

european network against racism

# ENAR Shadow Report 2006

## ENAR SHADOW REPORT 2006

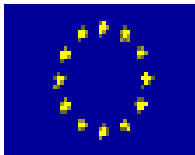
### RACISM IN GREECE

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*Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.*

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

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## 1. Executive summary

The 2006 shadow report is constituted of four main chapters where the most basic issues are developed; issues that concern discrimination and racism in Greece for the year 2006. Concisely, the chapters are as follows:

### 1.1 Communities vulnerable to racism

In this chapter there is an introduction to the situation of migrants, refugees, Roma, ethnic minorities and second-generation immigrants who are the groups that face discrimination.

### 1.2 Manifestations of racism and religious discrimination

In this chapter there is a view of the areas of: Employment is an area that the authorities are not taking serious steps to implement equal treatment. Greek citizens, minorities and immigrants face a very high level of discrimination, but the authorities are not making any serious efforts to change the status quo in Greek society. Accommodation is another crucial issue. The owners who rent their houses are often very suspicious and are not very willing to accept migrants, refugees or Roma. Education is becoming an issue for Greek NGOs that deal with issues of discrimination and anti-racism, especially with the rapidly increasing participation of the second-generation migrants in education. Approximately 60% of Roma are totally illiterate. In the area of health, one can see that immigrants that do not have a valid residence permit are excluded from the provision of public healthcare, unless and as long as they are at immediate risk of losing their lives.

The problem of policing and racial profiling of immigrants, refugees, minorities and Roma is an issue and it is exacerbated by the fact that the internal police audit control and investigations procedures often lead to the offenders' impunity. Racist violence and crime can be characterised as the most serious form of racist behaviour. This kind of act is normally carried out by people in positions of authority, the police, and a few of the incidents are carried out by ordinary Greek nationals. Access to goods and services is an issue that many people from Greek society do not consider to be a problem, mainly because when it comes to the public sector Greeks sometimes face similar issues as immigrants or Roma. On the other hand, the effect is not the same for these communities.

Last but not least, there is a clear improvement in the area of media coverage in Greece but the internet is still an area where there is no law to address internet

users and owners of web pages and support the rights of the groups that are being attacked.

### 1.3 Political and legal context

In this chapter, there is a view of the legal and political context in the area of anti-discrimination. During the year 2006 the Law 3488/2006 was voted in. This legislation transposed into Greek law the 2002/73/EK Directive of the European Union. The main points of this law are discussed in this section.

Recommendations:

- There is a need for a stand-alone piece of legislation in the Greek law, which would specifically focus in anti-racism. An anti-racist law, which will state of course the expressions and actions of racism and will protect sufficiently the victims and the witnesses while it will also state stricter sentences for perpetrators.
- The laws, which incorporate Community Directives, should not simply meet the obligations that Greece has as a member of the EU but should be improved also in order for other vulnerable social groups to profit from them.

In the area of migration and integration we review the fact that the Greek State does not have any migration policy, yet. In this section we discuss the campaign, “No to racism from the baby’s cradle” that concerns second-generation immigrants and the trafficking of migrant women for purposes of coercive prostitution.

Recommendations:

- Legalisation regarding all immigrants who are in Greece without conditions and without their residence permit, to be depended on their employment status.
- Greek citizenship to be granted to the children of immigrants, who were born in Greece.

In the section on criminal justice, we discuss racism as a crime and the absence of provisions under the existing law; counter terrorism and the kidnappings of immigrants from Pakistan, who claim that Greek and British secret service agents kidnapped them in an unknown locality and interrogated them immediately after the bombing attacks in London.

Recommendations:

- The categorisation of crimes as racist when they are committed with this motive and to be tried more strictly by those of the penal code.
- Programmes for the protection of witnesses and victims specifically with regard to crimes that are related with trafficking.
- Not to connect nationality, religion and political convictions with terrorism.
- Not to use as means of intimidation the suspicion of connection of a person with terrorist energies without cogent proofs.

Also in this section, we discuss racial profiling in which the described profile often reported is that of criminality and social inclusion according to the "National Report of Strategy on the Social Protection and Social Integration 2006 -2008", which was published in September 2007 and is the responsibility of the Ministry of Employment and Social Protection.

Recommendations:

- Not to connect the social profile of an individual with his/her actions.
- To treat the defendant of an unfair action as innocent unless and until proven otherwise, after a fair trial.
- To let vulnerable socially groups participate in the making of decisions that concern them, with the right to speak and vote
- Grant immigrants who hold long-term residence permits the right to vote in the municipal elections.

## 2. Introduction

Greece is still suffering from issues of racism and discrimination. Greek NGOs stated that problems of racism and discrimination are persisting. Immigrants, refugees, minority groups and Roma face a lot of problems and do not feel that they are treated equally to other Greek citizens.

During the year 2006 the Law 3488/2006, "Application of equal treatment for men and women with regard to the access in employment, professional education and evolution, in the terms and in the conditions of employment", was voted in. The above law transposed into Greek law the 2002/73/EK Directive of the European Union. Also during the same year, there was the Presidential Decree 150/2006 came about, which concerns the status of long term residents in Greece. Through the introduction of this Decree the national law now conforms to the European Directives.

The 2006 shadow report comprises a total of eight chapters including an introduction, conclusion and executive summary. The main chapters are chapters IV, V, VI and VII. In chapter IV we look at the communities, which are most vulnerable to racism in Greece. Those are the Roma, immigrants and refugees, ethnic minorities and second-generation immigrants (children born in Greece of immigrant parents). In chapter V we examine all the specific problematic areas in relation to racial discrimination such as employment, housing, education, health and we consider a special report on the media and the internet. Chapter VI reports on the political and the legal context by discussing issues that have to do with anti-discrimination, migration and integration, criminal justice, racism as a crime, counter terrorism, racial profiling and social inclusion. Finally chapter VII includes the national recommendations made on the above issues.

### 3. Communities vulnerable to racism

Racial discrimination is still an issue faced in Greek society. The communities, which are vulnerable to racism, are migrants and refugees, the Roma community, ethnic minorities and second-generation immigrants.

#### 3.1 Migrants and Refugees

There is no exact data for the number of immigrants and refugees who reside in Greece today. According to the National Statistics Department of Greece (NSD), in 2001 there were 797 093 immigrants. Yet, the true population of migrants in Greece has not been calculated accurately as there are some estimates that migrants of all categories have never been accounted for. Their population was estimated to be between 75 000 and 225 000 people, which adds up to a total population of immigrants in Greece, somewhere between 870 000 and 1 000 000.<sup>1</sup> 61,8% of those immigrants are from Albania.<sup>2</sup> This is why they are the most vulnerable group to racial incidents. Albanians, due to the proximity of the country borders, for historical reasons and the fact that they are sometimes involved in criminal incidents, are generally viewed as criminals by the Greek Society and are victimised easily on many occasions.

Asians and Africans are generally disrespected with the view that they are poor people who came to Greece to find “easy money”. Most of the migrants who come from these countries work on the streets as vendors. This is annoying for the Greeks who, despite the fact that they are buying things from them, accuse them for taking over their jobs or being responsible for unemployment. However, figures prove that migrants are responsible for producing 2.7 percent of Greece’s GDP. According to statistics included in a study, migrants have helped to create more jobs and improve the competitiveness of Greek products.<sup>3</sup>

Refugees face the same problems throughout Europe. The number of asylum applications made in Greece in the year 2006 was 11 085 and the number granted asylum was in the same year was 64, according to the report from the Antigone Information and Documentation Centre.<sup>4</sup>

#### 3.2 Roma community

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<sup>1</sup> PAKAVOS, 2003.

<sup>2</sup> [http://www.statistics.gr/StatMenu\\_eng.asp](http://www.statistics.gr/StatMenu_eng.asp).

<sup>3</sup> <http://www.ekathimerini.com/4dcgi/news/content.asp?aid=84828>

<sup>4</sup> <http://www.antigone.gr>

The Roma community mostly lives in the countryside of Greece and because of their work (they are mainly in agricultural jobs) they move around Greece. In Athens they are based in the municipalities around Athens such as Agia Varvara and Ano Liosia and mainly in the western part of the city. They live under social exclusion and discrimination.

Roma people are one of the minorities who have suffered a lot in Greece. They are often the victims of racist crimes and prejudice because of their way of life. They remain the most marginalised social group in Greece. Their nomadic way of life, their beliefs and religion are sometimes characteristics of which Greek society does not approve. They officially remain invisible for the authorities who are not willing to develop policies which would permit Roma to live in conditions of equal rights and opportunities and to have access to goods and services. As stated by the Commissioner for Human Rights of the Council of Europe Mr Alvaro Gil-Robles on 29 March 2006, local politicians and local authorities are not ready to use even State funds that are proposed to them for the benefit of the Roma, so as not to be seen by their voters as accepting the permanent settlement of Roma in the municipality or, “worse”, attracting additional Roma.<sup>5</sup>

### **3.3 Ethnic Minorities**

The Muslim minority in Thrace is officially recognised by Greece as a religious minority but most of those people are of Turkish origin. For the last years the situation has improved tremendously, even though not all problems have been resolved. There seems to be a retreat from both sides in terms of prejudice and verbal attacks. Another minority group in Greece is the Pomaki, who also live in Northern Thrace and are Muslims, and the so-called Macedonian community that live in northern part of Greece. The latter group is the one who is facing most of the suspicions both by government and the rest of Greek society and they are targets of prejudice and discrimination on the basis of their beliefs.

### **3.4 Second Generation Migrants**

The issue of second-generation immigrants in Greece is one of the most delicate matters where racism is concerned. Foreign children who are born in Greece do not receive birth certificates and cannot acquire Greek nationality. From the day they are born until they are aged 15, they are under the residence permit of their parents. After the age of 15, they are required to attain their own residence permit. At 18, if they are without employment which is a prerequisite in order to apply for the residence permit, they are refused a permit to stay in Greece and are told to leave the country. The first large wave of immigrants started to arrive in Greece in the 90's. Today, after 16 years, children who came with their parents

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<sup>5</sup> <http://www.errc.org/cikk.php?cikk=2680&archiv=1>

or were born during that time start to face problems with their residence permits. For the first time, children realise that they immediately become foreigners when they reach 18 years of age.

## 4. Manifestations of racism and religious discrimination

### 4.1 Employment

For years a large part of Greek public opinion believed that migrants were the cause of high unemployment and that they were taking away jobs meant for the Greeks. All surveys<sup>6</sup> carried out indicate however that migrants are in jobs that Greeks do not want, such as farm jobs, nursing and housekeeping. In these areas they work more than is stipulated by the law, they are paid less than the lowest wages, they work overtime, on weekends and on public holidays without additional wages and often without any insurance coverage.

Many migrants are well educated but it is not possible for them to find a proper job. The most important thing is that their work permit is fully dependent on their residence permit which means that they cannot leave their work because they risk losing their residence permit, which in turn might oblige them to leave the country. Moreover, among various pre-requisites provided by law n.3386/2005, in order to be allowed to start a business a € 60 000 bank deposit is required. Employment is an area in which the authorities are not taking serious steps to implement equal treatment. There are several actions that violate the new provision of equal treatment in employment. This is an area where Greek citizens, minorities and immigrants face a very high level of discrimination, but authorities are not making any serious efforts to change the status quo in Greek society.

The report from the Advocate of the Citizen<sup>7</sup> includes the following example. A migrant woman was hired by a music high school after applying for the position and an interview. She was fired because she did not have Greek nationality. The woman went to court. She managed to postpone her dismissal from the Peripheral Management of Primary and Secondary Education in Peloponnesus and now she awaits the final decision of the court. This could not be dealt by the Advocate of the Citizen because there is yet no decision on the case.<sup>8</sup>

### 4.2 Housing

Accommodation is another crucial issue. Owners who rent their houses are often very suspicious and are not very willing to accept migrants, refugees or Roma. The problem of housing in Greece affects mostly Greeks of Roma origin. Many Roma especially live under bad conditions without access to hot water, electricity or an inside toilet. The dimension of their situation is such that one can look at it

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<sup>6</sup> [www.statistics.gr](http://www.statistics.gr)

<sup>7</sup> [www.synigoros.gr](http://www.synigoros.gr)

<sup>8</sup> Case 19747/2005, [www.synigoros.gr](http://www.synigoros.gr)

as a deliberate behaviour of the authorities towards unwanted people or second-class citizens who they consider do not deserve to be housed. The majority of these people are dwelling in make-shift homes which do not have the proper sanitary requirements and they are thereby prone to all kinds of diseases. Those who try to acquire houses are subjected to unequal treatment or are offered industrial sites, rubbish dumps and unhygienic areas in which to live.

“The housing programme addressing the Roma community members, through bank loans under-privileged terms, represents a positive trend of the last years, and a major change in relation to the years 2000 and before. However, there is a low rate of approvals and effectively loans granted are thus not corresponding to the Roma housing needs. Furthermore, there are accusations of mismanagement of such funds and of loans not ending up in the hands of their lawful beneficiaries.”<sup>9</sup>

### **4.3 Education**

Education is becoming an issue for Greek NGOs that deal with issues of discrimination and anti-racism, especially with the rapidly increasing participation of the second-generation migrants in education. Unfortunately, this participation is accompanied by an ever larger drop-out rate, which remains higher for immigrant children compared with the total students population in primary and secondary education, though this is not attributed to school performance. According to Miltos Pavlou, “Isolated incidents of exclusion and discrimination against them are recorded, especially in relation to national festivities and parades, mainly due to the strongly ethnocentric aspects of Greek education.”<sup>10</sup>

The main issues raised during the past years were one, the prohibition of enrolment of children of undocumented immigrants, later on withdrawn due to the Ombudsman’s intervention; and two, the question of whether foreign should carry the national flag during school parades. The latter issue provokes negative reactions at the local level every year.

“The state intercultural education consists of providing language support by specialist teachers and is implemented only in 26 intercultural schools operating throughout the country. It serves the needs of the children of over a million of immigrants. Measures for immigrant children in school do not challenge the structural and systemic role of the education system in Greek society, still based on exclusion rather than inclusion and on ethnocentrism rather than multiculturalism.”<sup>11</sup>

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<sup>9</sup> Paulou Miltos HLRM-KEMO ANNUAL REPORT 2007 Racism and Discrimination against Immigrants and Minorities in Greece: The State of Play.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

Approximately 60%<sup>12</sup> of Roma people are totally illiterate. There are a lot of reason why this happens: schools are very often far away from their residence; the phenomena of racism in school; the fact that many Roma families must move often so children do not have permanent accommodation; and the feelings of non-Roma pupils and their parents that Roma children are not acceptable . The problem is largely due to the fact that Roma children of a particular area are scattered among many schools in order to avoid the 'degeneration' of a school because of an 'excessive concentration' of Roma children there.

### Examples of NGO Good Practice

The Greek NGO “Social and Educational Action” established the “Support Centre for Children and Family” in 1997. The Centre is located in one of the poorest areas of downtown Athens (Kolonos) and provides direct services through the Children’s Day Centre, the Youth Centre and the Family Centre. They support children and families of ethnic or religious minorities in their social and educational integration. The Support Centre runs three different projects:

- a) School Integration Programme for pre-school and school children: school registration; preparation lessons for school; follow up and psycho-social support; creative workshops (painting and storytelling); and daily provision of meals.
- b) Social Integration Programme for adolescents and young adults: Elementary School Certificate Programme; Labour Market Integration Programme; Video and Photography Project; Music Project; and a Creative Workshop.
- c) Family Counseling and Guidance Programme: Legal Counseling and Guidance (civil rights and obligations, state allowances, school registration, health services); Individual and Family Guidance (personal and family empowerment concerning parental roles, motivation for school integration, health issues).

## 4.4 Health

Immigrants that do not have a valid residence permit are excluded from the provision of public health, unless and as long as they are at immediate risk of losing their lives. Some of them are afraid to visit the public hospitals because the relevant social service of the hospital should report them to the police.

Migrants who hold a valid residence permit have similar rights to those of Greek citizens for a narrow field of social protection, namely provisions for natural disaster victims, but they are not eligible for regular disability and subsistence

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<sup>12</sup> [www.antigone.gr](http://www.antigone.gr)

welfare programmes, which are connected to Greek citizenship and/or ethnic origin.

The state of Roma health is perilous because of their bad living conditions. Approximately 80% of Roma are entirely without social security. The only treatment available to them is that for people without means, which means they can resort to public hospitals where they are not welcome and are not treated like the rest of the patients. However, even a certificate showing they are without means is difficult to obtain. In these cases, hospitals demand certain fees which they attempt to extract by seizing Roma's identity cards. The result is that even those Roma who had them are deprived of their identity card, which is essential for their transactions.

#### **4.5 Policing and racial profiling**

The problem of policing and racial profiling against immigrants, refugees and minorities is exacerbated by the fact that the internal police audit control and investigations procedures often lead to the offenders' impunity. Only in a very small and insignificant number of cases has the investigation led to disciplinary measures, while in the absolute majority the complaint cases close as unfounded.

A survey that was published in 2006<sup>13</sup> and based on interviews with Greek police detectives, indicates the attitudes of Greek police towards migrant communities and racist violence. The survey demonstrates that not only are migrant communities, particularly the Albanian community, viewed as hot-beds of crime, but racist violence against these communities is not perceived as a significant problem by the Greek police. The latter is usually indifferent to racially motivated crimes and often view racist incidents as acts of self-defense by Greeks against the criminal 'other'. This attitude is most common to the police officers and of course it represents a big number from the Greek society.

#### **4.6 Racist violence and crime**

Racist violence and crime can be characterised as the most serious form of racist behaviour. This kind of act is normally carried out by people in positions of authority, the police, and a few numbers of incidents are carried out by ordinary Greek nationals. Most of the police officers, as stated above, think that migrants are not part of Greek society and can be treated badly by them without them having to answer to anyone because no serious authority would waste time in reprimanding them because of their actions towards migrants.

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<sup>13</sup> Antonopoulos G.A., Greece: policing racist violence in the 'fenceless vineyard', *Race & Class*, Institute of Race Relations Vol. 48(2): 92–100, <http://rac.sagepub.com>, 2006.

Negative stereotypes against minority groups and the legitimisation of racial violence have proven to be difficult to extinguish. A football game between Greece and Albania readily sets off racist tensions that lead to clashes between Greeks and Albanians and even murders. The murderer of a 20 year old Albanian immigrant in Zakynthos after the 2004 football match between Albania and Greece was condemned to life imprisonment in mid-2006, although the court has not taken into account eventual racist motivation.<sup>14</sup>

What raises concerns is that the episodes cannot be attributed to a few nationalist and fascist groups, but that they are legitimised through a mainstream anti-Albanian attitude, tolerated or shared by a large proportion of Greek society.

#### **4.7 Access to goods and services in the public and private sector**

This is an issue that many people from the Greek society do not consider to be a problem mainly because when it comes to the public sector, Greeks sometimes face similar issues as immigrants or Roma. On the other hand, the affect is not the same when it comes to these communities. Cases like the ones mentioned in this section are normally taken lightly and perceived as not being a big deal. For those whom it affects, however, it is a big deal.

Once more in 2006, there was a complaint made to the Advocate of the Citizen from a Greek citizen which had to do with a delay from the relevant service in the municipality of Zefiri to submit to her a certificate of property (TAP) in order for her to use it in a transaction where the buyer was a Roma citizen. The same complaint has been made by others with regard to the same Municipality and the Municipality of Ano Liosion. Both these municipalities are areas where the Roma population resides. The Advocate of the Citizen believes that this is a method employed by the municipality to discourage sellers from transferring property to Roma citizens.<sup>15</sup>

Another case relates to the birth certificate for children of immigrants who are born in Greece. The Pan—Hellenic Network of women and the Union of African Women have filed a report to the Advocate of the Citizen stating that this is a case of racial discrimination towards the children of the immigrants from the relevant service and the State. They reported that the relevant services do not give the birth certificate to the children who are born in Greece and whose parents are immigrants. This is resulting in problems when they have to register their children in day-care centres, schools and with many bureaucratic procedures that are involved in the process of their reaching adulthood. The Advocate of the Citizen examined the case and they stated that this happens according to law 3304/2005, article 4, paragraph 2 which states that only

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<sup>14</sup> Athens Indymedia, 7.05.2006.

<sup>15</sup> Cases, 1956/2006, 11255/2006 [www.synigoros.gr](http://www.synigoros.gr)

permanent residents of Greek nationality can be listed in the municipalities and the communities' municipal rolls. The Advocate of the Citizen decided to proceed in a further intervention since they can not do anything to change the law.<sup>16</sup>

## **4.8 Media, including the internet**

### **4.8.1 Racism online**

Internet usage in Greece started to boost in the last few years. The users reached 3 000 000 in 2006 which is a huge number for Greece.<sup>17</sup> Unfortunately, this is another area that is involved in racist opinions and behaviour. There are several web pages and blogs from fascist and racist groups that broadly announce their beliefs to a large group of Greek internet users. These web pages mainly belong to far right organisations like "National Front" <http://www.symmaxia.gr> and "Golden dawn" <http://www.xrushaugh.org> and sometimes to normal groups of people who just state their racist beliefs through the internet with clubs and forums like [http://clubs.pathfinder.gr/patr\\_symmaxia](http://clubs.pathfinder.gr/patr_symmaxia).

The problem is that there is no law to address the internet users and owners of web pages and support the rights of the groups that are being attacked by these web pages and there is no control or proper input by the Ministry of Press. The right to freedom of speech is used from these groups as an excuse when they are critiqued for their racist opinions.

### **4.8.2 Media**

During the year 2006 there was a clear improvement in the area of media coverage in Greece. There were a lot of efforts from journalists together with NGOs to cover and report news which referred to socially excluded groups, with sensitivity. It seems that the united efforts of many NGOs and individuals that deal with human rights and anti-racist issues have improved the previously bad situation of media reporting in Greece.

Unfortunately though, the vast majority of the media is still publicising the nationality of the suspects of crimes when they are not Greeks and they continue to report unknown perpetrators as foreigners without correcting the reporting when the real perpetrator is found to be a Greek.

The media is a strong ally and enemy when it comes to human rights and the anti-discrimination movement. On the one hand, they can present and change that public's opinion with numerous reports, presentations and documentaries of the friendly 'other' and on the other hand, they can present a negative stereotype

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<sup>16</sup> Case 2298/2006 [www.synigoros.gr](http://www.synigoros.gr)

<sup>17</sup> <http://www.in.gr/news/article.asp?lngEntityID=762721&lngDtrID=252>

of the socially excluded groups. The ratings in most cases are valuable for journalists.

There is the case of the private television channels where presenters introduce and make far-right activists acceptable through inviting them often to state their opinion. On the other hand, they have no real representation from the socially excluded groups and there is no dialogue.

The positive thing is that there are a lot of communities who now have access to the media. A lot of socially excluded groups have been broadcasting on the radio over the past year and national radio and television have generally offered opportunities to migrant communities to become a little more visible. There is the national radio which has special broadcastings from communities in their own language and the municipality's international radio which is broadcasting in English and there are numerous broadcasters from many nationalities that have radio shows in their own language.

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

The Greek Forum of Migrants has launched a web page [www.migrant.gr](http://www.migrant.gr) which informs the public on issues that concern the migrant communities in English and Greek and they are in the process of translating the page in Arabic, Albanian, Bulgarian and Russian. Also, they have organised an event together with the director Marcos Gastin where numerous of journalists working in migrant newspapers and representatives of the Greek media were present and discussed the stereotypical representation of the immigrant by the Greek media.

There are also numerous other web pages launched by NGOs and two to three communities that inform the public about similar issues. Also, there are web pages from organisations such as Cosmos of Culture, [www.cosmosofculture.org](http://www.cosmosofculture.org) which present the multiculturalism of Greece

## 5. Political and legal context

At the political level, the conservative government of New Democracy follows the policies of the previous governments with wishes and promises for mapping out for example, the national immigration policy based inter alia and mainly on the needs of the Greek State, but without taking essential measures or initiative beyond the laws that incorporate the Community Directives; besides, this is the obligation of the government.

### 5.1 Anti discrimination

During the year 2006, Law 3488/2006, "Application of equal treatment for men and women with regard to the access in employment, professional education and evolution, in the terms and in the conditions of employment" was voted in. The above law transposed into Greek law the 2002/73/EK Directive of the European Union. The main points which concern discrimination follow.

As form of discrimination on the basis of sex, the law determines as unfavorable the different treatment to a woman because of pregnancy or maternity. Also it a parent makes use of the parental sabbatical for bringing up his/her child, this is not regarded as favourable treatment. Another important aspect is that the law does not consider/recognise as discrimination, the reception or maintenance of positive actions, which aim to obliterate the effects of discrimination that exist. Finally, it is recognised for the trade-union associations and the legal entities that have legal interest, the possibility (provided that the offended agrees), to practise his/her rights and to intervene in his/her favour in front of the jury.

The passing of Law 3304/2005 on the "Application of equal treatment independent of racial or nationality origin, religious or other convictions, infirmity, age or sexual orientation" allowed for the Advocate of the Citizen to be the overseeing authority. The systematic recording of violations of equality and human rights that concern Greece commenced in 2006. According to the publicized elements of the 2006 annual report, the Advocate investigated 51 reports that had raised questions of discrimination.

- 10 reports were solved successfully;
- 27 reports are pending;
- Three were archived due to the rejection of the proposals of the Advocate
- Nine were also archived as unfounded
- Two were filed because 'non relativity' (i.e. a relative trial is pending).

The following example is included in order to report a characteristic example of racial discrimination:

A large and vulnerable group of the population, which often suffers discrimination, is that of the Roma. Usually the problems that concern them have to do with issues of accommodation, education and employment. The Advocate of the Citizen and a lot of NGOs are recipients of claims on behalf of this population specifically for questions that concern their expulsion from their lodgings. Usually the municipalities, in which they reside, are the ones that create obstacles and discriminate against them. Concretely the Greek Advocate many times has informed the public on the tactic<sup>18</sup> of the Municipalities of Liosion and Zefyriou which do not grant the essential papers for the purchase of a house when the purchaser is Roma so as he/she and his/her family shall not become citizens of the Municipality.

Greek NGOs very often become recipients of reports and complaints from victims of discrimination, which may these concern a person or a group of people. An important point is that in a lot of cases of violations that concern an individual person, unwillingness to advance the case further in the penal prosecution process against the person responsible for discrimination is observed, mostly because the individuals concerned are afraid that they will lose their job. With regard to their contact with public authorities, they fear that they might not be served again. Women seem less willing to publicise the fact that they have been victims of discrimination and more generally they do not participate as actively in common initiatives that concern such questions. Also a point of friction between NGOs and the State is the unwillingness of the latter to converse with them and to discuss their proposals on the subject of discrimination. There is a lot of work and co-ordinated effort needed from many NGOs particularly on the occasion of an exceptional case, in order for them to ensure that the State will listen to their voices. An exception where there is good collaboration is with the Advocate of the Citizen which is, however, an administrative authority independent of the State.

## **5.2 Migration and integration**

As already stated, the Greek State does not have any migration policy. Basic and important laws just like the Code of Nationality still deal with issues as if there is not a migrant in the country. With this political context, the majority of migrants are under the status of “a hostage” because with the long and hard procedure of applying and receiving a residence and work permit, many years go by until they actually receive the final paper and start to integrate normally into Greek society. The State designates the second-generation migrants - children born in Greece - as “immigrants” and does not recognise their bond with the country because of political or other purposes.

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<sup>18</sup> [http://www.synigoros.gr/diakriseis/upotheseis\\_roma.htm](http://www.synigoros.gr/diakriseis/upotheseis_roma.htm)

In 2006 we had the Presidential Decree 150/2006, which concerns the status of long term residents in Greece. With this Decree the national law is conformed with the European Directives, regardless of the difficulties in adopting it. These difficulties exist because according to the Greek Legislator any adoption of the Directives should indulge the minimum of the obligatory articles without upgrading the law or offering something more. For example, the obligation of the immigrant in order to have the right to apply for long term residence permit, is that he/she prove that he/she knows the Greek Language and culture but there are no appropriate structures from the State in order for the immigrant to receive this education.

The year 2006 was also the first year for the application of the new Law 3386/2005 for migrants in Greece. There were many problems again like the previous years and it seems as if the problems remain the same. Examples include the lack of experienced employees in the relevant services for migrants, the bureaucracy, the attitude of the employees towards the immigrants and the misinformation about the procedure or the process of their cases.

With regard to refugees and asylum seekers, the long-lasting problems that are related to the effective exercise of their rights and the process of it, still continue. The process remains unknown for those who are eligible, there are no suitable personnel in the services and informative material in order for them to get informed for their rights in the points of entry in the country is missing. Meanwhile, the precise numbers of persons that are repatriated, because they passed the borders illegally are unknown and no record is kept.

#### Campaign “No to Racism from the baby’s cradle”

The Campaign has as its purpose to collect signatures in order to press the Greek State to give birth certificates to the children of the immigrants who are born in Greece. Also they ask for the change in the law so that all children who are born in Greece, regardless of their parent’s nationality, will be able to have the Greek nationality. The initiative committee of the campaign is constituted of 40 NGOs while it is supported by the General Confederation of Workers in Greece. It is calculated that the children who were born in Greece are roughly 200 000 in number and while they have not known any other homeland they are treated as citizens of second category while on reaching adulthood, they are compelled to enter into the process to acquiring residence and work permit.

The campaign, amongst many requests, asks that:

- The Code of Municipalities and Communities be modified so that the children of the immigrants are immediately registered in the municipalities, where they are born.
- The Code of Citizenship be modified so as to grant Greek citizenship from birth or after a person spend three years in the Greek education system.

- Measures for the integration of immigrants be promoted and specifically for the support of the second-generation with policies that would exclude phenomena of racism and xenophobia.

### Trafficking of migrant women for forced prostitution.

According to the reports of International Amnesty, trafficking of persons for forced prostitution in Greece is believed to have been multiplied by ten in the past decade. The large majority of cases concerns girls and women from countries of Eastern Europe and countries of Africa. Not only are their rights violated by the slavers but also there are serious gaps in the Greek legislation that result many times in the perpetrators remaining unpunished. The victims are faced with no respect while they are in danger of reprisal from their tradesmen because there is no effective programme for the protection of witnesses or the possibility of relocation to another country.

## **5.3 Criminal justice**

### **5.3.1 Racism as a crime**

Regarding Criminal Law there are no provisions especially for such matters although there is Law 927/1979 as amended by Law N.1419/1984, Law 2910/2001 and the above-mentioned Law 3304/2005, entitled "On punishment of acts or activities aiming at racial discrimination".

Concretely in the article 16 (Law 3304/2005) it is reported that, "whoever forces the present law's prohibition of discreet treatment on reasons of nationality, of racial origin or religious or other beliefs, infirmity, age or sexual orientation, at the exchange disposal of goods or services to the public, is punished with imprisonment of six months and with the pecuniary sentence of a thousand to five thousands Euros".

Evaluating the particular provision of law, firstly it is judged as positive however is not as strict as it would be supposed for the rejection of racist violence while it is limited to labour relations and not in all spectrums of relations. A serious confrontation would be the passing of a clearly anti-racist law that would fully cover the term racist crime.

In the beginning of 2006, precisely on the New Year's Eve, there was a racist crime of hate, which took place in the town of Rethymno in Crete. Endison Jahai, an Albanian national aged 17 years, was stabbed to death by a group of Greeks, that earlier had been bothered because someone from the group of the young Albanian wore a top with the Albanian flag. Often in the past, some of the perpetrators had shouted racist remarks and names passing outside his house. On this particular evening they broke into the house of the young Albanian, beat

his father and killed him. The local society reacted dynamically with rallies and events of support to the immigrants of the city. Also it is reported that only serious crimes become known and these via the Press while there is no official data that would record particular crimes, which are usually tried with the common provisions of the Penal Code.

### **5.3.2 Counter terrorism**

The case, which continues to be discussed by Greek common opinion, concerns the kidnappings of immigrants from Pakistan who live and work in Greece. They have claimed that agents of the Greek and British secret services had kidnapped them in an unknown locality and interrogated them immediately after the bombing attacks in London. The charges had come out in the publicity through the initiative of the Chairman of the Pakistani Community in Greece, Javet Aslam, who in the year 2006 faced numerous accusations, that concern "illegal immigration" while also Pakistan authorities asked his extradition to Pakistan with vague arguments. A lot of Greek NGOs point out that these accusations concern juridical harassment against him after he had denounced the kidnappings of his compatriots.

The Ministry of Public Order via statements of the responsible Minister, denies any affair while they systematically defame those who are involved and they present the kidnappings as "internal conflict", which concerns the members of the Pakistani Community in Greece.

Even though Greece never had terrorist bombings attacks like the those seen elsewhere in Europe, it has had its share of domestic terrorist activities in the past that actually cause Greeks to be afraid, despite the good relationship that Greece enjoys with the Muslim world, and they show a lot of concern when it comes to terrorism. The State is taking advantage of the public concern for security and has gone out applying different kinds of methods widely seen as discriminatory and in violation of basic human rights.

### **5.3.3 Racial profiling**

A area in which the described profile is often reported, is that of criminality. In a lot of cases of offences or crimes in which the perpetrator is not known, one can see that the phrase "likely the perpetrators is a foreigner" is used, specifically in the mass media. In reports from NGOs and also independent authorities on the creation of negative stereotypes with regard to the immigrants but also the creation of a feeling of insecurity in the general public, the mass media answer that they simply transmit the information from the police bulletins as it is given to them by the Police. Of course, in the case where the perpetrator is found and is not a foreigner and the offence is not serious, there is never a correction of this so the erroneous impression of the high criminality of "the foreigner" remains. Moreover, in cases of foreign perpetrators, his/her nationality is stressed

continuously but not his/her full name; of course, that does not happen when the perpetrator is Greek.

## **5.4 Social inclusion**

According to the "National Report of Strategy on the Social Protection and Social Integration 2006 -2008", which was published in September 2007 and responsible Ministry is the Ministry of Employment and Social Protection, with regard to the integration of sensitive social groups, the main points are following (it concerns people with special needs, immigrants and individuals with cultural/religious particularities):

### **5.4.1 Axes of intervention**

- a) Fighting of discrimination - briefing and subscription of particular groups - sensitisation of society
- b) Access in the employment with terms equivalent with the rest of the population
- c) Equivalent access in Education and Training
- d) Equivalent access in infrastructures, goods and services
- e) Growth of completed also cohesive interventions - horizontal interconnection of policies

### **5.4.2 Statistical follow-up and evaluation**

For the first time officially a government owned institution admits ,and in particular the responsible Ministry, that "the statistical follow-up and the assessment of repercussions of action that concerns the population with disabilities and those who are characterized from cultural/religious particularities present enough difficulties and restrictions. The available elements that are used at the planning and the readjustment of policies emanate in their majority from ad-hoc empiric studies or statistical researches ".

With regards to the financing, in which these groups can have access or those that concern more generally the sensitization of the society and the facilitation of briefing of particular groups of population, these are materialised in collaboration with Social Partners and NGOs via national initiatives<sup>19</sup> but also in the frame of the European and Community Initiatives EQUAL.

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<sup>19</sup> For example the creation of a special network place in the web page of the Advocate of Citizen ([www.synigoros.gr](http://www.synigoros.gr)), on the improvement of information for issues of immigration, asylum and citizenship. With regard to the facilitation of public services for people with disabilities, they had published the "Guide for the Citizen with Special Needs", accessible via the internet ([www.gspa.gr](http://www.gspa.gr)).

Also, in the next interval, for the diffusion of information and the benefit of advisory/legal services for the rights, the obligations and the offered possibilities of integration of immigrants, they are drawing actions such as the development of the institution of the cross-cultural mediator, the special training of public employees and the creation of a special network. The effectiveness will be strengthened via the co-operation of NGOs and immigrant organisations. Corresponding action (as mediators, expeditions of briefing and sensitisation, attendance of NGOs) is expected and also promoted for the remaining groups with cultural/religious particularities (Roma, Pomaki<sup>20</sup> and others).

Evaluating the above, the challenge is that from the theory they move into practice. There is a need not only for a national strategy but for a powerful legislative framework of protection and education of those public services that come in contact with the sensitive social groups, respect of juridical decisions, and mainly recognition of the existence of racism in members of Greek society, which is express openly and violently at certain times. Moreover, it is important to read the results from a Pan-Hellenic research from a poll company "ICAP" for 2006, from which finds that:

- a) 69% of those asked agree that our nation, concerning other nations, is superior in a lot of points. The percentage scales up to 82% in the case of people who were asked who had no education or a basic education.
- b) out of 10 of those asked (59%) agree that it would be better if economic immigrants did not come to Greece; the percentage reaches particularly high levels in the case of people who were asked who had no education or a basic education (64%) or education of lyceum<sup>21</sup> (67%).
- c) 4 out of 10 agree that it is preferable that each social, religious, racial and national group socialise with its similar group (5 out of 10 in the case of individuals with low/basic education).
- d) 3 out of 10 would not want to have neighbours who are homosexuals (33%), former drug users (29%) and individuals who suffer from AIDS (28%). 2 out of 10 asked would not want as neighbours Jews (24%), Muslims (21%) and Americans (21%). The corresponding percentages in people with no or basic education are: 52% do not want homosexual neighbours, 42% do not want individuals that suffer from AIDS, 37% do not want former drug users , 33% do not want Jews and Muslims.

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<sup>20</sup> Pomaki: minority in the northern part of Greece

<sup>21</sup> The basic education system in Greece is separated into six years in secondary school, three years in high school and three years in Lyceum.

## 6. National recommendations

### 6.2 Anti discrimination

- There is a need for a stand-alone piece of legislation in the Greek law which will specifically focus in antiracism. A law, which would state of course the expressions and actions of racism and would protect sufficiently the victims and the witnesses, while it would also state stricter sentences for the perpetrators.
- The laws, which incorporate Community Directives, should not simply meet the obligation that Greece has as a member of the EU but should be improved also, in order for other vulnerable social groups to profit from them.

### 6.3 Migration and integration

- Legalisation of all immigrants, who are in Greece without conditions and without their residence permit, to be depended on their employment status.
- Grant Greek citizenship to the children of immigrants who were born in Greece.

### 6.4 Criminal justice

#### 6.4.1 Racism as a crime

- The categorisation of crimes as racist when they are committed with this motive and that they tried more strictly than those of the Penal Code.
- Programmes for the protection of witnesses and victims specifically with regard to crimes that are related to trafficking.

#### 6.4.2 Counter terrorism

- Not to connect nationality, religion and political convictions with terrorism.
- Not to use as means of intimidation the suspicion of a connection of a person with terrorist energies without cogent proof.

#### 6.4.3 Racial profiling

- Not to connect the social profile of an individual with his/her actions.
- To treat the defendant of an unfair action as innocent unless and until proven otherwise, after a fair trial.

## **6.5 Social inclusion**

- To let the sensitive socially groups attend in the decisions, that concern them with the right to speak and vote
- With regard to the immigrants of long-residence permit they immediately acquire the right to vote in the municipal elections.

## 7. Conclusion

On the one hand, during 2006 some significant steps were taken by the Greek government regarding the 2002/73/EK Directive of the European Union by voting in Law 3488/2006, "Application of equal treatment for men and women with regard to the access in employment, professional education and evolution, in the terms and in the conditions of employment". Furthermore, a major shift in public debate has taken place, especially as far as integration of immigrants and religious freedom are concerned.

On the other hand, the state policies and initiatives that are coming up in relation to racism, discrimination and the respect of equality are far from efficient while some do not even exist. There is a clear absence in the law. Even with the adoption of the Directive, one can easily see that there are major difficulties in applying the law as stated in the relevant section. These difficulties exist because, according to the Greek Legislator, any adoption of the directives should indulge the minimum of the obligatory articles without upgrading the law or offering something more.

NGOs that deal with such issues as anti-discrimination and anti-racism are trying to lobby and re-direct the society's opinion towards ideals and humane beliefs. Civil society organisations and agencies are conducting a strongly anti-racist and pro-integration activity and a considerable part of substantial good practices concern the promotion of a multi-cultural society through high impact cultural activities.

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european network against racism

ENAR Shadow Report 2006