

ANDONIS GAZAKIS, DESPINA SYRRI, ANDREAS TAKIS

# RACISM <sup>AND</sup> DISCRIMINATION IN GREECE TODAY

THESSALONIKI 2014

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ANDONIS GAZAKIS, DESPINA SYRRI, ANDREAS TAKIS

**RACISM** AND  
**DISCRIMINATION**  
IN GREECE TODAY



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## EDITORS' NOTE

This report has been initiated by the rise of extremist right political parties and movements of various guises in Greece and in other EU member states, which has been recorded after the European Parliament elections in May 2014. Although there are undisputed differences among parties and movements characterised today as “extremist right”, at least in regard to their political discourse and their practices, their common denominator, on which they can be compared, is the total adherence and reproduction of the ideology of inequality – or better yet, of inequity- of people, and hence the discrediting and rejection of their difference.

This is exactly the ideological and moral basis of racism. Europe has witnessed its most abhorring climax in 20th c. with the Nazi atrocities that caused the extermination of six million Jews and an unknown number of other, mainly Romani and gay people, who were not deemed “able” to belong to the Aryan ideal.

The revival of racism and its propagandists in this phase which is critical for European integration, constitutes also a clear indication that even in the democratic societies of Europe, the reasons giving rise and reproducing it, have not ceased to exist. Quite the opposite, in fact. Have European and national policies and the various pieces of legislation and measures against discrimination and racism failed? If yes, why is that so? Who is to blame? Who is responsible for such a failure?

This report aims at contributing in making racism and its spreading understood better by the wider public, under the circumstances of this multifaceted crisis that has stricken Greek society. The authors of this report analyse national policies against discrimination and racist speech, as well as social processes and reaction by the civil society bringing to the surface and in this way composing the various aspects of the racism phenomenon in Greece. It is true that until today even political leaders deny in public that Greek racism does exist; unfortunately, this is itself part of the problem.

This report is being published under the **Select Respect** campaign, an initiative of organisations active in the human rights and fight discrimination and racism area in Greece. The campaign was initiated by PRAKSIS, the Greek Council of Refugees, Symbiosis, ASANTE, Cooperation for social gender, Green Institute, with the support of the Heinrich Böll Stiftung-Greece, and the financial support of the Open Society Initiative for Europe, in spring 2014, on the eve of the European elections and the local government and regional election in Greece. What this ballot showed us, reminds us that there is a lot to be done.

**Olga Drossou**

*Director, Heinrich Böll Stiftung-Greece  
September 2014*



# I. INTRODUCTION

In its forty years history, the Hellenic Republic should not really claim any laurels in protecting human rights. This can be confirmed by a long record of judgements by the European Court for Human Rights against the country and a list of such judgements that the State refrains from not implementing. In addition, it has not been often the case, certain official views of the country on bilateral issues to be stigmatized by domestic and international political agents as extremely attached to a traditional ethnocentric, if not nationalistic, self-perception.

Nevertheless, despite all these, until recently Greece would not be pictured as a country where social life is pervaded by bigotry and racism. Until one year ago; Greek governments were in a position to reject strongly any possibility of racism in the country, attributing all to the so heavily used argument of “individual cases”. On 21 March 2012, in his speech on the International Day against Racism, the Greek PM emphasised that *“today only a few isolated voices attempt to revive racism and anti-Semitism. They may be only a few. Perhaps they are even lesser in number compared to what happens in other Western societies. But the mere existence of these very few is insulting... Because “racism is alien to the Greek DNA; Rather, because Greeks do not want it; their tradition does not allow it; Because there are strong antibodies in our DNA, in our genes, fighting against this ‘virus’”. (sic)”*<sup>1</sup>.

Since September 2012, however, this picture has changed dramatically – at least at first sight. The murder of Pavlos Fyssas, an anti-fascist musician, a Greek citizen – this should not to slip our attention at any point – by members of Golden Dawn, has triggered an unprecedented mobilization of crime oppression apparatus at the demand of the Minister of Justice and a relevant judgement by the Supreme Court, to combat organized criminal actions by members of the aforesaid political party, who, according to the indictment, have been acting as members of criminal organisation pursuant to article 187 of the Penal Code, on a premeditated plan and

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1 Address by Mr Antonis Samaras, Prime Minister of Greece, at the Memorial for the 70<sup>th</sup> anniversary of the beginning of the Nazi deportation of Thessaloniki’s Jews to Auschwitz, in Thessaloniki (17 March 2013), [www.primeminister.gov.gr/2013/03/17/10133](http://www.primeminister.gov.gr/2013/03/17/10133)

following orders from the party leadership. This mobilization has given rise from the start to serious suspicion that although it has been justified and constituted an imperative, it had not been generated by the real fact of the criminal activity manifested by parts of the domestic extreme right against migrants and Greek nationals and motivated, as stated, by bigotry. On the contrary, it seemed to serve the need to cut down, through a wave of broadcasts showing the accused in chains and in prison, the political leaders of Golden Dawn being among them, the increasing election influence of this party over the traditional audience of one of the basic partners of the current cohabitation in government. Nevertheless, a lot of the offences with which GD officials and members are now charged, especially against migrants, have taken place and brought to the fore even one and a half year before penal justice was set into action, and until then neither the Police nor the Prosecution had reacted in any way.

Since then almost all the members of the parliamentary group of GD have been arrested and charges have been pressed against them, they have been temporarily imprisoned or under very strict restrictive conditions, along with dozens of officials and members of the core party organisation, either as perpetrators of assaults against life and physical integrity or as members of a criminal organisation. At the same time, a significant number of police officers has been dismissed from service or is under disciplinary investigation due to their relations or participation in this political formation, assisting its members' criminal activities from within the Police.

Because of this "outbreak" of the state crime oppression apparatus on organized racist groups, the number of incidents of racist motivation, especially on vulnerable groups such as migrants and Romani people, was drastically, a relieving fact in itself, although they did not stop. On the contrary, such incidents usually reappear on the occasion of the party's festivities, especially in relation to the progress of the court proceedings. However, although during the last year the government has opted to repress the activities of GD through penal law, this determination has failed to bring the expected results in one area: the attraction the political body feels for racist and openly Nazi ideologies promoted by this party in its policy statements. Despite all contrary expectations, in the recent elections for the European Parliament and the regional and local authorities, not only GD did not lose any ground compared to the high vote percentage in the two elections in 2012, but it also managed to rank third in the European Parliament elections, increasing its voters by 100.000 compared to the 2012 parliamentary elections, while it achieved two digit percentages in many cities and rural areas, and, above all, acquired the 16% of voters in the City of Athens.

These developments prove even to the most hard to convince that the phenomenon of racism is not just a criminal manifestation to be fought solely with criminal law; above all, it constitutes a worldview of a very specific ideological content. Such views and beliefs produce attitudes that we stigmatize and punish as criminal ones. This, in democracy which respects itself, defines the way in which racism can be fought because, in essence, it is associated with the basic freedoms of all, even of the intolerants, discourse and political participation.

On the other hand, it is clear that racism can inspire numerous daily actions constructing our social life. Although its symbolism is shocking and its results are physical and psychological pain, racist violence is only one of the manifestations of racism. Its most frequent and socially more

painful manifestations are found in the everyday humiliations and abasements in which a society may reserve for its members on the sole ground that they belong to a specific social group, either a community of good, such as a religion or an ethnic minority, or a community of fortune (e.g. due to a physical disability). These humble and pervasive forms of racism are codified as discrimination, as a less favourable treatment due to ethnic origin or race, religious or other beliefs, gender identity, etc.

Nevertheless, racist violence and discrimination share the same structure: they do injustice in their own particular way of their victims, but not as a coincidence, due to personal prejudice or own interest. They do so because they disparage or totally deny any value to those representing a specific collective identity. So openly rejecting the total value of human beings, the respect onto which the regulatory foundation of democracies lie, constitutes the particularly repulsive element of racism, in moral and political terms. Racist violence is just one peak of complex collective conducts, pre-existing and exonerating manifestations of violence, verbal at first and then physical against anyone who is different and hence inferior. Such an exoneration climate that incubates racist conduct is *par excellence* the climate of permanent and general insecurity of rights for many groups of people who appear to be living permanently in Greece lately. It should be noted that during the authoring of this report, the news for new racist violence incidents all over the country, from Kallithea, Attica to Skala, Laconia in Peloponnissos, with all the attributes described herein, prove that despite all announcements by State officials, racist violence is alive and well.<sup>2</sup>

Respecting rights in Greece is seriously contested. Increasing discrimination and racism is part of the crisis in Greece and constitutes a threat to the democracy in the country. Racist violence has increased dramatically; minorities and other vulnerable groups face social exclusion and discrimination in multiple forms. The situation has been aggravated in the whirlwind of the economic crisis, shaping a scary xenophobic and anti-immigrant climate, as the elected members of Parliament of the far-right political party wage a war against migrants. Greece remains the main point of entry to the European Union for thousands of third country citizens, refugees and migrants, who enter the country in mixed migration flows. A large number of Roma people live also in Greece. Multiple discrimination actions are also addressed to the disabled, to others because of their sexual orientation and gender, to the LGTB communities but to other groups too, mainly in relation to employment and occupation. Moreover, women constitute the social group which faces the larger number and most painful forms of discrimination; women carry also other elements of otherness: they may be third country citizens, lesbians or disabled. Concerns have been voiced by international and national human rights organisations while the State response remains inadequate. The Council of Europe Commissioner for Human Rights, Nils Muižnieks, visited Athens in January 2013<sup>3</sup>, and referred to the threat of racism against

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2 a) A fierce racist attack in Kallithea, ThePressProject.gr, 9/7/2014 (<http://bit.ly/1rUUY8G>),  
 b) Manolada II : Instead of getting paid, migrants in Scala, Lakonia, are getting arrested , tvxs.gr, 9/7/ 2014 (<http://bit.ly/Ytlo3y>).

3 Commissioner for Human Rights: Serious racist incidents by Golden Dawn and the police, iefimerida.gr, 15/4/2013 (<http://bit.ly/1INrsPt>).

Greek Democracy, asking at the same time for the prosecution of the perpetrators of racist attacks, police officers who breach their duties, as well as GD members who carry out hate attacks.

Cultivating xenophobia, enmity and demonstrating strength over the weak, first of all to migrants—in a word: bigotry—steps solidly on the sentiment of fear which is augmented under the crisis conditions, misery and insecurity; it offers easy way-outs, certainties and guidance. Assaults, namely but not exclusively against migrants, police sweep operations, such as the one code-named “Xenios Zeus”, complaints by international organisations for vulnerable groups rights infringements, Death Squads and prohibition to enter a theatre venue, all these are part of everyday reality in Greece. Racism and discrimination have turned into daily discussions, in newspapers and social media. Tolerance, even support to far-right political parties that abide and disseminate actively racist views and policies is increasing, as shown in the case of Golden Dawn.<sup>4</sup>

How did we come this far? Was not there a legislation that was able to protect the rights of the weak? Should we blame the economic crisis for this? Or, perhaps, is indeed the Greek society tolerant to racism? Where does this start: At school, at home or out in the society? Do discrimination and racism stem from the crisis or is it an aspect of the established social life which was revealed now in the dire straits we have found ourselves? Is there anything to be done to change this trend?

What follows below is an attempt to find answers to these questions. To this purpose, we will first outline the legislation tools available for the Greek State to fight racism and discrimination. Then, we will attempt to map the actual situation of human rights protection from racist offences, namely on the basis of material and reports that have been publicised during the last two years. In this investigation, we will shed light on two critical areas, apart from the attitude of Police and Justice Authorities, that of public communication and, mostly, education. So, it will be made possible to assess the ability of the Greek State to shape an effective strategy against the spread of racist and discriminatory phenomena. This report concludes with a set of ideas and proposals on the directions in which it is needed for institutional mechanisms and the civil society to be mobilized in order to fight the current racist threat.

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4 The final conclusion of the investigating judges on Golden Dawn, wherein they ask to waive the immunity of all members of Parliament of this Nazi organisation, (<http://bit.ly/1qHn5Ex>).





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## II. THE LEGISLATIVE FRAMEWORK FOR FIGHTING RACISM IN GREECE TODAY

It is a common reaction to many agents of political life in Greece, when it is proven in any way that there is a very serious and painful problem, as in this case the worrying raise and spread of racist phenomena in the country, to demand the immediate response in the form of legislative measures that are supposed to address the issue in an effective way. This is also the way in which they can detour possible reproaches for inertia, yet again postponing concrete decisions and, mostly, implementation of the new legislation, to some point in the future. So, what is implied constantly is that the existing legislation is inadequate because, if this was not the case and legislation was adequate, it is not justified for the situation to reach this point. However, it is difficult to imagine that the Greek legal order was not equipped against racism, at least when comparing the legal instruments this country disposes, at least in theory, to these of other Western democracies and members of the European Union.

It has been mentioned above that racism, as a social phenomenon, and mostly, a social practice is being manifested in a great variety of personal and collective conducts towards the others. A common element of all these forms, however, is the fact that they cause, result in, threaten or constitute a suffering or unfavourable treatment of one or more persons because they differ, that is, because they belong in a group which is distinguishable in terms of ethnicity, race, religion and so on, from the one that the person adhering to this attitude themselves belong. As it has been noted above, this is problematic, first in terms of equal treatment. Treating someone in an unfavourable way of any kind simply because of what they are, for a part of their identity, constitutes a serious escalation compared to treating someone unfairly at some point in life. The deeper and far more problematic element in racism is that such attitudes and forms of treatment underestimate or totally deny that their victims are bearers of human dignity as is anyone else.

## THE CONSTITUTIONAL BACKGROUND AND INTERNATIONAL OBLIGATIONS

From this point of view the pertinent Constitution of the Hellenic Republic is clear in its commitment to principles incompatible with racism. As early as Article 2 paragraph 1, protecting and respecting the value of human beings are stated as primary obligations of the State, while Article 5 paragraph 1 recognizes to all the fundamental right to develop freely their personality and to participate in the social, economic and political life, within the framework set by the Constitution, the rights of others and principles of good usages. In paragraph 5 of the same Article, the Constitution guarantees to all full protection of their life, honour and freedom without any discrimination on the basis of ethnicity, race, and language, religious or other beliefs. These specific principles, in combination with the other articles of this chapter constitute a very broad yet complete and cohesive regulatory basis on which the Hellenic Republic could have constructed an efficient legal framework for the protection and respect of human dignity and fight against phenomena of its racist violation.<sup>5</sup>

However, it should be noted as it is extremely revealing in this case that the existing legal framework on the fight against racism in Greece was not the product of an internal need of domestic social and political life but it was rather imposed “from outside” after unofficial pressure exercised by international organisations and international civil society agents over the Greek government at various times.<sup>6</sup>

The country has signed and ratified, thus rendering it a national law, a series of international conventions which, aiming at the protection of human rights, include provisions against racist behaviours. The 1950 Rome Convention is fundamental “for the protection of human rights and fundamental freedoms” (Decree-Law 53/74) to which Greece rejoined since it had been expelled during the seven year military junta regime. Article 14 provides that the rights and freedoms set forth in the Convention “shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.<sup>7</sup>

The major specific commitments of Greece in fighting racism are to be found in Law 494/1970 which ratifies and puts into effect the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965. Pursuant to Article 4 of the Convention, all con-

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5 On fighting racism along the lines set at the regulatory basis of our Constitution see Aristovoulos Manassis, Aspects of racism and the combat against it, in *Theory and Praxis*, v. II, Sakkoulas publications, Athens-Thessaloniki, p. 665 ff [in Greek].

6 A review of a Greek paradox, Antiracism legislation with faults or omissions, newspaper *Ethnos*, 9/6/2013, (<http://bit.ly/1tmrqg8>).

7 Paragraph 2 of Article 20 of Law 2462/1997 ratifying the “International Covenant on Civil and Political Rights (ICCPR)” is highly important; pursuant to this, any incitement of ethnic, racial or religious hate, which may incite discrimination, hate or violence is prohibited by the law. Even if the terms were not used at the time, there were targeted provisions against bigotry and racism ever since Law 3091/1954 was put into force; this law ratified the United Nations Convention for the Prevention and Repression of the Crime of Genocide where it is explicitly provided that direct and public incitement to genocide should be punished by criminal laws.

tracting countries shall declare an offence punishable by law any dissemination of ideas based on racial superiority or hatred, incitement of racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. It should be noted also that there is a special institution within the UN, the *Committee on the Elimination of Racial Discrimination* (CERD) which monitors adherence to obligations stemming from this Convention as well as the general regulatory framework of the UN conventions related to racism.

## THE SO CALLED “ANTI-RACISM” ACT

These obligations –and the related international and political pressures heavily exercised on the government for their implementation<sup>8</sup>– has been the reason that gave birth to the basic piece of legislation in the Greek legal order: the notorious Law 927/79 on “punishing acts or activities aiming at racial discrimination”.<sup>9</sup> This law, voted by all parties in the Parliament, criminalizes:

- (a) *“to wilfully and publicly, either orally or by the press or by written texts or through pictures or any other means, incite to acts or activities which may result in discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter’s racial or national origin”* and
- b) *“to express publicly, either orally or by the press or by written texts or through pictures or any other means offensive ideas against any individual or group of individuals on the grounds of the latter’s racial or national origin”*.

Even then it had been discussed and intensely criticized the fact that the law did not provide for discrimination on the grounds of religion, in fact it was not mentioned at all –and hence not criminalized–on the one hand, and a complaint by the victim or those affected, on the other, was not a necessary prerequisite for the provisions to be implemented. A relative amendment so that discrimination on the grounds of religion is added was at the time rejected on the pretext of foreign affairs issues. The feeling was, and still is, that this omission was due to countervailing forces exercised by the Church of Greece fearing that the rhetoric of certain Greek Orthodox pastors would fall under these regulations. Such reactions prevented from additions for long, as not even the next socialist government managed to win over its reserva-

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8 Cf. the statement by the then Minister of Justice at the 1984 amendment: “We only add one phrase (“of religion”). And why do we do this? Because we are constantly under the pressure of international organisations and the UN to do it. And our country has become unjustifiably suspect”, *ibid.*, newspaper *Ethnos*.

9 For an assessment of these provisions, see the studies by two judges, G. Apostolakis, “Criminal repression of race, ethnic and religion discrimination”, *journal Criminal Justice* 2002, p. 1184, and G. Voulgaris “Hate crimes”, *Criminal Justice* 2010 p. 711 ff [both in Greek].

tions and add discrimination on the grounds of religion in a provision; an amendment was introduced in Article 24 of Law 1419/1984 according to which “where the law refers to racial or ethnic origin, the case of “religion” is also added”.<sup>10</sup> However, the fact that until the beginning of 2000 there had been no cases applying this legislation, apart from some sporadic complaints which were soon sent to the archives by the court authorities without leading to prosecution, gave rise anew to international pressure so that implementing the law is facilitated by providing for the prosecution by indictment of such offences. This was effectuated with Article 39, paragraph 4 in Law 2190/2001, without, however, any tangible result.

## EUROPEAN STRATEGIES AGAINST RACISM AND THE LAW AGAINST DISCRIMINATION

Law 927/1979 expressed a certain type of anti-racist strategy based more on fighting “offensive ideas”, as these are referred to therein, or conduct laden with heavy racist symbolism and less on fighting racist practices which occur in everyday social life. From this point of view, the strategy developed by the European Union institutions has been more ambitious and promising. Already in 1996, member states provided in Article 13 of the Amsterdam Treaty that the Council, with a unanimous decision and following a proposal by the Commission and consultation with the European Parliament, can undertake appropriate action to fight discrimination on the grounds of sex, racial or ethnic background, religion or belief, disability, age or sexual orientation. The first initiative taken was the Joint Action of 15 July 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning action to combat racism and xenophobia (96/443/JHA) which gave concrete guidelines and measures aiming at efficient international justice cooperation and render obligatory to all member states to criminalize specific ways of conduct.

Although this joint action aimed basically at combating discrimination and bigotry, relative initiatives were limited in adopting repression measures against conduct inciting discrimination and racial or ethnic hate. Despite the fact that the fight of manifestations of bigotry, through copying the strategy of combating symbolic behaviour, took a more specific course in 2008, under the pressure of the far-right emerging in all parts of Europe, EU was mostly preoccupied with the harmonisation of national legislations so as to better deal with the wide spread discrimination in everyday social life and mostly in education, employment and services supply.

This strategy adopts or adheres to the main lines of a less continental and more Anglo-Saxon model, tried out at first in the 1964 Civil Rights Act in USA and then in the legal framework developed during the 1990s in the United Kingdom. The main regulatory aspect of this strategy of EU have been two famous Directives, namely: a) Council Directive 2000/43/EC of 29 June

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10 “Greek antiracist legislation: “Born” in 1979 but has not reached adulthood yet...”, newspaper Imerisia, 1/6/2013, (<http://bit.ly/1s3cF3L>).

2000 on “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin” in employment, occupation, involvement or membership in workers’ and professional associations, as well as in education, social services, goods and services access and supply, and b) Directive 2000/78/EC of 27 November 2000, on combating discrimination on grounds of disability, sexual orientation, religion or belief and age in employment and occupation. The provisions of these Directives were transposed to Greek legislation with Law 3304/2005 on the “Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation”. Thus, Greece acquired a set of modern tools which gave rise to the hope that when applied they would contain the wide spread phenomena of racism and bigotry in every day life.

These provisions aimed at clarifying the concept of discrimination through functional definitions of direct discrimination, occurring because of attributes borne by the person affected, as well as of indirect discrimination, hidden behind neutral provisions at first but systematically produce a less favourable treatment of persons of specific identity. A further step towards the protection of individual identity is explicitly including harassment and the order to distinguish between the types of discrimination. Most importantly, however, a complex and partly new protection-net mechanism for the person affected is created and the burden of proof is shifted from the affected to the accused, while the first should simply document their complaint against the latter. In addition, pursuant to Article 16 of this Law, in case of a violation of the provisions concerning the prohibition of discrimination on the grounds of ethnic or racial origin or religious or other beliefs, disability, age, or sexual orientation regarding access and supply of goods and services to the public is punished”. Finally, responding to the Directives requesting that each member state designate independent bodies to the fight against discrimination, this Law assigns to the Greek Ombudsman the application and promotion of the principle of equal treatment in the public sector and provides for it special tools (conducting independent investigation, provision of information, actions to promote the principle of equal treatment) for the fulfilment of its institutional mission. As for the private sector, this task is assigned to the thereby established Equal Treatment Committee at the Ministry of Justice and to the Labour Inspection for complaints in the area of employment, with similar responsibilities.<sup>11</sup>

## INVESTIGATING BIAS MOTIVATION

Although EU strategy placed special emphasis on the mediation role of independent, administrative bodies in every day social life, other attempts also took place to modernize the existing legislative framework and the penal approach of racism. Wide ranging case law of the European Court of Human Rights played an important role especially on the systematic omission by police and court authorities to investigate in an efficient way the possible racist motivation

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<sup>11</sup> For a presentation of the law and an attempt for an early assessment of the innovations introduced cf. Special Report by the Greek Ombudsman as national equality body for year 2005, (<http://bit.ly/1qwYoMJ>).

in a criminal offence. It should be noted, however, that although the scope of punishable actions and behaviours is being extended, new offences are not added to the criminal law but through heavier repercussions, the law aims at respond to racist behaviour which, as they are very specific, they are in any case punishable by the criminal legislation, such as the most typical examples, assaults against a person's life and physical integrity. So, Article 23, paragraph 1 of Law 3719/2008 amended Article 79, paragraph 3 of the Penal Code, on sentencing by adding that "committing an offence on the basis of ethnic, racial or religious hatred is considered an aggravating circumstance", while recently, Article 66 of Law 4139/2013 the listing of reasons for bigotry has been amended with the innovative addition of "gender identity". The same amendment provides that in case of a bias motivation, the sentence imposed cannot be suspended.

Explicitly providing for a bias racism motivation is extremely important in practical terms as it allows democracy's criminal mechanism to focus on that part of criminality that is the most painful and dangerous for human rights. This provision was expected to function in concert with the expressed will of the Hellenic Police to investigate from then onwards possible bias motivation in the crimes reported, to collect and record systematically related information and incidents using a dedicated form. This commitment was expressed in a circular by the then Police Chief on "*Combating racism, bigotry and non tolerance in Police action*" (ref. n. 7100/4/3/24-05-2006). However, as repeatedly noted by the Greek Ombudsman, this circular was too soon rendered obsolete.<sup>12</sup> Nevertheless, substantial hope that the cooperation between the police and court authorities would be intensified so that racist behaviour and namely racist violence would be effectively dealt with, was triggered by Presidential Decree 132/2012 which set up new targeted departments in all Police Directorates of the Hellenic Police under the clear title "Anti-Racist Violence Departments or Bureaus".

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Having browsed the existing legal tools in Greece, one would think that despite any –serious– shortfalls, this legislation would have been activated to contain bigotry and open by now racism manifested by groups of the extreme right or to effectively deal with practical discrimination against members of vulnerable groups, namely migrants, in their every day social life. Now it is time, then, to look at the available material from such racist and discriminatory incidents, before attempting to assess these existing legal tools.

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12 Cf. Special Report by the Greek Ombudsman, *The phenomenon of racist violence in Greece and how it is combated*, Athens – September 2013, pp. 44.



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### III. RACISM IN EVERYDAY SOCIAL PRACTICE

#### FROM THE OLD NATIONAL AND RELIGIOUS PREJUDICE TO MODERN BIGOTRY

Today, the demand for social justice often leads to the formulation of a proposal for political and ethnic homogeneity and uniformity and to the shaping of an imaginary idea regarding the superiority of Greeks, as populism, nationalism and hate speech had already been proposed to a large part of Greek population years ago. Dividing lines are becoming deeper, and along with the political juxtaposition nurtured by the economic crisis in the country, they find expression in racist violence. This turns against those target groups who those exercise such violence do not like: migrants, Roma, gay people, Jews, Muslims, people of the Thrace minority, political opponents. Spreading violence against everyone who is different, and mostly, weak, penetrates even the innermost area of privacy, codifies even in ideology terms the prevailing sexism against women and permeates even the traditional dominance of man inside the “house” as domestic violence.

By underestimating the significance of equity and equality, by tolerating, even supporting violence used as a political means aiming at substituting competent State institutions and bodies, deceptive illusions are created – return to the once enjoyed economic prosperity, reconstitution of society on race terms, legalization of violence since “the State does not do its own work”. These polarizing practices, either by politicians, or by the mass media or citizens, take part in the strong trends of doubting the democratic *acquis*, namely democracy and the value of parliamentarianism that have secured social peace and freedom, as this has been witnessed by Greek society for the last forty years.

Racism divides, hinders any individual or group development, threatens peaceful co-existence, sharpens inequalities and to its most extreme manifestations, as these experienced in Greece today, threatens human lives and democratic institutions. However, along its most aggressive forms, there are others “not evident” forms of racism – those “elaborated” practices hiding prejudice and negative stereotypes which are reproduced through discourse, conduct, habits, in ways so subtle that very often we do not fully realize how this works and is manifested in our everyday life. The results of the study by the International Labour Organisation are quite

indicative, stressing that “without documented study and record, racist practices remain so invisible that often even the victims themselves are not aware of them” [our translation]. A mapping of discrimination in employment and occupation in Greece can be found in the reports by Antigone 2013<sup>13</sup>, PICUM<sup>14</sup>, Human Rights Watch<sup>15</sup> and ENAR<sup>16</sup>.

Year 2012 saw a dramatic increase of the number of racist attacks. Asylum seekers, migrants, community centres, shops and mosques had been the focus of attacks reported almost on a daily basis after the end of summer. Victims of these attacks are more often the most vulnerable, poor and unprotected foreigners –with or without travel documents– women and children included. The perpetrators form groups of at least 5-10 men, often with the participation of one or two women, dressed in black, usually with covered faces. They use bats, knives, chains or broken bottles and have usually dogs with them for intimidation purposes. According to witnesses, victims rarely report these attacks but even if they do, it is very rare that such a report leads to the proper administration of justice.<sup>17</sup> Silencing about a crime is an instance of violence itself as it reinforces criminals and extends the circle of blood. In all these cases, the criminal pattern is the same: self-appointed militia groups who take the “law” in their hands.

Many citizens groups come face to face every day with racism and discrimination as this was brought to the fore by the discussion on civil partnership, marriage and the relation between parent and child in same sex couples, where various deficiencies of the Greek legislation came to the surface along with the shortfalls of the Greek society in dealing with gay people and same sex couples. The lacking separation between the State and the Church makes equality before the law and equity before people of other religions very difficult; an example being the recent draft law on the organisation of the legal status of religious communities and associations in Greece, which according to the National Commission on Human Rights is “*bound by a “Greek orthodox conservatism” that considers the free manifestation of religious and other beliefs a risk to social cohesion and order and in essence does not protect but restrict religious freedom which it puts under State control*”.<sup>18</sup> The Hellenic Republic is often sentenced by the European

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13 Annual Report 2013, Recording of phenomena, issues and incidents of racism, discrimination and xenophobia and Research Studies or Best Practices of the administration in the 6 critical areas of Employment, Legislation, Education, Housing, Racist Violence & Health & Welfare (<http://bit.ly/1INsRFP>), Web. 29 June 2014.

14 EU Migration Policy: A Push Back for Migrants’ Rights in Greece?, picum.org., Web. 29 June 2014 (<http://bit.ly/1tEVEyS>)

15 Hate on the Streets, hrw.org, 10/7/2012, (<http://bit.ly/1AqUvd6>).

16 Shadow Report on Racism in Greece 2012-2013, (<http://bit.ly/1nGahLr>).

17 Cf. The case of an Afghan citizen who was stabbed in the chest and at his back in September 2011 but his trial was postponed seven times. In another case, when a father and his 14year old son were attacked brutally with chains, knives and broken bottles, the father who had seen violence in Afghanistan, was severely injured as he stood in front to save his son. “They were beating to kill me”, he said. Another typical case is that of a political refugee who was beaten in a little alley in the centre of Athens. When he managed to stand up covered blood and looked around him for help, some people from the balconies above urged him to keep quiet and go away. Hate in the streets: Xenophobic violence in Greece, Human Rights Watch, July 2012, (<http://bit.ly/1qHSHdj>).

18 Comments on the draft law on “Organisation of the legal forms of religious communities and their associations in Greece”, Hellenic League for Human Rights, 3/4/2014 (<http://bit.ly/1q92DPj>).

Court for Human Rights on issues related to Roma people<sup>19</sup>, however this is rarely brought to public debate. In addition, according to the special report by the Greek Ombudsman, there has been a 25% increase in discrimination on the grounds of sex in the workplace in Greece – “it is clear that the crisis and its repercussions are depicted at the level of employment and occupation of women and at the level of the increased need to protect motherhood and the family”.<sup>20</sup>

## ESTABLISHING RACISM AND RACIST VIOLENCE IN GREECE

The murder of Pakistani Sahzat Lukman, 27, in January 2013 is not an “isolated case”. It rather belongs to a long series of distressful events that evidence the advance of an ideology of hate, which not only turns against the participation of migrants in Greek society on equal terms but it also attacks their being humans. It was a positive exception in the practice of prosecution authorities by that time that in this case the perpetrators were immediately arrested and imprisoned. However, the refusal to include in the indictment the possible racist motivation is, perhaps, the result of the prolonged inability of the Greek legal and political system to capture the intensity and extend of racist violence.

According to the data of the Racist Violence Recording Network<sup>21</sup>, in 2013, there have been 166 racist assaults with 320 victims in Greece, which translates into one assault every other day. Of these, 143 involved migrants or refugees, 22 LGTB people and 1 was against the lawyer of victims. In 2013, incidents rose dramatically as only in Manolada, Peloponissos, there have been 155 victims of racially motivated labour exploitation and 35 of them have been injured. “When talking about 2013 we are in fact referring to Golden Dawn. But Golden Dawn does not hold a monopoly over racist violence. Racism has many forms” emphasized the President of the National Committee for Human Rights, Mr Kostis Papaioannou. According to the 2013 report, 75 cases refer to serious physical injuries, 58 to physical injuries, 27 to verbal abuse, 1 to abuse, 12 to arbitrary arrests, 1 to religious insult, 2 to arson, 3 to disturbing domestic peace, and the victims were 296 men, 11 women, 1 transgender man, 12 transgender women, while the average age of victims was 29 years. Out of the 166 incidents recorded by the Network only 33 have been reported to the police and the criminal procedure has been initiated as the victims are afraid to report racist violence. What has also been recorded is the alarming increase of incidents when racist violence is related to police violence. Out of 44 incidents involving persons in uniform recorded in 2013, 23 took place in police premises. The Network stresses that when the trials of the Golden Dawn members will be in progress in the near

19 “Greece has been sentenced by the European Court for Human Rights for violating the right to education and the provisions of the Convention that prohibits discrimination. Twenty three Roma parents appealed to the court because their children were excluded from the elementary schools in Sofades, Karditsa and were sent to carry out their compulsory education in schools where only Roma children were admitted”, newspaper To Vima, 30/5/2013 (<http://bit.ly/1pIUZVL>).

20 Discrimination on the grounds of sex in the workplace has increased by 25%, skai.gr, 7/4/2014 (<http://bit.ly/YriJZb>)

21 Report on racist violence in 2013, Racist Violence Recording Network, 2/4/2014, (<http://bit.ly/1hhsNFa>). On the Racist Violence Recording Network and its operation see below Chapter V.

future, special care should be taken to protect those who fight for human rights as well as the witnesses of racist assaults who might be targeted.

The British newspaper "The Guardian" presented a terror scene with racist assaults against migrants, the Golden Dawn Death Squads in action and impunity in Greece. The reporting piece was entitled "Fear and loathing in Athens" and included shocking images of migrants who have been attacked. Other shocking images of far-right extremists travelled all around the world, causing concern for the racist violence phenomenon that has taken alarming dimensions in Greece. According to the reports by migrant organisations, racist pogroms in Greece are unprecedented. The British newspaper refers to the activity of Golden Dawn and hints about the relation of the Police with this extreme right political party. "Senior police leadership had the opportunity to exterminate the pockets of fascism but they did not do it. The state wants to keep fascist elements as a "spare tyre" to use them against the Left. Some of them have already acted as provocateurs in rallies" said a police officer to the Guardian.<sup>22</sup> The 281 verified complaints recorded in 16 months from the mass media, NGOs and the Greek Ombudsman, demonstrate that the violence in the streets aiming at what is "different" on the basis of national or ethnic origin, race, colour, sexual orientation or religion, is an existing phenomenon continuously intensified. The cases recorded in the report entitled "The phenomenon of racist violence in Greece and how it is combated"<sup>23</sup> are only the tip of the iceberg. The majority of racist assaults, for various reasons are either not reported or are reported but not recorded, or they are recorded but not as racist ones. The inertia and unwillingness of police officers, refusing to arrest the perpetrators or record the incidents on the one hand and the fear either of being arrested or of being stigmatized and the belief that there will be no justice after all, on the other, seem to be communicating vessels. In any case it is a typical example of crime unseen which has increased a lot with the help of the attitude and conduct of police and other State agencies. It is also typical that in areas where we presume, as well as see through the data in this study, that the phenomenon is particularly on the increase, as for instance in the larger part of the centre of Athens, police stations record –in the best of cases– only a small number of incidents where racist motivation is acknowledged. The Ombudsman believes that the public discourse shapes and then makes use of the "social panic" at the expense of vulnerable ethnic groups, giving a bad reputation, among others, to the country and Greek citizens. Official data on crime tend to refute this "social panic" as a decrease in serious crime has been noted in 2012 and the majority of perpetrators are Greek citizens. Also, as far as reducing this fear of assault and combating xenophobia is concerned, the Ombudsman considers the contribution of local governments not only necessary but also vital.

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22 The Guardian on Golden Dawn racist violence, Broadcast at MegaTV – 27/10/2012, (<http://bit.ly/1CKLZJR>).

23 The phenomenon of racist violence in Greece and how to deal with it, The Greek Ombudsman, September 2013 (<http://bit.ly/1nGP7wG>).

Amnesty International in its announcement on racist violence in Greece noted that “*the Hellenic Police are plagued by impunity, extreme violence and relations with Golden Dawn*”. In its report “*A law into themselves*”<sup>24</sup>, Amnesty International refers to continuous violations of human rights by members of the police. According to Jezerca Tigani, deputy programme director for Europe and Central Asia at Amnesty International, “*in our research it is evident that this failure in the case of GD is only the tip of the iceberg. Established racism, extreme use of violence and a deep rooted culture of impunity are plaguing the Hellenic Police. Successive Greek governments have been failing until now to recognize – let alone deal with – police officers violating human rights and continuous impunity*”. According to the same report, “*It is an urgent and compelling need to have deep reforms in the way law is enforced, and an independent mechanism to investigate complaints against the police should be included in this, to investigate complaints for illegal behaviour on behalf of police officers. Greek authorities should restore the public’s trust on those structures that are responsible for law enforcement*”. It is interesting to note that when this report was publicized the brutal torture to death of an Albanian long termer in the Nigrita prison was in the news.

## RACIST PHENOMENA FOCUSED ON MIGRANT POPULATION AND THE STATE’S RESPONSIBILITY

Although any agent of “otherness”, a LGTB person or a member of a traditional domestic minority, may become the target of a manifestation of racism, either as simple discrimination and harassment or physical violence, currently in Greece the great majority of recorded incidents refer to migrants and namely those who do not hold travel documents (“undocumented migrants” or “*sans papiers*”). The intolerance of large groups of local population towards intense migratory flows to the country during the last 20 years is not simply the result of coming face to face with the Other, but it has been directly linked through the years to the actual terms of this more or less compulsory co-existence.

Until 2010 social research was recording an established negative opinion of Greeks for third country citizens, an absence of any positive attitude towards the role of migrants, what ever this role might have been; this opinion could be from total indifference on the migrant place in Greek society to an explicitly negative opinion about the migrants themselves. There is an important change, though, from 2010 onwards: A large part of Greek society, with the help of the mass media<sup>25</sup>, internalized migration as a “social problem” or “threat”, thus serving the State’s basic management strategy to render it an ideological stake for public order and security, and facilitated the normal operation of many mechanisms at various levels. Migration was constructed, delineated and dealt with until today as a problem and not as a social and cultural fact.

24 A law into themselves: a culture of mistreatment and impunity in the Greek Police, Amnesty International, 2014 (<http://bit.ly/1ots1yO>).

25 “Mass media supporting fascism”, [histologion-gr.blogspot.gr](http://histologion-gr.blogspot.gr), talos (Mikhalis Panayotakis), 6/11/13 (<http://bit.ly/1rTXWuc>).

Typical social control and an informal social racism replaced the migrant integration policy in Greek society. Cheap migrant manpower coming to Greece from neighbouring countries in the 1980s was pushed to semi-legal status as the State was unable to manage issues of residence, employment and integration, and this led to short or long-term serious repercussions. Migrants find themselves often – and more easily – before the courts and they are heavily represented in Greek prisons; both facts are directly related to their lacking integration in society. In the official public debate the dominant view purports that unemployment, crime and poverty stem from migration and this is reproduced across the societal spectrum. Migrants as a social group have been characterised with negative stereotypes and prejudice by official and unofficial agents of public discourse deepening even further the social divide. Due to the economic crisis a large number of migrants, although originally adhered to the legal status process, moved towards illegality. What is sought for is to create the terms and conditions for a considerable part of migrants to leave the country. The institutional and informal social control of migrants has served as a threat-exhortation so that they maintain their illegal residence and employment, but also towards the shrinking of their wages under the threat of expulsion and arrest. Behind the argument that Greece can not “afford” such a large number of migrants, lies the fear of changing the current economic and social correlations and prioritizing of national society, constructed with the imperatives in education.

Public space and sphere are still shaped by racism and xenophobia. In the cities, migrants are a socially and culturally excluded group, for which public spaces are not designed. The areas where refugees and migrants settle down are mainly determined by factors such as proximity to work or to ease of transport to work, as well as low rentals. Ever since 1980s real estate prices and rentals in the city centres were in decline. Migrants came along to fill this gap. At the same time, many real estate owners profited a lot especially in relation to the quality and value of their properties, by renting unregistered flats to a large number of migrants (even by the day or week), and piling them up in small spaces. Even in the midst of the construction boom, new cheap residential areas were formed, for migrants of specific origin such as Kypseli and Liossia in Attica or Nikopolis in Thessaloniki.

In the city a small business activity by migrants makes its appearance, triggered by the accumulation of large numbers of migrants in specific areas which creates demand for specialized services and products (internet and phone shops, mini markets selling local produce from the countries of origin, cheap restaurants and coffee shops, travel agencies, translation services). At the same time, the existence of such small businesses confirms that migrants are not a passive object of exploitation; on the contrary, they can develop their own survival strategies. We have become accustomed to Asian and African retailers for long. The changing merchandise and face of retailer have caused the anger of traders and shopkeepers, the disdain of citizens and the chase by (municipal) police which often leads to the destruction of the illegal merchandise and some times at the arrest of the retailers. The profitable chain of illegal trade, however, is based on a series of concealing in the public discourse such as the production of such merchandise (for instance clothes, handbags, wristwatches, etc.) in Italy, Turkey and Bulgaria manufactured at an extremely low cost (by undocumented migrants, without residence permits, working under inhuman conditions for disgracefully low wages); large scale importers (migrants and Greeks) importing illegally in Greece huge quantities of merchandise from the aforementioned manufactures. This smuggling is facilitated to run smoothly, it seems, by State

officials as there is no hindrance at customs control; on the other hand, storage of such merchandise cannot be safe unless the authorities are involved and covering it up. What usually happens is that Greeks along with migrants intermediaries undertake to feed the network of illegal retailing; these middlemen sell small quantities of merchandise to retailers, usually Asians and Africans who usually buy it in advance. Another part of this merchandise is sold in shops at higher prices by retailers who travel all over Greece to sell the goods they have already bought; as the only ones working “out in the open”, these are the only links in this production and supply chain, who find themselves in dire position.

## MAPPING THE SITUATION BY PIVOTAL OBSERVERS

In spreading hate speech, which is addressed exclusively to “citizens” and excludes migrants, refers to the relation of citizens and migrants with confrontational terms and places a “positive” sing before citizens and a “negative” one before migrants and opts for obscure generalisations, exaggerations, negative metaphors and devaluating expressions for a specific societal group, as well as the construction of xenophobia, were based on the existing circumstances although they were rapidly developed. As it is the political parties that usually formulate the views of society on migration, it is particularly alarming the fact that “established political parties absorbed and reproduced this trend already since 2012 through the statements of politicians for the HIV positive women, the detention centres, the “illegal migrants”, the “invasion in Greek cities”, etc. According to the results of a study carried out in 2010-11 by the University of Western Macedonia and the Centre for the Development of Education Policy (KANEP) of the Greek General Confederation of Labour aiming at recording how Greek society sees vulnerable social groups and was finished in the beginning of January<sup>26</sup>, the majority of university students have a positive attitude towards migrants living in the country and they would like society to accept and care for them on equal terms as with Greeks; 50% of respondents thinks that migrants should have the same rights with nationals, 76.5% that society should take care of all its members regardless of their country of origin, 79.7% that migrants are subject to social racism and 68.4% that migrants are in the social margin. A percentage of 74.9% disagreed with the view that a state bears no obligation towards migrants living in its territory, 34.9% of students believes that migrants are responsible for the rise in crime while 28.1% adheres to this view. An important percentage of 36.9% was neutral. As for the issue of unemployment, 49.1% of respondents did not agree that migrants are responsible for the unemployment of nationals while only 20.1% agreed to this.

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26 The sample of respondents to these specific statements was 548 randomly selected male and female students from the University of Western Macedonia, the Aristotle University of Thessaloniki, the Athens University, the Ioannina University and the Technological Education Institutions of Western Macedonia and Thessaloniki, “Racism by numbers” Sunday Eleftherotipia newspaper, Sunday 20 February 2011, (<http://bit.ly/1qAUKKB>).

The European Union Fundamental Rights Agency (FRA) in its 2013 Report on racism, discrimination and bigotry focuses on Greece and Hungary.<sup>27</sup> The reason for this being that both these States “combined with the phenomenon –unique in the EU– of the representation in national parliaments of parties with extremist rhetoric, with Golden Dawn in Greece mainly targeting irregular migrants and the Movement for a Better Hungary (Jobbik Magyarországért Mozgalom) in Hungary mainly targeting Roma and Jews”. Neo-Nazi Golden Dawn is described as a structure that “organises its members into paramilitary groups and directly engages in violent criminal activities”. Referring to both political parties, the study mentions “despite their [the States’] efforts to stop such activities, evidence from recent polls shows that the popularity of these parties remains relatively high, in particular among younger age groups”. One of the most important conclusions of this study is that “public authorities [...] are reluctant to acknowledge the gravity and social impact of these phenomena. Both countries must contend with the influence on public opinion of parties with links to paramilitary activities and extremist rhetoric”. What is also underlined is that in both Greece and Hungary “important differences exist, for example in the level of formal legal protection afforded against discrimination and hate crime, or in the efforts made to include migrants and minorities in society” compared to other States in Europe.

Mr Ioannis Dimitrakopoulos, Head of Equality and Citizens’ Rights Department at the FRA, in an interview with the Athens-Macedonia News Agency<sup>28</sup> explained why the EU Fundamental Rights Agency chose to focus currently on these two specific States: “*During the last two years we witness a great number of racism and violence incidents in these States*” he said, and noted that “*it is very important for State agencies to combat racism*”. “As we say in the report” he added “*when we made our meetings to talk with State agents we realized that they understand racism in relation to the number of migrants and the economic crisis. Hence, the State focuses its efforts to combat racism on the decrease of the number of migrants and on the improvement of the economic situation. But our report shows that national human rights agencies (such as the Greek Ombudsman and the National Committee for Human Rights) have been ringing the alarm bells for years in their own reports on racism and xenophobia*”. “*The basic conclusion of the report is that in both Greece and Hungary it is important to deal with discrimination phenomena, racism and extremism on the spot where these occur, that is neighbourhoods, schools, the streets, and the key to this is the cooperation with local agencies. This cannot be solved by the Local Government alone nor the school, the police station or the local health centre*” he concluded.

According to the US State Department report on Human rights, increased racist and xenophobic activity by Golden Dawn against migrants and others, issues related to the treatment of migrants and arrests of politicians and other individuals charged with corruption and power abuse have risen.<sup>29</sup> The most important human rights problems during the year, according to this report, involved unprovoked racist violence against migrants and individuals perceived to be foreigners; conditions in migrant detention centres and prisons; and discrimination against

27 Racism, discrimination, intolerance and extremism: learning from experiences in Greece and Hungary, European Union Agency for Fundamental Rights, 2013 (<http://bit.ly/1aZXqwO>).

28 Racism has infected Greece and Hungary, 23/12/2013, Makedonia newspaper (<http://bit.ly/1pLqpe3>).

29 The State Department is worrying about racism in Greece, SigmaLive/CNA, 28/2/2014 (<http://bit.ly/1wf1aqc>).

Roma and exploitation of Romani children. Other human rights problems included poor treatment and prolonged detention of undocumented migrants, limited access to the asylum application process, abuse of detainees by security forces, detention and deportation of unaccompanied immigrant minors, inadequate capacity to provide legal aid and social support for asylum seekers and refugees, restrictions on freedom of speech and religion, domestic violence, incidents of anti-Semitism, trafficking in persons.

In the chapter on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the report mentions that several international and nongovernmental organizations (NGOs) alleged that police personnel and the coast guard abused undocumented immigrants and asylum seekers. Reference is made to at least 35 reported incidents of abuse of immigrants in police stations, detention centres, and prisons. Human Rights Watch (HRW) also reported cases of harassment and mistreatment by police during the Xenios Zeus operation. Reference is also made to reported attempts to push back rafts and boats of possible refugee and asylum seekers from the coast.

## THE STATE'S RESPONSIBILITY SHARE

It is clear, therefore, that various negative or/and racist attitude towards migrants, even in its most violent and heavy forms, are not to be found only in the everyday life of citizens but they find their counterpart within the State's operation. This does not take the form of independent participation of state officials in racist incidents, but rather through the tolerance or even the encouragement at times of such incidents by the State mechanism. However, the most important part – and consequently the greater responsibility of the State is the generalized defensive/fearful attitude towards otherness impersonated mostly by migrants which inspires a number of central policy decisions and measures during the last three years. More specifically:

- In the beginning of 2012 the government publicized photographs and personal data of HIV positive prostituted women. This public castigation was again related to immigration and the dominant rhetoric of “immigrants are to blame for everything”.
- Health provisions by the Ministry of Health and a piece of legislation in April 2012 provided rules for the protection of public health due to the “outbreak” of diseases and epidemics (AIDS, tuberculosis and malaria). Particularly, it was provided to detain immigrants or even to deport them as threats to public health on the grounds of their country of origin, or because they were prostitutes, or they live in premises not observing the basic rules of hygiene. Related findings of the Médecins Sans Frontières (MSF) and the Médecins du Monde (MdM) demonstrate that high percentages of immigrants have been contaminated because of the appalling conditions of detention in Greece and they had not entered the country already infected.
- The sweep operation code named “Xenios Zeus” was put to application by the government (August to December 2012) resulting into 60,000 arrests, 10% proved undocumented

migrants and hence were taken to detention centres and were then deported with a fast track procedure.

- As to the right to health care, according to pertinent law provisions, immigrants with social security enjoy the same rights in healthcare as Greek citizens do. However, undocumented immigrants have the right to nursing only in emergency cases and until they are stabilized. Recognized refugees, beneficiaries of subsidiary or humanitarian status have the right to medical treatment, healthcare and nursing (the two later categories with certain restrictions) as well as the recognized victims of trafficking and all minors.
- Imposing a 5€ “entry ticket” to have access to public hospitals, the sad incident when the governor of a public hospital turned in to the authorities an undocumented cancer patient despite the fact that the patient had already paid for her treatment. A positive practice is the operation of social surgeries, often under the aegis of doctors’ associations, where all immigrants have access, regardless of their legal status, as well as respective surgeries under the supervision of certain NGOs.
- The discontinuation of granting the Greek citizenship to children of immigrant origin who have been born in Greece or have attended school in Greece, on the grounds of a decision by the Council of State which had not been published until recently, deeming pertinent law 3838/2010 unconstitutional. Six mayors have made statements that they are not going to implement the relevant circular order.
- The lack of a clear and comprehensive legal framework on immigration (since 2005). Many immigrants have lost the right to renew their residence permit either because they did not have the necessary employment stamps or the necessary family annual revenue. Serious problems arise in cases of residence permits for extraordinary reasons and the long term status resident. The lack of provisions for the normalization of immigrants leads them to claiming for asylum, making even more difficult in this way the already slow and saturated asylum claims examination procedure.
- The detention of immigrants in inhuman conditions, the sentences by the European Court for Human Rights and the denunciatory reports by international and European agencies and organisations (CTP, Special Rapporteur on the Human Rights of Migrants, etc.
- The most recent and perhaps the most typical instance of the negative attitude of the State political leadership to immigrants and particularly to the possibility of them claiming legal protection from State institutions, is the government’s attempt to move to an unexpected amendment of Article 19 of the newly published Migration Code (Law 4251/2014). More specifically, on 20 March 2014 a provision was submitted to the Parliament in relation to the Migration Code<sup>30</sup>, for the “immediate deportation from the country of immigrants who

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30 “Code for Immigration and Social Integration”: a small step forward: Partly too little, too late, Hellenic League for Human Rights NLHR, 18/2/2014 (<http://bit.ly/1trgPAQ>).

falsely report they have been subjected to racist violence". It should be noted that racist violence incidents, that have been recorded by state institutions and individuals or groups, or have been reported by various organisations, migrants' associations or independent agencies, amount to a four digit number. As it was expected there was strong reaction as the possibility of using this provision as a deterrent to prevent racist violence actions reporting was more than present. The deputy minister of Interior submitted for vote and withdrew two times this provision, as did the minister himself. In the end this provision was withdrawn, with the reservation that a rephrased version would be re-submitted the following week, but this has not happened until now. A part of the minister's speech is revealing, saying "the State will protect illegal migrants too" while the government's secretary general stated that "this provision has been added because otherwise the New Democracy members of parliament would not vote the Migration Code". The Hellenic League for Human Rights<sup>31</sup> that had stated that the Code is "just a small step forward. Partly too little, partly too late", characterised this "an amendment of racism and impunity" and estimates that "it is in essence a provision to intimidate, violating the basic principles of rule of law and affecting security in society for all of us". The Hellenic League for Human Rights notes also that "despite the outbreak of racist crimes in recent years, the governmental majority does not seem to realize that the State's obligation to offer legal protection to all, regardless of their residence status, is not exhausted only in the physical integrity of the victims themselves. It also seems not to realize that the Police and the security services cannot act without control and accountability, nor is it possible for them to be excluded from the scope of law".

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31 Press Release: The Amendment of Racism and Impunity, Hellenic League for Human Rights NLHR, 19/3/2014 (<http://bit.ly/1tHAhwV>).

## IV. THE CASES OF MASS MEDIA AND EDUCATION

Having ascertained the wide spread of xenophobic attitudes non only in social every day life but also within the operations of the state itself and the measures it takes, one easily supposes that such a degree of penetration and spread of this phenomenon would not have been possible without the substantial contribution of the basic socialisation mechanisms, where the dominant collective identities are being formed and social communication effectuated. So, it is necessary to examine both the fields of mass media and education.

### RACISM AND XENOPHOBIA IN PUBLIC DISCOURSE AND THE MASS MEDIA

#### A. THE LEGAL FRAMEWORK

In Greece, as in most Western democracies, public discourse enjoys statutory protection (Constitution, Article 14). However, the legal protection of communication varies depending on the means used. The Press enjoys higher level of protection so that no control can be exercised over its content with only a few exceptions in cases of particular public interest or violation of privacy, but even then, it is not a case of preventive measures. On the contrary, electronic mass media, especially those of free access, monitoring the content is possible legally and technically to a larger extent under the Greek National Council for Radio and Television (NCRTV), a statutory independent authority.

The legislation for electronic mass media, transposing relative regulations of the European Union legislation to national law, is as a principle sensitive towards respecting diversity. In practice, the most important aspect, as it constitutes the regulatory basis for all content monitoring under the competences of the Council, is the Code of Conduct for News and Other Political Programs (Presidential Decree 77/2003), and especially Article 4 providing that “*1. it is prohibited to present individuals in such a way that may, under specific conditions, encourage degradation, social exclusion or unfavourable discrimination against them by a part of the audience especially on the grounds of sex, race, ethnicity, language, religion, ideology, age, disease or*

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*disability, sexual orientation or occupation; 2 it is prohibited to present degrading, racist, xenophobic or sexist messages and characterisations as well as intolerant views and in general ethnic and religious minorities and other vulnerable or weak population groups should not be affected*". In addition, as in all other cases, elements of Otherness constituting usual grounds for discriminatory treatment and racist behaviour, constitute according to Articles 2, ind. b and 7 of Law 2472/1997 "sensitive personal data" which is, in principle, prohibited to collect and process, let alone publicized.

## **B. ...AND THE ABSENCE OF ANY MONITORING IN PRACTICE**

Despite the intentions of this legislation, in a period when racist violence is being increased, from hate speech to the increasing numbers of murders of migrants, more often than not traditional along with modern social media, are taking their part in spreading nationalist discourse. It is through the media that constructed traditions are been reproduced. The new dimension of electronic media is launching new form of dialogue. There is an artificial volume of information in these media because of the mirror sites that copy the same piece of information many times. Anonymity and the inability to locate the source of information also help. These means produce "facts" that feed the press and the central stage. When the mass media publish the photographs of HIV positive women and immigrants being arrested, they leave room for any kind of reactionary narrative that may lead in its turn to acts of violence. When neo-Nazis are being systematically presented in afternoon and night entertainment broadcasts, the modern face of Nazism is turned into "colourful" and "human", hence harmless and makes raw violence an accepted life style, in the midst of disdain towards traditional mass media, electronic one and the Press, in view of delegitimizing politics. It is often the case that informative broadcasts do not present any kind of substantial counterarguments nor do they take care in presenting also counter views. Until recently that the findings of the investigation against Golden Dawn were publicized, many television presenters were accepting condescendingly simple statements by members of the Golden Dawn by which they refused any relation with Nazism. In Greece, a number of values and structures related to the way we perceive Otherness, respect diversity and guarantee human rights, do not constitute yet a collective consciousness. The nationality or religion of a perpetrator is often over presented in the mass media as is also the deeply populist, "angry" and violent discourse (if not violence act), which is infiltrated by race hate, which "legalizes" in essence the discourse and finally formulates confrontational and warring collective consciousness.

## C. HOW THE MEDIA CONSTRUCT RISK

The practices of producing news items on diversity, immigration and asylum face a lot of challenges. News items are collected when something that may attract the attention occurs<sup>32</sup> and is worth to be mentioned. This is usually associated with a stereotyped negative dimension of Roma or immigrants themselves. The general political agenda influences to a large extent the way news related to asylum and immigration are presented. The coverage of such items by mass media is often based on the juxtaposition between a positive “we” and a negative “they”. Immigrants, refugees and the “others” are portrayed not as individuals but as a group, which either specific threat traits are attributed to or problems are linked to such as crimes and conflicts, despite the occasional use of general humanitarian arguments. The issue of migration is not covered in the media by a continuous news flow.<sup>33</sup> Although the media tend to flood the news by covering immediately anything dramatic happening, when reality goes back to “normal” all interest seems to evaporate. In this way, however, the audience is being trained to associate immigration with a “problem/conflict/difficulty”. Muslims are represented in a stereotyped way in the media, that is Muslim men are associated with religious fundamentalism and Muslim women are presented as victims of a regressive culture and religious demands that underrate them. Research, journalistic coverage and dialogue in regard to the state of Muslims depict Islam as a threat to security, culture and fundamental values of the West. This has also led to a general shift of the importance when issues on migration are discussed from the notion of participation to that of conflict, and in many cases in mingling domestic news with international reporting on international conflict zones. In police reporting, the national or ethnic origin of suspects is still mentioned. It seems that journalistic sensitivity to omit this information seems to decrease. In general, second and third generation immigrants are more visible, they are mentioned more often and their depiction is more balanced than that of new immigrants or refugees. Journalists also note that migrants’ visibility on the television is easier to achieve in special interest programmes and entertainment shows, compared to news bulletins and political talk shows.

## RACISM AND DISCRIMINATION IN THE GREEK SCHOOLS

The situation in schools in relation to racism and discrimination is similar as it is in most aspects of social life in the country. There are issues of legislation, racist practices by education professionals, racist behaviour by parents or students, with a particular increase during the last two years which links it directly to the rise of Golden Dawn, a political party which has a pronounced

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32 Cf. The case of little Maria in 2014 in TIME magazine Europe’s Roma Face ‘Witch-Hunt’ After Reports of Child-Snatching, 23/10/2013 (<http://ti.me/1pLswyt>). Maria is Romani and hence she will become invisible again, article by Željko Jovanović, newspaper “I Avgji” 03.11.2013 (<http://bit.ly/1BpATbL>). Also, in 2012, the Parent Association of 7th and 10th Elementary School of Chalandri decided that the schools will not accept Romani students. The issue reached the Ministry of Education (<http://bit.ly/1qJbEw8>).

33 “The lost sobriety: Migration and racist discourse in the media”, journalistic analysis by Christina Pantzou on xenophobic discourse in the Greek mass media from March to October 2012, (<http://bit.ly/1lQ1jiZ>).

racist curriculum; however, during this period, it should be noted that both the government and the mass media have openly adopted a racist and xenophobic agenda.

## A. THE LEGISLATIVE FRAMEWORK

According to pertinent legislation, all children living in Greece, regardless of their own or their families' legal status, may attend school on equal terms and without any discrimination. Pursuant to the basic piece of legislation on education, Law 1566/1985, "*the objective of primary and secondary education is to contribute in the whole, harmonious and balanced mental and psychophysical development of students so they, regardless of sex or origin, have the ability to develop into rounded personalities and live a creative life. More specifically, it assists students: [...] e) develop a spirit of friendship and cooperation with all people on Earth, aiming at a better world which would be fair and peaceful*". Moreover, during the last twenty years, the curriculum and school textbooks in primary and secondary education have harmonized to a large extent with the aforementioned principles to include many explicit references to human rights, respecting diversity, gender equality and racism issues.

Nevertheless, the Greek school remains adequately nation-oriented and as regards the curricula and text books, such an orientation cannot be considered to be favouring the cultivation of equal treatment for the "non Greek" and the elimination of views on "Greek race" supremacy hiding a latent racism which as it became blatantly obvious recently was awaiting for an appropriate occasion to spring in the most violent way to the surface.

In addition, according to Law 1566/1985, Greek education aims at helping students "*develop faith to the country and the true elements of the Greek Orthodox tradition*". Despite the fact that in the immediately following sentence, freedom of religious consciousness is proclaimed, it is clear that students who do not belong to the Greek Orthodox tradition are placed by definition in a discriminatory position in relation to Greek Orthodox ones. This is mirrored in various ways in school life (morning prayer, Christian icons inside the class rooms, religious festivities, going to church, etc.) and most particularly in the course of Religion which is until today taught as catechism. The recent series of successive circulars issued by the Ministry of Education offering to the student of other religions in various ways the right not to attend this class following respective application by their parent or guardian<sup>34</sup>, does not actually lift this discrimination as in essence these students are excluded and isolated in part from classroom life on the basis of religion and become targets as "different".

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34 The latest is 133099/Γ2/19/09/2013 (<http://bit.ly/1tHCpop>).

Finally, in regard to the legislative framework, it should be noted that the State has not responded fully to the education of foreign students or repatriate ethnic Greek students since the beginning of 1990s when Greece became for the first time in modern history a host country for migrants. Characteristically, Law 2413/1996 ratifying the international convention of intercultural education with 81 articles in its 69 pages, dedicates only four articles in one page and a half to intercultural education itself.<sup>35</sup> Based on this law, 26 intercultural schools operate today and some hundreds reception classrooms, depending on available funds, for a total of over 100,000 foreign students and repatriate ethnic Greek students. Because of all the above a large number of these students are driven to school marginalisation and/or rejection, as a lot of them find it difficult to continue their studies at secondary education and even more difficult even further due, mainly, to their lacking Greek language learning while learning their mother language outside intercultural schools is only an exception. We thus ascertain an indirect discrimination policy for these students since the Greek State does not give them the possibility for an equal educational –and consequently professional– development.

## B. PRACTICES BY EDUCATION AGENCIES CONTRARY TO THE LAW

Apart from legislation and circulars by the Ministry of Interior, there is everyday school practice where discrimination, if not racism, instances have been ascertained involving the school administration, teacher associations or individual teachers, as well as student society and local societies as well, often in direct contradiction to pertinent legislation. One of the well known examples of this is the so called “flag war” that broke out for the first time in 2000 when a student of Albanian origin in Nea Michaniona was, according to the law, entitled to be the flag bearer of Gymnasium as he was the valedictorian that year; this caused the outrage of local society and the student waived his right. The same happened again three years later in which case the fellow students of the Albanian student moved to occupy the school so that he is not the flag bearer. Ever since then the topic is recurring every time a student of foreign origin is a valedictorian in primary<sup>36</sup> or secondary<sup>37</sup> school, with more or less publicity, with the school community on the student’s side but a group of parents, students and citizens always reacting and opposing.

During the last three years the Greek Ombudsman has intervened in two cases when students of foreign origin were refused enrolment or advancement to the next grade on the pretext of not submitting the necessary documents for residence in the country or other documents; one of these cases was recorded in an intercultural school.<sup>38</sup> Although, however, similar cases have

35 Law 2413 (OGG A’ 124 / 14-6-1996), Greek education abroad, intercultural education and other provisions (<http://bit.ly/1uHbMgk>).

36 “Another Tsenai case in Chalkidiki”, To Vima newspaper, 11/03/2009 (<http://bit.ly/1p2YJkJ>).

37 “An Albanian girl was not allowed to take part in the parade. Days of intolerance as in the Tsenai case at the EPAL in Farsala”, Lefkaditika Nea, 30/10/2012 (<http://bit.ly/WDPCQG>).

38 The Greek Ombudsman, Minor foreign students are not allowed to enrol and advance to the next grade due to lacking enrolment documents, Dec. 2013, (<http://www.synigoros.gr/resources/docs/462193.pdf>).

been publicized, it is a rare phenomenon. What is more usual is to have poems and texts cited at school events on national days that include degrading characterisations for other peoples – mostly the Turks. There have been complaints for racist/sexist behaviour of teachers to students as well as teachers who nurtured in their classrooms xenophobic views.<sup>39</sup> It should be noted that these incidents have intensified since 2012, when the rise to power of the Nazi political party of Golden Dawn “liberated” certain teachers and its sympathizers, empowering them to express such views within the school environment.

What is notable on the other hand is that education professionals who have expressed openly their racist views amount to a feeble percentage while a multiple percentage of their colleagues are launching a series of anti-racist actions, programmes, projects and projections in their schools making use of the means offered in the curriculum and the textbooks. Besides, racist behaviour by students are not accepted by teachers as an honest although incomplete attempt takes place to deal with them through pedagogy: these behaviours are being condemned verbally and sanctions are imposed but the school does not go deeper to deal with either the victim or the perpetrator.

### C. VIOLENCE AT SCHOOL

The situation is rather different in relation to students as among them bullying, exclusion, verbal and physical violence, even conflicts between groups of different origin with racist motivation are common with an unprecedented intensity since 2012<sup>40</sup>. There are dozens of incidents taking place either in the school premises or outside, either between school students or between students and non-students. Very often these incidents are triggered by an irrelevant event which ends up in violent racist conduct. Only a small percentage of these incidents are reported leading some times to the intervention by either the school administration or the teachers’ association and an even smaller percentage of these events reach the world outside the school community. The reason for this is that students who have fallen victims or have witnessed such conduct are afraid of the consequences reporting may bring (becoming a target, isolation from their fellow students, revenge attacks) while others believe that they should “solve their problems” on their own. In addition, the majority of school administrations and teachers associations believe that such incidents should be treated in a pedagogical way within the school.

Indicatively, the Greek Ombudsman has recorded the case of a third country student who after having suffered for long aggressive conduct from her fellow students on-line, decided to change school letting her teachers know the reason behind this change only after she moved away. A student contacted the Greek Ombudsman to report that he and a friend of his had been subjected to racist violence because of their sexual orientation. A student disseminated

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39 Special Report by the Greek Ombudsman, The phenomenon of racist violence in Greece and how to combat it, Athens– September 2013, pp. 59.

40 Ibid., pp. 56-59.

leaflets with antiracist content in the school yard when a student from the co-located school attacked her. A student of Albanian origin was lightly injured in a fight for personal reasons between students of different origin; when the next day she went to school she had been seriously injured as she had been attacked by a non school group. Finally, the peak in this culminating violence at schools until today, although not directly associated with racism, is the attempted murder of a student in a school in Palaio Faliro by a 21 year old, member of Golden Dawn, who has been sentenced to ten year unconditional imprisonment (the Apostolopoulos case).<sup>41</sup> The incident was triggered by the fact that the victim had expressed his anti-fascist/anti-racist beliefs to his fellow student and friend of the perpetrator.

#### D. THE SYSTEMATIC ACTIVATION OF GOLDEN DAWN IN EDUCATION

As it is evident, the rise of Golden Dawn is closely related to the increase of racist conduct in school life. This is all the more obvious when we look closely the increase of racist interventions from parents towards teachers as well as towards students on the one hand, and programming statements of Golden Dawn on education on the other, as well as its “complaints” for specific teacher for their “anti-racist” propaganda – the term used with their specific, of course negative, sense. As regards parents, there have been cases, as mentioned above, when they insisted that the school should remove or not enroll in the first place students due to their origin (namely Romani children), disability or special education needs. Also, teachers reported that parents had clearly expressed their wish for their children to be in contact only with other Greek students while at school. Other parents, Golden Dawn supporters, complain to the school administration because certain teachers, abiding to the curriculum targets and the teaching guidelines, include in their teaching how to accept otherness, respect diversity, opposing to racism. At this point it should be noted that this is also the case with students purporting their membership in Golden Dawn who while in the classroom come into conflict with such teachers. In both cases, these teachers have been threatened more or less overtly.

Golden Dawn, as a Nazi party, bases its education program on racism and discrimination. School is only addressed to Greek, able-bodied, mentally healthy, heterosexual students. Immigrants and in general the Other has no place in Greek schools, according to Golden Dawn. Party members have declared publicly that they will raid nurseries to throw out immigrant children and ask for information on the number of immigrant babies and infants in the community and municipal nurseries and kindergartens,<sup>42</sup> proclaiming in its program the distinction of Greek and immigrant schools so as “not to lower the schooling level of Greeks because of the language deficiencies of immigrants”, while asking “for history books to be rewritten emphasizing Greek History. Teachers should take special examination so as to establish their knowledge and national conscience”.<sup>43</sup> Apart from these declarations, however, what seems to be the Golden

41 “Apostolopoulos case, etc.”, Website of the Initiative for the prosecution by the antifascist movement, April 2014 (<http://bit.ly/1CNcKcf>).

42 Infants are next for Golden Dawn, *tvxs.gr*, 11/10/2012 (<http://bit.ly/1To069>).

43 Political views, For a Golden Dawn of Hellenism: Ethniki Paideia (<http://bit.ly/1juezWN>), Web. 4 July 2014.

Dawn strategy in the last two years is reporting to the education authorities any anti-racist or anti-fascist school event –in those areas that the party feels stronger– using either ideology arguments or legality as a pretext, aiming to provoke fear to teachers who stand in this way against racism. Along these lines, GD has reported either to the Press or in the Parliament, for instance, an education visit to a volunteer school teaching Greek to immigrants in Thessaloniki,<sup>44</sup> an evening anti-fascist event organized by teachers in the school premises in Thessaloniki too,<sup>45</sup> education programmes on immigration and refugees, as well as on specific teachers and their classroom teachings. Although this has not given rise to any disciplinary action against teachers, it has been noted to have a deterrent effect when certain teachers have stepped back in their anti-racist work so as to avoid “trouble”; on the other hand, racists parents and students have been encouraged in this way to become more aggressive.

It is clear that racism, xenophobia, and discrimination constitute the basic ingredients of social life in the country and as long these stem from central policies, school can not be relieved completely from such phenomena. However, as school aims at educating and it is a social institution affecting deeply the way future citizens think and act, it is a compelling need to take all the measures that can render school an anti-racist pocket and a discrimination free social space.

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44 Golden Dawn: “Party propaganda at schools”, Gnomi of Kilkis Paionias, 5/4/2012 (<http://bit.ly/WDUxB5>).

45 Numerous Golden Dawn interventions at shools, alterthess.gr, 16/1/2013 (<http://bit.ly/1Q65No>).



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ΔΕΝ ΕΧΕΙ ΧΡΩΜΑ



## V. INITIATIVES AGAINST RACISM

### CIVIL SOCIETY ALERT AND VIGILANT

Until the beginning of 2000 there had been no social or political initiatives and collectivities dedicated especially to combating racism with important contribution in the public sphere. Statutory antiracist activity with significant results in combating antiracism, xenophobia and discrimination until then had been demonstrated by civil society organizations and leftist political organizations, as well as other institutions such as trade unions, research institutes, along with public authorities, the Greek Ombudsman and the National Commission on Human Rights *par excellence*, in the framework of their interventions and actions in the area of protecting the rights of social groups suffering social exclusion such as, mostly, immigrants, political refugees, Roma, LGBTB communities, etc.<sup>46</sup> So, through the cooperation with civil society, immigrants and other vulnerable groups have found in certain cases the way to receive information on Greek reality issues, to learn the Greek language, pertinent legislation, to get organized and exercise collective action, to receive medical care, to enter into consultation with representatives of the Greek society and the mass media, to solve labour issues, social security and personal problems and come into contact with Greek citizens. What is still sought for, however, by immigration communities and groups of people subject to discrimination have not reached yet the best possible level of organization so as to effectively claim their rights. It is still open for discussion the degree to which these anti-racist organizations have the necessary resources to carry out their work, whether they are accepted by the wider public due to their actions and the way they choose to communicate these, and how effective their cooperation is with volunteers.

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46 Due to the large number of civil societies organizations that have been active in the field for long, more often than not with their members self denial, and with important results, it would be extremely difficult to mention all of them here and selecting only some of them would be unfair. On the contrary, certain non governmental agencies and collectivities having as their statutory objective to combat racism, especially in their current politically organized form are explicitly named below.

As the area of non discriminatory treatment is a relatively new area of jurisprudence, organizations play an important role in information, organization play an important role in information on its potential. Initiating legal proceedings as a strategy has come into the lime lights as a useful defense technique, collecting information, assessing cases and providing defense in courts. Its initial focus is to bring legal and political change, and not reinstating the situation of the victim, although these two targets are not mutually exclusive. This strategy aims at going further from each individual case and at creating a framework of reinforced protection for anyone who is vulnerable to be subject to discrimination. Changing the law or creating case law, a single case can have a greater impact that can lead to social change.

## THE EMERGENCE OF COLLECTIVITIES DEDICATED TO ANTI-RACIST ACTION

*Today however the scenery has changed as combating racism has become a self-contained object for autonomous collective mobilization. Local antiracist initiatives (Athens, Thessaloniki and elsewhere), the Movement against Racism and Fascist Threat (KEERFA) and the Movement "Expel Racism" (KAR) constitute the backbone of dedicated initiatives for long, articulating various targeted campaigns around the issue of social solidarity and action, such as the one for migrant children citizenship or the even most recent one against the migrants' concentration camps. The UNCHR launched a campaign in the beginning of 2012 with the motto "one victim of racism violence is too many". At the same time, in an attempt to shed light to silent crimes against refugees and migrants, UNCHR and the National Commission for Human Rights set up the Racist Violence Recording Network with the participation of 23 NGOs and other agencies.*

The *Nazi Free Thessaloniki Assembly* (NA.F.TH.A.) or Immediate Action against racist violence, constitutes the cooperation of groups and individuals in Thessaloniki which does not restrict its activity in recording neo-Nazi and racist incidents. NA.F.TH.A.'s objectives are: timely highlighting and investigation of racist violence and degrading treatment incidents, legal aid and moral support to victims, recourse to competent authorities for the institutional handling, public complaints on the incidents, networking and coordination of individuals and groups for coordinated common action.<sup>47</sup> The initiative for the Civil proceedings of the anti-fascist movement originated from a group of lawyers within KEERFA (*Movement United against Racism and Fascist Threat*) aiming at dismantling Golden Dawn not only in the streets and neighborhoods, but also at the level of judicial prosecution that was initiated just after the murder of Pavlos Fyssas; it claims to be the prosecution in the Golden Dawn trial in court. Their report to the

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47 This platform-organisation was mainly involved in seeking the criminal prosecution of a bus driver of the Organisation of Urban Transportation of Thessaloniki for discriminatory treatment of two passengers of African origin whom he made get off the bus. It should also be noted that, when certain other passengers commented that this is an instance of fascist conduct, the bus driver showed to them a pendant he wore bearing the symbols of the organization, while threatening: " yes, I belong to the Golden Dawn, I have a tattoo on my arm, what's the problem?" cf. Racism goes to court, after all , Andreas Vassiliou, charta.gr, 25/2/2014 (<http://bit.ly/1qBfgls>).

Supreme Court so as to include the “unknown” pogrom by the Golden Dawn in the thick file of criminal proceedings by the investigating judges responsible for the case.<sup>48</sup>

## THE ECONOMIC CRISIS AND THE PROSPECTS OF COORDINATED ANTI-RACIST ACTION

During the economic crisis, which began in Greece approximately in 2010, it has become clear that poverty, as does racism, makes roots and develops in a more rapid pace where the State and its apparatus are distancing themselves. This distancing can take the form of refusing to help people in need, especially when they are not of the same colour, but most of all is a case of shedding the role of being a mechanism to solve social problems. Given, hence, a disinterested state towards issues of welfare, health, housing and food, there have been attempts to cover this gap by initiatives by collectivities and citizens’ organizations, such as Social Solidarity Clinics. Campaigns, such as the ones to close down concentration camps where undocumented immigrants are held indefinitely, are also crucial as they constitute an opportunity to form alliances and synergies among the action agencies. These agencies are permanent nodes for antiracist action, especially by providing social support and solidarity services through organized structures. It is very difficult for such initiatives to answer to racist prejudice with rational arguments or to project patterns of compassion and humanitarians, or to manifest occasional militancy in a “periodically” organized march in neighbourhoods of migrant residents. It is only possible to have an impact on the way nationals citizens see these issues through actions of personal meetings and cooperation through the solidarity structures, especially when all are in the same position as is the typical case when all attend soup kitchens or education and health care solidarity structures. The logic of a humane campaign, or even worse, of institutionalizing anti-racism has proven unsuccessful (for instance, the Anti-Racism Day). As it is shown by the relative “celebration” at the secondary education, this logic gives the impression of an exceptional, ritual and extra-ordinary event, which renders the receivers of the message uninterested or, quite the contrary, brings them closer together in a defensive way and traps them. The anti-racist inclination should be the norm, the everyday response.

Within the relative discussion in April 2014, Nikos Nikissanis (Antiracist Initiative of Thessaloniki) proposed a way to develop the anti-racist action in three parts:<sup>49</sup>

- a) the traditional mostly political solidarity to the groups that are targets of racist threat on the basis of social and class characteristics, as is *par excellence* the cooperation with the Labour Centre of the city in case of a hunger strike by undocumented migrants;

48 Activists chasing Golden Dawn, ETHNOS newspaper, 1/6/2014 (<http://bit.ly/1sbLbZX>).

49 European elections, democracy and discrimination, (symbiosis.org.gr), May 2014 (<http://bit.ly/1lTraXN>).

- b) fighting stereotypes and providing information to the wider public through publicity actions and campaigns highlighting humanitarian aspects through mostly personal stories of vulnerable individuals;
- c) activation to develop solidarity relations and support among migrants and other groups with any kind of vulnerability, as well as grassroots classes in general, through structures and opportunities for their social coexistence.

To many, the latter is a priority today that can be summarized intelligently in the motto that antiracism works for the interest of all. Migrants have always been the most vulnerable social group in the course of authoritarianism and totalitarianism authoritarianism, a Trojan horse, as it has been called, to impair the rights of all. This de-universilisation of rights is the beginning for their general violation and this is the reason why, especially today when the far right is spreading and governments adhere to its agenda, anti-racist strategy should first and foremost aim at fighting it. What is crucial in this strategy is to claim the total arrangement of the legal status of a great number of migrants living in the country for long such as asylum seekers who have already lodge their claim and hold the pink card to verify it; that would be a form of normalisation that would level them in a large extent with local residents as far as social rights are concerned.

η **λογοκρισία**  
δεν έχει **χρώμα**

η **ανασφάλεια**  
δεν έχει **χρώμα**

ο **φανατισμός**  
δεν έχει **χρώμα**

η **επιτυχία**  
δεν έχει **χρώμα**

η **υγεία**  
δεν έχει **χρώμα**

η **ασθένεια**  
δεν έχει **χρώμα**

η **δικαιοσύνη**  
δεν έχει **χρώμα**

η **απόρριψη**  
δεν έχει **χρώμα**

η **ανάγκη**  
δεν έχει **χρώμα**

η **απομόνωση**  
δεν έχει **χρώμα**

η **δυστυχία**  
δεν έχει **χρώμα**

η **αγάπη**  
δεν έχει **χρώμα**

η **γνώση**  
δεν έχει **χρώμα**

ο **πόνος**  
δεν έχει **χρώμα**

η **απαγόρευση**  
δεν έχει **χρώμα**

η **βία**  
δεν έχει **χρώμα**

## VI. AN ASSESSMENT OF THE ABILITY OF THE GREEK LEGAL SYSTEM TO FIGHT RACIST PHENOMENA

**B**efore these particularly alarming observations on human rights protection in Greece, the fact that in institutional terms, Greece has a series of legal instruments to fight racist phenomena indicates their typical ineffectiveness judging by the results in real life. This obvious conclusion is the origin of various opinions coming from many different sides on the need to reinforce the existing legal framework with more strict and effective arrangements or, as others purport, with provisions targeted to the expression and dissemination of dangerous and insulting ideas. It is clear that certain legal tools are not appropriate and on the other hand, it is necessary to add intelligent and efficient ones to legislation already there. However, it would be prevaricating to criticize the existing legislation as ineffective without interpreting the reasons for its shortfalls and failure.

When looking closely, it is obvious that the present increasing spread of discrimination or/and openly racist attitudes in society and the State is not the result of failed actions by competent state agencies to thwart it by applying existing legislation. On the contrary, real life shows that the reason for the present situation is, among others, the almost total –until recently at least– omission or practical failure to implement these measures no matter how compelling these are.

### THE (NON) APPLICATION OF THE “ANTI-RACIST” ACT

The first and perhaps the most typical case is the so called “anti-racist” act itself, namely Law 927/1979, as its existence in the legal system had minimal, if any whatsoever, impact on real social life; hence, it has been an object for inquiry by law makers rather than judges and the Police. It is indicative that through the whole thirty five years that this law is in force, there have been only a few cases which had not been closed and they managed to reach the courts; it is also notable that there has been only one conviction based on this law, which was later overturned by the competent Court of Appeals and the Supreme Court. This is the well known case of Constantinos Plevris, the head of various groups belonging to the traditional extreme right in the country, and author of the book entitled “Jews: The whole truth”. His final acquittal was based partly –and much probably, rightly, since it is a book and not a fiery speech in front of an exhilarated crowd– on the need to ensure freedom of speech in a democratic country. How-

ever, the members of the Court of Appeal and of the Supreme Court felt the need to characterize this work as “scientific and history” as it was considered that despite its overtly anti-Semitic and neo-Nazi content, was not against Judaism or the Jews but rather against the political conspiracy of “Zionists”. In a recent report it is rightly mentioned that the members of these Courts never showed any sensitivity to other instances of free political or artistic expression, especially in cases of “blasphemy”, usually accepting the claims of collectivities of bigots to stop for instance film shows, theatre plays and exhibitions. Although it is generally held that members of the Courts have democratic sentiments, it is generally estimated that at times *“there have been pockets inside the Justice system –criminal, civil and above all, administrative– where views referring to extreme conservatism are incubating”*.<sup>50</sup> The same study lists disputed court decisions allowing racist practice mostly against migrants, tolerating actions trivializing human personality as well as decisions allowing anti-Semitic and neo-Nazi discourse.

So, what one can readily conclude from the (non) application of Law 927/1979 is that the effectiveness of its provisions in practice has never been tested, except for the flagship cases of hate speech. However, even in this case, their effectiveness is undermined by a legal and moral and political condition, the boundaries set by the need to protect freedom of expression. The same conclusion, however, if taken further, brings to the surface a constant omission by Prosecuting authorities and the Police, since they have the responsibility to institute proceedings on their own initiative since 2001, to take action in cases where hate speech and racist verbal practices were not just expression of personal opinion or “scientific” historiography, but conduct aiming to incite violent criminal actions and/or insult the honour of others.<sup>51</sup>

Thirdly, in combination with the previous two conclusions, it is all justified to presume that the non application of this law has to do not only with the typical inertia of prosecuting authorities but also with the favouring or at least tolerating attitude towards these – and, if not towards these persons or their ways of conduct (as is probably the case for state officials linked to racist collectivities or parties), then for certain towards their ideological or political “coverage”. Also, it is much probable, as seen in the legendary fixed reactions by religious circles against the “anti-racist” legislation from the beginning, that is favourable inertia is maximized when the insult stems from a prominent church bigot belonging to the dominant religion of the country.

Finally, one may also reach the conclusion that this minimal application of Law 927/1979 that its ineffectiveness due to the legislation itself and not in the circumstances it has been applied lies within the so called continental system that it adheres to, that is, the strategy of intervening in the public dissemination of racist views, opinions and messages in general, in order to

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50 Study by the Rosa Luxembourg Stiftung on the Greek State Apparatus: Police, Army, Church, Courts, entitled “Mapping right extremist pockets and perceptions of xenophobia or racism in the Greek state” (2014) (in Greek) (<http://bit.ly/ZfN5hw>).

51 Suffice to remember the extremely vulgar personal insults by Elias Panagiotaros, now a Golden Dawn MP, outside the theatre where the drama play *Corpus Christi* was presented, against the director who is of Albanian origin, (<http://www.gazzetta.gr/politiki/article/333730-panagiotaros-teleiosate-poyst-r-kmpixtes>).

fight insulting and dangerous ideas thereby expressed. This is not an issue of moral and political nature but a practical one. This system promoted the indicative and symbolic punishment of ideas in the face of the people these are expressed, without being able to cut the wave of their dissemination that will continue easily as well as glorified under the halo of forbidden truth via modern day electronic communication. Most of all, it is the easy and dangerous for a democracy solution that allows someone to be seen as acting while in essence one does not even comes close to the real problem that requires more complex reaction and actions. This conclusion becomes even more useful practically in view of the very recent adoption of an “anti-racism” law which persists in the logic of Law 927/1979 (see below, An Afterword).

## **THE EQUAL TREATMENT ACT AND ITS FAILURE TO TOUCH UPON THE REALITY OF DISCRIMINATION**

In fighting discrimination using the tools provided by Law 3304/2005 there is greater institutional activity, which does not mean greater efficiency. First of all, judicial authorities underperform in making the best possible use of these provisions in the area of grounds of discrimination with the sole exception of extending the social benefits of maternity to guardian fathers. Even worse, whenever there was discussion for discriminatory treatment on ethnic and racial grounds, it was a disputed case of persons of Greek origin and certain privileges they enjoyed against other foreigners by the countervailing provision of the law. It was only in 2014 that the penalty provision was implemented for the first time in nine years, in the aforementioned case of a bus driver, employee of the Organisation of Urban Transportation of Thessaloniki who refused to provide service on racial grounds. Furthermore, the bodies assigned with the responsibility to monitor and control the law’s application, on the one hand the Equal Treatment Committee at the Ministry of Justice has ceased its operation while the Labour Inspection, on the other, shows with every opportunity its embarrassment for this assignment and its practical inability to contribute by carrying out efficient control and imposing penalties, for legal reasons. Controls are being carried out but their adequacy is a controversial issue as in the case of the farmers in Manolada. It is only the Greek Ombudsman that has remained active in investigating claims of discriminatory treatment, mainly in the public sector. It should be noted that the Ombudsman, pursuant to Law 3304/2005, is responsible to monitor the area of education, employment and administration of community services. As to other areas of administration such as the police, prisons, licensing, etc. the Ombudsman applies its general competence on protecting human rights.

As a consequence, even if victims would like to report instances of discriminatory treatment taking place in the country, remain unnoticed as the competent institutional apparatus remains inert. Even in the case of the Greek Ombudsman, effectiveness remains an issue. The real intensity of the phenomenon is not manifested in the fifty to sixty complaints per year as the numerous victims of discrimination do not know of their right to address the Ombudsman with such a complaint, or they have not the practical ability to do so. However, even if they knew of this right of theirs, only a few victims of discrimination feel safe to set such a procedure into motion, being, for instance, undocumented immigrants, because they are afraid of possible repercussions. Nevertheless, the work of the Greek Ombudsman through its annual Special

Reports<sup>52</sup> on the state of equal treatment in the country reveals structural and systemic discrimination by public administration against minorities, especially Roma people (ranging from violent demolitions of settlements to refusal to issue a certificate) and immigrants. As to the latter, it should be noted that according to the law exempts from the concept of prohibited discrimination the grounds of foreign citizenship. Even in the first Special Report in 2006 the Greek Ombudsman had noted that this exception on grounds of foreign citizenship, given the fact that the Greek citizenship constitutes a condition giving access to a large number of professions or eligibility to social benefits, it is possible to conceal massive violations of the principle of equal treatment on racial or ethnic grounds.

In any case, unfortunately, solving even the reported cases is extremely difficult, especially when it is linked to structural issues and unfairness by the administration as in the case of Roma. The administration has a large part in shaping this difficulty which often leads to inefficiency, as it remains unwilling if not hostile or reacts only on the basis of personal agendas of public administrators involved. Especially in the case of complaints against policemen, any level of efficiency is neutralized in turmoil of pretextual disciplinary controls, a guarantee for total impunity if no public scandal has occurred.<sup>53</sup>

## RACIST MOTIVATION AND ACTIVATION OF THE CRIMINAL PROCEEDINGS APPARATUS

The same favouring inertia and unwillingness has been exhibited until recently by the criminal proceedings apparatus in the case of applying the provision for racist motivation. Despite the often claim by claimants, especially when they are represented by dynamic civil society associations, this provision was almost totally out of use. During the last year, though, the situation changed completely.

Pressure put forth by the anti-racist/antifascist movement, civil society and the international public opinion, made the government, as already mentioned in the preface, to show interest for the uncontrolled spread of Golden Dawn and, mostly, the emboldened party members attacking immigrants almost everyday. Setting up the new specialised services in every Directorate of the Hellenic Police under the title “Anti-Racist Violence Departments or Bureaus” by virtue of Presidential Decree 132/2012, was combined with the appointment of a special Prosecutor who is responsible for collecting and monitoring case-files related to racial hate, so that it is made possible for people with the necessary know-how to investigate such motivation and attenuate bias that would impede for instance police officers, home grown with the perpetrators, to exercise impartiality in their duty. The greater boost, however, was given the day after Pavlos Fyssas was murdered, when the Minister of Justice initiated the procedure and then prosecuting mechanisms moved in concert against the leadership of Golden Dawn and its members who were involved in criminal actions. By now, most of the relative case-files that are still pending, make mention to this particular provision.

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52 Available at [www.synigoros.gr](http://www.synigoros.gr)

53 Cf. Special report by the Greek Ombudsman on disciplinary investigation of complaints against police officers, 2006.

It is true that following the Fyssas murder there was a storm of criminal prosecution initiated and its result, a drastic fall of public violent racist military type attacks that the GD had developed as its “symbolic” action was a relief (it is easily understood what may happen in case of their acquittal). The same general and preventive impact was the result of some symbolic sentences such as in the case of the bus driver in Thessaloniki, achieved by the Na.F.TH.A. platform. However, it is debatable whether it was the result of activating certain specific anti-racist provision. On the contrary, one could purport that it was the result of simple yet drastic and immediate activation of criminal legislation against violent actions after an extended period of embarrassment or favouring inertia of the prosecuting authorities. From this view point, the issue whether racist motivation is to be taken into account or not is comparatively less important.

## CONCLUSIONS

The critical conclusion to be drawn in this case is that the success of the attempt to fight racism is not due to the timely criminal repression of racist phenomena, especially through a specific “antiracist” provision, but rather to the simple activation of the State so as to fulfil its statutory role for social peace and safeguard of rights for all. Racism takes roots and develops on the spot where the State and its mechanisms withdraw. This stepping back may take the form of refusing to provide aid people needing it, especially when they are not of the “right” colour; above all it is stepping back from its role as a mechanism to solve social issues. In this case, everyone sharing racist views is a victim of this withdrawal of the State because it is this indifference for the real problems citizens do face, such as having to deal with a difficult every day contact with otherness in a deprived urban neighbourhood, which has pushed them closer to extremist far right groups.

This general conclusion confirms the situation in other critical areas of social action such as public communication or education. The procrastination in setting up the Greek National Council for Radio and Television, and settling the issue of the board’s term of office after a series of court decision contesting their legality, have thrown this independent authority into a state of complete disrepute. The expected result of its moral, political and maybe legal inexistence is the complete unaccountability of electronic mass media, the cannibalism of which we witness everyday. The total absence of the State as a regulator and a safeguard of rights is responsible for ensuring in this area too the almost unhindered dissemination of racism to all audiences. Respectively, the indifference of competent authorities relating to the content of school curricula and the formal and pretextual introduction of actions or themes (such as, for instance, an obsolete celebration of the International day against discrimination), leaves the impact of nation-centred and indoctrinating ideology of the Greek school system intact. In this field too, the absence of the State leaves the schooling process at the hands of teachers and professors or parent associations who are worrying with a national flair, especially in these school communities where no teacher or parent dares a rejoinder. What is a positive active perspective for the time being, is the increasing activation and self motivation of many collectivities, not because they are filling for the withdrawing state (which proved to be a strategy preferred by Golden Dawn) but because they move towards bringing the State back to its statutory role in mediating social tension and safeguarding freedom and equity for all.

## AN AFTERWORD: THE NEW “ANTIRACIST” LAW

While this report was being written, the Hellenic Parliament passed με ισχύη πλειοψηφία a new “antiracism” law on 10 September 2014, Law 4285/2014, which, according to its title, aims at amending Law 927/1979 and adjusting it to the decision-framework 2008/913/JAI dated 28 November 2008 on the combat of certain forms and manifestations of racism and xenophobia through penal law. This law appears to be not only a necessary modernization of the existing legislation in order to fight the rise of racism in the country but also, in a way as an “imposed” one by the international obligations of the country.

Indeed, these provisions are in concert with the continental “anti-racism” strategy to which EU has returned in 2008. Following the aforementioned Joint Action (96/443/JHA), determining specific guidelines and measures aiming at ensuring efficient international judicial cooperation, the EU Council with its Framework Decision 2008/913/JHA adopted specific guidelines to formulate a more efficient framework on combating certain forms and expressions of racism and xenophobia. Member states should abide to the content of this decision by 28 November 2010, although provisions of the Framework Decision include safety valves allowing member states to avoid adopting provisions that are contrary to their national constitution.

More specifically, specific offences were included as punishable, the obligation to provide for criminal penalties was determined for physical and moral perpetrators, aiding or abetting. Also, it was provided for that racist or xenophobic motivation on such conduct or actions are to be considered an aggravating circumstance, or, alternatively that such motivation may be taken into consideration by the courts in the determination of the penalties.

In this framework and during the last year, a new draft law has been submitted and then withdrawn several times. This “anti-racism” law extends criminal provisions of Law 927/1979 and adds new delictum suis generis for dissemination of insulting ideas such as the denial of the Holocaust. It is noteworthy that the Parliament’s procrastination of submitting and then withdrawing repeatedly this draft law was further accentuated by the fact that all parliamentary political parties, including the Golden Dawn, submitted their own version of the draft as a law proposal, making it clear in this way that it is still impossible to achieve a consensus on the content of such a piece of legislation. During the voting of the draft which was finally adopted, the absence of such a consensus was demonstrated not only the refusal of the total of opposition to vote for it, but above all, by the initiative of 38 conservative members of parliament belonging to the government majority. These 38 MPs, supported by nationalistic organisations and openly racist representatives of members of the Orthodox Church, threatened to vote against the law in case the destruction of the orthodox population of Asia Minor, and more specifically of the Pontus population was not included as a criminal offence along with the denial of the Holocaust. This netting demand has been accepted in the end, even if not solemnly as its supporters demanded.

It would not be fare not to admit that the new legislation includes several virtues compared to the one it replaced. In its first article and through a detailed and careful phrasing, it aims at punishing public incitement to violence, discrimination and violence against individuals on the

grounds of their “race, colour, religion, origin, national or ethnic origin, sexual orientation or disability”, and “in a way that endangers public order or constitutes a threat to life, freedom or physical integrity” of these individuals”. In the most pioneering way, to this list of discrimination grounds another one is added, that of “sex identity”, accepting thus a compelling demand by many LGTB organisations. It should be noted that special penalties are provided for legal entities where perpetrators participate or that are benefiting from their action, the special mention of hate crime through the internet and the facilitation of filing a complaint by the victims.

On the other hand, it would be hypocritical to silence the thoughts that arise from the addition in article 1 of the punishment of any incitement not to an act but only to “hate”, as a special crime. However, these thoughts and objections are articulated around article 2 which, although carefully formulated, reproduces and extends the pattern for punishing symbolic discourse, the main feature of the previous version of the law, and along with it, the dead ends it creates. More specifically, article 2 punishes everyone who “with intention, publicly, orally, through the Press, the Internet or any other way or means, disapproves, trivializes or maliciously denies the occurrence or the severity of crimes of genocides, war crimes, crimes against humanity, the Holocaust and the Nazi crimes, that have been recognised by decisions by international courts or of the Hellenic Parliament...”

The readiness of ultra conservative and nationalist circles to indicate as falling under this provision their political opponents who question the “heroic” reading of a national past, made evident a wide spread inclination to use this piece of legislation with belligerent purposes. However, this danger was not able to make legislators ponder over the compatibility of democracy with a legislation that regulates memory over the threat of criminal penalty, that aims not to the perpetrators of racist crimes but those who after all these years insist on not sharing the general moral rejection of atrocity and degrading treatment. It seems they have forgotten that in a democracy the courage and tolerance are being attested in its utmost by tolerance towards the intolerant.

So, despite all its improvements, this “antiracism” law, as is the case of Law 927/1979 which has never been put into practice, follow a pattern of fighting the dispersion of “insulting ideas” rather than fighting racist practices that are outpouring our everyday social life. It promotes the symbolic punishment of ideas on the face of those expressing them, without being able to cut down their dissemination, which would be easy over the internet, and hence offers them a “heroic” aspect.

However, we hope that it is clear by now that the need to fight racism in Greece is not an issue of symbolic punishment of insulting and dangerous speech but the return of state function in its statutory obligations of ensuring social peace and protecting everyone’s rights. This is an objective that cannot be served through criminal legislation but with complex strategic actions in the long term, aiming at reinforcing social cohesion and solidarity without exclusion and discrimination.



## VII. SUGGESTIONS AND PROPOSALS

It is our belief that these pages so far lead us to the conclusion that fighting racism in an efficient way depends on the reactivation of the role of the State as a public guarantor of social peace and cohesion on the one hand, and the rights of all on the other. We also stressed that the State's withdrawal allows for its substitution by the inhuman autarchy of racism hidden behind social solidarity "for Greeks only". Below there is a series of indicative approaches that could be undertaken by a strategy of how to fight racism efficiently, which does not rest upon dangerous paternalistic games to the detriment of democratic freedom of speech but aims at the core of the problem, that is ensuring social cohesion under the conditions of democratic freedom for all. This means that such a strategy can have full fledged results only within the framework of an expanded programme for political equality and, after all, social justice that can lead to eliminating or, at least, minimizing social injustice, the basic reason giving birth to racism. This is the reason why drafting this strategy is inevitably a source for optimism for the immediate success of such a venture.

### DISCRIMINATION

- Strengthening access to justice for victims of racism and discrimination. More specifically, for undocumented migrant victims and eye witnesses of racist attacks and provision of appropriate means for their protection such as suspension of arrest and expulsion decisions for victims who lodge a complaint, granting residence permit on humanitarian grounds, under protection for victims of trafficking.
- Fighting impunity of perpetrators of hate crimes and human rights violators. Impunity is to a large extent due to the fact that although tracing motivation on the grounds of ethnic, racial or religious hate or sexual orientation hate constitutes an aggravating circumstance, it is not taken into consideration by the police or the prosecutor in the criminal prosecution procedure. Only in setting a penalty does the court consider racist motivation. It is with this provision that criminal justice fails to determine and investigate in detail and punish perpetrators of hate crimes. So, the Greek State is called upon to set legal measures that will guarantee collecting evidence and effective prosecution.

- Provide long term and systematic training and education to police authorities and most specifically to the members of staff of the Anti-Racist Violence Departments or Bureaus of the Hellenic Police, aiming at fighting racist violence (Presidential Decree 132/2012). Training should be coupled with a very strict stance of the Greece State against police violence and arbitrariness.
- Setting up the 70 units against racism and the hot line for reporting racist incidents are more than welcome. However, these units should be attributed adequate resources. Moreover, their personnel should include members of staff speaking the languages that people reporting racist incidents habitually speak, and they should receive systematic and appropriate training on human rights and discrimination. Authorities are called upon to expand the mandate of these units so as to cover all forms of hate crime.
- Reinforce and expansion of the jurisprudence of the Prosecutor against racism in Athens and other regions so that the anti-racism law can be applied efficiently throughout the country.
- Provide appropriate training to Prosecutors and Judges on anti-racist legislation, hate crime and the report on racist motivation.
- Improving access to employment for specific minority groups, legalizing new types of employment posts and occupations such as garbage collectors (Roma). The Greek State should examine the way to legalize these informal types of employment, as this could be the first step to promoting skills, reducing unregistered employment and labour accidents, which may prove profitable for taxation and for the protection of workers' rights.
- The Ministry of Labour, Social Security and Welfare should develop much stronger initiatives in the private sector in order to face unregistered employment and to increase access to social security through strict control of the system and the labour market.
- Monitoring examples of discrimination in employment and setting up a special group. The Ministry of Employment, Social Security and Welfare is encouraged to set up a dedicated Observatory to collect adequate and trustworthy data, to monitor direct and indirect discrimination in employment, to publish reports and to plan and implement strategies on equal opportunities in employment.
- The Greek State should make sure that independent agencies such as the Greek Ombudsman, have at their disposal all necessary means to fulfil their mandate. Moreover, the State should impose the activities of all other agencies that are responsible for fighting against discrimination and for promoting equal treatment.
- The Greek State should take all necessary measures so as to ensure that all religious minorities are totally respected as their religious practices, and namely to acknowledge the existence of religious minorities in the territory and not just in Western Thrace.
- The Greek State should take all necessary measures so as to ensure that freedom of religious expression is respected, as are the religious practices of various religious groups.

## IMMIGRATION

- The Greek State should ensure that human rights of migrants are totally respected. Greece should respect the rights of migrants when they enter the country and ensure that they have access to humanitarian aid.
- Illegal migration should be decriminalized. Moreover, excessive use and harsh conditions of administrative detention of illegal migrants should be dealt with and end immediately.
- The Greek State should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>54</sup> and take measures to ensure that migrants, whose rights have been violated, can seek judicial redress.
- Re-examination of the legal framework for granting Greek citizenship, especially provisions on naturalisation and social integration of children of migrants' long term residents in the country or migrants' children born in Greece. The State should take all the necessary legal measures to safeguard the right of migrant children to education, citizenship and to acknowledge the right of second generation migrants – children of migrants to be integrated into Greek society.
- Establish political participation at local level for long residence migrants and adhere to the European Citizenship on Nationality (1997) and to ratify the European Convention for the Participation of Foreigners in Public Life at Local Level (1992).

## EDUCATION

- The Ministry of Education and Religious Affairs should develop and implement initiatives at all levels of school communities to raise awareness against discrimination and racism and to promote accepting diversity. These initiatives should address both students and educators. The Ministry of Education should also take measures for educators approving or implement direct or indirect discrimination.
- The State should take up legislation initiatives to eliminate acts, provisions and practices that support in a direct or indirect way discrimination in education: separating education from religious practice, designing the subject of religion as comparative religion and not catechism, systematically teaching European and international history, institutional and financial support to intercultural schools and reception classes, substantial upgrade of anti-racism education in all levels of education.

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

- Institutional protection of educators who teach accepting diversity and anti-racism within the approved curricula so that they can carry out their work without fearing anything.
- A firm and solid answer of the State to every racist or fascist threat in the school premises, regardless of its source.
- Teachers' Associations and teachers themselves, on the basis of the scope and objectives of education and curricula, should elaborate specific themes on xenophobia, racism, human rights. In order to have maximum effect, it is necessary for the fight against discrimination to transverse all education system in an holistic way and not to be restricted to targeted anti-racism programmes that due to their strict structure, fail to fulfil their aim.
- The school should "open up to society" so as to highlight the richness all children carry with them, whether Greeks and immigrants, boys or girls.
- Training of teachers to develop human values in their students such as cooperation, self respect, sympathy, acceptance, respect of others, solidarity.
- Teachers should deconstruct in all cases and not exceptionally of xenophobic and racism myths and prejudice that children carry with them from their families, the mass media and society at large.
- Teachers' associations should intervene so as to elaborate, according to local needs, ways and means to prevent racism and neo-fascism offering support to the work of teachers in each school.



## ■■■ HEINRICH BÖLL STIFTUNG GREECE

The Heinrich-Böll-Stiftung, based in Berlin, is a political foundation, affiliated to the Greens of Germany. It forms part of the Green Political Movement as this developed in Germany and around the world articulated around the basic pillars of ecology, sustainable development, democracy, justice and human rights, emphasising gender equality and human rights of minorities subject to discrimination and social exclusion. In June 2012 the Heinrich-Böll-Stiftung launched its activities in Greece from its seat in Thessaloniki; its aim is to deepen European integration and the Greek perspective in Europe through the strengthening of cooperation and dialogue; its ultimate objective being the promotion of alternative solutions and policies that lead the country to a sustainable socio-ecological development.



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