



European Network Against Racism
Réseau européen contre le racisme

ENAR Shadow Report 2012-2013

ENAR SHADOW REPORT

**Racism and related discriminatory practices in
employment 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 in 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 racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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Executive summary

Respect of human rights in Greece is severely questioned. The increase of discrimination and racism has been described as Greece's other crisis and as a threat to the country's democracy. Racially motivated violence has increased dramatically and ethnic minorities and other vulnerable groups face social exclusion and multiple discriminations, primarily in employment.

The seriousness of the problem has expanded in wake of Greece's financial crisis, creating a terrifying xenophobic and anti-immigrant sentiment, with elected MPs of the far right wing party declaring Greece in a civil war with immigrants.

Greece remains the main entry point to the European Union for thousands of foreigners, both refugees and migrants, who enter the country in mixed migratory movements and also hosts a big number of Roma population.

The true extent of discrimination patterns in Greece is unknown. Although, the situation has drawn great attention from international media and international Organizations, the state's response remains inadequate with a tendency to downplay the problem. During the last years an increasing number of international and national human rights bodies have expressed concerns over the situation.

ENAR Shadow Report for Greece has come to shed light on these issues. The ENAR Shadow Reports have become a major tool for monitoring the situation of racism and xenophobia in EU Member States.

The aim of this report is to contribute to knowledge and to provide insight from activists and professionals on the ground working to combat racism and discrimination in Greece as an advocacy tool by which to influence policy. Though recognising the existence of multiple discrimination and also discrimination experienced by people with disabilities, senior citizens, the LGBT community and many other groups we will not be delving into the specifics for the purposes of this report. This report takes on a more narrow focus than previous reports, by exploring the situation of racism and discrimination in the field of employment in Greece particularly for ethnic minorities and immigrants for the period of March 2012 to March 2013. Data and references may extent before or after this period in an effort to provide a more comprehensive outlook of the situation.

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1. Introduction

Racism is a reality in the lives of ethnic and religious minorities in Greece. The extent and manifestations of this fact are often unknown and undocumented, especially with regard to official data sources. As a consequence, it can be difficult to analyse the situation and to establish solutions. Even when there is extensive official data, NGO's offer a vital alternative data source which comes directly from the experiences of individuals and communities experiencing racism on a daily basis. The ENAR Shadow Reports have become a major tool for monitoring the situation of racism and xenophobia in EU Member States. Both ENAR's national and European Shadow Reports have proved to be an invaluable documented starting point for strategic and coordinated action, particularly for anti-racist civil society advocacy towards national governments, the European institutions, bodies and the media.

The aim of this report, therefore, is to contribute to knowledge and to provide insight from activists and professionals on the ground working to combat racism and discrimination in Greece as an advocacy tool by which to influence policy. This report takes on a more narrow focus than previous reports, by exploring the situation of racism and discrimination in the field of employment in Greece for the period of March 2012 to March 2013. The results will be used at national level to influence policy developments and will be further compiled into a European comparative report to influence European policies. With improved statistical and comparative data, the Shadow Reports will have a demonstrable impact for changing policy and bringing about necessary policy reforms.

In Chapter 1, we outline the main definitions used for minorities and vulnerable groups in the country and provide a statistical overview of their populations. In Chapter 2, we review the situation of the labour market and the legal framework. Chapter 3, portrays manifestations of racism and structural discrimination in employment and Chapter 4 illustrates the challenges faced in public policies, civil society's and individuals' initiatives. Chapter 5, provides recommendations in regards to the situation and Chapter 6 outlines the bibliography.

1.1 Definitions

The following definitions apply in Greek legislation when referring to 'migrants', 'ethnic minorities' and 'religious minorities'.

Migration

The main legislative instrument on migration is the Law 3386/2005¹ (revision 3536/2007), according to which:

- a. A foreign national** is a person who does not have Greek citizenship or another citizenship.
- b. A third – country national** is a person who does not have Greek citizenship or citizenship of any other member state of the European Union according to the Article 17(1) of the European Convention on Nationality²

¹ Article 1, Definitions of the Law 3386 on the Entry, Residence and Social Integration of Third-country Nationals on Greek Territory, GG A'212, 23 August 2005.
http://www.mfa.gr/images/docs/ethnikes_theoriseis/codification_of_legislation_en.pdf

c. A stateless person is someone who fulfils the requirements of the Convention of New York (1954) relating to the status of stateless persons as ratified in Greece by the Law 139/1975³

Moreover, the following definitions are used when referring to migrants:

- **Documented migrants**⁴ are foreign nationals who reside and work in Greece legally holding a residence and work permit.

- **Undocumented migrants** are foreign nationals who reside and work in Greece either without a residence and work permit or holding one that has expired⁵.

The Greek legal framework⁶ also explicitly defines refugees and asylum seekers:

a. Refugees are foreign nationals or stateless persons who reside and work in Greece legally, having acquired the status of political refugee by the competent authorities following the due process prescribed by international and European law, the 1951 Geneva Convention as transposed into national legislation. The wider category of those entitled to international protection, also includes persons who, whilst not facing persecution on the aforementioned grounds, however, face a real risk of harm in their countries of origin due to situations of armed conflict or generalized violence. In both cases, the main characteristic is that refugees cannot avail themselves of protection in their countries of origin or habitual residence based on Greek law⁷ and the requirements of Article 1A of the Geneva Convention.

Asylum seekers are foreign nationals and their immediate dependants (wife/husband, minor or handicapped children and parents) who apply or have applied orally or in writing to any public authority for political asylum according to the 1951 Geneva Convention, as amended by the 1967 New York Protocol, or have entered the country with the intention to apply for asylum according to the Dublin Convention 1990, as transposed into national legislation.

Person granted subsidiary protection status, and in regards to Article 17 of the Presidential Decree 96/2008⁸ is a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of citizenship, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm according to Article 15 of the Presidential Decree 96/2008 and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

² European Convention on Nationality, signed in Strasbourg 6, November 1997, <http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>

³ Convention Relating to the Status of Stateless Persons ratified through Law 139, Government Gazette 176A, 25 August 1975, <http://www.synigoros.gr/resources/docs/139-1975.pdf>

⁴ Law 2910 on the Entry and Stay of Aliens in Greek Territory, Acquisition of Greek Citizenship by Naturalisation and Other Provisions, GG A'91, 26 May 2001. <http://www.refworld.org/docid/3b209fd54.html>

⁵ Ibid

⁶ Overview of the legal framework, Greece: Main legislative acts relevant to asylum procedures, reception conditions and detention <http://www.asylumineurope.org/reports/country/greece/overview-legal-framework>

⁷ Presidential Decree No. 96: Harmonisation of Greek legislation to the provisions of Council Directive 2004/83/EC of 29 April 2004 on the minimum standards for the qualifications and status of third country nationals or stateless persons as refugees or as person otherwise in need of international protection and the content of protection granted [Greece], Issue number 152, 30 July 2008. <http://www.refworld.org/docid/4c5272fc2.html>

⁸ Ibid

Minorities: Greece is a nation with no recognized ethnic minorities. The only officially recognized minority is the “Muslim” one in western Thrace (north-eastern Greece) by virtue of the exchange of Greek and Turkish populations⁹ in 1923, in the aftermath of the Greco-Turkish War.

Serious concerns have been expressed by monitoring bodies of both the Council of Europe¹⁰ and the United Nations¹¹ about the policy and practice followed so far by Greek authorities vis-à-vis minorities and their refusal to recognise other ethnic, religious or linguistic minorities which may exist within the country’s territory and protect their rights in accordance with recognized international standards.

· *Ethnic minorities*

Repatriated ethnic Greeks (palinnostountes omogeneis)¹² are people of Greek ethnic descent residing in the New Independent States of the former Union of Soviet Socialist Republics (USSR) who have the right to apply for the acquisition of Greek citizenship, if their nationality cannot be established by the procedures laid out by the Ankara and Lausanne Treaties.

Migrant ethnic Greeks (omogeneis)¹³ are Albanian citizens of ethnic Greek descent. They are entitled to a special residence and work permit of three year duration that is issued by the Aliens Department of the Greek Police after examination of all or any of the following original documents: passport, birth certificate, marriage certificate, family status certificate, identity card or internal passport or any other document that can prove Greek descent.

· *Religious minorities*

The only officially recognised minority in Greece is the Muslim minority of Western Thrace, the boundaries of which had been determined by the Treaty of Bucharest in 1913¹⁴. The Muslim minority was created after the exchange of Greek and Turkish populations¹⁵ in 1923, in the aftermath

⁹ The Lausanne Peace Treaty / Treaty of Peace with Turkey, Signed at Lausanne, 24 July 1923. Section 3, provided for the protection of the ‘Moslem minority’ in Greece and the ‘non-Moslem minorities’ in Turkey. This included, inter alia, protection of life and liberty, freedom of exercise, whether in public or private, of any creed, religion or belief, full freedom of movement and of emigration, equality in treatment and security in law and in fact. http://www.lib.byu.edu/index.php/Treaty_of_Lausanne.

¹⁰ Council of Europe Commissioner for Human Rights Thomas Hammarberg (CommDH 2009), *Report following his visit to Greece on 8-10 December 2008*, Strasbourg, 19 February 2009. Also available at: <https://wcd.coe.int/ViewDoc.jsp?id=1409353>

¹¹ United Nations Committee on Economic, Social and Cultural Rights (CESCR), *Concluding Observations of 07/06/2004 Greece*, Thirty-second session, Geneva, 26 April-14 May 2004. Also available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.97.En](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.97.En)

¹² Law 2790 on the Reinstatement of home - returnees homogeneis from the ex – Soviet Union, Government Gazette A’24, 16 February 2000. <http://eudo-citizenship.eu/databases/national-citizenship-laws/?search=1&country=Greece>

¹³ Ministerial Decision 4000/3/10-e on Repatriated ethnic Greek immigrants (palinnostountes omogeneis), Government Gazette 395, 15 April 1998.

¹⁴ Treaty of Bucharest / Treaty of Peace between Romania, Greece, Serbia, Bulgaria and Montenegro, Signed in Bucharest, 10th August 1913. http://www.culture-routes.lu/php/fo_index.php?lng=en&dest=bd_do_det&id=00000743

¹⁵ The Lausanne Peace Treaty / Treaty of Peace with Turkey, Signed at Lausanne, 24 July 1923. Section 3, provided for the protection of the ‘Moslem minority’ in Greece and the ‘non-Moslem minorities’ in Turkey. This included, inter alia, protection of life and liberty, freedom of exercise, whether in public or private, of any creed, religion or belief, full freedom

of the Greco-Turkish War and its numbers - according to the last available data from the 2001 census - 120,000 people.

· *Other minorities*

The country hosts the third largest Roma population in West Europe. Roma are not recognised as a minority, but as a vulnerable social group.

There is a substantial difference of opinion between various groups of Roma as to their needs and representation. Some perceive themselves as an integral part of the Greek society and oppose the idea of an ethnic minority¹⁶.

Terms used to describe them also vary. They are also labelled 'Tsigganoi' and, more insultingly, Gypsies. Groups of Roma seem to be familiar with the term "Tsigganoi" and often choose it to describe themselves¹⁷.

Roma in Greece are estimated from 180.000 to 350.000 people, representing the 2, 47%¹⁸ of the total population.

Other minorities include Armenians (20-35.000), Jews and Macedonians of Slavic origin, also not officially recognised by the state.

These definitions are almost never used properly, especially concerning migration. Migrants are most often labelled as "illegal immigrants", no matter their background or history in the country, and with a more humiliating term, "lathrometanastes" (lathraios= smuggled and metanastes = migrants), which has established itself in the political discourse, daily life and has become widely used by the media.

1.2 Statistical overview

According to the last available data, the 2011 Population and Housing Census conducted by the Hellenic Statistical Authority (ELSTAT)¹⁹, the Resident Population of Greece was 10,815,197 individuals (49% male and 51% female). The resident population refers to the number of individuals, irrespective of citizenship, who declared during the Population Census that the place of their usual residence²⁰ is within the Greek territory. According to the results of the Census, 91,6% of people

of movement and of emigration, equality in treatment and security in law and in fact. http://wwi.lib.byu.edu/index.php/Treaty_of_Lausanne.

¹⁶ In Serres, Roma residents reportedly signed a petition against all designations, whether yiftoi ('gypts'), tsigganoi ('Gypsies') or Roma, insisting they were Greeks. See, Rinne, C., 'The situation of the Roma in Greece', KURI Journal of the Dom Research Centre, vol.1, no. 6, spring/summer 2002. <http://www.domresearchcenter.com/journal/16/greece6.html>.

¹⁷ Panhellenic Federation of Greek Roma Unions. Resolution on the issue of self-identification, Congress 2000.

¹⁸ Document prepared by the Council of Europe Roma and Travellers Division. <https://www.google.be/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CE8QFjAD&url=http%3A%2F%2Fwww.coe.int%2Ft%2Fdg3%2Ffromatravellers%2Fsource%2Fdocuments%2Fstats.xls&ei=dNdLUomDNZGX0QXy7IGICQ&usq=AFQjCNFLCPqjjer2REBPjyx8uFPLspszIQ&sig2=tKZkkHhbG3CoVYM2Of50qA&bvm=bv.53371865,d.d2k>

¹⁹ ELSTAT, *Population Census 2011*, Hellenic Statistical Authority, 2012. http://www.statistics.gr/portal/page/portal/ESYE/BUCKET/General/A1602_SAM01_DT_DC_00_2011_02_F_EN.pdf

²⁰ Usual residence of an individual is considered to be the place where he/she has lived continuously for a period of at least 12 months before the reference date of the Census, or arrived during the 12 months prior to the reference date of the Census with the intention of remaining there for at least one year

residing in Greece have Greek citizenship, 1,8% people are citizens of other EU countries, 0,04% people are without citizenship or have no specified citizenship and 6,5% people are citizens of other countries²¹. The majority of foreign residents have Albanian citizenship (52,7%), followed by individuals with Bulgarian citizenship (8,3%), Romanian citizenship (5,1%), Pakistani citizenship (3,7%) and Georgian citizenship (3%) (ELSTAT, 2012).

All per cents represent citizenship, since Greece does not collect data on ethnicity²².

Greece is considered as a mono – religious country, whereby the Christian Greek Orthodox faith constitutes the prevailing religion and it is recognized as the state’s religion. Until 20 years ago, the “definition of the nation was ethno-cultural and religious”²³ and although there is not much available data on religious diversity in Greece, it is estimated that 98% of the population self-identifies as Greek Orthodox²⁴. Statistics related to religion or faith are not recorded in most governmental surveys and the national census does not include data on faith.

Islam is present in Greece. The 1923 Treaty of Lausanne created the only explicitly recognised minority in Greece, the Muslim minority of Thrace stands at 120.000 according to the 2001 country census. But, Islam is also practiced by Greek Muslims and other Muslims living in the Greek islands (Rhodes, Kos) and Athens. Muslims living in Athens are mainly migrants and refugees from Afghanistan, Pakistan, Nigeria, Bangladesh and Egypt and are estimated to 200.000 people²⁵.

Apart from the Orthodox Church and the Muslims in Thrace, the Jewish community (4-5.000) is also among the three religious groups the government recognizes as “legal entities of public law”²⁶.

Indigenous Catholic Greeks were estimated at 50,000 with most of them living in the Greek islands. Roman Catholics are estimated close to 200,000 including a big number of recent immigrants from Philippines and Poland and Catholic Greeks of the Byzantine Rite (Uniates) at 5,000²⁷.

Other faiths include Protestantism numbering 20-25.000 believers²⁸, Hellenic Polytheism - Neopaganism, Jehovah’s Witnesses (46.414), Mormons and Scientologists and also the Atheists.

²¹ El.STAT, Population Census 2011, Hellenic Statistical Authority, 2012. http://www.statistics.gr/portal/page/portal/ESYE/BUCKET/General/nws_SAM01_EN.PDF p.7.

²² Central Intelligence Agency (CIA), The World Factbook – Greece, Central Intelligence Agency 2013. <https://www.cia.gov/library/publications/the-world-factbook/geos/gr.html> see. Ethnic Groups

²³ Triandafyllidou A., *Addressing Cultural, Ethnic and Religious Diversity Challenges in Europe - A Comparative Overview of 15 European Countries*, European University Institute: Robert Schuman Centre for Advanced Studies, Florence, 2012.p.105.

²⁴ United States, *Greece 2012: International Religious Freedom Report*, U.S. Department of State, 2012. p.2.

²⁵ Karantinos D. and Manoudi A., *Country Report 2: 2012 Discrimination on the ground of religion or belief*, drafted for Network of socio-economic experts in the Anti-discrimination field, August, 2012.

²⁶ “entitled to own, bequeath, and inherit property and appear in court under their own”. United States, *Greece 2012: International Religious Freedom Report*, U.S. Department of State, 2012. p.3.

²⁷ Karantinos D. and Manoudi A., *Country Report 2: 2012 Discrimination on the ground of religion or belief*, drafted for Network of socio-economic experts in the Anti-discrimination field, August, 2012.

²⁸ Greek Helsinki Monitor GHM, (2002), *Religious Freedom in Greece*, Athens, September 2002, p.3.

1. The context: labour market and legal framework

2.1 Outlook of the labour market

Greece has a “capitalist economy”, with a public sector accounting for about 40% of its GDP and tourism for about 15% of its GDP (CIA, 2012). The economy of Greece is placed at 42nd in the world at \$249 billion by nominal GDP (World Bank, 2012) and the thirteenth largest among the member states of the European Union (Eurostat, 2012).

Since May 2010 and as a consequence of a severe debt crisis, the Eurozone countries and the International Monetary Fund (IMF) have been providing financial support to Greece based on an Economic Adjustment Program (ADP) (EC, 2013). In 2013, Greece entered the sixth consecutive year of recession and the economy “is expected to only attain a debt-stabilizing primary balance in ten years” (ILO, 2012).

Greece is in a deep economic recession. Since the start of the financial crisis, the labour market situation has deteriorated sharply. In Greece, involuntary part-time employment²⁹ is relatively high, temporary employment rates increased, the retirement age has also increased (ILO, 2012) and almost the whole progress achieved during the last fifteen years (1995 – 2009) in improving salaries purchasing power had been set aside by the end of 2012 (INE/GSEE, 2012).

Minimum wages adjustments – Greece							
Year	2009a	2009b	2010a	2010b	2011a	2011b	2012a
Minimum wage	817,8€	862,8€	862,8€	862,8€	862,8€	870€	704,4€

Chart indicating the decrease in minimum/standard wages in Greece. (Source: INE /GSEE, 2012)

At the same time, Greece leads the unemployment rates³⁰ among the Member States of the European Union, reaching 27.1% in total in the second quarter of 2013 and with the youth unemployment rate skyrocketing at 61.5%³¹. Totals of unemployed separated in three categories can be seen in the template below³²

Totals of Unemployed – Greek citizens												
	January	February	March	April	May	June	July	August	September	October	November	December
Year 2011	636.188	637.535	656.892	648.482	631.846	636.900	651.049	647.715	650.639	648.210	666.413	678.386
Year 2012	703.115	705.070	716.877	712.420	713.453	722.306	735.500	730.113	716.407	718.768	724.467	734.291

²⁹ Involuntary employment definition: <http://www.ilo.org/global/statistics-and-databases/statistics-overview-and-topics/underemployment/history/lang--en/index.htm>

³⁰ European Commission – Eurostat, Unemployment statistics, data up to August 2013. http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Unemployment_statistics

³¹ Hellenic Republic, Hellenic Statistical Authority, (2013), *Press Release 19.09.2013– Labour Force Survey, 2nd Quarter 2013*, Piraeus, September 19, 2013.

³² Manpower Employment Organization (OAED), *Summarized tables for registered unemployment for the years 2010-2011-2012*. http://www.oaed.gr/index.php?option=com_content&view=article&id=173&Itemid=528&lang=en

Totals of Unemployed – European Union’s citizens												
Year 2011	10.984	11.096	11.379	10.456	9.446	9.058	8.880	8.537	8.860	9.554	11.039	12.084
Year 2012	13.353	14.665	15.024	13.832	12.807	12.421	12.540	12.128	11.985	13.114	14.247	14.734
Totals of Unemployed – Third country’s citizens												
Year 2011	42.386	43.865	46.404	45.880	43.708	41.215	39.729	37.077	35.760	35.653	38.241	40.151
Year 2012	45.301	50.634	53.302	52.147	50.047	47.766	46.884	44.794	44.187	45.886	47.522	48.553

In 2011, unemployment rate for foreign - born men stood at 21.5% while for native born was 14.4%, for foreign – born women 21.4% and for native- born women at 23.2%. (OECD, 2013).

As expected and as in the previous years, the secondary sector experienced the largest percentage drop of employment in 2012³³.

According to all existing evidence, there is also high incidence of undeclared work (UDW)³⁴, and the task of reducing the frequency of this constitutes a major challenge for the authorities.

The situation for minorities and especially immigrants has been extremely problematic for several years, but since the wake of Greece’s financial crisis, it appears to have worsened. With limited access to asylum procedures, very few work opportunities available and no recourse to public services or protection, migrants face destitution and marginalization. The Greek Forum of Immigrants³⁵ explains that the vast majority of migrants and refugees are employed in agriculture activities in the countryside, almost all women migrants and refugees are occupied in domestic activities or work as cleaners, and most of them are paid 20 to 30% less than the average minimum wages. A characteristic example is female immigrants from Philippines, the vast majority of which are occupied as nannies and housekeepers. Women face a multitude of problems; the majority of those who work at home are undeclared and thus not entitled to social insurance, are obliged to work without a specific work schedule, with no access to language courses and are allowed only one day – off, usually on Sundays. Adla Shashati³⁶ from the National Coordination Office acknowledges that many women do not even have the time to visit a doctor, which results in many immigrant communities, such as the Georgian Community, supporting them by having a doctor available at Sunday’s ceremonies.

It is estimated that in Greece, 20% of males and 12% of female migrants are employed in agriculture³⁷. There are two types of immigrant groups working in agriculture. The first is consisted of single men and it is characterized by a high mobility as they are seasonally employed and the other of immigrant families who seek for full – time jobs and want to settle in rural areas.

³³ Foundation for Economic and Industrial Research (FEIR /IOBE), *The Greek Economy 1/13*, Foundation for Economic and Industrial Research, Quarterly Bulletin No 71, April 2013.

³⁴ Kapsalis A., *Tackling the problem of undeclared work*, Labour Institute of Greek General Confederation of Labour (INE GSEE), European industrial relations observatory on-line, May 17,2012.

³⁵ Data provided to the author by the Greek Forum of Immigrants, with the assistance of Mrs. Adla Shashati

³⁶ Adla Shashati, National Coordination Office and General Secretary of the Greek Forum of Migrants, interview 30/9/2013.

³⁷ Papadopoulos A., *Rural immigration and female employment*, in *Rural Gender Relations: Issues and Case Studies*, eds B. Bock & S. Shortall, CABI, Wallingford, pp. 197 –213, 2006.p.203.

Regarding the working conditions, a large number of migrants are occupied under unsafe positions and exposed to many risks. Few foreign workers are registered in the trade unions and there are very limited awareness-raising programmes on their rights in the workplace.

A large number of migrants search for employment in rural areas for multiple reasons, such as the broad agricultural sector, the demographic decline and ageing population in these regions, farmers' readiness to abandon hard manual work, an extensive informal economy covering the needs of rural households and small – medium enterprises³⁸.

Reality is much harder for many migrants. They work unpaid for hours in chicken farms or in vegetable fields for promised wages that are never delivered, living in inhuman conditions close to the place where they work, and forced to pay rent even for their makeshift houses³⁹.

Data with categorization of migrant statistics are extremely limited and especially for the employment and working conditions of those nationals with a foreign background in Greece⁴⁰.

Limited data are available on religious minorities. It is estimated that 80% of the Muslim minority of Western Thrace work in agriculture, few work in public services, and unemployment rates are much higher for these groups than for the rest of the population⁴¹.

Most Roma who live in settlements or camps earn their income from scrap and garbage collection and few are employed in the mainstream labour market, primarily due to discrimination but also because of their lack of qualifications (as a result of a low education level)⁴².

In Western Thrace, 80% of the Muslims work in agriculture and very few as public servants and at the same time are expressed over females' participation in the labour market⁴³.

2.2 Legal framework

The Greek legal framework provides an explicit anti – discrimination provision in employment in Law 3304/2005⁴⁴. The Law 3304/2005 ensures the application of the principle of equal treatment

³⁸ Gidarakou et. al.,(2011), *Economic immigrants in Greek rural areas: socio-economic integration and questions of ethnic exclusion*, South European Society and Politics, 16:4, 533-553.

³⁹ BloombergBusinessweek, "Migrants stay busy as unemployed Greeks spurn menial jobs", Malkoutzis N., 24 April 2013. Also available at: <http://www.businessweek.com/articles/2013-04-25/migrants-stay-busy-as-unemployed-greeks-spurn-menial-jobs>, last accessed 15/11/2013.

⁴⁰ Kapsalis, A.,(2011), Greece: EWCO CAR on working conditions of nationals with a foreign background, European Working Conditions Observatory, 2011.

<http://www.eurofound.europa.eu/ewco/studies/tn1012015s/gr1012019q.htm>

⁴¹ Karantinos D. and Manoudi A., *Country Report 2: 2012 Discrimination on the ground of religion or belief*, drafted for Network of socio-economic experts in the Anti-discrimination field, August, 2012.

⁴² European Commission against Racism and Intolerance, *ECRI REPORT ON GREECE (fourth monitoring cycle)*, ECRI Secretariat Directorate General of Human Rights and Legal Affairs Council of Europe Publishing, Strasbourg, September 15, 2009. p.8.

⁴³ Ibid.

⁴⁴ Law 3304 on the Application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, 27 January 2005. <http://www.ypakp.gr/uploads/files/2538.pdf>

regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation and transposes the Directives 2000/43/EC and 2000/78/EC.

Moreover, the Greek Constitution on its 25th Article⁴⁵ states that private employers must also respect the constitutional rights of their employees, namely the right to equality and freedom from discrimination, and Greece has also ratified all major human rights treaties.

However, a number of austerity measures and new labour legislations, adopted within the framework of the country's economic adjustment, have served to restrain workers' overall rights, thereby forcing the International Labour Organization to ask that Greece "bring[s] its labour relations system back to fundamental rights"⁴⁶ (ILO, 2012).

Concerns have been expressed by trade unions and representatives of the labour market over Law 3833/2010 (which deals with the protection of national economy and emergency measures to tackle the fiscal crisis), Law 3845/2010 (regarding cuts on wages, pensions and other areas) and Law 3899/2010 (which allows for companies of any size that experience adverse financial and economic conditions to conclude collective agreements containing less favourable conditions than those agreed in the relevant sectoral agreements).

Moreover, major concerns have been expressed on the Law 3863 /2010 regarding the Employment Protection that reduced the length of notice period for individual dismissals from 5 to 3 months, reduced severance payments for white-collar workers and allowed employers to pay individuals in instalments. The Law also changed the definition of collective dismissals from four to six employees for companies with fewer than 20 employees and from 2 to 5% of the workforce in companies with more than 150 employees. Finally, the time limit after which a fixed-term employment contract is automatically considered to be of indefinite duration has been raised from 2 to 3 years.

2. Manifestations of racism and structural discrimination in employment

3.1. Perceptions of discrimination in employment

Labour market discrimination and racism against migrants drew the attention of Greek society only in the recent years, when the country turned more into a reception and or destination country for third country nationals.⁴⁷

⁴⁵ The Constitution of Greece. Individual and social rights, Article 25

<http://www.hri.org/docs/syntagma/artcl25.html>

⁴⁶ International Labor Organization (ILO), "ILO calls on Greece to bring its labour relations system back to fundamental rights", Press Release, November 15, 2012.

http://www.ilo.org/brussels/press/press-releases/WCMS_193308/lang--en/index.htm

⁴⁷ Drydakis N. and Vlassis M.†, *Ethnic discrimination in the Greek labour: Occupational Access, insurance coverage and wage offers*, The Manchester School, June, 2010. Vol. 78 No. 3, 201–218.

Discrimination practices against migrants started becoming more obvious after the first large wave of economic migrants from Albania who entered the country after the fall of Communism (1991) and who still constitute the biggest migrant community in Greece⁴⁸.

Albanians were seen by many native workers as 'intruders', but the Greek labour market was seeking low-paid labour, thereby allowing Albanians and other migrant workers find work in large numbers regardless of skill levels (OECD, 2005).

Foreigners are widely accused and used as scapegoats for everything that goes wrong in Greece. Migrants are even accused for the collapse of the economy⁴⁹ and many people, who may belong to racist groups, advocate for their deportation or for the closing of their businesses as a solution to the high unemployment. In September 2012, a team of black dressed people lead by an elected Golden Dawn Member of Parliament marched in two open markets in the towns of Rafina and Messolonghi, smashing up migrant traders' stalls using Greek flags on thick poles⁵⁰.

Greek firms - partly as a way to attract consumers - widely advertise the purchase of Greek products as a means to strengthen the Greek economy, and consequently the use of "Greek hands" instead of the use of foreign workers. A striking example is a large supermarket chain, presenting itself as the Greek supermarket: in one of its biggest branches, it has placed a huge advertisement covering the back of the building with a logo saying "I choose Greek products; I give job to Greek hands".

3.2. Incidence of discrimination in employment

The renewal or issuance of residence permits⁵¹ continues to be over the course of time one of the greatest problems faced by immigrants living in Greece. In August 2012, a paper⁵² from the Ministry of Labour was sent to the relevant authorities in the country instructing for a research in the local labour market before issuing temporary work permits to asylum seekers, workers and unskilled workers. The instruction was interpreted to favourite unemployed Greeks and EU citizens and consequently created immense problems for some to access the market.

Undocumented migrants face multiple discriminations in employment and they are exposed to exploitation much more than others⁵³. Some of them rely their hopes to find a job to informal employment agencies, which take a big commission for the search, a portion from the salary when the job is found and they forfeit the money if the worker disagrees. Undocumented migrants are

⁴⁸ Maroukis Th., (2007), *Albanian migrants in Greece: transcending 'borders' in developemnt*, Journal of Southern Europe and the Balkans online, Vol.7, Issue 2, January 23, 2007.

⁴⁹ <http://southernnationalist.com/blog/2012/11/01/anti-nationalist-time-article-cries-over-foreigners-not-natives/>

⁵⁰ <http://www.youtube.com/watch?v=8jHvIMtHfAk>

⁵¹ European Commission against Racism and Intolerance, *ECRI REPORT ON GREECE (fourth monitoring cycle)*, ECRI Secretariat Directorate General of Human Rights and Legal Affairs Council of Europe Publishing, Strasbourg, September 15, 2009. p.8

⁵² Ministry of Labor, Social Insurance and Welfare, Protocol Number 13366/366, Athens 9.08.2012.

⁵³ Fidan G.O., (2009), *An approach to undocumented migrants in Greece – Focusing on undocumented Afghans*, European Program for Integration and Migration, 2009. p. 67

also unable to benefit from any structural services or to register as unemployed due to their lack of documentation.

Indeed if they find a job, their wages are estimated to amount to half or two-thirds of the average income of Greek citizens⁵⁴.

Labour market discrimination and racism against religious minorities must be examined in the context of Greece's legal recognition of religious minorities. Although the Article 13 of the Greek Constitution, states that 'All known religions shall be free', there is no specific definition of religion either in the Greek Constitution or in other sources of the Greek legal order. The Orthodox Church, the Jewish community and Muslims in Thrace are the only religious groups the government recognizes as "legal entities of public law" (IRFR, 2012).

In relation to faith practices, the country still lags behind many EU countries⁵⁵. Although Islam is practiced in many areas in Greece, Muslims living outside Thrace are not covered by the Treaty of Lausanne and therefore do not have the rights afforded by the treaty. Furthermore, the Greek Orthodox Church, which exercises significant social, political, and economic influence, is also against.

Greece has not allowed an official mosque to be built in Athens since the country became independent from the Turkish Ottoman Empire in 1821, despite the big number of Muslims living in the metropolitan area. Plans to build a mosque and a cemetery for Muslims have been postponed many times, and the Golden Dawn party only recently pledged to "fight until the bitter end"⁵⁶ to block the plan. Muslims in Athens worshipped in approximately 120 unregistered mosques, but for official marriages and funerals they have to travel to Thrace⁵⁷.

Religious diversity is hardly respected in employment, where believers of religions other than Christian Orthodox are not allowed to abstain from work to exercise their religion and no other religion festivities are recognized in workplace for leave purposes⁵⁸.

Under this light, discrimination in the labour market against religious minorities is undoubtedly extremely high. The 2012 International Religious Freedom Report summarizes for Greece that "... some non-Orthodox citizens complained of being treated with suspicion or being told they were not truly Greek when they revealed their religious affiliations to other Greek citizens. Members of non Orthodox religious groups reported incidents of societal discrimination. Members of the Muslim minority in Thrace were underrepresented in public sector employment, and no Muslim military personnel advanced to officer ranks. Members of the Muslim minority in Thrace continued to be underrepresented in public sector employment and in state-owned industries and corporations". (IRFR, 2012).

⁵⁴ European Migration Network (2007) *EMN Synthesis Report: Illegally Resident Third Country Nationals in EU Member States: state approaches towards them, their profile and social situation*, European Migration Network.p. 28.

⁵⁵ BBC, "Athens the EU capital city without a mosque", Lowen M., 28 December 2012. Also available at: <http://www.bbc.co.uk/news/world-europe-20820349>

⁵⁶ Reuters, Edition US , "In crisis-hit Athens, plans for a mosque reveal deep divisions", Tagaris K., 27 June 2013. <http://www.reuters.com/article/2013/06/27/us-greece-mosque-idUSBRE95Q07220130627>

⁵⁷ Bureau of Democracy, Human Rights and Labor - United States Department of State, *Greece 2012: International Religious Freedom Report*, Bureau of Democracy, Human Rights and Labor – United States Publishing, 2012.p.6

⁵⁸ Pavlou M., Annual Report 2007 – *Racism and Discrimination against Immigrants and Minorities in Greece: The state of Play*, Hellenic League for Human Rights National Focal Point on Racism and Xenophobia (HLHR-KEMO), April 2007. p.11.

Muslims are believed to suffer the most, as islamophobia is on a constant rise. The Muslim Association in Greece even received a letter asking all Muslims to leave the country otherwise they will be “slaughtered like chickens” (Islamophobia Watch, 2013).

Incidents of discrimination and unequal treatment are plentiful for Roma, Muslims in Western Thrace and immigrants. On April 2013, a notorious incident against migrant workers took place. On the 17th of April 2013, 35 migrant workers out of 150, most of them undocumented, were shot in a strawberry farm named Vangelatos S.A. at Manolada by 3 Greeks after requesting that the salaries that were owed be paid. The migrants – mainly from Bangladesh - reported that they had been working unpaid and under inhuman conditions in the strawberry fields for 6 months. Farm foremen opened fire using hunting guns, 2 of them pointed straight at them, while one shot in the air. The attack took place on the 3rd day of the migrants’ peaceful protest. Nea Manolada, about 260km (160 miles) west of Athens, is an area where thousands of migrant workers are employed and has often been in the media spotlight over the exploitation of migrants. The heinous assault was directed towards all 150 people. 35 workers were injured, while the rest were considered to be ‘lucky’. A team of experts from the Médecins du Monde - Greece⁵⁹ and the Greek Council for Refugees⁶⁰ provided legal and social assistance to the victims and stood by them to fill a court complaint. The Greek Authorities (Public Prosecutor of the Supreme Court) used the legal framework of “human trafficking” in order to protect the victims and despite the fact that the attacks were based on a racist motive; this will only be examined during the court hearing. An additional complaint was filed for the rest of the 120 immigrants, who were not recognized by the police authorities as victims (since they were not injured), as based on the provisions of the **Law 927/1979** “on punishing acts or activities aiming at racial discrimination”⁶¹ and the anti-trafficking legislation.

3.3 Discrimination in access to employment

It is widely accepted that prejudice in the labour market, in its many forms, is likely to be the most frequent human rights violation in Europe⁶². In Greece, not many complaints or reports are made public regarding direct or indirect discrimination practices in employment.

Access to employment though is a constant battle for many minority groups and migrants⁶³, who also have to combat language barriers. Multiple barriers have been created, and the excuse given is the economic downturn. Greek NGOs and other Civil Society Organizations have received numerous

⁵⁹ Medecins du Monde – Greece is a Greek humanitarian Organization established in 1990, with the aim to provide humanitarian assistance to populations in need. MDM – GR is part of the international Network of MdM. <http://www.mdmgreece.gr/en>

Also: Médecins du Monde and the Greek Council for Refugees Stand by the Immigrants of Manolada, Press Release, April 26, 2013 <http://www.mdmgreece.gr/en/%CE%94%CE%B5%CE%BB%CF%84%CE%AF%CE%B1-%CE%A4%CF%8D%CF%80%CE%BF%CF%85/Page-3>

⁶⁰ Greek Council for Refugees was founded in 1989 with the goal of protecting the rights of refugees in Greece. www.gcr.gr

Also: GCR in Manolada, Announcement, <http://www.gcr.gr/index.php/en/photo-gallery/>

⁶¹ Law 927 on Punishing acts or activities aiming at racial discrimination, 1979

⁶² Makkonen, T., *European Handbook on Equality Data*, carried out for the Finnish Ministry of Labour, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Luxembourg, 2007.

⁶³ Especially for those with a colour of skin or religion different from the predominant one.

reports⁶⁴ from asylum seekers and documented migrants against authorities and public services which refuse, giving no reasoning, to grant, renew work permits or provide health papers related to work. Authorities often deny the issuance or renewal of work permits, if the asylum seeker has not found an employer. As a result of the latter, asylum seekers lose their right to unemployment card and are thus excluded from social benefits (e.g. free day-care for their children, training etc.)

Employers tend to prioritize more and more on hiring Greeks or EU citizens. Other minorities such, as Roma, seem trapped in informal employment, without financially viable prospects and find themselves cut off from the increasingly rapid developments in the labour market. (NSFFR, 2011/P.4)

As far as self-employment is concerned, a big issue arises for foreigners with the requirement of a 60.000€ bank deposit in order to be allowed to start a business⁶⁵, a prerequisite that poses serious limitation and restrictions⁶⁶ in foreigners' entrepreneurship.

3.4 Discrimination in the workplace

A recent study based on information of about 8,429 male employees, 1,185 of which were migrants (EU and non – EU), drawn from the Greek Labour Force Survey of (2009) showed that the average native hourly wage was 25.3 percentage points higher than the non-EU migrants' wage, and 23.9 percentage points higher than the EU migrants' wage. The average total working experience for natives (22.6) was higher than total experience for non-EU and EU migrants. Moreover, the proportion of natives who reported themselves as managers, employed in medium and large firms is higher than the proportion of migrants⁶⁷.

Regarding non- EU migrants, the data revealed that "education and working experience obtained in Greece are significant determinants of the immigrant wage⁶⁸" and considering the fact that minorities – especially Roma⁶⁹ - face multiple exclusions in education⁷⁰, the correlation is of no surprise. Many times, people from ethnic minorities and migrants are forced to take positions that do not reflect their skills, because of the employer's discriminatory attitudes, their need to ensure an income and also because of language barriers.

⁶⁴ UNHCR monthly roundtables with the participation of Greek NGOs, roundtable with the European Commissioner for Home Affairs (Athens, 9/10/2012), author's contacts with anti-fascist groups and civil society organizations supporting migrants in Greece.

⁶⁵ Article 8 of Law no 3386 on the Entry, Residence and Social Integration of Third-country Nationals in the Greek Territory, Government Gazette A'212, 23 August 2005.

⁶⁶ This was also mentioned by Andreas Bloom from the Asante NGO, on the interview conducted on July 17,2013.

⁶⁷ Chletsos M, and Roupakias, S., (2012), *Native-immigrant wage differentials in Greece: discrimination and assimilation*, Munich Personal RePEc Archive (MPRA) Paper No. 39940, July 2012. p.9.

⁶⁸ Ibid, p.14

⁶⁹ Greece also holds a very low participation rates in pre-school or kindergarten for Roma children. See: European Union Agency for Fundamental Rights, (2012), *The situation of Roma in 11 EU Member States*, European Union Agency for Fundamental Rights, 2012, UNDP 2012.

⁷⁰ European Commission against Racism and Intolerance, *ECRI REPORT ON GREECE (fourth monitoring cycle)*, ECRI Secretariat Directorate General of Human Rights and Legal Affairs Council of Europe Publishing, Strasbourg, September 15, 2009.

Another study on the wage differentials between native workers and migrants showed that the former group enjoy significantly higher wages than migrants, and that migrants are over-represented in low-paid jobs and under-represented in high-paid ones. (Demoussis M., et. al., 2007)

Moreover, direct exclusion and attacks against people based solely on their origin or religion are increasing rapidly. Shocking attacks take place and sometimes target even the customers, such as in one case which took place on the 10th of September 2012 when men dressed in black entered a barbershop owned by a Pakistani man. "At first they verbally attacked the Greek customer who was present, asking him why he was having a haircut in a shop owned by Pakistanis", and then the two guys stabbed the owner while destroying the shop and throwing Molotov cocktails". (A.I., 2013).

As far it concerns religious freedom at workplace, there are no law prohibitions related to the expression of faith at work, such as wearing a cross or a headscarf, though this does not imply that religious diversity is respected.

3.5 Economic sectors

Most of the time, the economic sectors which are prone to labour market discrimination are the sectors that don't experience many labour inspections and sectors linked with seasonal work, such as the agriculture, farming, tourist services and domestic activities. The fact that these industries (specifically agriculture) are industries which attract the most migrants, the fact that there are no inspections, leaves these groups even more open to discrimination and vulnerability.

3.6 Geographical areas and relevant actors

Over the last years, the centre of Athens has witnessed discrimination and racist incidents against minorities and especially immigrants. The location of the majority of services related to immigration, including the Asylum Service, has made the centre of Athens a pole for migrants whether they want it or not.

The ex-Minister of Health characterized Athens as a "hygienic bomb"⁷¹ because of their presence and the prime-minister went that far to call with a martial tone for reoccupation as "our cities have been occupied by illegal migrants". "We will reoccupy them"⁷² he declared.

Also the Racist Violence Recording Network has documented 151 incidents of racist attacks in 2012, out of which 107 occurred within the geographical area of the Municipality of Athens, and particularly in areas of the city centre, such as Aghios Panteleimonas, Attica Square, America Square and other areas around Omonia Square. Moreover, 13 incidents occurred in Patras, 3 in Corinth,

⁷¹ ALJAZEERA, "Greece: Civil war, but not as you know it. As the economic situation in Greece worsens, so too does its political climate", Vradis A., 3 May 2012. Also available at: <http://www.aljazeera.com/indepth/opinion/2012/05/20125291733265576.html>, last accessed 15/11/2013.

⁷² YouTube, Antonis Samaras, Greek Prime – Minister, "Reoccupy the cities", 17 April 2012. <http://www.youtube.com/watch?v=a8ViCGwuEd8>

while 3 incidents recorded in Igoumenitsa and Evros have occurred in detention centers. Finally, incidents have also taken place in the islands of Rhodes and Chios, Konitsa and Nea Manolada Ilias.

Hundreds of seasonal migrant workers are found in Peloponnese (north Greece) the biggest peninsula of the country, which economic mix includes activities in agriculture and tourism. Many of the workers are housed in primitive conditions, are even forced to pay rent to their bosses. The case of Manolada⁷³ illustrates the risk and dangers that many of them face.

Many Roma camps are located across Peloponnese, notably in Pyrgos, Korinth and Patras⁷⁴ with Roma working in similar activities.

Crete Island is also a host place for many ethnic minorities and migrants⁷⁵.

4. Tackling the challenges

4.1 Public policies

There have been very few developments of policies or programs that aim at reducing discrimination in employment and there is no anti-racism or anti-discrimination National Action Plan. On December 2011, the Ministry of Labour introduced the National Strategy for Roma (2012 – 2020)⁷⁶, which inter alia aims to fight exclusion and discrimination for the group.

Yet, the Economic and Social Council⁷⁷ of Greece, as established in 1994, has undertaken the task to report annually on developments regarding the implementation of law on the application of the principle of equal treatment⁷⁸, with special emphasis on the workplace and in raising awareness of the need for the promotion of the principle of equal treatment and the adoption of anti-discriminatory measures. Greece is still in the implementation period of the 2007 – 2013 National Strategic Reference Framework (NSRF)⁷⁹ for the use of European Union's Funds addressing development. The NSRF is elaborated by the Ministry of Economy and Finance (MEF) and does not embody any specific plan to combat discrimination in employment, although it contains objectives targeting social inclusion and anti-discrimination principles.

⁷³ BBC, Greece farm shooting: 30 injured in pay dispute, 18 April 2013. <http://www.bbc.co.uk/news/world-europe-22198699>

⁷⁴ Eukseini Poli (2009), *Health and Roma Community: An analysis of the situation in Greece*, Eukseini Poli, 2009.p.10 <http://www.gitanos.org/upload/56/59/GRIEGO-final-baja.pdf>

⁷⁵ Migrants' Forum in Crete <http://fmkritis.wordpress.com/>

⁷⁶ Ministry of Labour and Social Security, Hellenic Republic (2011) National Strategic Framework for Roma 2012 – 2020, Ministry of Labour and Social Security, December 2011.

⁷⁷ Economic and Social Council of Greece http://www.oke.gr/index_en.html

⁷⁸ Law 3304 on the Application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, 27 January 2005.

⁷⁹ Ministry of Economy and Finance – Hellenic Republic (2007), *National Strategic Reference Framework 2007-2013*, Ministry of Economy and Finance – Hellenic Republic Publishing, January, 2007. p.44-45. http://www.espa.gr/elibrary/NSRF%20document_english.pdf

With the exception of the Law 3304/2005 on the Application of the principle of equal treatment, the law against racism and discrimination currently in effect in Greece is the law 927/1979 “on punishment of actions or activities aimed at racial discrimination”, as amended by art.24 of law 1419/1984.

In May 2013, in an effort to combat growing discrimination and racism the parliamentary parties were involved in a dispute over an anti-racism bill, holding emergency talks over the subject in May 2013. The new law was drafted by the ex Justice Minister, and would ban incitement against people based on race, religion, ethnicity or sexual orientation. Any violation of this would be punishable with prison sentences of up to six years. It would also criminalize the denial of Nazi war crimes, applied to members of the parliament too. Moreover, if leaders of a parliamentary party publicly denied the Holocaust⁸⁰ - something which had been commented on many times by members of Golden Dawn-took part in racist attacks, or used Nazi salutes or symbols in parliament, they would see their public funding suspended. Tensions rose over the draft legislation, because the bill was perceived as a means to curb the growing influence of Golden Dawn. Progress in this area was upheld because of the extensive disagreements between the parties. Due to the heated discussions, the bill has been paused and it is unknown when developments should be expected.

Greek government needs to take immediate measures, reopen the dialogue and introduce appropriate legislation, as the severity of the situation has been acknowledged even in the highest political national level. The President of the Republic in his message on the occasion of the 38th anniversary of the restoration of democracy in Greece in July 2012 noted that Greek democracy today “faces serious dangers from the ideology of hate and fascism”⁸¹.

4.2 Access to effective remedies

4.2.1 Judicial remedies

Complaints of victims of discrimination in the public sector, including the field of employment can be raised in the Greek civil, penal and administrative courts. Complaints of victims of discrimination in the private sector can be raised in the Greek civil and penal courts⁸². In both sectors, the victim can bring its case to the courts even after the end of the employment relationship. Despite the different proceedings, financial barriers occur from the necessity to instruct a lawyer and also from the fee that has to be paid to the police to register a complaint. In early 2011, the fee has been raised from 10€ to 100€⁸³ and the decision has been heavily criticized as for many vulnerable groups suffering from discrimination such fee posed in the very early stage is unaffordable.

It is important though to note that, the Article 13 paragraph 3 of the discrimination law refers to “legal entities which have a legitimate interest in ensuring that the principle of equal treatment is applied regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation can represent the person wronged before any court and any administrative authority

⁸⁰ <http://www.neurope.eu/article/greece-far-right-holocaust-denial-row>

⁸¹ Message available only in Greek. http://www.presidency.gr/?page_id=1454

⁸² Articles 13, 14 and 16 of the Law 3304 on the Application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, 27 January 2005.

⁸³ Common Ministerial Decision 123827/23, 20 December 2010.

with the written consent of the wronged person". That means that legal entities such as trade unions or NGOs can act on behalf of victims but under two conditions⁸⁴: 1) that they have a legitimate interest and that 2) the victim has given a written consent of representation.

The anti-discrimination law permits a shift of the burden of proof⁸⁵ which though does not apply to criminal procedures. The burden of proof stipulates that: "When persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment⁸⁶". Article 15⁸⁷ of the anti-discrimination law refers to the protection against victimisation, while with Article 14 also witnesses, could easily be considered as 'protected persons', as they fall within the definition of 'person' in Article 15, which provides that protection includes protection from dismissal or adverse treatment of a person as a reaction to a complaint or proceedings aimed at enforcing compliance with the principle of equal treatment. The violation of the principle of equal treatment in any field – including employment – incurs imprisonment from 6 months to 3 years and a fine between 1.000 to 5.000€⁸⁸.

There are no available data on the complaints on discrimination on the ground of ethnic origin/religion in employment filed to courts.

In the general framework of court complaints related to employment, specific attention is worth being paid to the collective Complaints to the European Committee of Social Rights⁸⁹ Nos. 65 and 66, both lodged by the trade unions GENOP-DEI and ADEDY against Greece, and to the decisions on their merits. These decisions are the first the European Committee of Social Rights has taken in the context of social rights restrictions due to the economic crisis in Greece. In the first case GENOP-DEI and ADEDY v. Greece, Complaint No. 65/2011⁹⁰, the trade unions allege that the situation in Greece is not in conformity with the right to fair remuneration (Article 4 of the 1961 Charter) and with the right to take part in the determination and improvement of the working conditions and working environment (Article 3 of the Additional Protocol of 1988).

⁸⁴ Mardaki A. And Iddrisu S., (2005), *ENAR Shadow Report 2005 – Racism in Greece*, European Network Against Racism, 2005. p.4

⁸⁵ Article 14 of the Law 3304 on the Application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, 27 January 2005.

⁸⁶Theodoridis A. (2012), *Report on Measures to combat discrimination Directives 2000/43/EC and 2000/78/EC - COUNTRY REPORT 2012 GREECE*, drafted for the European Network of Legal Experts in the Non-discrimination Field, 2012.p.96

⁸⁷ Article 15 of the Law 3304 on the Application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, 27 January 2005.

⁸⁸ Article 16

⁸⁹ The European Committee of Social Rights is the body entitled to judge whether states parties are in conformity with the European Social Charter.

⁹⁰ Complaint 65 of the General Federation of employees of the national electric power corporation GENOP-DEI Confederation of Greek Civil Servants' Trade Unions - ADEDY, (2011), "Collective complaint against Greece concerning Act 3899 of 17 December 2010. Also available at: http://www.coe.int/T/DGHL/Monitoring/SocialCharter/Complaints/CC65CaseDoc1_en.pdf

In the second case GENOP-DEI and AEDY v. Greece, Complaint No. 66/2011⁹¹, the trade unions allege that the situation in Greece is not in conformity with the right to work (Articles 1), right to a fair remuneration (4), the right of children and young persons' to protection (7), the right to vocational training (10), and the right to social security (12) of the European Social Charter.

In its decision⁹² on the merits of the complaint No.65/2011, the Committee concluded the following:

- unanimously that there has been a violation of Article 4§4 of the 1961 Charter on the ground that Section 17§5 of Act No. 3899 of 17 December 2010 makes no provision for notice periods or severance pay in cases where an employment contract, which qualifies as 'permanent' under the said law, is terminated during the probationary period set at one year by the same law.
- by 14 votes to 1 that Article 3§1a of the 1988 Additional Protocol to the 1961 Charter is not applicable.

In its decision⁹³ on the merits of the complaint GENOP-DEI and AEDY v. Greece, No. 66/2011, the Committee concluded the following:

- Unanimously that there is no violation of Article 1§1 of the 1961 Charter; there is no violation of Article 7§§ 2 and 9 of the 1961 Charter; but
- Unanimously that there is a violation of Article 7§7 of the 1961 Charter; there is a violation of Article 10§2 of the 1961 Charter; a violation of Article 12§3 of the 1961 Charter; **a violation** of Article 4§1 of the 1961 Charter in the light of the non-discrimination clause of the Preamble to the 1961 Charter.⁹⁴

Also, after the decisions, the Greek government called for their admissibility⁹⁵ and the unions responded to the observations⁹⁶.

4.2.2 Non-judicial remedies

4.2.2.1 Ombudsman or equality body

The anti-discrimination Law 3304/2005 appoints three bodies, one of them being an independent authority, with the promotion of the principle of equal treatment. These bodies are:

1. The Greek Ombudsman⁹⁷, a constitutionally sanctioned Independent Authority, founded in October 1998 and operating under the provisions of Law 3094/2003.

⁹¹ Complaint 66 of the General Federation of employees of the national electric power corporation GENOP-DEI Confederation of Greek Civil Servants' Trade Unions – AEDY (2011), "Collective complaint against Greece concerning Act 3863 of 15 July 2010". Also available at:

http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/CC66CaseDoc1_en.pdf

⁹² http://www.coe.int/t/dGHI/monitoring/Socialcharter/Complaints/CC65Merits_en.pdf

⁹³ http://www.coe.int/t/dGHI/monitoring/Socialcharter/Complaints/CC66Merits_en.pdf

⁹⁴ <http://justiceforgreece.wordpress.com/2012/11/09/european-committee-of-social-rights-decisions-against-greece-after-collective-complaints/>

⁹⁵ http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/CC65CaseDoc2_en.pdf

⁹⁶ http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/CC66CaseDoc3_en.pdf

⁹⁷ The Greek Ombudsman, <http://www.synigoros.gr/?i=stp.en>

2. The Equal Treatment Committee⁹⁸, established in 2005 and annexed to the Minister of Justice, and
3. The Labour Inspectorate Body (S.E.P.E)⁹⁹ established in 1999, is a governmental body reporting directly to the Minister of Employment and Social Protection.

The Greek Ombudsman has the authority to intervene in cases involving public and in “exceptional circumstances ... may examine the behaviour of private citizens where a child’s rights are violated and where there is unequal treatment of men and women in matters of employment.”¹⁰⁰

The Equal Treatment Committee covers all fields except the public sector; it covers employment and occupation regardless of racial or ethnic origin, religious or other beliefs, age, disability or sexual orientation. The Committee does not impose sanctions. But it can conduct independent surveys concerning discrimination and publish independent reports and make recommendations. The Committee has also the right to hear witnesses and the right to demand information to be supplied by the accused or third party (public authority or individual).

The Labour Inspectorate Body (S.E.P.E), which is more widely known to the public as opposed to the Equal Treatment Committee. Its role is to enforce labour legislation in the private and public sectors, to protect the legal rights of the employees and to secure the health, safety and welfare of workers in Greece. The body carries out inspections and can impose fines, payable to the State and not to the employee, in cases of a finding of violation and is active across the country. The Labour Inspectorate body is also responsible among other authorities to investigate the coverage of social insurance of the workers and has a challenging role in the efforts of the state to reduce informal economy and undeclared work.

In total, the Greek Ombudsman¹⁰¹ received 11.702 new complaints (10.706 in 2011), with most coming from the periphery of Attica. The geographical separation is attributed by the GO to the unequal relationship between the “centre and the periphery” in regards to the socio – economic developments. The Greek Ombudsman handled a great number of complaints against agencies and the distribution of the grounded cases by agency placed the Ministry of Labour, Social Security and Welfare in the first place (27%). Complaints filed for unequal treatment were firstly based on discrimination on the ground of racial or ethnic origin (62.5%), and issues of social protection were significantly related to social insurance coverage (84.95%). Furthermore, regarding issues related to gender equality, 40.81% of the complaints were filed for reasons of unequal conditions and treatment in employment.

There are no data available for the number of complaints received by the Equal Treatment Committee, and the Labour Inspectorate Body does not include such type of data in its publicized annual activity reports.

Greek Ombudsman is an independent and well respected authority, elected by a special Committee of the Parliament in accordance with Article 101(3) of the Constitution. The Ombudsman provides its services to the public free of charge and any Greek or foreign citizen living in Greece or abroad and

⁹⁸ Established with the Law 3304 on the Application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, 27 January 2005.

⁹⁹ The Labour Inspectorate Body, <http://www.ypakp.gr/index.php?ID=CvAqaeXKv5cESWFZ>

¹⁰⁰ The Greek Ombudsman, On what issues can the Greek Ombudsman intervene? <http://www.synigoros.gr/?i=stp.en.whatcases>

¹⁰¹ Greek Ombudsman, *Annual Report 2012*, Athens, 2012. p.9-13.

dealing with the Greek public administration can access its services. Legal entities or groups of people also have recourse to the Ombudsman.

Doubts can arise as to the independence of the Committee for Equal Treatment, as it is a governmental body, fully embedded in the structure of the Ministry of Justice, further confirmed by the fact that the President of the Committee is the Secretary General of the Ministry of Justice. Its funding sources are not known to the public.

The same doubts may arise when considering the independence of the Labour Inspectorate Body, as it is chaired by a political person, the Special Secretary of the Ministry of Social Affairs, and is subject to the Ministry. The effectiveness of the Body is much more related to the inspections it conducts, as a fee can be imposed in case of an observed violation.

4.2.2. Labour inspectorate

The Labour Inspectorate Body (S.E.P.E) was established in 1999¹⁰² with the aim to enforce labour legislation in the private and public sectors and to protect the legal rights of the employees and to secure the health, safety and welfare of workers in Greece.

The Labour Inspectorate Body¹⁰³ does not offer legal assistance to victims of discrimination, but can hear witnesses or ask for further information from the accused. It can also act as conciliator and / or mediator between employers and employees and impose fines.

Its labour inspectors apart from carrying inspections in order to find out if companies comply with existing legislation also conduct investigations on the cause of death or serious working accidents and examine the requests and complaints of the workers.

A very important task of its inspectors is the provision of information to the public. Information is available also by mailing or telephone.

4.3 Civil society initiatives

4.3.1 Trade Unions

During the last years, trade Unions are under strain as a result of the crisis¹⁰⁴. Even the long established Workers' Housing Organisation (OEK) and the Workers' Social Fund (OEE – Ergatiki Estia¹⁰⁵) are to be abolished and their employees dismissed. New laws have been voted by the Greek Parliament in the frame of the new fiscal strategy for 2012 – 2015, such as the Law 4024/2011¹⁰⁶, which interferes in the structure and operation of trade unions and contravenes the right of workers

¹⁰² Presidential Decree 136 on Organisational Planning of S.E.P.E 30 June 1999, established by the Act 2639 on Establishment of the S.E.P.E, 2 September 1998.

¹⁰³ More at Labor Inspection Structure and Organization:

http://www.ilo.org/labadmin/info/WCMS_115425/lang--en/index.htm

¹⁰⁴ Lanara Z.,(2012),*Trade Unions in Greece and the Crisis*, International Policy Analysis, Friedrich Ebert Stiftung, April, 2012.

¹⁰⁵ European Commission - Directorate General Economic and Financial Affairs, (2012), *The Second Economic Adjustment Program for Greece – March 2012*, European Economy Occasional Papers, No. 94, Brussels, March 2012.p.110.

¹⁰⁶ Law 4024 on the Pension regulations, uniform pay scale – rank scale, labour reserve and other provisions for the implementation of the medium-term fiscal strategy 2012 – 2015, Government Gazette 226, 27 October, 2011.

to collective representation by persons they freely and democratically elect. This law “practically favours the negotiation at individual level, where the employer prevails, and leads to the complete deregulation of the labour market”¹⁰⁷.

Nonetheless and despite the gravity of the situation, most of the trade unions¹⁰⁸ have expressed openly their beliefs against discrimination and showed their solidarity to migrant and minority workers. Numerous press releases from workers unions denounce xenophobia and condemn Golden Dawn practices against employees and employers¹⁰⁹. Party members have repeatedly marched into markets to screen the percentage of foreign workers, or assault employees for hiring foreigners instead of Greeks. Trade unions expressions of solidarity are increasing daily and the labour force stands by the side of minorities or foreigners who are accused for “stealing the jobs of Greeks” and driving Greek households into poverty¹¹⁰.

4.3.2 NGOs activities

In October 2011, the **Racist Violence Recording Network (RVRN)**¹¹¹ was set up at the request of the National Commission for Human Rights (NCHR) and the Office of the UN High Commissioner for Refugees in Greece (UNHCR). All participating bodies have concluded a cooperation agreement with the aim of filling the gap caused by the absence of a formal and effective system for recording incidents and trends of racism and racist violence in Greece, in accordance with Greece’s international and European obligations. The Network numbers 30 non-governmental organizations, the Greek Ombudsman as an observer and other bodies which provide legal, medical, social or other support services and come into contact with racist violence victims.

In 2013, **Médecins du Monde - Greece and the Greek Council for Refugees** joined their forces in the implementation of the program called “ENOUGH!”¹¹² The program aims to:

1. provide victims of racist violence with advocacy advice and to fully support those cases that reach the Greek Courts;
2. ensure victims receive full medical care at the Open Clinics of Médecins du Monde;
3. provide social and psychological support to victims;
4. push for the elaboration of a National Review on Xenophobia and Racist Violence in Greece;
- 5 launch an awareness and sensitization campaign;

¹⁰⁷ Kousta E., (2012), Labour Institute of Greek Confederation of Labour (INE/GSEE), *GREECE: Annual Review 2011*, Eurofound, November 29, 2012. <http://www.eurofound.europa.eu/comparative/tn1203020s/gr1203029q.htm>

¹⁰⁸ Exception : the taxi – drivers unions, that were the first to establish a union called “Ethnicists Taxi Drivers’

¹⁰⁹ Available only in Greek: Cyclades workers and unions committee: <http://apopsy.blogspot.gr/2012/08/blog-post.html>
Four unions from the Shipyard Zone in Perama: <http://www.enet.gr/?i=news.el.article&id=379605>, Cleaners Union: <http://www2.rizospastis.gr/wwwengine/story.do?id=7062146>, Builders Union: http://news247.gr/eidiseis/koinonia/syndikato_oikodomwn_ta_ntahlikia_ths_xryshs_avghs_den_pernane_edw.1996925.html

¹¹⁰ Ibid.

¹¹¹ Racist Violence Recording Network, <http://www.unhcr.gr/1againstracism/en/category/racist-violence-recording-network/>

¹¹² Program “ENOUGH!” implement by Mdm – GR and GCR, <http://mdmgreece.gr/en/Enough/>

6. conduct visits to secondary education schools of Attica, in areas where the issue of xenophobic and racist violence is exceptionally serious.

MDM – GR is considered to be the biggest and oldest NGO in the country providing assistance to various vulnerable groups and Greek Council for Refugees is the largest national NGO in the field of asylum seekers and refugees.

Moreover, **the Greek Forum of Migrants (GFM)**¹¹³ continues to fight discrimination practices in all fields of life. It is the largest immigrant representation body in Greece, representing more than 30 migrant communities. The GFM is operating a project which aims at the social integration of second-generation migrants, focusing on the critical age of 16-25, but addressing other age groups as well. GFM is the focal point for many foreigners in Greece in their effort to integrate in the Greek society and learn their rights and obligations. (Shashati A., 2013)

Kasapi Hellas¹¹⁴ - **Filipino workers organisation** fights for the rights of the migrant workers, especially domestic workers, since most of the Filipino population in Greece is employed in domestic work. The organisation also provides counselling to Filipino migrants on social, legal and labour problems. KASAPI HELLAS, a member of RESPECT Network¹¹⁵, has also joined the International Working Group for Domestic Workers (IWGDW) on its 'International Campaign for the Rights and Recognition of Domestic Workers' (ENAR GNC, 2012)

Asante NGO¹¹⁶ is an organisation that aims to support young people with immigrant backgrounds living in Greece and has recently joined the European Network against Racism (ENAR).

A number of initiatives have been development under NGOs partnerships, such as the **DREAM** (Discrimination Racism Equality and Media) project. An initiative of 17 organizations focusing at combating “discriminations, racism and xenophobia in order to allow the democratic representation in the employment of members of certain groups, media makers and to influence public opinion, to combat stereotypes and prejudices that hinder the access of these groups in the labour market”¹¹⁷. The action was also recognized as best practice in Equality Audit and Civil Code for the integration of diversity in the media.

On the other side, minorities denounce barriers in their effort to establish their own NGOs. The Turkish Muslim Minority of Western Thrace has stated it faces difficulties and/or impossibility in establishing associations and NGOs, claiming there is a violation of the right to freedom of association (OSCE, 2012).

¹¹³ The Greek Forum of Migrants, <http://www.migrant.gr/cgi-bin/pages/index.pl?arlang=english>

¹¹⁴ KASAPI – Hellas

http://www.migrants.gr/gr/practical_guide/%CE%95%CE%BD%CF%8E%CF%83%CE%B5%CE%B9%CF%82%CE%9C%CE%B5%CF%84%CE%B1%CE%BD%CE%B1%CF%83%CF%84%CF%8E%CE%BD/article/?aid=339109

¹¹⁵ RESPECT Network Europe was set up in 1981 as a response to the conditions of exploitation and widespread violation of rights of Migrant Domestic Workers and aims to improve the social, economic and legal position of the growing number of migrant workers who work in the private domestic sphere as cleaners and/or carers. <http://www.respectnetwork.eu/>

¹¹⁶ ASANTE NGO, <http://asante.gr/>

¹¹⁷ National Centre for Social Research Institute of Social Policy (2011), *Report on Policies and Good Practices Regarding Actions to Combat Discrimination*, Athens, May 2011. p.11.

4.3.3 Employers' organisations

There appear to be no many examples of good practices that are known. Though a very innovative and interesting initiative coordinated by the Pan-Hellenic Association of Greek Roma (PEER) appears to be the Rom Bazaar¹¹⁸, which aims to increase the employment of the Roma. The Rom Bazaar is a shopping mall which hosts several Roma owned shops and it is the centre of attraction for visitors that wish to buy carpets, handcrafts or other traditional Roma-made objects in good prices.

Coco Mat's Policy on Sustainable Development¹¹⁹ and offering equal opportunities remains one of the few outstanding examples for companies in Greece. The Company has received wide recognition and numerous awards including the European Corporate Responsibility Award (2009) and the Corporate Social Responsibility Award for HR/Equal Opportunities by the Greek Advertisers' Association (2010). Company's staff environs thirteen nationalities and nine religions, together with persons with disabilities. Among foreign workers are refugees from Eastern Europe countries, such as Russia.

4.3.4 Other civil society initiatives

The General Secretariat of Youth¹²⁰, in collaboration with the General Secretariat of Religious Affairs and the Jewish Museum of Greece, organized seminars in the fall for primary and secondary school teachers on teaching students about the Holocaust in order to address and prevent racism and violence.

In October the Council of Europe, Aristotle University, and the municipality of Thessaloniki jointly sponsored conferences on the Holocaust and on "Cultures and Religions in Dialogue" in Thessaloniki (IRFR,2012).

A noteworthy civil society initiative is "The Immigrant Sunday School¹²¹" an initiative started by Greeks and immigrants alike. The school runs entirely with volunteers since 2004 and offers free Greek classes, as well as free legal advice, to working immigrants and refugees and has established itself as a focal point for a number of foreigners in Athens.

There is also a number of local civil society initiatives most of them focusing on the intercultural contact and exchanges, as well as on the services provision.

¹¹⁸ Roma Source, (2013), *Best Practice for Improving the Employment of the Roma Communities in Greece "Rom Bazaar"*.

<http://www.romasource.eu/userfiles/attachments/pages/165/rs-actionsynergy-emp-goodpractice-1-2013-en.pdf>

¹¹⁹ National Centre for Social Research Institute of Social Policy (2011), *Report on Policies and Good Practices Regarding Actions to Combat Discrimination*, Athens, May 2011. p.21.

¹²⁰ The General Secretariat for Youth was set up in 1982 as a governmental institution with « the primary task of shaping, monitoring and coordinating the government policy for youth and its connection with society and social entities ».

<http://www.neagenia.gr/frontoffice/portal.asp?cpage=NODE&cnode=1&clang=1>

¹²¹ The Immigrant Sunday School, <http://www.ksm.gr/>

In the art sphere, Greek cinematography seems to be very active in the production of films and theatrical representations with a strong reference to the migration and its impact in the modern Greek society¹²².

A list of other initiatives and good practices to combat discrimination can be found in the recent report¹²³ the National Centre for Social Research Institute of Social Policy, which encompasses various fields.

4.4 Individual employers' initiatives

There appear to be no examples of good practices that are known to the public, nor the author and the people interviewed.

5. Conclusions and recommendations

5.1 Political and societal developments related to racism and discrimination

More recently, racism and xenophobic violence is described as Greece's other crisis, resulting in it becoming a decidedly inhospitable country for many foreigners. With respect to groups' and personal views, many people whether they originate or not from minority groups, believe that the overall situation has surpassed all limits.

The 2012 Special Euro barometer in Discrimination¹²⁴ reveals that the prevalence of ethnic discrimination is seen as widespread by seven out of ten respondents in Greece (70%), while a substantial number of them (33%) has witnessed or heard of third-party discrimination over the last 12 months. At the same time, almost half of the respondents (46%) see their country's efforts to fight all forms of discrimination as ineffective and a big number believes the crisis has a negative impact on equality policies.

Brutal attacks and hate crimes have become an almost daily phenomenon and the recorded incidents remain only "the tip of the iceberg"¹²⁵. A number of the reported attacks have been linked to members or supporters, including MPs, of the neo-Nazi political party "Golden Dawn" whose enemies are not only the migrants¹²⁶.

¹²² Pavlou M., Annual Report 2007 – Racism and Discrimination against Immigrants and Minorities in Greece: The state of Play, Hellenic League for Human Rights National Focal Point on Racism and Xenophobia (HLHR-KEMO), April 2007. p.17

¹²³ National Centre for Social Research Institute of Social Policy (2011), *Report on Policies and Good Practices Regarding Actions to Combat Discrimination*, Athens, May 2011.

¹²⁴ European Commission, (2012), *Special Euro barometer 393 Discrimination in the EU in 2012*, requested by the European Commission, Directorate-General Justice and co-ordinated by Directorate-General for Communication, European Commission, November 2012. p.28, 67,80.

¹²⁵ Racist Violence Recording Network (RVRN), *2012 Annual Report*, Athens, 2013, p.4.

¹²⁶ BBC, "Nobel Peace Prize: The old demons stalking the EU", Morris C., 11 December 2012. <http://www.bbc.co.uk/news/world-europe-20677068>

At the same time representatives of the Greek Orthodox Church, which exercises excessive power, have openly taken racist positions. Such examples include the Metropolitan of the city of Kalavryta Amvrosios¹²⁷ and the Metropolitan of the city of Piraeus Serafeim¹²⁸.

Many international bodies have expressed concerns about the situation and EU representatives call for immediate measures, but the Greek state seems to downplay the seriousness of the problem. The Commissioner for Human Rights of the Council of Europe Nils Muiznieks characterized the increase in racist and other hate crimes in Greece as a serious threat to the rule of law and democracy¹²⁹, the European Commissioner for Home Affairs, Cecilia Malmström¹³⁰, expects an anti – racist bill soon as the draft law has been pending for adoption for long and the United Nations Special Rapporteur on the human rights of migrants, Francois Crepeau,¹³¹ stated in his last visit to the country that much remains to be done in order to ensure the full respect for the human rights of migrants in Greece.(HRC,2013).

NGOs in Greece, migrant communities and other minority groups urge for measures to combat impunity and protect the vulnerable groups, desperately stating that: “they can just attack you on the streets and no one will call the police”, “we have nowhere to go to report because we are illegal”, “We have the right to go out. We have the right to talk. It needs to be finished¹³²”.

During 2012, the Racist Violence Recording Network documented¹³³, through interviews with victims, 154 incidents of racist violence, of which 151 were committed against refugees and migrants and 3 against European citizens (1 Romanian, 1 Bulgarian and 1 Greek). The majority of incidents concern physical attacks against foreigners¹³⁴, while the types of crimes are mainly severe body injuries (in 66 cases) and assaults (in 76 cases). Threats against foreigners have also been reported as well as cases of verbal abuse and property damage. (RVRN, 2012). The vast majority of victims (79) lacked legal

¹²⁷ Romfea, “Kalavriton : Golden Dawn is not Black Night”, Metropolitan of the city of Kalavryta Amvrosios, 27 October 2012. <http://www.romfea.gr/foni-ierarxon/14306-kalabriton-xrisi-augi-mauri-nixta>

¹²⁸ Romfea, “Piraeus for Karamanli, gay, Merkel and Corpus Christi”, 26 October 2012. <http://www.romfea.gr/diafora-ekklisiastika/14293-corporus-christi>

¹²⁹ Commissioner for Human Rights of the Council of Europe Nils Muiznieks (CommHD) , *Report following his visit to Greece from 28 January to 1 February 2013, Strasbourg* , April, 2013. <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2306182&SecMode=1&DocId=2024918&Usage=2>,p.2.

¹³⁰ EKathimerini, “Commissioner Malmström expects Greek anti-racism bill soon”, 28 May 2013. http://www.ekathimerini.com/4dcgi/_w_articles_ws1_1_28/05/2013_501121

¹³¹ Author had meetings with all the three representatives during their country visits.

¹³² The City at a Time of Crisis project, “Impossible Biographies”, Domoney R., 2 September 2013. <http://www.crisis-scape.net/blog/item/152-impossible-biographies>

¹³³ Racist Violence Recording Network (RVRN), *2012 Annual Report*, Athens, 2013.

¹³⁴ The victims who approached the members of the Network and reported the incidents, consisted of 149 men (average age 27 years old) and 5 women (average age 24,6 years old), mainly from Afghanistan (47), Pakistan (13), Algeria (12), Bangladesh (12), Egypt (10) Morocco (7), Somalia (6), Soudan (6), Guinea (6), Tunisia (5) and Iraq (4). Nationalities of victims also include Iran, Mauritania, Syria, Eritrea, Congo, Senegal, Palestine, Comoros, the Ivory Coast, Albania, Georgia, Gambia and Ghana. In addition, the Network recorded 3 European citizens: 1 Romanian, 1 Bulgarian and 1 Greek who was victim of homophobic attack. Majority of the migrant victims were Muslims.

documentation, thus setting the application for asylum as the priority for the protection of victims, as this is the only way to get access to the national health system, avoid the risk of detention and/or deportation and proceed with the denunciation of the case.

In Greece's xenophobic environment, a high level of police brutality has been documented as well as discriminatory practices from public servants (RVRN, 2012).

A giant scale police operation called "**Xenios Zeus**" started in the summer of 2012. The operation aimed to crack down "illegal immigration" and protect the country that "is being lost" from the "greatest invasion ever.", the greatest since the invasion of Dorians" and to halt the immigration problem which is "perhaps even bigger than our financial one" according to the Minister of Public Order and Citizen Protection.¹³⁵

In the first seven months, the police rounded up almost 85,000 foreigners, selected solely on the basis of their colour of the skin, presumed race or ethnicity, in order to proceed with document verification. Shockingly, fewer than 6 % percent were then arrested for unlawful entry and stay in the country (HRW, 2013).

In 2013, a backwards decision regarding citizenship was taken by the Council of State. The milestone Law 3838/2010¹³⁶ on acquiring Greek citizenship, which

- permits voting rights to local elections to second-generation immigrants (Art.14);
- introduces jus soli by granting automatically the Greek citizenship to children born in Greece if at least one parent is also born in Greece (Art. 1);
- grants Greek citizenship to persons being born to immigrant parents that have been living in Greece legally for five years if they have studied at a Greek school for at least six years (Art.1A);

After the decision, strong oppositions were expressed. ASANTE NGO said that: "The court's decision is based on the right of blood. They do it in order to limit the cases of granting citizenship to immigrants. But they should know that second-generation immigrants have no intention either to leave here or to make concessions in terms of their rights"¹³⁷. At the same time 19 migrant rights groups called for an immediate reconsideration of the act and declared that "two hundred thousand children are left in limbo, without papers, without rights, without hope"¹³⁸, the National Commission for Human Rights released an awareness campaign¹³⁹ and the Greek Ombudsman declared the suspension of the law as being illegal.¹⁴⁰

¹³⁵ Guardian, "Greek crackdown on illegal immigrants leads to mass arrests", Smith H., 7 August 2012. <http://www.theguardian.com/world/2012/aug/07/greece-crackdown-illegal-immigrants-arrest>

¹³⁶ Law 3838 on the Current provisions for Greek citizenship and political participation of repatriated Greeks and lawfully resident immigrants and other adjustments (unofficial translation), Government Gazette A'49, 24 March 2010. <http://www.et.gr/index.php/2013-01-28-14-06-23/2013-01-29-08-13-13>

¹³⁷ GRReporter, "Immigrants will sue Greece for attacks by Golden Dawn", Balezdrova A., 20 November 2012. http://www.grreporter.info/en/immigrants_will_sue_greece_attacks_golden_dawn/8175

¹³⁸ EKathimerini, "Migrant groups slam government over Greek citizenship law", 27 February 2013. http://www.ekathimerini.com/4dcgi/_w_articles_ws1_1_27/02/2013_484682

¹³⁹ National Commission for Human Rights, Campaign on Greek citizenship. http://www.youtube.com/watch?v=hAzTvs_aZ-o

¹⁴⁰The Greek Ombudsman, "The Greek Ombudsman on the suspension of the procedures for acquiring citizenship", Press Release, 6 December 2012. <http://www.lawnet.gr/news/paranomi-i-anastoli-tou-nomou-peri-i8ageeias-sumfona-me-ton-sunigoro-tou-politi-28172.html>.

Despite all of the above, significant reforms were achieved on the asylum and immigration processes with the adaptation of the “Greek Action Plan on Asylum and Migration Management¹⁴¹” in December 2012. The Plan includes, among others, **the Initial Reception Service** which is an autonomous body reporting to the Minister of Public Order and Citizen Protection established by Law in 2011¹⁴². The objective of the Initial Reception Service is the reception of third country nationals who are arrested due to illegal entry or stay in Greece, under conditions that guarantee their human dignity and rights, in accordance with the international obligations of the country. In addition, it provides screening procedures and information.

Also, a major evolution is the formation of a special task force¹⁴³ which will undertake the management of the pending asylum cases – backlog – and expedite all the remaining appeals case files within 2013. The two services have already started their operations.

Regardless however of any developments, Greece seems overridden with racist attacks against minorities in particular, and it has become customary that many of these minority groups, such as the Turkish minority, confess that they live in an environment of fear and anxiety and speak for assaults of Golden Dawn against them¹⁴⁴.

Men dressed in black march through the streets of Athens and attack people indiscriminately, among them are pregnant women and unaccompanied minors¹⁴⁵. Fascists set immigrant shops on fire¹⁴⁶ and images of victims of racist attacks show the brutal reality. Golden Dawn MP calls the Roma of Aspropyrgos “human garbages” and another one calls for a “civil war with immigrants¹⁴⁷”. Popular bishops add fuel to the fire saying that “the place has turned black¹⁴⁸” and three migrants get fatally attacked.

Hate speech is becoming a mainstream phenomenon and impunity for perpetrators a rule.

¹⁴¹ Ministry of Public Order and Citizen Protection – Hellenic Republic, *Greek Action Plan on Asylum and Migration Management*, Ministry of Public Order and Citizen Protection – Hellenic Republic Publishing, December, 2012.

¹⁴² Law 3907 on the Establishment of Asylum Service and First Reception Service, 26 January 2011. <http://www.refworld.org/docid/4da6ee7e2.html>

¹⁴³ Ministry of Public Order and Citizen Protection – Hellenic Republic, *Greek Action Plan on Asylum and Migration Management*, Ministry of Public Order and Citizen Protection – Hellenic Republic Publishing, December, 2012. p.1.

¹⁴⁴ Ta Nea, “The undeclared war of Golden Dawn against the Muslim minority in Thrace”, Damianos D., 26 September 2013. <http://www.tanea.gr/news/greece/article/5043338/o-agnwstos-polemos-kata-ths-moysoylmanikh-s-meionothtas/>

¹⁴⁵ YouTube, “14 years old from Afghanistan, victim of racist attack in Athens / Greece”, Medecins du Monde, 17 May 2013. http://www.youtube.com/watch?feature=player_embedded&v=fNZFEuMK1Vo

¹⁴⁶ Xenophobia in Greece, photo by Giorgos Moutafis: <http://felixfeatures.photoshelter.com/gallery-image/Xenophobia-in-Greece-by-Giorgos-Moutafis/G0000IEqCvr3wILs/I0000Ckzd3U3eMBO>

¹⁴⁷ BBC, “Greece far – right party Golden Dawn : We are in civil war”, 17 October 2012, <http://www.bbc.co.uk/news/world-europe-19983571>

¹⁴⁸ You Tube, “Anthimos 31.01.10. alter”, Alter, 31 January 2010. http://www.youtube.com/watch?feature=player_embedded&v=HfNdb7aXHo

5.2 Conclusions and recommendations

In a period of unprecedented austerity measures combined with labour market reforms, increasing discrimination against minorities and ongoing social tensions the Greek government is called to take immediate action in order to protect its vulnerable groups and minorities before it is too late.

Greece is called to take urgent action on the following:

Immigration

- The Greek state must ensure the full respect of the human rights of migrants both adults and minors, regardless of their legal status.
- Decriminalise irregular migration. Actions must be taken in regards to public discourse, detention strategies and police operations such as the Operation Xenios Zeus. Operations must be conducted in full compliance with national and international law prohibiting discrimination, including ethnic profiling. Greece must uphold the rights of migrants, when entering the country and ensure access to humanitarian assistance. Moreover, excessive use and harsh conditions of administrative detention of irregular migrants must be addressed and stopped immediately.
- The Ministry of Public Order and Citizen Protection must ensure the full implementation of the National Action Plan on Asylum and Immigration Management and that all services will be provided in full respect of the human rights of migrants. More specifically, start the operation of the Reception Facilities and Reception Centres, which has been delayed for more than five months¹⁴⁹ despite the available funding.

Racism and Discrimination

- Enforce overall access to justice for victims of racism and discrimination. More specifically, allow access to justice for victims – and eyewitnesses of racist attacks who lack documentation and provide adequate means for their protection; such as the suspension of arrest and deportation decisions against victims who file a complaint, complemented by the granting of a residence permit on humanitarian grounds, similar to the protection framework for victims of trafficking.
- Combat the impunity of perpetrators of hate crimes and human rights violators. In practice, the impunity of the perpetrators is a result of the fact that the perpetration of an act of hatred on national, racial, or religious grounds or hatred due to differentiated sexual orientation constitutes an aggravating circumstance and is not applied by neither the police nor the Prosecutor at the stage of the criminal prosecution. Judges may consider the racist motivation only when deliberating the sentence to be imposed. With this provision the criminal justice system has failed to identify, investigate diligently and punish perpetrators of hate crimes. Thus, the Greek state is urged to introduce legislative measures that will ensure proper gathering of evidence and effective prosecution.

¹⁴⁹ Ministry of Public Order and Citizen Protection – Hellenic Republic, *Greek Action Plan on Asylum and Migration Management, Executive Summary, Progress Report January –May 2013*, Ministry of Public Order and Citizen Protection – Hellenic Republic Publishing, June 2013.p.2.
http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/p4_progressreport_/p4_progressreport_en.pdf

- The Greek state must condemn unequivocally the use of hate speech and rhetoric that stigmatises minorities and vulnerable groups by the public, the media and foremost by the members of the Greek Parliament. The independent Justice system is also encouraged to take steps forward in this direction, in order to counter and sanction discriminatory and racist rhetoric.
- Provide long- term and systematic training and education programs to police authorities, and more specifically to the police officers recruited for the operation of the special Departments and Offices within the Hellenic Police aiming at tackling the phenomenon of racist violence (P.D. 132/2012)¹⁵⁰. An ongoing educational / training scheme is mostly needed, to tackle issues of direct and indirect racist behaviour by the police officers, police violence and the adequate performance of their duties in the new services. However, training has to be accompanied by a strong position of the Greek state against any act of police violence and arbitrary behaviour.
- The 70 newly established anti-racism units and the hotline for reporting racist incidents are a welcome step forward. However, these units need to be adequately resourced and their staff, which should include persons with knowledge of languages spoken by the complainants, need to be systematically and adequately trained in human rights and anti-discrimination. Moreover, the authorities are called on to expand the mandate of these units in order to include all forms of hate crime.
- The Greek state is encouraged to reinforce and expand the newly established post of the anti-racism prosecutor in Athens to other Greek regions so that anti-racism law is effectively applied throughout the country.
- The Greek state is encouraged to provide adequate training to prosecutors and judges in anti – racism legislation, hate crimes and in the exposure of racist motivation.
- The Ministry of Education and Religious Affairs should develop and implement initiatives at all levels of school communities to raise awareness of discrimination and racism and promote tolerance on diversity. Initiatives should target not only students but also the educators. The Ministry of Education should also take steps towards punishing educators, who endorse direct or indirect discrimination practices.

Employment

- The Greek state should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families¹⁵¹. Thus, enable all those persons, who qualify as migrant workers – documented and undocumented - under its provisions, to enjoy their human rights regardless of their legal status and undertake the legislative and other measures that are necessary to implement the provisions of the Convention. Furthermore,

¹⁵⁰ Presidential Decree 132,” “Establishment of Departments and Offices for tackling racist violence”, Government Gazette A’ 239, 11 December 2012.

¹⁵¹ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly resolution 45/158, 18 December 1990. <http://www2.ohchr.org/english/bodies/cmw/cmw.htm>

*The Convention is an important instrument in the struggle to protect the human rights of migrant workers and members of their families, and especially their children, particularly as, in Greece where more and more people are choosing to cross borders, both with and without authorization, in search of work.

undertake the measures to ensure that migrants whose rights have been violated may seek judicial remedy.

- Monitor discrimination practices in employment with the establishment of a special force. The Ministry of Labour, Social Security and Welfare is encouraged to establish a special observatory with the task to collect adequate and reliable data, monitor direct and indirect discrimination practices in the labour market, publish reports and to design and implement equal opportunities strategies in employment.
- Improve access to employment for specific minorities by legalizing new types of jobs and employment. This specifically applies for jobs practiced more by the Roma population; such an example is the scrap collectors. The Greek state should consider legalizing long practiced informal jobs, as this may be the first step towards advancing the workers' skills, reducing undeclared work and working accidents, gaining taxation and protecting workers' rights.
- The Ministry of Labour, Social Security and Welfare should develop stronger initiatives for the private and non – private sector to combat undeclared labour and increase access to social insurance through stricter controls of the protection system and the labour market. Sector specific solutions should be designed. Inspections in the tourism, home services and agriculture sector must be enforced and conducted on a cooperation basis among bodies in charge of tax, labour and immigration.
- The Greek state should ensure that independent bodies, such as the Greek Ombudsman have at their disposal all means to adhere to their mandate. Furthermore, the state should enforce the activities of all other bodies responsible to combat discrimination and promote equal treatment.
- The Greek state should encourage the mandate of the Committee for Equal Treatment and support it both with financial and human resources.

Religious Minorities

- The Greek state must take all measures to ensure full respect of religious minorities and their faith practices and foremost recognise the existence of religious minorities all over Greece and not only in Western Thrace.
- The Greek state must take all measures to ensure full respect of the freedom of religious expression and faith practices of different religious groups. More specifically, implement the plan for the construction of a mosque and a Muslim cemetery at least in Athens, issue legal permits for worship houses and crematory facilities for other religious groups.

Integration – Citizenship

- Review the legal framework on acquiring Greek citizenship and notably the provisions concerning the naturalisation and integration of long-term resident migrant children or children born in Greece. The State should take all necessary legislative measures to safeguard migrant children's right to education, citizenship and nationality and acknowledge the right of second – generation migrant children to integrate in Greek society.
- Encourage the political participation of long – term resident migrants at local level and accede to the European Convention on Nationality (1997) and ratify the European Convention on the Participation of Foreigners in Public Life at Local Level (1992).

Others

- The Greek state should be seriously concerned with not falling behind its human rights obligations, in the plight of austerity measures.
- The Greek State is encouraged to place greater focus on the investigation of undocumented migrants who enter Greece in order to be able to assess the situation and their status as effectively as possible’.
- The Greek state is encouraged to work towards the implementation of a national action plan for human rights¹⁵² and thus establish adequate monitoring mechanisms on human rights violations.
- Protect human rights defenders and provide civil society organisations all possible means and information in order to support vulnerable groups effectively.

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