



European network against racism

# ENAR Shadow Report 2009-2010

## **ENAR SHADOW REPORT 2009/2010**

### **Racism and Discrimination in Greece**

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

Published by the European Network against Racism (ENAR) in Brussels, March 2011, with the support of the Open Society Foundations, the Joseph Rowntree Charitable Trust. and the Community Programme for Employment and Social Solidarity - PROGRESS (2007-2013).

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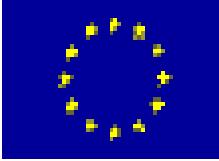
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1. providing analysis and policy advice on PROGRESS policy areas;
2. monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
3. promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
4. relaying the views of the stakeholders and society at large

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## I. Executive summary

### Introduction

There were two major immigration related developments in Greece during 2009 and the first half of 2010. First, until October 2009 when the New Democracy Conservative party was in power, there were no significant immigration and discrimination policy developments. In October 2009, the socialist party PASOK won the national elections and reopened the debate on various issues concerning human rights. In March 2010, the legal code for the acquisition of Greek citizenship was changed and provisions for third country nationals were also included. The second major development was the rise of the far right-wing LAOS party that gained seats in the Greek and European Parliaments in 2009. The anti-racist NGOs and other independent groups complained that the rise of the extreme right has multiplied attacks against vulnerable groups.

### Communities vulnerable to racism

**Migrants:** Since there are no official statistics, it is estimated that over 1 million immigrants from non- European Union countries live in Greece and this accounts for 10% of the country's population. **Refugees:** In 2009, there were 15.928 applications lodged by asylum seekers for international protection. Out of these 11 (0.4%) were granted refugee status at first instance. Greece is still the country who grants the lowest number of person's refugee status within the EU. **The Roma community:** In August 2009, the Ombudsman published a special report entitled "Settlement Registry of Greek Roma community", whereby he stressed the necessity to register all Greek Roma and resolve some of their pressing problems such as housing.

### Manifestations of racism and religious discrimination

This chapter focuses on the different areas where the above mentioned groups face discrimination. **Employment:** There are massive violations of migrant workers' rights. They encounter these violations in a number of areas such as conditions of employment, social security and remunerations. **Housing:** Particular problems exist in the historical centre of Athens. In the city centre, many migrants are living in about 140 abandoned buildings. In some cases even abandoned cars are used as temporary housing. **Education:** The survey of Greek Institute for the Education of People of Hellenic Background and Intercultural Education (I.P.O.D.E.) indicated that foreign students in elementary and secondary school account to 11% of the student population but they only account for 6.5% in high school. Language difficulties prevents them from moving on to higher education i.e. university level. The data concerning the Roma community is not encouraging. In fact 35% of Roma are completely illiterate. **Health:** Social networks and NGOs play a supporting role by providing free primary health services and medical care to immigrants who do not have access to the National Health Service. **Policing and racial profiling:** The Greek Roma

community are the most heavily policed group in Greek Society. However, for the first time the Panhellenic Federation of Police Officials asked to open the debate on integrating immigrants into the country's security forces. **Racist violence and crime:** Incidents of racist violence have significantly multiplied especially after the rise of the far-right party LAOS in the 2009 elections. **Access to goods and services:** There is a lack of data which makes it very difficult to monitor the number and type of discriminations in certain areas as the Equal Treatment Committee, whose purpose is to record and monitor violations involving the sale of goods and services, does not exist but only remains on paper. **Media and the Internet:** While the media can play a positive and crucial role concerning vulnerable groups and to eliminate stereotypes, in fact, too often only negative events associated with them is presented to the public.

### **Political and legal context**

**Anti-discrimination:** Greece has repeatedly been criticized by international organizations and NGOs for not implementing a specific policy in combating discrimination. No other additional measures have been taken to inform its citizens and vulnerable groups about their rights or initiatives such as information and training of judges and the police.

Recommendations: There should be an ongoing training programme for police and judges and NGOs must have the right to act independently in courts on discrimination cases.

**Migration and integration:** When the Conservative party was in government (2004–2009), there was no progress in immigration issues. However, in 2010 the new government voted for new amendments (Law 3838/2010) regarding the Greek citizenship Code which is a positive development. For the first time the law gives the right to third country nationals legally residing in Greece to vote and to be voted for.

Recommendations: Greece must stop returning asylum seekers to third countries and should reopen a mass legalization process for immigrants without papers.

### **Criminal justice:**

**Racism as a crime:** The amendment of Article 79 of the Penal Code (under which most of the crime committed where national, racial or religious hatred is an aggravating circumstance) is certainly a positive development, but it does not seem to be followed by a Circular addressed to the police, prosecutors and magistrates to draw their attention to their duty to investigate possible racial motive.

Recommendations: The Greek government must make a long-term campaign against racist crimes aimed at both the general public and vulnerable groups so as to encourage the latter to report the crimes with racist motives.

**Counter terrorism:** Recently, Greece has opened the debate as to whether terrorism is linked to immigrants, particularly Muslims. The conservative right-wing rhetoric links the building of a mosque in Athens to terrorism.

Recommendations: Greece must provide Muslims with places of worship, and places for them to bury their dead, especially in the capital.

**Racial Profiling:** There has been no formal discussion about ethnic profiling but immigrants are frequently targeted by senior policy officials, the judiciary and members of the Church of Greece.

Recommendations: Greece must provide education and cooperation between competent authorities and NGOs in order to address ethnic profiling.

**Social Inclusion:** At national level the priorities for social inclusion are: 1) preventing and tackling the social exclusion of vulnerable groups with specific interventions for social and professional integration and 2) support businesses to combat discrimination in employment.

Recommendations: NGOs must be involved in both designing and implementing integration policies.

## II. Table of contents

I. Executive summary.....	4
II. Table of contents .....	7
III. Introduction .....	8
IV. Communities vulnerable to racism and discrimination.....	10
V. Manifestations of racism and religious discrimination.....	13
V.i Employment .....	13
V.ii Housing .....	16
V.iii Education.....	18
V.iv Health .....	19
V.v Policing and ethnic profiling.....	20
V.vi Racist violence and crime.....	21
V.vii Access to goods and services in the public and private sector.....	23
V.viii Media, including the internet.....	24
VI. Political and legal context .....	26
VI.i Anti discrimination .....	26
VI.ii Migration and integration .....	28
VI.iii Criminal justice .....	32
VI.iii.ii Counter terrorism .....	34
VI.iv Social inclusion.....	36
VII. National recommendations .....	38
VII.i General .....	38
VII.ii Anti discrimination .....	38
VII.iii Migration and integration .....	38
VII.iv Criminal justice .....	38
VII.v Social inclusion .....	39
VIII. Conclusion.....	40
IX. Bibliography.....	41
X. Annex 1: List of abbreviations and terminology .....	44

### III. Introduction

There were two major political developments in Greece during the period 2009 - 2010 (first half), in the area of immigration which has led to progress being made towards the social integration of vulnerable social groups and the creation of an immigration policy.

In the field of immigration we had two opposing policies in 2009. Up until October 2009 when the conservative “New Democracy” party (N.D.) was in government, there was no significant policy on immigration and discrimination. The reluctance of the government to deal with these issues was evident, and those laws were the result of EU Directives, which was incorporated into the national law. A typical example of this is Law 3304/2005, which regulates the general framework for eliminating discrimination in employment and it has been discussed in detail in previous shadow reports. Also, asylum law was tightened and as a result Greece was severely criticised by national and international organizations. In October 2009, the socialist party PASOK won the national elections and it reopened the debate on various issues concerning human rights. Therefore, in March 2010, the legal code for the acquisition of Greek citizenship was changed and provisions for second generation immigrant children who were born or who studied for at least six years in Greece, were also included giving them the right to apply for Greek citizenship. This development was positively commented on by anti-racist NGOs but the legislation and procedure related to asylum, a longstanding demand of NGOs and the United Nations High Commission for Refugees (UNHCR) in Greece still needs significant improvement.

The second major development is the rise of the far right party LAOS that gained seats in the Greek and European Parliament in 2009. The party succeeded in getting 10 MPs elected in the national elections in 2007 and received 3.8% of the vote. In the 2009 election 15 members were elected and received 5.62% of the vote<sup>1</sup>. They made significant gains in the European elections in June 2009 by electing 2 members to the European Parliament, receiving 7.15%<sup>2</sup> of the vote. The anti-racist NGOs and other independent groups complained that the rise of the far-right has multiplied attacks against vulnerable groups, particularly on immigrants, refugees and the Jewish community. This is due to the publicity the far-right enjoys especially through television and that also allows different fascist and racist groups to openly commit violent acts against minorities. And finally, as noted in previous shadow reports, the courts are particularly reluctant to enforce anti-racist laws.

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<sup>1</sup> Hellenic Parliament, National Elections, <http://www.hellenicparliament.gr/Vouli-ton-Ellinon/To-Politevma/Ekloges/Eklogika-apotelesmata-New/#IG>, accessed 14 March 2010.

<sup>2</sup> European Parliament, European Elections, [http://www.europarl.europa.eu/parliament/archive/elections2009/el/index\\_el.html](http://www.europarl.europa.eu/parliament/archive/elections2009/el/index_el.html), accessed 14 March 2010.



Concerning the 2009-2010 shadow report, the period covered is from January 2009 to the first semester of 2010 and comprises in total of nine chapters including the executive summary, introduction and conclusion. In chapter IV we look at the vulnerable communities notably immigrants, refugees and the Roma community. In chapter V we examine specific problematic areas in relation to racism and discrimination such as employment, housing, education, health and the media. Chapter VI reports on the political and the legal context by focusing on anti-discrimination, migration and integration, criminal justice, racism as a crime, counter terrorism, racial profiling and social inclusion. Finally chapter 7 includes the national recommendations made on the above issues.

## IV. Communities vulnerable to racism and discrimination

### Migrants

In the last 20 years a number of factors played a significant role in the increase in immigration across Europe. Globalization, the changing status in Central and Eastern Europe, the continuing rise of poverty in developing countries as well as environmental changes and changes in the labour market and the participation of new countries especially those of Mediterranean in the European Union all led to an increase in immigration.

Greece as a Southern European country has become a gateway for immigrants whose main goal is to move to Western Europe. But in the course of this, many of them remain in Greece. Since there are no official statistics, it is estimated that over 1 million immigrants from non- European Union countries live in Greece and this accounts for 10% of the country's population<sup>3</sup>.

Initially some immigrants are undocumented but over time through legislative amendments some are able to obtain legal documentation. As of today, it is estimated that 35-50% of migrants do not have the necessary legal documents. The largest immigrant community are Albanians (60%) followed by Bulgarians (8%), Romanians (4, 5%), Ukrainians (4, 3%), Georgians (2, 7%), Pakistanis (2, 5%) and Russians (2, 4%)<sup>4</sup>. With regards to geographical distribution, about half of them are located in Athens and its surrounding areas whilst the rest are in regions of tourist or agricultural development activities.

The main problem is that Greece does not have a specific immigration policy. Different legislation was created to solve some specific problems relating to the legalization process but it never actually solved the problem. In addition, recently, there have been discussions of social inclusion and participation of immigrants in the political system of the country. The fact that there is no specific migration policy, has resulted in lesser wages compared to Greeks and on several occasions they are not insured. Furthermore, the public and the media try to associate immigrants with crime and project a negative image about immigrants especially those from the Balkans and Eastern European countries.

Women are often victims of multiple discrimination. Most of these women are from Balkan countries and Eastern Europe and also member countries of the European Union such as Bulgaria and Romania. Migrant women usually provide house-keeping services and are without a valid work permit and social insurance. They are therefore obliged to insure themselves and work all day without break and if they are fired from their job, they do not receive compensation and cannot receive unemployment benefit.

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<sup>3</sup> University of Harokopou, Department of Geography, *NGOs & Migrants Guide* (Athens, University of Harokopou, December 2009).

<sup>4</sup> Triandafyllidou, Anna, *Controlling Migration: Policies, Problems and Opportunities* ( n.p., 2008).

## Refugees

Greece is still the country which grants the lowest number of person's refugee status within the European Union. According to the Ministry of Interior (department of Public Order) which provided statistics to the UN High Commissioner for Refugees (UNHCR) in Greece, in 2009, out of 15.928 protection applications 11(0.4%) were successful. Of these 12.095 appealed this decision and 25 (2.87%) were approved<sup>5</sup>. According to the statistics kept by the Greek Council for Refugees (GCR), in 2009, refugees from the following communities visited GCR and applied for asylum 1110 Afghans, 120 Iraqis, 149 Iranians, 627 Nigerians, 285 Senegalese, 108 Somalis and other countries<sup>6</sup>.

Special reference should be made to asylum applicants who live in Greece. These people face particular difficulties because of:

1. Lack of access to the asylum procedure.
2. Serious weaknesses of the Greek asylum system and
3. Unlawful deportations.

For the above reasons Greece has been seriously criticized internationally for the way asylum seekers are treated. And while it would be logical to make serious efforts to improve the system, the opposite has happened. By way of Presidential Decree (PD) 81/2009<sup>7</sup> asylum seekers are not entitled to appeal decisions.

Unaccompanied minors seeking asylum in particular are in a very difficult position. While according to International and Greek law they are supposed to be protected since they constitute the most vulnerable social group, they are at serious risk of repatriation. In UNHCR's study of 2008 named "Unaccompanied minors asylum seekers in Greece"<sup>8</sup>, they expressed concern about the expulsion decision issued to minors who entered Greece illegally.

## Roma community

The Roma community has a continuous presence in Greece for decades, however the actual number is unknown. Between 1978-1979, large sections were registered with the city council. Since then there have not been any real efforts to register them. In August 2009, the Greek Ombudsman published a special report titled "Settlement Registry of the Greek Roma community"<sup>9</sup>,

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<sup>5</sup>UNHCR, <http://www.unhcr.gr/exec/BOSTATS%20table2009EL.pdf>, accessed 3 May 2010.

<sup>6</sup>GCR, <http://www.gcr.gr/sites/default/files/image/egrafes%20ana%20topo%20afixis-2009.pdf> , accessed 3 May 2010.

<sup>7</sup> Greek Ombudsman, [http://www.synigoros.gr/allodapoi/pdfs\\_01/8194\\_1\\_PD81-09.pdf](http://www.synigoros.gr/allodapoi/pdfs_01/8194_1_PD81-09.pdf), accessed 14 June 2010.

<sup>8</sup> UNHCR, [http://hosting01.vivodinet.gr/unhcr/UAM\\_survey.pdf](http://hosting01.vivodinet.gr/unhcr/UAM_survey.pdf)

<sup>9</sup>Greek Ombudsman, *Settlement Registry of Greek Roma community*, [http://www.synigoros.gr/pdf\\_01/8289\\_3\\_Dimotologisi\\_Roma\\_Eidiki\\_Ekthesi.pdf](http://www.synigoros.gr/pdf_01/8289_3_Dimotologisi_Roma_Eidiki_Ekthesi.pdf), accessed 20 May 2010.

whereby he stressed the necessity to register all Greek Roma and resolve some of their pressing problems such as housing.

Unfortunately, the problems of the Greek Roma are getting worse. In 2009 the European Union Agency for Fundamental Rights (FRA) published interviews in the European Union Minorities and Discrimination Survey<sup>10</sup> of 505 Roma that live in Greece and the results show that they are seriously discriminated against. To be concise, 90% of those discriminated against never reported it to any authority. Also 54% were victims of criminal behavior such as theft, robbery, or victims of serious attacks.

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<sup>10</sup> EU Agency for Fundamental Rights, *EU-MIDIS European Union Minorities and Discrimination Survey, Main Results Report*, (2009), [http://fra.europa.eu/fraWebsite/eu-midis/index\\_en.htm](http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm), accessed 20 May 2010.

## V. Manifestations of racism and religious discrimination

The overall purpose of this section is to provide an overview of the situation of racism and discrimination in Greece. The section has been divided into eight subtopics: Employment, Housing, Education, Health, Policing and ethnic profiling, Racist violence and crime, Access to goods and services in the public and private sector, and Media including the internet. Each subtopic includes an overview of the key problem areas, data on complaints and relevant legal cases as well as NGO sources. Finally there are examples of good practice included by NGOs in each section.

### V.i Employment

In the employment sector, it is alarming that there are massive violations of migrant workers rights, especially those working in the agricultural sector. Specific problems relate to the conditions of employment, social security and remunerations.

In 2009, the Police Department of Vardas (region in the District of Peloponnese) prepared 43 files for the Public Prosecutor of the region and a total of eighty people were criminally charged with illegally employing foreign workers, illegal entry into the country, and trial dates have already been set<sup>11</sup>.

Another incident, which can be described as multiple discrimination, became known after a complaint was made to the Greek Parliament. Korovesis Pericles, Member of Parliament for Athens from the Radical Left Coalition Party (SYRIZA), raised a question in the Greek Parliament about domestic employment and migrant women engaged in this sector of employment. He specifically asked whether the Government intends to amend or supplement the law on domestic employment, in order to ensure workers' rights, of which the vast majority are immigrants that often fall victims to exploitation by their employers. He also presented data on the institutional framework that is enforced in other countries of the European Union and it shows how far Greece is behind. It is known that domestic services are rendered primarily by immigrant women. Domestic services, for example is house cleaning, caring for aging parents, caring for sick people in hospitals or at home, caring for people with special needs, etc. The Member of the Greek Parliament mentioned that the State should have been providing these services to its citizens but that is not possible. This gap is been filled by immigrant women, offering cheap labour without insurance and rights as most work without a work permit. In addition a lot of them are highly educated but can not find work in their field and so are forced to work in the domestic service sector or other areas in the margins of the labour market.

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<sup>11</sup>Nodaros, Makis, "The strawberries of Shame", Eleftherotypia, (15/04/2009), p.1.

There are also complaints of migrant minors working on the Island of Lesbos in the eastern Aegean Sea. Locals in the area highlighted in a letter published on the internet<sup>12</sup>, that many refugees and unaccompanied minors, hosted at the Centre of under age Refugees on the island, are working to raise money so that they can travel to the capital, thus providing an incentive to employers to give them very low wages. Both the Director of the Centre for Children and the Mayor of the village Agiasos (located near the centre) are blaming one another without actually providing answers for what is happening.

These cases show that there is a gap in data collection. There is little knowledge of how many violations of labour rights have occurred. According to Law 3304/2005, which regulates the general framework for combating and eliminating discrimination in employment, services/ institutions for the promotion of the principle of Equal Treatment are the three agencies that ensure that the law is not violated and they also accept complaints from citizens in relation to this:

1. The Greek Ombudsman (for the violation and/or infringement public, sector including organizations and enterprises),
2. The Equal Treatment Committee, Committee of the Ministry of Justice, Transparency and Human Rights (for violation in the sale of goods and supply of services) and
3. Labour Inspectorate, a Body of the Ministry of Labour and Social Security (for violations and infringements in the area of employment and occupation in the private sector).

Specifically, the Labour Inspectorate (SEPE) in its annual report<sup>13</sup> for 2009 does not include any particular sections on vulnerable groups in the area of discrimination. The only reference is on table T18 (p. 130), in the statistics for 2009 and lists the job fatality accidents by nationality. Of the 113 fatal accidents, 65 were Greek (57.52%), 7 were nationals from EU Member States (6.19%) and 41 were citizens of countries outside the EU (36.28%). There are no statistics in the report on cases of discrimination, this may either be due to the lack of knowledge of workers that there is a specific body responsible to defend their rights or due to the fact citizens lack of confidence in such a public body.

Of particular importance was a survey carried out by the Hellenic Foundation for European and foreign policy (ELIAMEP) on the situation of migrant groups and the discrimination they face in the workforce<sup>14</sup>. The results were presented at a workshop on 11 June 2009. It found that the number of migrants who are already in the country will continue to increase, even without an overall immigration policy plan. The lack of planning combined with the rise of xenophobia creates serious problems. In addition, according to researcher Roseanne Chilli, the economic crisis weakens labour rights and workers are in a

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<sup>12</sup> <http://lesvos.wordpress.com>, accessed December 2009.

<sup>13</sup> SEPE, 2009 Report, <http://www.ypakp.gr/uploads/docs/3719.pdf>, accessed 20 March 2010.

<sup>14</sup> Gropas, Ruby, Triantafyllidou, Anna, *Anti-Discrimination Policies in the Greek Labour Market*, ELIAMEP, (2009).

state of job insecurity, which is worse for foreign workers. Typical examples are subcontracting companies, who undertake work contracted to them by public institutions such as cleaning. These companies employ many legal immigrants, who are offered low wages and have very few rights. According to the professor at the Agricultural University Kasimis, the difficult economic conditions and the loss of jobs will lead to a conflict between legal immigrants who are living in Greece for many years and those who are recently arriving.

Another group with specific problems is the Roma community. According to the European Union Minorities and Discrimination Survey<sup>15</sup>, published by the European Union Agency for Fundamental Rights (FRA) for 2009, "Roma are most likely to be discriminated against when looking for work (5 years out of work: 57%; 12 months out of work: 42%). In the past 5 years, over a third of Roma in Greece faced unequal treatment at work (39%) (12 months: 29%), as well as from housing services or private landlords (34%) (12 months: 20%). They also felt discriminated against by healthcare workers in relatively large proportions (23% in the past 12 months, and 30% in the past 5 years). The Greek Roma also faced incidents of discrimination in bars and restaurants (12 months: 20%, 5 years: 27%)".

### **Examples of NGO Good Practice**

#### **Diavatirio: Online magazine for Immigrants**

The Greek-Albanian Association of Friendship "Socrates" is a Non Governmental Organization which was founded by Greek educators in 1991 aiming to contribute, through education and culture, to the development of good relations between the two countries.

The main activity on the site <http://diavatirio.net/diavat/news.php> provides useful information about immigrants living and working in Greece, including employment issues and labour rights.

#### **NGOs PRAKSIS – Enterprise Brochure**

The NGO PRAKSIS is an organization that thrives in the area of humanitarian and medical activities. The years 2009-2010 under the project "Kisses II", with funding from European Fund for Integration of third country nationals concluded a print media campaign directed at third country nationals including in the field of entrepreneurship. A booklet was created and it provides practical information to anyone who is interested.

(<http://www.praksis.gr/default.asp?pid=16&la=1&did=93>).

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<sup>15</sup> EU Agency for Fundamental Rights, *EU-MIDIS European Union Minorities and Discrimination Survey, Main Results Report*, (2009), [http://fra.europa.eu/fraWebsite/eu-midis/index\\_en.htm](http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm), accessed 20 May 2010.

## V.ii Housing

The housing problem of vulnerable groups such as migrants and those who do not have legal documents, asylum seekers and the Roma Community is acute.

Particular problems exist in the historical centre of Athens, where there are many abandoned houses and shops. According to the Prefecture of Athens<sup>16</sup>, in the city centre, many migrants are living in about 140 abandoned buildings. In some cases even abandoned cars are used as temporary housing. The Supervisors of Public Health of the prefecture state in their reports:

1. In an ideal situation, 30-40 immigrants (legal and undocumented migrants or asylum seekers) live together in one apartment that have only one toilet.
2. They sleep on the floor, wherever there is space and even on the balconies.
3. Those who have rented these apartments mostly use them as hotels for sleeping at night especially women, who pay five euros per night.
4. The open space and skylights area are often used for dumping garbage and there are often fires in these areas.

In 2009 neighbours reported that there have been 7 fire outbreaks in a building right in the centre of the city on 44 Menandrou street. Besides this being a public health threat because of the risk of transmitting a serious diseases such as typhus, these reports are extremely revealing about the conditions under which migrants live, high lightening the problems but not offering solutions to them. This is also dangerous because it intensifies the xenophobic climate and increases the likelihood of attacks by far-right groups and individuals.

A typical example of what happened in the capital, is the case of immigrants living in an old building which used to be the Appeals Court of Athens in Omonia Square, one of the most famous and historic town squares. Over the last three years, this building housed about 600 people, who were mostly undocumented migrants and asylum seekers, lived in that building in miserable conditions, without water, electricity or proper toilets. In July 2009, Amnesty International, after repeated calls, urged the Greek authorities to ensure these people received alternative accommodation so that they could leave this dangerous building<sup>17</sup>. Two months before July 2009, the authorities had tried to get them out of the building to no avail because the residents refused to leave claiming that they had no alternative accommodation. During 20-21 July 2009, the police evicted a group of about 100 people who were living there. There was a large amount of police presence in the surrounding area and they arrested those who did not have any legal documents. The fate of these people remains unknown because the state or the municipality of Athens did not provide any alternative accommodation for them.

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<sup>16</sup> Linardou, Georgia, Human Beings and Rats in Athens Ghetto, Eleftherotipia (22/3/2009).

<sup>17</sup> Press release by the Greek branch of Amnesty International, 23/7/2009.



Another vulnerable social group facing housing problems is the Roma community. As indicated by the Greek Ombudsman and several NGOs, to provide social inclusion for Roma there should first be a solution to the housing problem. The problem is complex in that large groups of Roma moved around Greece, depending on the season and to the geographical area where they find work. This continuous movement, for the majority of Roma, is part of their culture, so it needs special attention from the state. As a result of their movement and due to the lack of information provided to the Roma, many of them are not registered as citizens in any municipality while many do not have the necessary certificates such as a birth certificate, a fact that can disqualify them from acquiring a home.

The Ombudsman's Special Report on Roma entitled "Municipal settlement of Greek Roma"<sup>18</sup> stresses the need to register all Greek Roma in one of the municipalities and proposes three options for doing this quickly, safely and efficiently. The most impressive reference in the report is that the last attempt to register the Roma as Greek citizens was under the law that was passed by the Home Office in 1978. Since then there was no continuity, so now many Greek Roma can trace their births in the registry of some municipalities while many others have only a baptism certificate or have seen their parents' registrations documents and not theirs. Also a large number of Roma do not have any documentation or cannot prove their kinship with one ancestor who is registered and thus have no evidence of their Greek nationality therefore they belong to the category of 'non declarant'.

Finally the problem facing refugees and asylum seekers is accommodation. Greece is considered the "black sheep" of the EU's living conditions in prisons and centres for reception and temporary accommodation of refugees, particularly in the Pagani centre of Mytilene. In a question raised by a Member of the European Parliament D. Papadimoulis, European Commissioner Jean Barrot said the European Commission is quite aware of the unacceptable detention conditions in the refugee reception centre in Mytilini, which are not compatible with European law on humane and dignified treatment. He noted that the construction and renovation of immigration centres can be co-financed by EU funds and that the European Commission is considering a request by the Greek authorities to do so under the European Refugee Fund.

## Examples of NGO Good Practice

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<sup>18</sup>Greek Ombudsman, *Special Report, Municipal settlement of Greek Roma*, (Athens, the Greek Ombudsman 06/08/2009), [http://www.synigoros.gr/pdf\\_01/8289\\_2\\_Dimotologisi\\_Roma\\_Perilipsi.pdf](http://www.synigoros.gr/pdf_01/8289_2_Dimotologisi_Roma_Perilipsi.pdf).

### **Committee of Leros, for the support of Migrants and Refugees**

This is an informal non-governmental organization formed by residents of the island of Leros in the Dodecanese in the southeastern Aegean Sea near Turkish coast. In 2008 and 2009 about 2,007 people entered the country illegally from that island. The Commission, in cooperation with the local church, school directors, Committee Members and even hoteliers visit schools to explain to children about refugees and racist attitudes. Committee Members and restaurateurs have provided a hotel to house refugees.

Also in collaboration with the **Greek Council for Refugees (GCR)** they run a programme of legal assistance for refugees applying for asylum and provide them with information on their daily living conditions.

### **V.iii Education**

The Greek Institute for the Education of people of Hellenic background and Intercultural Education (I.P.O. D. E)<sup>19</sup> presented interesting information for the period 2008-2009 about foreign students who attend public and intercultural schools. The survey indicated that foreign students in elementary and secondary school make up 11% of the student population, while in high school, the rate is 6.5%. The language difficulty prevents them from moving on to higher education i.e. university level. These statistics are compiled from a survey that the Institute carries out each year on second generation Greek students as well as other foreign students.

The head of the Greek Monitoring Centre for Intercultural Education and Training (E.PA.DI.P.E.), a professor at the University of Thessaloniki, Zoi Papanoum states: "For the year 2009, despite pronouncements by the Ministry of Education about schools to the contrary, schools were literally in a vacuum as they did not embrace those practices that have proven beneficial for the training and teaching of students, neither teachers with special skills were utilised. The proportionally small numbers of foreign and repatriated children enrolled in tertiary education mostly believe that this is due to the fact that it is very difficult to overcome the language problem. However, those who succeed are usually among the best of students. Currently in Aristotle University of Thessaloniki there are 3,839 undergraduates, 235 postgraduates and 164 at the doctoral level, all originating from 86 countries worldwide." According to the Vice Chair of Academic Affairs, Athanasia Tsatsakou, children from other countries studying in Greece, or who have come from abroad or are children of migrant workers attending the University are known for their curiosity.

The data concerning the Roma community is not encouraging. According to a survey by Fundamental Rights Agency (FRA) 35% of Greek Roma are

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<sup>19</sup> Theodoridis, Nasos, Annual Report 2009, (Athens: Antigone, 2010), [http://www.antigone.gr/en/library/files/reports\\_on\\_greece/2009/national%20report%202009.pdf](http://www.antigone.gr/en/library/files/reports_on_greece/2009/national%20report%202009.pdf)

completely illiterate, while only 4% in total attend school for more than ten years. The Greek Monitoring Centre of Helsinki compiles complaints about the Roma. In addition there are schools that only Roma children attend while non-Roma children attend different schools because their parents do not want them attending the same school as Roma children. There is a conscious ethnic segregation of children in violation of both the Greek legislation and the international conventions on human rights and in particular the European Convention on Human Rights, as interpreted in the decision of the European Court of Human Rights *Sambanis v. Greece*<sup>20</sup>. In this case, eleven Greek Roma brought a law suit against Greece for violating Article 34 of the Convention on Human Rights and Fundamental Freedoms after the Greek government refused to solve their problem. The Greeks Roma claimed that the two elementary schools directors refused to enroll their children in the elementary schools in the region where they reside, with the excuse that they had no directives from the Ministry of Education to enroll Greek Roma children in their schools.

### **Examples of NGO Good Practice**

#### **Antigone – Information and Documentation Centre**

The NGO Antigone emphasizes the importance of collecting data and documenting the phenomena of racism and xenophobia. It appeals to the public and scientific institutions requesting data relating to its area of interest.

In the Education sector after some data was requested from the Institute of Abroad Education and Intercultural Education on December 1, 2009 the details relating to foreign students attending public schools, primary and secondary education were officially announced. (<http://www.antigone.gr/en/>)

### **V.iv Health**

Migrants and other vulnerable social groups have particular difficulties in accessing the Greek public health system. Some social networks and non-governmental organizations (NGOs) play a supporting role by providing free primary health services and medical care to immigrants who do not have access to the National Health Service (NHS). They also facilitate access to hospitals for immigrants for special tests or treatment through an informal network of solidarity. Despite many examples of informal assistance from NGOs, doctors and administrators at public hospitals, and even in the private sector, the use of informal practices does not guarantee the access of migrants to health services. There are many examples of the inability of immigrants "without the necessary

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<sup>20</sup> See Case *Sambanis and more v. Greece*, No. 32526/05, decision of June 5, 2008, available at <http://www.nsk.gr/edad/ee494.pdf>, accessed 3 October 2009.

See Case *Petropoulou-Tsakiris v. Greece*, No. 44803/04 appeal, decision of December 6, 2007, paragraph 66 available at <http://www.nsk.gr/edad/ee448.pdf>, accessed January 2010.

documents" to ensure the required level of medical care particularly in instances of chronic diseases.

The Information Network for best practices related to providing health services to immigrants and minorities in Europe MIGHEALTHNET in March 2009 published a report on the health of immigrants in Greece and provided data from 1989 until 2008<sup>21</sup>.

Researchers at the University of Athens participated in research highlighting the difficulties migrants have accessing the health system and described the situation very disturbing since many immigrants suffer from infectious diseases and psychiatric disorders, and do not receive care for job related accidents. The Report stresses the need to take concrete measures in order to facilitate the access of undocumented migrants in primary care by eradicating bureaucracy, educating doctors and health personnel and to provide information to all.

### **Examples of NGO Good Practice**

#### **Doctors of the World**

The Greek branch of Doctors of the world is implementing in Greece the programme HUMA - Health for Undocumented Migrants and Asylum Seekers. The overall objective of the programme is to promote equal access to the health care system for migrants. There are specific actions that target undocumented migrants and asylum seekers. It is designed to offer them primary health care and information campaigns so that they can defend their rights. (<http://www.mdmgreece.gr>).

#### **V.v Policing and ethnic profiling**

Policing and ethnic profiling is a frequent occurrence in Greece, especially on people who appear to be immigrants or refugees and those belonging to the Roma community. Most often this is done without a particular reason, such as a crime was committed and the police are searching for the suspects in the area.

The Greek Roma community are the most heavily policed group. According to research by FRA "38% of all Roma interviewees in Greece were stopped by the police in the last 12 months in a manner that is considered to be discriminatory; that is, they considered that they were stopped because of their ethnic background (this rises to 69% among the Greek Roma who were actually stopped in the last 12 months. Considering that Greek and Hungarian Roma were the only two groups interviewed predominantly in urban settings, the fact that Hungarian Roma came second after Greek Roma in the average number of

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<sup>21</sup> Kotsioni, Ioanna, Report on the Health of Immigrants in Greece (Athens, University of Athens, School of Medicine, March 2009).

police stops they experience probably reflects the fact that urban residence itself involves more intensive policing<sup>22</sup>.

However, it is worth mentioning that for the first time in Greece there is a positive proposal, originating from employees in the Greek police. The Panhellenic Federation of Police Officials asked to open the debate on integrating immigrants into the country's security forces<sup>23</sup>. This became known after a number of serious incidents between groups of foreigners in the city centre in 2009. The chairman of the Police Federation X. Fotopoulos said that it is preferable to outline the requirements on time for migrants who want to join the police force, but there is reluctance on the part of the natural leaders of the police force. Both representatives of immigrant communities and NGOs and criminologists describe it as a positive initiative, but stressed that it should be accompanied by changes in immigration policy.

Criminologist Angel Tsigris expressed a positive view by saying that this should be done without haste and after a smooth integration of immigrants into Greek society. She also goes a step further, saying that "We suggest foreigners to join the Police as special guards, comprising of 10% of the total police force – which is proportionate to the number of foreigners in the country's population". According to the coordinator of the Greek Migrants' Forum Moavia Ahmed, it is a "move in the right direction in the sense that it is a step forward in the integration of immigrants into Greek society". The truth is that surprisingly, given that immigration policy is tough and tends to exclude rather than integrate immigrants. The relationship between immigrants and the police is not good. There is fear of lack of confidence and this kind of climate must change".

### **Examples of NGO Good Practice**

#### **Greek Helsinki Monitor (GHM)**

This NGO has the necessary staff and financial resources to promote complaints about discrimination against vulnerable groups to both the Ombudsman and the relevant authorities. It mediates to provide all legal means to condemn acts of racism. It also monitors and keeps records of practices of the Greek police and has a website that is updated regularly, even in English, which contains all data related to discrimination.

(<http://cm.greekhelsinki.gr/>)

### **V.vi Racist violence and crime**

During 2009, incidents of racist violence have significantly multiplied especially after the rise of the far-right party LAOS in the last elections. The list of incidents

<sup>22</sup> <sup>22</sup> EU Agency for Fundamental Rights, *EU-MIDIS European Union Minorities and Discrimination Survey, Main Results Report*, (2009), [http://fra.europa.eu/fraWebsite/eu-midis/index\\_en.htm](http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm), accessed 20 May 2010.

<sup>23</sup> Theodoridis, Nasos, *Annual Report 2009*, (Athens: Antigone, 2010), [http://www.antigone.gr/en/library/files/reports\\_on\\_greece/2009/national%20report%202009.pdf](http://www.antigone.gr/en/library/files/reports_on_greece/2009/national%20report%202009.pdf)

is only an indication of a climate that has been created; it is not possible to provide a complete overview of the situation.

Since the early 90's, a large number of immigrants live in the region of Saint Panteleimon in Athens. In recent years, this area has also been inhabited by refugees from conflict zones such as in Afghanistan and Iraq. They live in old buildings in appalling hygienic conditions and pay rent per person. Many live on the street or around the local church in cardboard boxes. These people are solely supported and aided by humanitarian organizations and the Church. In June 2009, a wave of racial violence erupted in the area, where residents, motivated by extreme right groups, such as organizations like the "Golden Dawn" repeatedly threatened immigrants, mercilessly assaulting them with violence, driving them away from the area and terrorized residents who tried to assist them. During this wave of violence a priest of St. Panteleimon, who was organizing soup kitchens for the poor foreigners in the area was threatened by some residents and right-wing extremists.

In May 2009 migrants' communities from Arabic countries called for a public protest. In their view, the police submitted immigrants of Arab origin to humiliating identification processes. During one of these so called inspections, a police officer tore up some paper that was wrapped in plastic belonging to a 24 year old Iraqi, which according to him, was an extract from the Koran. The victim himself lodged a complaint at the local police station<sup>24</sup>. This incident aroused a storm of reactions from the Muslim communities, NGOs and citizen awareness groups.

Jewish cemeteries and synagogues in Greece have also been the target of attacks. On 06 April 2009 an unidentified person once again desecrated the Jewish cemetery of Ioannina<sup>25</sup>. The perpetrators entered at night with axes and other items and destroyed six graves and the monumental symbol of the Struggle and Sacrifice of the Jews of Greece. It is the fourth time in recent years that the Jewish cemetery in Ioannina suffered such desecration. The incident was condemned by the chairman of the Jewish Community of Ioannina, Moses Elisaf, who revealed that he had informed the police about the potential risk of such an attack.

A similar incident happened in January 2010 on the island of Crete. In the city of Chania there were two cases of racist violence against Jews. First there was violent attack in the synagogue Etz-Hayyim of the city, which is the only synagogue in the island. Then an arson attack took place in the old synagogue of Chania, which operates as a museum and historical archives relating to the history of the Jews of Crete are kept there. Approximately 2,500 books were destroyed, many of which were rare historical versions.

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<sup>24</sup> Mixalopoulou, Dina, *Protest of Muslims in the centre of Athens against Police*, Contra, accessed in 22/05/2009, <http://www.contra.gr/Life/News/239909.html>

<sup>25</sup> Eleftherotipia newspaper, <http://www.enet.gr/?i=issue.el.home&date=04/06/2009&id=50998>, accessed in 04/06/2009.

On 21 October 2009 the European Committee for the Prevention of Torture (CTP) of the Council of Europe published a report on the subject<sup>26</sup>. Referring to their visit to Greece in 2008, it severely criticises Greece because, Greece in its reply, stated it was satisfied with the mere existence of the Ombudsman who consider complaints about mistreatment of immigrants but what is required in all cases is that there should be a full investigation, verification of complaints and punish those responsible.

### **Examples of NGO Good Practice**

#### **Group of Lawyers for the Rights of Migrants and Refugees**

The team consists of lawyers who deal with the rights and discrimination against immigrants and refugees. It does a lot of work in matters relating to asylum and cooperates with international NGOs and organizations which condemned the illegal practices carried out by Greece such as returning asylum seekers to the countries through which they entered before their asylum application was examined.

[\(http://omadadikigorwnenglish.blogspot.com/\)](http://omadadikigorwnenglish.blogspot.com/)

#### **NGOs REQUEST**

In October 2009, the NGO NOAS in collaboration with the Norwegian Helsinki Committee published a report entitled “unwanted people – illegal expulsions of asylum seekers from Greece”. The data presented was collected between April – May 2009 during the expedition of the research team to Greece, Turkey and Iraq.

[http://www.aitima.gr/aitima\\_files/Aneptihimitoi\\_anthropoi.pdf](http://www.aitima.gr/aitima_files/Aneptihimitoi_anthropoi.pdf)

### **V.vii Access to goods and services in the public and private sector**

One of the Institutions for the Promotion of the Principle of Equal Treatment is the Equal Treatment Committee of the Ministry of Justice. Its purpose is to record and monitor violations involving the sale of goods and services. However, the Economic and Social Committee (O.K.E.)<sup>27</sup> in its annual report recommends strengthening the principle of equal treatment and taking measures against discrimination, so far there is no official or unofficial information about Equal Treatment Committee’s work. Therefore as of October 2010 the Equal Treatment Committee does not really exist but only remains on paper, which violates both Community and national legislation<sup>28</sup>. Consequently, there is lack of data that could allow us to monitor the number and types of discriminations in these areas.

Furthermore, the Ombudsman has detected several problems in implementing the law on discrimination. In addition, one of the Institutions for the Promotion of

<sup>26</sup> European Committee for the Prevention of Torture, 20 years of combating torture, 19th General Report, (Strasbourg, Council of Europe,2009).

<sup>27</sup> O.K.E., [http:// www.oke-esc.eu](http://www.oke-esc.eu), accessed in June 2010.

<sup>28</sup> EU Directives: 2000/43/EC Racial Equality Directive and 2000/78/EC Employment Framework Directive and national Law 3304/2005 to combat discrimination.

the Principle of Equal Treatment, received complaints about violations of this principle when accessing goods and services. In many reports<sup>29</sup> there have been problems encountered by the Greek Roma in obtaining mortgage loans on favourable terms that vulnerable social groups are entitled to so that they can buy a home. This is because a significant number of persons in this group lack the key legal documents such as a certificate of marital status or failure to provide proof that they are legally resident. As announced by the Ombudsman, there will be a specific intervention on this issue during 2010.

### **Examples of NGO Good Practice**

#### **SOS Racism – Greece**

The organization maintains an open line for complaints and provides free legal advice on discrimination issues. The purpose is to direct anyone interested to the official authority to lodge their allegations. Within this framework, allegations of violations in the sale of goods and services were received but it was also noted that the interested parties after obtaining the necessary information did not maintain a line of communication so that reliable data could result from it.

### **V.viii Media, including the internet**

While the media can play a positive and crucial role in eliminating negative stereotypes that can be associated with some vulnerable groups, in fact, too often only negative events associated with them is presented to the public.

In June 2009 during the European Parliament elections, the extreme right political party LAOS increased its votes due to over exposure of the party's policies in television broadcasts. It's members are always welcome by the media because of the populist way that they express their views and the way they create tensions between their opponents, thereby ensuring high viewers ratings, which is what most the television stations are seeking. Unlike members of smaller parties with progressive political views who normally present their opinions on various issues in a calm fashion, they are not given much exposure in the media.

A report<sup>30</sup> prepared by the NGO HLHR – KEMO, National Focal Point on Racism and Xenophobia, supports this opinion. Specifically, the chapter on Greece is prepared by Dr. Anna Triandafyllidou, coordinator of research programmes at Robert Schuman Centre for Studies in European University of Florence. The Petition for Roma are also relatively optimistic. In recent years the media have begun to recognize the cultural uniqueness of the Roma and is therefore appealing to the State authorities to improve the living and working conditions of

<sup>29</sup> Greek Ombudsman, *Special Report, Municipal settlement of Greek Roma*, (Athens, the Greek Ombudsman 06/08/2009), [http://www.synigoros.gr/pdf\\_01/8289\\_2\\_Dimotologisi\\_Roma\\_Perilipsi.pdf](http://www.synigoros.gr/pdf_01/8289_2_Dimotologisi_Roma_Perilipsi.pdf).

<sup>30</sup> Pavlou, Miltos, Ktistakis, Yannis, Mavrommatis, George, *Annual Report 2008*, (Athens, HLHR-KEMO, 2009).



the Roma. This does not mean that it stopped running the main negative stereotypes that is associated with them like being involved in drugs, selling their babies and that they compel their children to beg, etc. It is actually worse for ethnic and religious minorities. When there are media reports on these groups they are usually indifferent or hostile. There are also taboos such as not reporting on the Turkish minority in Thrace in the north-east of Greece, which is generally characterized as a Muslim and Macedonian minority, when they are reported on, they are generally characterised as a hostile group whose members threaten Greece's national sovereignty. Finally xenophobia consistently remains a favourite subject for a large segment of journalists, particularly Albanian immigrants who are still considered responsible for a series of crimes. However, quite paradoxically this group has the highest rates of integration and assimilation so that they cannot easily be identified from Greeks.

The INTERNET is a forum where there are several opinions. Therefore, there are so many pages of racist or nationalistic statements and slogans and so many pages of anti-racist and anti-discrimination material. In recent years almost all the NGOs are using technology and have used the internet and as a valuable resource. Also, blogs are a source of fast and efficient dissemination of relevant news and events.

#### **Examples of NGO Good Practice**

##### **European Cultural and Research Centre of Athens (E.P.E.K.A.)**

NGO EPEKA support vulnerable social groups and emphasizes on employment and social support services. In line with the programme for the implementation of actions aimed at social integration of migrants, a booklet has been published entitled "Booklet good journalistic practice - Fighting stereotypes, addressing racism and xenophobia and better management of migration issues in the media".

([www.epeka.gr/docs/exhiridio-dimossiogr.doc](http://www.epeka.gr/docs/exhiridio-dimossiogr.doc)).

##### **Television Without Borders – tvxs**

The site is the continuation of a successful television broadcast journalist Kouloglou Stelios and his team. His reports consist of interesting articles and are a reliable source of information on issues relating to vulnerable groups, issues of discrimination and updates of racist violence.

(<http://www.tvxs.gr>)

## VI. Political and legal context

### VI.i Anti discrimination

Greece has been repeatedly criticized by international organizations, NGOs from Greece and from abroad for not implementing a specific policy in combating discrimination. Also until now, no other additional measures are taken to inform citizens and vulnerable groups about their rights or initiatives such as information and training of judges and the police. The Programme “Information against Discrimination”<sup>31</sup> under the jurisdiction of the National Coordinating Committee is considered a positive step in the right direction. The Committee consists of government agencies (Ministry of Labour and Social Security and Ministry of Justice and Human Rights Transparency), the institutions for the promotion of the principle of Equal Treatment (especially the Ombudsman) and non-governmental organizations.

The law 3304/2005 on “Implementing the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation” outlines the general framework for combating and eliminating discrimination in the sector of 1) employment and labour, 2) social protection and benefits 3) education, 4) health and 5) access to goods and services including housing. Generally, the law forbids any direct or indirect discrimination and clearly states that harassment and abuse or any other action such as discretionary treatment is discrimination.

The Institutions for the promotion of the Principle of Equal Treatment are: 1) the Greek Ombudsman as an independent Authority, 2) the Equal Treatment Commission of the Ministry of Justice and 3) the Labour Inspectorate of the Ministry of Labour. Among these three institutions, only the Ombudsman publishes a special annual report on discrimination with specific data.

During 2009, the Ombudsman investigated 54 cases<sup>32</sup> in which there were elements of discrimination against someone or some persons. Of these one was unable to be processed but the rest are still for the most part being investigated because the final decision of the administration is pending. Also special cases that relate to housing rehabilitation of Roma still need to be decided upon as the Ombudsman, because of the specific features of these discriminations, has chosen to monitor all development stages before issuing a decision.

- From the reports that were submitted, the data on types of discrimination are as follows:

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<sup>31</sup> Ministry of Labour and Social Security, *Combat discrimination – Learn your Rights*, 2009.

<sup>32</sup> The Greek Ombudsman, *2009 Annual Report on Discrimination*, (Athens, the greek Ombudsman, 2009).

2 reports on ethnic discrimination  
29 references to racial origin  
14 due to a disability  
7 in relation to Age  
2 based on sexual orientation  
There were no reports on religious beliefs.

Of the 54 cases that were reported, 40 of these found that there was some sort of discrimination. There were nine positive outcomes from the cases investigated by the Ombudsman in 2009, while in one case the authorities refused to comply and in four cases it was ultimately found that the authorities had not made any infringement.

In its annual report for 2009, as in the past, the Ombudsman notes the problems caused by the law in the selection of three Institutions for the promotion of the Principle of Equal Treatment. Also this year the other two entities, the Equal Treatment Committee and the Body of Labour Inspectorate, which in fact are not independent authorities, they produced no publications and no data was provided on non-discrimination in employment, occupation and in the sale of goods and services.

Also this year, two major international reports were published on the situation of discrimination in Greece.

On 19 August 2009, the Commission of the United Nations Convention on the Elimination of Racial Discrimination (CERD), published its "Concluding Remarks" for Greece. In its conclusion the Commission took into account both the reports of international organizations, the official Greek delegation and non-governmental organizations, and the detailed discussion of these reports. As stated in the report "(...) The Commission is concerned that a Member State did not effectively implement the legal provisions aimed at eliminating racial discrimination, particularly those related to prosecution and punishment of crimes with racist motives. The Commission also calls on Greece to include in its next report information on the application of criminal law by the courts in punishing acts of racial discrimination, as contained in Law 927/1979. The information should include the number and nature of cases that reach the courts, convictions and decisions of the sentences imposed, and any compensation or other form of compensation given to the victims of such acts.

Similar conclusions were drawn from a report, published on 15 September 2009 by the European Commission against Racism and Intolerance (ECRI) of the Council of Europe<sup>33</sup>. The report notes that the Greek authorities should examine

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<sup>33</sup> ECRI, ECRI Report FOR Greece, (Strasbourg, ECRI, 15/09/2009) available at <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-GRC.pdf>, accessed 2 March 2010.

the reasons why the criminal law provisions against racism is rarely applied and is pleased that the amended Article 79 of the Penal Code under which committing an offense based on ethnic, racial or religious hatred is an aggravating circumstance. ECRI also recommends continuous training on discrimination for prosecutors, judges and lawyers as well as recommending the need for a long campaign that will target both the minorities and the general public in encouraging them to report when they are victims of discrimination. They also made recommendations to the media, public figures and especially the politicians not to use racist, Anti-semitic and xenophobic elements in their utterances.

The Greek anti-racist organizations on the other hand have a difficult job combating discrimination. First, the lack of financial resources does not allow them to operate effectively in providing assistance for victims of discrimination, which is provided by Law 3304/2005. Indeed, the Greek Constitution guarantees civil and social rights in practice; however, as seen particularly in the courts, Greek judges prioritize some of them. This has been observed by environmental organizations which can effectively intervene in proceedings relating to the environment because they have a legitimate interest. The same treatment is not given to the NGOs dealing with human rights. In these cases the judge finds it difficult to accept them as a legitimate interest<sup>34</sup>. Similarly in lawsuits involving labour disputes workers unions can intervene in favour of the worker and even the law itself gives this right (Article 669 Civil Procedure Code). Human Rights organizations do not have this ability but the victim of discrimination should expressly consent to give an official notarized document or a private document whereby the victim's signature will be certified by a public authority for its authenticity.

As particularly mentioned by the Greek Helsinki Monitor, NGOs combating discrimination and xenophobia should be able to attend the Greek criminal court proceedings for those who are discriminated against, as is the case in other European countries.

In addition, in Greece there is no official data for crimes motivated by racism so it is very difficult to assess the current situation. Most complaints are either to NGOs or to the media about incidents of racist violence against immigrants in particular. Both NGOs and international organizations reports, such as ECRI and UNICERD, show a lack of information on issues of anti-discrimination, which should be addressed both to the vulnerable social groups and to the general public.

## **VI.ii Migration and integration**

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<sup>34</sup> Sitaropoulos, Nikos, *The issue of NGOs intervention in matters relating to the protection of human rights*, , (Athens, the Constitution. 2002) pp245-253, pp 247.

During 2009, the immigration policy had two separate approaches. The first approach was between January - September 2009 when the conservative New Democracy party was in government and the second from October 2009 until June 2010 when the ruling socialist party PASOK was elected..

When the Conservative party was in government from 2004 – 2009, there was no progress on immigration issues and discrimination intensified. Migrants were treated harshly by the state organs and the legislature particularly refugees and asylum seekers. This coupled with the rise of the far- right party LAOS that gained some seats in the Greek parliament created an explosive situation for vulnerable social groups. The exaggeration by the mass media, members of the right-wing party, the continuous information given to the public regarding undocumented migrants entering the country from Turkey and the creation of ghettos in the historic centre of Athens are elements that have monopolised the attention of the media and the public.

Throughout the course of 2009, Greece was condemned by various organisations for its policies and procedures regarding refugees and asylum seekers. On the 30th of June 2009 the Greek Government passed the Presidential Decree (PD) 81/2009 titled Amendment to PD 90/2008 “adjustment of the Greek legislation to the provisions of the Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status”. The PD, as a result of government’s strict policy, eliminates the second level of examination of asylum claims, i.e. the right to an appeal, denying asylum seekers the possibility of effective protection. When the draft PD was circulated, the Greek Office of UNHCR, the Greek National Commission for Human Rights (GNCHR) and other NGOs commented upon the draft provisions expressing their objections to the amendments on the basis of their incompatibility with Directive 2005/85/EC and the major practical difficulties those amendments would entail. However, these recommendations as well as those issued by the UNHCR were not followed by the Administration and this is a violation of the EC Directive (The Procedures Directive).

However the biggest problem facing asylum seekers in Greece is that the Greek Authorities continue to return asylum seekers to transit or third countries, particularly to Turkey before their asylum claim was heard<sup>35</sup>. The European Union Member States should respect and uphold the obligations they have undertaken in accordance with international law not to send an asylum seeker to any country that is likely to refuse entry or that is likely to repatriate them to another country that will violate their human rights, (*non refoulement*) specifically Article 3 of the European Convention on Human Rights.

Greece has repeatedly violated this Principle by sending asylum seekers to Turkey, regardless of the fact that they have claimed asylum in Greece. As a

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<sup>35</sup> Dale, Ivar, Taraku Sylo, Rizakos, Spyros, *Out the Back Door – The Dublin II Regulation and illegal deportations from Greece*, (Oslo and Athens, NHC, NOAS, AITIMA, 2009).

result, countries like Norway and Germany decided in spring of 2008 not to send asylum seekers who arrived in their country from Greece back to Greece, which is normally required of them under the Dublin Regulation. In spring 2009 they began to transfer persons back to Greece under the Dublin Regulation. The number of those returned to Turkey is unknown and their ability to obtain legal assistance to challenge an expulsion order and request an interim or temporary injunction is virtually non-existent. When a person is detained, they are unable to communicate with the outside world and non-governmental organisations have no access to the detention centres.

In a case that is currently before the European Court of Human Rights regarding transfers to Greece under the Dublin II Regulation, the Council of Europe Human Rights Commissioner Thomas Hammarberg made a third party intervention<sup>36</sup>. The intervention was made at the invitation of the ECtHR pursuant to Article 36 (2) ECHR, and is the first such submission of its kind by the Commissioner. The intervention was submitted in case 26494/09 AHMED ALI v. the Netherlands and Greece<sup>37</sup>, and thirteen related cases. The Commissioner is worried that asylum seekers in Greece face a serious, real risk of being deprived of their right to an effective remedy in respect of the violations of the Convention of which they allege to be victims, which is guaranteed under Article 13 of the Convention and Article 39 of the Directive 2005/85/EC. Since the beginning of his mandate, the Commissioner has been following developments relating to migration, and especially asylum, in Greece. The Commissioner is pleased to note the new Greek government's decision and willingness, shown to him during his visit in February 2010, to overhaul the refugee protection system and overcome its current serious, chronic and structural deficiencies.

On the other hand, amendments made to the laws governing Greek citizenship have been characterised as positive. This law was amended by the new government of the PASOK Party which promised that it will take courageous measures especially when it comes to the integration of migrants. The law 3838/2010 was published on 24 March 2010 and contains major amendments to the Greek legislation.

The important sections of this law are:

1. The way in which a third country national acquires Greek citizenship. This happens when they are either born in Greece whose parents live legally in the country or when they have successfully completed at least six classes in a Greek school at any level. This article gives an opportunity to second-generation immigrants to become Greek citizens, this was not provided for under the old law.

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<sup>36</sup><https://wcd.coe.int/ViewDoc.jsp?id=1595689&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

<sup>37</sup><http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=858465&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

2. There are changes in the requirements of naturalization especially in the number of years required for one to live in Greece which is reduced from 10 years to seven years. This reduction is only applicable for some categories such as citizens of the European Union Member States, refugees, etc.

For the first time the law gives the right to third country nationals legally residing in Greece to vote and to be voted for. Thus it is accepted by the Greek government that the political participation of immigrants is the most active form of integration, the immigrants need to be over 18 years of age and be legally residing in the country for five to 10 years.

Also in relation of labour migration, in February 2010 the Ministry of Interior, Public Administration and Decentralization published its Annual Policy Report<sup>38</sup> for 2009 on migration. Greece, following the policy of the European Union is keen to attract highly skilled immigrant workers, students and researchers. Of course as evident in the report and in independent studies, the vast majority of migrants working in the country are either unskilled or working in jobs requiring no special qualifications at all. The government published for the first time the number of persons who were issued with permits in 2009, that is 237,233.

Discrimination facts: Migrant workers are generally paid less than natives. They often work uninsured and some employers exploit their unstable legal (or indeed irregular) status to pay them less than the legal wage and/or refuse paying welfare allowances and overtime pay. Greece's immigrant population is estimated at about 1.3 million or 12% of the total population of 11 million".

Also of interest is the information provided by the National Security Foundation (IKA) that has competence for dependent employees at all levels (data relating to March 2007):

- 13.14% of the total employees registered are third country nationals. Of these, 53.25% are Albanian nationals.
- Among the foreign male registered as social security contributors, 58.69% are Albanians, 7.96% are Pakistanis, 5.03% are Romanians, and Russians make up 4.80%.
- Among the foreign female social security contributors, 38.93% are Albanians, 16.17% are Russian and 11.54% are Bulgarian.
- Approximately half of the Albanian workers are employed in the construction sector, 16% are engaged in the manufacturing sector, 13% work in wholesale and retail trade and around 9% are employed in the tourist and catering sector. In addition, over 68% are registered as unskilled workers.

With respect to family reunification, the legislative framework is considered sufficient, while in practice, bureaucracy slows down the entire process. To

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<sup>38</sup> Ministry of Interior, *Annual Policy Report*, (Athens, Department of Public Administration and Decentralization, 2009).

enable immigrants to bring their families into Greece, they often have to wait two to three years and are not always successful. The European Directive 2003/86/EC on the right to family reunification has been incorporated into Greek law by Presidential Decrees 131/2006 and 167/2008.

In its annual report on migration<sup>39</sup>, the Ministry of Interior stated that the immigration policy is based on common basic principles of integration. Indeed the Law 3386/2005 for the first time institutionalized an integration policy for migrants. More importantly are the provisions on family reunification and the creation of a new system of long-term residents. Law 3838/2010, bringing changes to the Code of Greek Citizenship. In addition to developing the first "Integrated Action Programme for the smooth adaptation and social integration of third country nationals legally residing in Greece - Estia" ensure the coordination and supervision of all decentralized activities and measures that are crucial for the social integration of immigrant areas.

It has also created the National Commission on the Social Integration of immigrants which not only includes other government representatives but also all the competent bodies on social inclusion, NGOs and trade unions, the Greek Orthodox Church, the universities and the political parties represented in parliament. The work of the Committee a) recommends actions relating to the integration of immigrants, b) conducts social dialogue that will formulate policies in promoting the integration of immigrants in all areas, in accordance with international law and the European provisions and c) prepares and monitors operational programmes related to the implementation of the political integration of immigrants.

This Commission has been criticized for not including migrant communities on the grounds that there is no unified body for all migrants, excluding the Greek Migrants' Forum, which is a unique federation of migrant communities.

### **VI.iii Criminal justice**

#### **VI.iii.i Racism as a crime**

The State must review its legislation, particularly the section relating to combating discrimination and address it by way of Criminal Law. At the same time it must take various supporting measures and initiatives like awareness raising and training for magistrates and police officers. The Criminal Law 927/1979 was adopted to implement the International Convention on the Elimination of All Forms of Discrimination whose aim is for Member States to adopt and take all necessary measures as soon as possible towards the elimination of racial discrimination in principle and in general. So when related

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<sup>39</sup> Ministry of Interior, Annual Policy Report 2009, Athens, Ministry of Interior, 08/02/2010).



cases are tried by the courts the Convention must be taken into account. In practice, however, judges either refuse or are reluctant to implement it.

Although the amendment of Article 79 of the Penal Code (under which most of the crime committed with the pretence of national, racial or religious hatred is an aggravating circumstance) is certainly a positive development, it does not seem to be followed by a circular addressed to the police, prosecutors and magistrates to draw their attention to investigate the possible racial motive. Greece's failure to do so was previously condemned by the ECtHR, whereby the Court found that Article 14 of the Convention was violated. Article 14 states that human rights and freedom is protected regardless of sex, race, color, language, religion, political or other opinion, national or social origin. Currently only the Greek Police has instructed its institutions on their duty when faced with allegations of a crime motivated by racist or how to recognize such crimes<sup>40</sup>, but this does not appear to have ever been implemented.

On 19 August 2009, the UN Committee on the Elimination of Racial Discrimination (UNCERD) published their opinion on Greece.<sup>41</sup> 10 "...The Commission is concerned that a member state [Greece] did not effectively implement the legal provisions aimed at eliminating racial discrimination, particularly those related to prosecution and punishment of crimes with racist motives. The Commission also recommends that Greece should give information relating to the number and nature of cases before the courts, convictions decided, penalties imposed, and any other form of compensation or rehabilitation provided to victims of these acts". Until now, authorities do not provide relevant data and NGOs feel that there is no data collection so there will not be a clear picture of whether the provisions relating to discrimination are applied or not.

It should also be noted that the European Commission brought an action against Greece for its failure to provide compensation to foreigners. It found that although foreign nationals who are victims of crime are entitled to compensation<sup>42</sup>, the Greek authorities are rather indifferent to them, which resulted in the European Commission's bringing infringement proceedings against Greece in 2009. Until now, Greece has not incorporated into its national law the European Union's directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims. Article 12 (2) states "All Member States shall ensure that their national rules provide for the existence of a scheme on compensation to victims of violent intentional crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims."

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<sup>40</sup> Ministry of Public Order/Greek Police, *Tackling racism, xenophobia, intolerance*, (Athens, Ministry of Public Order, 2006).

<sup>41</sup> UNCERD, *Concluding Observations*, ( Geneva, CERD, 2009)

<sup>42</sup> TVXS, *Appeal against Greece for migrants victims*, tvxs (2009) available at <http://www.tvxs.gr/v9179>, accessed in 08/04/2009.

### **VI.iii.ii Counter terrorism**

In recent years Greece has opened the debate on whether terrorism is linked to immigrants, particularly Muslims. The conservative right-wing rhetoric links the building of a mosque in Athens to terrorism. The argument is that the financing of Arab Muslims will essentially result in a school of aspiring terrorists. These concerns are also expressed by a large number of Greek clergy and so far there is no mosque in Athens where Muslims can pray. For this reason, Muslims are forced to rent unsuitable places like small basement apartments and warehouses to be able to perform their religious duties. The general climate created has in one way or the other a great impact on the immigration policy.

In Greece, from 1975 there have been cases of terrorism by Greek groups against Greeks and foreigners mainly politicians, military, and diplomats which had political motives. On March 28, 2010<sup>43</sup> there was a terrorist attack, the victims of which were Afghani migrants. A bomb exploded on the steps of a government building in the region of Patissia in Athens, which resulted in the death of a 15 year old Afghan and causing his 10 year old sister to go blind. The two were searching in the garbage for items that they could take and sell which was how they found the bag with the bomb. This incident characteristically indicates that migrants are also victims of terrorism.

### **VI.iii.iii Ethnic Profiling**

So far there has been no formal discussion about ethnic profiling in Greece. As mentioned in previous shadow reports, discussions around issues of discrimination are only made when Greece is bound by international and especially European law. In such instances the relevant provisions are incorporated into national legislation. Immigrants are frequently targeted by senior policy officials, the judiciary and members of the Church of Greece.

The prosecutor of the Supreme Court of Greece's issued a circular No. 4 / 2009<sup>44</sup> which was published in the Government Gazette as Law 3772/2009 on the entry, residence, etc. of third country nationals, and it states that "the reasons to tighten the provisions relating to illegal immigration are evident, since this seeks to address a phenomenon that creates extremely serious social problems and issues of public safety, but it also seriously undermines the national interest of our country".

However, the out-right opposition of the National Commission on Human Rights<sup>45</sup> on measures of administrative detention and expulsion contained in the above mentioned circular was delivered in a press conference on 25 June 2009 by its

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<sup>43</sup> TVXS, available at <http://www.tvxs.gr/news>, accessed in 29/03/2010.

<sup>44</sup> Government Gazette, Law 3772/2009 for third country nationals, (Athens, Ministry of Interior, 2009)

<sup>45</sup> National Commission for Human Rights available at <http://www.nchr.gr> .

chairman K. Papaioannou. According to Mr Papaioannou, the "presumed hazard" introduced, namely that all illegal immigrants are dangerous is likely to apply generally, leading to the deportation of foreigners who are even permanently and legally residing in Greece.

In another complaint in October 2009 the Directorate of Primary Education in the region of Corinth sent a document to the schools in the area which refers to the influx of the unfaithful that ... alter the population of Greece<sup>46</sup>. This document encourages schools to work with the priests to establish Sunday schools, as the above "change in population" requires vigilance. The metropolitan area of Dionysius was known to be the source of this document, which expressed this in a very specific way and says: "The deterioration of the population with the influx into our country by the unfaithful, the moral degradation requires (...) us to be vigilant and undertake certain activities especially for the youth".

Finally, a study by the University of Athens<sup>47</sup> reveals discrimination against migrants and the Roma community by examining the penalties received in judicial decisions. The survey found that the penalties of foreign criminals are almost twice the penalties of Greek criminals for the same offence. Especially the Albanians and other foreign nationalities are given more penalties. The survey was conducted by the Department of Political Science and Public Administration, University of Athens. The investigation team tried to determine whether the criminal treatment of Greek and foreign defendants are the same in similar cases. The team examined 767 files over the period 2004-2007, in drug trafficking felonies of the Appeals court. Drug cases were selected for the reason that the penalties are almost standardized and are easier to compare.

Thus, the first finding of this research is that the average penalty imposed on Greek drug traffickers is 5.21 years, whilst the average sentence imposed on foreigners is 9.18 years. As noted in the report the differences in penalties between Greeks and foreigners still remain dramatic; it is so great that it seems ethnicity is the main reason for the imposition of higher penalties. Finally the striking feature of this research is the analysis of sentences according to the nationality of foreigners. The survey showed that accused Albanians receive on average higher penalties and are punishable by an average of 10.5 years. The next group of persons are those of African descent, with the average penalty being 8.3 years and 6.5 years as average penalty for Kurds, Iraqis and Pakistanis offenders. As for the Greeks, the average penalty imposed for offences involving drugs, stands at 5.1. Yearly surveys also include 34 cases of Greek Roma; the average penalty imposed being 6.5 years.

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<sup>46</sup> Question raised by the MPs F. Kouvelis and N. Tsouklalis in the Hellenic Parliament (Athens, 09/11/2009).

<sup>47</sup> University of Athens, *Survey on Discrimination*, (Athens, University of Athens, 2009).

## **VI.iv Social inclusion**

The Lisbon European Council in 2000 highlighted the fight against social exclusion and the eradication of poverty as a fundamental objective of its strategy. At the national level, the strategy for Social Protection and Social Inclusion currently represented in the National Strategy Report on Social Protection and Social Inclusion, includes the texts of the National Plan of Action: 1) on Social Inclusion, 2) on Pensions and 3) Health and Long-term Care. In Greece, the National Action Plan on Social Inclusion (NAP) is implemented by the Ministry of Employment and the European Social Fund.

At national level the priorities for social inclusion are:

- Preventing and tackling the social exclusion of vulnerable groups with specific interventions for social and professional integration of groups such as people with disabilities, immigrants, refugees, long-term unemployed, asylum seekers, trafficking victims and others. These actions are aimed at 1. Training, 2. Promoting employment, 3. Learning the Greek language and 4. Awareness actions.
- Support Business companies to combat discrimination in employment with actions such as: 1) education to combat discrimination in the workplace, 2) support projects such as corporate responsibility, 3) the creation of a national forum to fight discrimination in the business environment, 4) the development of measures to manage diversity in workplace and 5) support for business initiatives with regard to vulnerable social groups.

For the period 2007-2013 actions for the social integration of disadvantaged groups through the Programme "Human Resources Development" is being implemented, which aims at strengthening social cohesion by incorporating the principles of non-discrimination for all vulnerable groups and accessibility for people with disabilities. This is to ensure equal access to employment for everyone, to prevent marginalization and exclusion. There are "Greek language programmes in certified Training Centres (K. E. K) for the unemployed, migrants, returnees, refugees, and other unemployed coming from socially vulnerable groups for whom insufficient knowledge of Greek language inhibits their social integration".

The Ministry of Labour in order to implement the programmes cooperates with NGOs and other bodies such as the Greek Ombudsman, trade unions such as Hellenic Federation of Employees (SEV), the General Confederation of Social Workers (GSEE) and the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE). It also collaborates with NGOs from vulnerable groups such as the Greek Migrants' Forum, National Confederation of Disabled People (ESAMEA), 50 + Hellas and religious communities and NGOs in the field of human rights in general such as the National Coordination of ENAR. This is seen as positive for the fact that in the last 2 years there is a willingness of the state to

cooperate with institutions of civil society thereby making policies and programmes known. NGOs are competing to participate in these programmes not only for funding but for the formulation and implementation of policies for third countries nationals and on discrimination, which was not happening until now. Also, many anti-racist organizations are not invited to participate in the debate leading to the exclusion of important sections of NGOs.

Specifically, regarding the social integration of immigrants, the policy is implemented by the Ministry of Interior and the actions are financed by the European Fund for the Integration of third country nationals. The main campaign entitled "Solidarity and Management of Migration Flows" for the period 2007-2013 is ongoing. The objective of the Fund is to support the efforts of the European Union Member States so that third countries nationals with different economic, social, cultural, religious, linguistic and ethnic backgrounds can effectively integrate into European societies.

The Interior Ministry collaborates with non-profit organizations and immigrants in order to implement the actions. The most important actions that have been funded so far are: 1) creating a portal in two languages (Greek and English) which contains information on the rights of immigrants living in Greece<sup>48</sup>, 2) print campaign in areas such as health and housing, education, entrepreneurship, everyday life and the value of intercultural dialogue, 3) programmes for learning the Greek language specifically targeted at migrant workers and mothers, 4) create a database of non-governmental organizations (NGOs) and Migrants Associations operating in Greece in the fields of legal migration and social integration<sup>49</sup>, 5) education and intercultural mediators and 6) trying to create cross-cultural schools throughout the country.

From the Funds, the Ministry finances a few but not necessarily anti-racist NGOs for certain actions under its annual plan. As seen from the lists of beneficiaries of programmes<sup>50</sup>, it appears that the state wants to cooperate with NGOs but not with immigrant organizations or organizations that deal mainly with racism and discrimination. Regarding the print campaign, there is a tight control from certain officers who manage the programmes, guides and brochures produced; there is no criticism of the policy of the Ministry with regards to third country nationals. However, it is generally positive although there are problems; the government has understood the need for cooperation with civil society but should invite all interested organizations to participate.

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<sup>48</sup> Ministry of Interior available at <http://epimakron.ypes.gr/epimakron/index.php>, accessed 30 June 2010.

<sup>49</sup> University of Harokopou, Department of Geography, *NGOs & Migrants Guide* (Athens, University of Harokopou, December 2009) available at <http://galaxy.hua.gr/~metanastes> accessed 20 May 2010.

<sup>50</sup> Ministry of Interior available at <http://ete.ypes.gr/dikaiouxi.html>, accessed 20 May 2010.

## **VII. National recommendations**

### **VII.i General**

- The competent authorities have to provide statistics and data on an annual basis, enabling the planning and implementation of a long-term plan to tackle discrimination and social exclusion and to implement social inclusion policies for vulnerable social groups.

### **VII.ii Anti discrimination**

- To supplement the Law 3304/2005 and 927/1979 so that NGOs can act independently in courts on discrimination cases.
- The state has to provide continuous and comprehensive information on discrimination issues and on how they should be addressed by the Administration.
- There should be an ongoing training programme for police and judges for a fairer application of the laws.

### **VII.iii Migration and integration**

- The police should cease to be in charge of migration issues,
- The asylum procedure should immediately be changed and more asylum centres should be created especially in the district capital.
- To immediately stop returning asylum seekers to third countries outside the EU.
- To re-open a mass legalization process for immigrants "without legal documents".

### **VII.iv Criminal justice**

#### **VII.iv.i Racism as a crime**

- Make a long-term campaign against racist crimes aimed at both the public and vulnerable groups so as to encourage the latter to report crimes with racist motives.
- Each year, the competent authorities should give all necessary information about the number and nature of cases reaching the courts, the penalties that were decided and imposed, and any other form of compensation or rehabilitation provided to victims of these acts.

#### **VII.iv.ii Counter terrorism**

- To respect the rights of religious groups, particularly Muslims. To obtain places of worship, prayer and burial of their dead especially in the capital.

#### **VII.iv.iii Ethnic profiling**

- To provide education and cooperation between competent authorities and NGOs in order to address ethnic profiling.
- To provide for severe penalties for those who target immigrants especially civil servants

#### **VII.v Social inclusion**

- NGOs working in the field of discrimination and racism to be involved in both designing and implementing integration policies.
- Provide long-term planning programmes, which should be applied effectively and produce measurable results.
- There should be more systematic and intensive cooperation of state, business establishments and civil society so that there will be more good practices in the employment sector.

## VIII. Conclusion

The year 2009 and the first half of 2010 was a period of developments both in policy and legislation relating to discrimination and racism. Despite the problems that still exist, Greece has implemented the main policy of the laws and practices which are intended particularly for social integration of vulnerable social groups. Also, despite the fact that there is a severe problem relating to lack of data on discrimination, many anti-racist NGOs and international organizations are exerting pressure and have managed to receive assurances from the authorities that data collection will start from now onwards.

In summary the most important developments during 2009 - 2010 (first half) are both positive and negative.

First of all, the changes to the Greek Citizenship Code, which took place in March 2009, were considered as positive by Greek NGOs and independent bodies like the Ombudsman. Another positive development is the fact that for the first time the law refers to second generation immigrants and allows the acquisition of Greek citizenship to those who were born or studied in a Greek school, albeit there are a number of conditions attached thereto.

The behaviour of the Greek authorities towards asylum seekers is not satisfactory. In 2009, there was a continual criticism of Greece for the way they treat refugees and their practices on returning asylum seekers before their asylum claim was heard. No specific procedure is applied to those arrested and they are not given the right to submit asylum applications which could breach the principle of *non refoulement*.

Finally, a particular worry is the continued increase in racist attacks against vulnerable groups and the constant injection of fear by the media and politicians into the public domain. This is an attempt by the far-right party LAOS and other minor Nazi and racist groups. The publicity enjoyed by the far-right party, has given it the ability to use racist speech without being punished and this unfortunately affects a great portion of society.

In Greece, anti-racist NGOs, which consist mainly of volunteers who do not have sufficient funding, try, and have made considerable achievements regarding the integration of immigrants and have managed to amend legislation in key areas. Also, due to the fact they are working directly on the ground gives them the opportunity to have strong evidence about what is really happening. The data collection gives them the ability to exert effective pressure on the authorities and to submit proposals regarding how to amend the situation. Their demand continues to be their participation in the formulation of policies relating to discrimination.



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## X. Annex 1: List of abbreviations and terminology

CTP - European Committee for the Prevention of Torture  
ECRI - European Commission against Racism and Intolerance  
ELIAMEP - Hellenic Foundation for European and Foreign Policy  
E.PA.DI.P.E. - Greek Monitoring Centre for Intercultural Education and Training  
E.P.E.K.A. – European Cultural and Research Centre of Athens  
ESAMEA - National Confederation of Disabled People  
EUMC – European Union Monitoring Centre  
FRA - European Union Agency for Fundamental Rights  
GCR - Greek Council for Refugees  
GNCHR - National Commission for Human Rights  
GSEE - General Confederation of Social Workers  
GSEVEE - Hellenic Confederation of Professionals, Craftsmen and Merchants  
HLHR – KEMO Hellenic League for Human Rights, National Focal Point on Racism and Xenophobia  
IKA - National Security Foundation  
I.P.O. D. E. - Greek Institute for the Education of People of Hellenic Background and Intercultural Education  
LAOS - Popular Orthodox Party  
NAP - National Action Plan on Social Inclusion  
N.D. - New Democracy conservative party  
NGO – Non Governmental Organization  
O.K.E. - Economic and Social Committee  
PASOK - Panhellenic Socialistic Movement  
PD - Presidential Decree  
SEPE - Labour Inspectorate Body of the Ministry of Labour and Social Security  
SEV - Hellenic Federation of Employees  
SYRIZA - Radical Left Coalition Party  
TVXS – Television without Borders  
UNHCR - United Nations High Commission for Refugees  
UNCERD – United Nations Committee on the Elimination of Racial Discrimination  
NHS - National Health Service

Note on terminology: The term "illegal deportations" refers to the practice of expelling asylum seekers without examining their cases or those who intend to apply for asylum but have been denied access to the asylum process.



european network against racism

ENAR Shadow Report 2009-2010