them. While a solution to this incident was found and the children now attend school, no plans exist on how to avoid such situations in the future. ECRI is of the opinion that children's right to schooling should not be jeopardised.

124. ECRI recommends that the authorities take all necessary steps to ensure that minority children have access to a bilingual or monolingual elementary school, as per their parents' choice. It also recommends that the authorities enter into dialogue with the representatives of the minority to solve this problem.

125. ECRI received information and complaints from representatives of the minority about the low rate of members of the minority working in the civil service, especially in decision-making positions - including in Western Thrace itself.

126. ECRI recommends that the Greek authorities take steps to increase the number of minority members who work in the civil service of the region of Eastern Macedonia and Thrace.

II. Topics specific to Greece

1. Interim follow-up recommendations of the fourth round

127. The three interim follow-up recommendations from ECRI's fourth round report are discussed in the relevant thematic sections above (see §§ 26, 86 and 98).

2. Other

2.1 Irregular Migrants

128. In 2010 the OECD estimated that nearly half of the immigrant population in Greece did not have a regular migration status.⁸⁵ It was estimated that there were approximately 350 000 such migrants in the country in December 2010 and some 390 000 at the end of 2011.⁸⁶ In the second quarter of 2012, 56% of all detected irregular border crossings into the EU occurred via the land border between Greece and Turkey.⁸⁷

129. Like many other human rights organs, including the Council of Europe's Commissioner for Human Rights, ECRI is concerned about the alleged breaches of fundamental rights of migrants in the context of border patrols, such as "push-back" operations at land and sea, and in particular incidents that put the lives of migrants at risk or resulted in deaths, such as the shipwreck near Farmakonisi in January 2014.

130. ECRI recommends that the Greek authorities ensure thorough and independent investigations into alleged human rights violations in the context of border patrols and prevent any re-occurrence.

⁸⁴ Human Rights Without Frontiers, *Ethnic Turks in Greece, a Muslim Minority*, Brussels, November 2012, p.12.

⁸⁵ The OECD's *International Migration Outlook*, quoted in: Charalambos Kasimis, *Greece: Illegal Immigration in the Midst of Crisis*, Agricultural University of Athens, March 2012.

⁸⁶ Thanos Maroukis, *Update report Greece: [The number of irregular migrants in Greece at the end of 2010 and 2011](#)*, Database on Irregular Migration, p.3.

⁸⁷ CoE's Commissioner for Human Rights, 2013, p.5.

131. ECRI notes with satisfaction that the Greek authorities have now adopted a policy of granting Syrian refugees temporary humanitarian stay in the country. Moreover, ECRI is pleased to have learnt that there are no longer plans to introduce irregular migration status as an aggravating circumstance in the commission of a criminal offence, as had been discussed in 2012.⁸⁸
132. Law 3907/2011 provides for migrants to be detained for preparation of their return and enforcement of the removal order unless other sufficient, but less coercive measures can be applied in a specific case (Art. 30.1). However, in practice, no “less coercive measures” exist currently. In most cases, the authorities automatically consider that being in an irregular situation constitutes sufficient reason for detention⁸⁹ and the policy is systematically to detain irregular migrants who are detected, whether at the land or sea border or during police checks, for example in the context of operation Xenios Zeus.
133. ECRI recommends that the Greek authorities revise their policy with the aim of no longer detaining irregular migrants routinely, but develop alternative, less coercive measures, in its place.
134. Law 4075/2012 amended Presidential Decree 114/2010 and Law 3386/2005, providing for migrants and asylum seekers also to be detained if they represent “a danger to public health,” when they “suffer from an infectious disease,” “belong to groups vulnerable to infectious diseases,” or live in “conditions that do not meet minimum standards of hygiene”.⁹⁰ ECRI considers such measures to be discriminatory. They are prone to lead to further stigmatisation, which in the already existing climate of hate speech and racist violence is counterproductive.
135. Irregular migrants can access medical treatment in emergency situations, regardless of residence status.⁹¹ ECRI learnt, however, about problems arising from the police frequently checking the documents of migrants outside of NGO-operated health care centres in Athens. This has become a major disincentive for irregular migrants to access these centres, for fear of arrest and possible deportation, with resulting negative consequences for the individuals concerned, as well as for the wider public health situation.
136. ECRI recommends that the authorities provide adequate medical treatment to migrants irrespective of their residence status in cases of serious infectious diseases or other public health risks. Furthermore, where medical services are provided by NGOs, access to them should not be jeopardised by police checks.
137. Irregular migrants, if not detained, are left to fend for themselves, without any social protection or the right to work. Many have resorted to squatting in abandoned houses and derelict apartment buildings in inner-city Athens, which has resulted in local residents associating them with the decay and impoverishment of these areas.

⁸⁸ CoE’s Commissioner for Human Rights, 2013, p.8.

⁸⁹ Report of the UN Special Rapporteur on the human rights of migrants on his visit to Greece, 2013, p.14. See the CPT website (www.cpt.coe.int) for information on the conditions of detention.

⁹⁰ Whilst detention on public health grounds is permissible under international law, it must in all cases be necessary, proportionate, appropriate to achieve a clear public health aim, and nondiscriminatory. See for example the ECtHR’s 2005 judgement in *Enhorn v. Sweden* (case no. 56529/00). Doubts have already been raised as to the compatibility with Article 5.1 of the ECHR of provisions that specifically target non-citizens for detention on health grounds (ECRI’s 4th report on Lithuania, §§ 184 - 185). See also: Robyn Martin, [The Exercise of Public Health Powers in Cases of Infectious Disease: Human Rights Implications](#), in: *Medical Law Review* (2006) 14 (1): p.132-143.

⁹¹ Focus Migration, [Irregular Migration in Europe – Doubts about the Effectiveness of Control Strategies](#), Policy Brief nr. 9, March 2008, p.3.

138. ECRI was informed that providing housing to irregular migrants is illegal and persons or organisations doing so can face prosecution.⁹² This leads to a situation in which charitable organisations, which would be prepared to offer some form of accommodation to irregular migrants are prevented from doing so.
139. ECRI recommends that the authorities de-criminalise the provision of accommodation to irregular migrants in order to enable charitable organisations to provide assistance to irregular migrants who suffer from homelessness.

2.2 Policies to combat discrimination and intolerance against LGBT persons⁹³

140. Greece does not have an effective policy for the protection of LGBT persons against discrimination or a strategy to promote tolerance vis-à-vis this group. Sexual orientation and gender identity were included as grounds in the old Article 79(3) of the Criminal Code on aggravating circumstances, and in Law 4285/2014, which added the new Article 81A on hate motivated offences to the Criminal Code.⁹⁴ Sexual orientation, but not gender identity is also included in the grounds of Law 3304/2005 (see section I.1 above). However, there is no national programme in place to raise awareness among the public and combat negative stereotypes and prejudices.
141. In the 2012 LGBT survey of the European Union's Fundamental Rights Agency (FRA), 68% of respondents in Greece said that offensive language about LGBT people by politicians is "fairly" or "very widespread" in their country (EU average: 44%).⁹⁵ ECRI was informed by LGBT groups that homo- and bisexual persons can usually only avoid discrimination by not revealing their sexual orientation, as levels of intolerance are still high. While it is regrettable that anyone feels compelled to resort to secrecy, such an "option" is often not even available to transgender and transsexual people.
142. A cause for serious concern is the homophobia and transphobia exhibited by some staff in educational institutions. FRA's LGBT survey showed that nearly one quarter (24%) of respondents felt discriminated against because of being LGBT by personnel in educational institutions.⁹⁶ The case of a transgender person, who was harassed in an Athens evening school and was finally driven to abandon her further education, is one of the cases in point and even led to an intervention by the Ombudsman.⁹⁷ However, in this case it seems particularly peculiar and counter-productive that the only teacher, who had supported the victim in the absence of any support from the headmaster, was subsequently suspended in dubious circumstances and allegedly without due process.⁹⁸

⁹² See Law 3386/2005, Article 84 (1), and also Law 4251/2014, Article 29.

⁹³ Concerning the definition of LGBT cf. Council of Europe, Discrimination based on sexual orientation and gender identity in Europe, 2011, pp. 21 and 139 et seq.

⁹⁴ See § 14 in section I.1 above.

⁹⁵ FRA, EU LGBT survey, [Survey data explorer](#) – published May 2013, accessed 19.5.2014.

⁹⁶ EU FRA, EU LGBT survey, [Survey data explorer](#), 2013. - According to the survey only 1% of respondents indicated that they were always open about their LGBT identity at school; while more than three quarters felt the need to hide it completely.

⁹⁷ Interventions by the Ombudsman available at: http://www.synigoros.gr/?i=isotita-ton-fylon.el.if2_90ther.132282 –

See also: Speech by the Ombudsman at the Council of Europe's conference on discrimination of LGBT people, available at: <http://www.synigoros.gr/resources/speech-on-discrimination-of-lgbt.pdf>.

⁹⁸ Greek Transgender Support Association, [Scalable transphobic behavior against trans schoolgirl & teacher who supported her](#), 9.5.2013, accessed 19.5.2014 at <http://www.ilga-europe.org>. See also:

143. ECRI strongly recommends that the Greek authorities develop a national strategy, together with LGBT representatives, to combat discrimination and homo-/transphobia, including in educational facilities. Furthermore, all educational staff should be encouraged and supported to assist victims of bullying.

144. Not only are sexual orientation and gender identity not included into the mandate of the newly established anti-racism police units (see section I.3 above), but repeated and consistent allegations have been brought to ECRI's attention concerning routine police harassment of transgender persons by fining them for solicitation and attempted prostitution merely based on their appearance and the discrepancy between their looks and the sex indicated on their identity cards.

145. ECRI strongly recommends that the Greek authorities issue a clear instruction to all police officers that transgender persons should not be fined for alleged prostitution offences merely due to their identity and appearance.

146. In the run-up to the 2013 Thessaloniki Pride, a group of transgender people was arrested and charged with public order offences allegedly caused by their transgender identity. Their lawyer, who visited them in the police station, was also detained, allegedly without justification, and intimidated by police officers.⁹⁹ The Greek authorities informed ECRI that an internal police inquiry has been conducted, but that the case was closed as the claims against the police officers could not be substantiated. ECRI notes that the investigation was not independent; moreover, it has received no information as to whether a criminal prosecution against the policemen concerned will be initiated.

147. ECRI recommends that the authorities ensure a full and independent investigation of this incident.

2.3 Political Extremism

148. The election results in May 2014 show that the threat of Golden Dawn has not disappeared. The party tripled its share of the vote in the Athens local elections from just over 5% in 2010 to 16%, and achieved 9.3 % in the election to the European Parliament, in spite of the fact that several of its political leaders remained remanded in custody during the election campaigns. While it seems that the authorities' strategy to dismantle Golden Dawn and its public appeal by exposing it as a criminal organisation has had a certain positive effect on reducing the incidents of racist violence since September 2013, the local and European elections clearly showed that its political support has not been reduced. The opposite seems to be the case. This makes the need for substantial verification of pledges of constitutionality and banning of racist parties even more relevant, given the increasing threat posed by Golden Dawn.

149. While outlawing a political party will not be sufficient to change the attitudes among its voters, and might even increase their appeal in the eyes of some, such a step is a clear signal that organisations advocating racial hatred cannot be considered as a legitimate political force.

Amnesty International, *Because of Who I am – Homophobia, Transphobia and Hate Crimes in Europe*, 2013, p.3.

⁹⁹ Greek Transgender Support Association, [Transgender arrests in police crackdowns and unlawful detention of the defenders of their rights in Thessaloniki, Greece](http://www.ilga-europe.org), published 11.6.2013, accessed 19.5.2014 at <http://www.ilga-europe.org>.

150. Legal measures can, however, only be one aspect of a comprehensive response that is needed to counter racist extremism, manifestations of which are also not necessarily limited to a single political party. The current economic crisis, including the ongoing austerity measures, are undoubtedly a major destabilising factor and Greece's geographic position as the main entry point for irregular migration into the EU compounds this further. However, linking the upsurge of racism solely to external factors, plays down the responsibility of a society to decide how it reacts to existing challenges. Racism is not an automatic and inevitable consequence of a social and economic crisis, but it is also strongly rooted in narrow and exclusive perceptions of one's own identity.
151. Hence, the current situation does not only necessitate, but also offers an important opportunity for a broad-based paradigm shift towards more inclusive definitions of Greek identity. This can enable society as a whole to reject existing racist tendencies as an assault on the rich diversity of Greek cultural heritage. Racist hatred and violence can never be a mechanism to defend Greek identity - on the contrary, they undermine its very essence and the values of the civilisation it has shaped.
152. It is therefore important that the Greek authorities facilitate a public debate within Greek society in order to re-evaluate definitions of ethnic and mono-cultural Greek identity, which often give rise to perceiving "the other" as a threat to the country's well-being. Greek values of openness, hospitality, tolerance and democracy, coupled with the nation's own historical experiences of oppression and violence in the past, and its traditions of emigration, are useful building blocks with which the authorities can launch such a new public discourse to facilitate the redefining of Greek identity in a multi-cultural context.
153. ECRI recommends that the Greek authorities launch a broad-based public campaign to denounce racist attitudes as contrary to Greek values and interests and to promote an inclusive and multi-cultural approach towards Greek identity.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Greece are the following:

- ECRI recommends 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 Human Rights Commission) 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.
- ECRI recommends 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. ECRI recommends training for the police, for which programmes proposed by international organisations could be used. ECRI also recommends that the authorities offer training to judges and prosecutors on the application of Article 81A of the Criminal Code on hate motivated offences.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§2) ECRI once again recommends Greece to ratify Protocol No. 12 to the European Convention on Human Rights.
2. (§6) ECRI recommends that language and citizenship are included in the list of grounds of Article of Law 927/1979. It also recommends that the offences that are still missing (see § 4 above) be included in the law.
3. (§8) ECRI recommends to amend Law 927/1979 in order to criminalise racial discrimination in the exercise of one's public office or occupation.
4. (§11) ECRI recommends to amend Law 927/1979 in order to criminalise the public expression, with a racist aim, of ideologies with a claim of superiority.
5. (§15) ECRI recommends that language and citizenship are included in the list of grounds in Article 81A of the Criminal Code.
6. (§22) ECRI recommends that Law 3304/2005 be amended in line with its General Policy Recommendation No. 7 to: include the grounds of colour, citizenship and language; extend the scope of Chapter III of the law to social protection, education and access to goods and services; include discrimination by association and by assumption; and include a direct obligation on all public authorities to prevent discrimination in carrying out their functions.
7. (§24) ECRI repeats its recommendation to amend Law 3304/2005 so as to enable non-governmental organisations to bring cases to court without representing a specific victim.
8. (§27) ECRI recommends, in line with its GPR No. 7, that the legislation be amended not only to suppress public financing of organisations which promote racism, but also to provide for the possibility of dissolution of such organisations.
9. (§31) ECRI recommends Law 3304/2005 be amended to give the Ombudsman the right to initiate court cases, to participate in them and to intervene in favour of plaintiffs whose cases s/he has investigated. The Ombudsman should be allowed to receive complaints from the private sector concerning racial discrimination. Alternatively, an independent equality authority, dealing inter alia with racial discrimination, should be created along the lines recommended by ECRI in its above-mentioned General Policy Recommendation No. 7 and the more detailed General Policy Recommendation No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level.
10. (§33) ECRI recommends that in order for the Equal Treatment Committee and the Labour Inspectorate to become independent authorities, they should be given a status similar to that of the Ombudsman. Alternatively, their competencies could be transferred to an independent authority, as recommended in § 31.
11. (§35) ECRI recommends that the Greek authorities set up a national monitoring mechanism for incidents of hate speech. This should also include, but not be limited to, a centralised database for court cases.
12. (§45) ECRI calls upon all political parties, as well as the leadership of the Greek Orthodox Church, to take a firm stand against racist discourse and instruct their

representatives to refrain from making derogatory comments targeting a group of persons on grounds of their “race”, religion, nationality, language or ethnic origin.

13. (§48) ECRI recommends that a provision prohibiting racist and homo-/transphobic insults and providing for measures and/or sanctions to be taken in case of its breach is introduced in the Parliament’s Standing Orders.
14. (§52) ECRI recommends that Law 927/1979 is always applied to cases of hate speech in the media. It also recommends that the authorities encourage, without encroaching on the independence of the media, the creation of an effective self-regulatory mechanism for the media industry to prevent racist comments in newspapers, on television and on the radio. Furthermore, it recommends that Greece ratifies the Additional Protocol to the European Convention on Cybercrime, as stated in the 2014-2016 Human Rights National Action Plan.
15. (§56) ECRI recommends that the authorities discuss with the leadership of the Orthodox Church ways in which the Church can use its moral standing to prevent and combat hate speech, including against LGBT.
16. (§57) ECRI recommends that the authorities make a public declaration condemning homo-/transphobic hate speech. It also recommends that all political parties take a firm stand against homo-/ transphobic discourse by their representatives.
17. (§59) ECRI recommends that the authorities ensure that clear instructions are issued to all police officers that no fee is to be charged for reporting racist or homo-/ transphobic violence; the victims should always be informed accordingly.
18. (§71) ECRI reiterates its recommendation that the authorities provide for a body, independent of the police and prosecution, entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police, as called for in Chapter II 10) of its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.
19. (§74) ECRI recommends 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 Human Rights Commission) 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.
20. (§76) ECRI recommends that 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. ECRI recommends training for the police, for which programmes proposed by international organisations could be used. ECRI also recommends that the authorities offer training to judges and prosecutors on the application of Article 81A of the Criminal Code on hate motivated offences.
21. (§78) ECRI recommends that the hotline be staffed with interpreters (at least in Arabic, Farsi, English) and that staff be instructed to provide detailed information on the procedure for reporting racist violence, as well as information on any assistance available to victims, such as medical, psycho-social or legal counselling.
22. (§80) ECRI recommends including sexual orientation and gender identity in the mandate of the new anti-racism police units.

23. (§82) ECRI recommends further training for the new anti-racism police units.
24. (§90) ECRI recommends carrying out an assessment as to why more than half of the existing local councils for the integration of migrants do not operate.
25. (§93) ECRI recommends that the Labour Inspectorate pays special attention to the working conditions of migrants in order to prevent their exploitation.
26. (§95) ECRI reiterates its recommendation that the Greek authorities remove any administrative obstacles towards building a mosque in Athens.
27. (§97) ECRI recommends that the authorities instruct police officers to refrain from racial profiling during stop-and-search operations and to ensure respectful tone and behaviour towards all persons stopped.
28. (§99) ECRI recommends that the inter-ministerial Committee on Roma integration continues to meet at least once every three months to monitor developments.
29. (§101) ECRI recommends that Roma communities are involved in the systematic follow-up of programme interventions in to ensure sustainability and greater involvement of community members.
30. (§102) ECRI recommends that an ongoing monitoring and accountability mechanism for the new Roma Integration strategy 2012-2020 is created, in which Roma communities are represented. ECRI also recommends an independent mid-term evaluation to be carried out in due course.
31. (§104) ECRI recommends that the implementation of the National Strategy for Social Integration of Roma 2012-2020 is closely coordinated with regional and local authorities.
32. (§109) ECRI strongly recommends that the Greek authorities develop an effective strategy to put an immediate end to racial segregation affecting Roma children in schools and to prevent any reoccurrence in the future. Such a strategy should be in full compliance with the judgments of the European Court of Human Rights and can also draw inspiration from ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.
33. (§112) ECRI recommends that the Greek authorities take action to address the situation of Roma who live in settlements of inadequate standards.
34. (§117) ECRI recommends that the authorities reinforce their efforts to rectify the negative consequences of Article 19 of the citizenship law, which resulted in many persons still being unable to regain their Greek citizenship.
35. (§120) ECRI recommends that the Ministry of Education and Religious Affairs facilitates the timely accreditation of the new faculty for Turkish mother-tongue teaching.
36. (§122) ECRI recommends that the Ministry of Education and Religious Affairs, in addition to the progress made already, scales up its support to the bilingual schools in Western Thrace to ensure that the standard of teaching is equal to that of mono-lingual schools. ECRI also draws the Greek authorities' attention to its General Policy Recommendation No. 10, which contains useful guidelines on these issues.
37. (§124) ECRI recommends that the authorities take all necessary steps to ensure that minority children have access to a bilingual or monolingual elementary school, as per their parents' choice. It also recommends that the authorities enter into dialogue with the representatives of the minority to solve this problem.

38. (§126) ECRI recommends that the Greek authorities take steps to increase the number of minority members who work in the civil service of the region of Eastern Macedonia and Thrace.
39. (§130) ECRI recommends that the Greek authorities ensure thorough and independent investigations into alleged human rights violations in the context of border patrols and prevent any re-occurrence.
40. (§133) ECRI recommends that the Greek authorities revise their policy with the aim of no longer detaining irregular migrants routinely, but develop alternative, less coercive measures, in its place.
41. (§136) ECRI recommends that the authorities provide adequate medical treatment to migrants irrespective of their residence status in cases of serious infectious diseases or other public health risks. Furthermore, where medical services are provided by NGOs, access to them should not be jeopardised by police checks.
42. (§139) ECRI recommends that the authorities de-criminalise the provision of accommodation to irregular migrants in order to enable charitable organisations to provide assistance to irregular migrants who suffer from homelessness.
43. (§143) ECRI strongly recommends that the Greek authorities develop a national strategy, together with LGBT representatives, to combat discrimination and homo-/transphobia, including in educational facilities. Furthermore, all educational staff should be encouraged and supported to assist victims of bullying.
44. (§145) ECRI strongly recommends that the Greek authorities issue a clear instruction to all police officers that transgender persons should not be fined for alleged prostitution offences merely due to their identity and appearance.
45. (§147) ECRI recommends that the authorities ensure a full and independent investigation of this incident.
46. (§153) ECRI recommends that the Greek authorities launch a broad-based public campaign to denounce racist attitudes as contrary to Greek values and interests and to promote an inclusive and multi-cultural approach towards Greek identity.

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