Responding to racism in Greece

European Network Against Racism
Ευρωπαϊκό Δίκτυο κατά του Ρατσισμού
Greece did not comply with the deadline for the implementation of the Directives 43/2000 and 78/2000 of the European Union and came very close to being sued in the European Court of Justice after the July 2003 deadline. In November 2004 and after a lot of pressure the Greek parliament started to examine the law that incorporates the Directives of the European Union into Greek law and finally did it with the law 3304/2005, which was published in the official journal of the government on January 27th 2005.

All the Greek NGOs believe that the problems of racism and discrimination remain unsolved. This is proved by the research of EUROSTAT according to which Greeks have the highest ratings of xenophobia in Europe, amounting to 80% of the total population of the country. Migrants, refugees, ethnic minorities and Roma are socially excluded and don’t feel that the state and the Greek citizens treat them as equal. Concerning migrants, after so many years there is no reason to state that migration is a new phenomenon for Greece because now there are structures capable of confronting it as long as there is a decent migration policy.

The majority of the migrants cannot be characterised as ‘new’, because most of them have lived in Greece for over 10 years and there is a second generation of migrants who do not know any other society than the Greek one, or any other culture. This is a challenge for the Greek government that insist on viewing the migrants as temporary residents and not as permanent citizens of this country.
OVERVIEW AND KEY ACTIVITIES OF NATIONAL COORDINATION

The National Co-ordination of ENAR consists of the following organisations: Antigone, Catholic Youth in Greece, Community of Ghana, ‘Cosmos of Culture’ cultural organization, Egyptian Workers Union, the European Network of Women, the Network for the support of migrants and refugees, the Pakistan Community, PONTOS, S.O.S. Racism Greece, the Greek-Sudanese friendship league, and «YRE» Youth against Racism in Europe. The target and the purpose of the co-ordination is to act against racism and exclusion through a European network which is a forum for exchanging beliefs and influences, with campaigns and policies at European level. The National Co-ordination activities are conferences, events, meetings, etc that aim to sensitize and inform the public. Another aim is to network the NGOs dealing with the fight against discrimination with other NGOs in European level.

OVERVIEW OF ENAR

ENAR promotes the cause of anti-racism and equal treatment for ethnic minorities and non-EU nationals residing in the European Union.

ENAR is a network of European NGOs working to combat racism in all EU Member States. The NGOs have formed National Coordinations (NCs), which constitute the membership of ENAR and include ethnic minorities, immigrants’ associations, information centres, advocacy groups, trade unions, faith based organisations and many others. Democratically elected representatives of each NC attend the Network’s meetings where they are consulted on policy and statutory issues. One of the representatives of each NC should belong to an ethnic minority.

ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives.
Concerning rights and the tolerance of the state and its citizens towards those who are different in nationality, religion, sex, age or when he/she has any disability, Greece is not considered to be a sensitive country.

From the beginning of 1990, Greece has become a country of reception of migrants. Lack of vigilance, migration policy and co-ordination between the relevant authorities to address the migration issue led to a situation where the presence of the migrant is treated as temporary. Even with this temporary residence the state believes it is necessary to put forward obstacles in the way of any effort to achieve permanent residence in Greece. This explains the difficult procedure for a permanent residence permit or nationality.

The majority of Roma that live in Greece, although most of them are Greek nationals, do not have identification cards or birth certificates. This brings about difficulties in education, public welfare and in relations with the police. Greece officially recognises the Muslim minority in Thrace as a religious minority. The situation has improved tremendously in the last years but problems persist.

Other minority groups in Greece are Pomaki, who also live in Northern Thrace and are Muslim. They are looked at suspiciously both by the Government and the rest of the Greek population and they are targets of prejudice and discrimination.

Access to the asylum procedure remains a matter of concern for persons seeking to register as asylum-seekers. Frequently, registration of claims is postponed repeatedly or appointments for an interview are given for very distant dates, in some cases exceeding six months.
The situation in Greece regarding the directives of the European union is the following: The Directives a) 2000/43/ for the equal treatment of people disregarding their racial or ethnic origin and b) 2000/78/ for the fight against discrimination because of religious or other beliefs, disability, age and sexual orientation in the fields of employment and education, were incorporated in the Greek law with the adoption of the law 3304/2005, which was published by the government on the 27th of January 2005.

The law 3304/2005 regulates the overall framework for the fight against discrimination as follows: a) on grounds of racial or ethnic origin, by providing protection in the field of employment, social insurance, professional training, education, health and access to goods and services, including also housing, b) on grounds of religious or other beliefs, disability, age or sexual orientation, by providing protection in the field of employment and professional training.

This law forbids any direct or indirect discrimination and clarifies that discrimination is also considered to be harassment or any other insulting act, as well as the ordering of an act of discrimination.

Unfortunately even though the law exists, it is not applied. The public services, the police, the relevant authorities of the public sector in matters of migration and the Greek citizens don’t seem to understand that racism and unequal treatment are breaking the law which imposes penalties.
The Non Governmental Organisations, trade unions, institutes, the Greek Ombudsman and other organisations play a very important role in the fight against racism, xenophobia and discrimination.

The truth is that the first who felt the difficult position of the migrants were and still are the NGOs. Their efforts over the last few years show amazing results taking into account that they have started with little knowledge in this respect. Through co-operation with NGOs migrants find ways to get informed about Greek issues, learn the language, the legal framework, the way to form and act in groups, to access health care, to meet with representatives of the Greek society and the media, to discuss employment and insurance rights and to communicate with the Greek citizens through festivals, campaigns, events, etc. This means that through their structures and services NGOs manage what the state could not accomplish.

Maybe these organisations still have a long way to go, but their help in the self-organisation of the migrant communities and similar groups that suffer from discrimination, so that they can fight for their rights, is generally acknowledged.

Regardless of the above, antiracist organisations don’t get funded and are not commonly accepted by the public because of the nature of their work to help and support the victims of racism and also to function with the help of volunteers. The only thing that is certain is the fact that in the field of teamwork between the Greek NGOs and the groups which experience discrimination, we have a positive outcome that constitutes a vital experience that should be closely examined and be supported by the state.
Many anti-racist NGOs have not traditionally engaged in legal processes, often this is for the simple reason that there was little law for them to refer to. However the adoption of the EU Race Directive (see section ‘EU and anti-racism’) and the development of national law, means that now more than ever litigation has the potential to lead to real change for those who are vulnerable to racism and discrimination.

As anti-discrimination is a relatively new field of law, NGOs have a role to play in raising awareness regarding its potential. Consequently the strategic litigation has come to the fore as a useful advocacy technique. NGOs can both directly engage in strategic litigation and support others to do so by gathering data, assessing victims and engaging in advocacy.

“Strategic or impact litigation uses the court system to attempt to create broad social change”

The primary focus of strategic litigation is law or policy change rather than redress for an individual, though these two objectives are not mutually exclusive. Strategic litigation intends to reach beyond an individual case or victim, to create a context of enhanced protection for everyone who is vulnerable to discrimination. By changing law or setting precedents an individual case can have a ripple effect leading to change on a much broader level.

The concept of strategic litigation encompasses the selection of cases, case planning and management, as well as ensuring that favourable outcomes are implemented.

Not every NGO has the mandate or skills to engage in litigation, nor will litigation necessarily be the right strategy in many cases. Nonetheless, it is essential for all anti-racism actors to recognise the importance of strategic litigation as a tool for generating change.
SERVICES AVAILABLE TO THE VICTIMS OF DISCRIMINATION

Discrimination for reasons of racial or nationality origin, religious or other convictions does not constitute simply a reprehensible action or behaviour, it also constitutes violation of law that involves sanctions.

With the law against discrimination the victims of racism can proceed to legal actions in order to be vindicated. In this case the victim has to present real evidence in the court or in the appropriate administrative authority, and respectively the violator has to prove that he/she did not break the law.

Certain institutions for the promotion of Equal Treatment are as follows:

1. The Greek Ombudsman
   Tel. +30 210 7289600, fax: +30 210 7292129, communication@synigoros.gr

2. Committee of Equal Treatment Ministry of Justice
   Tel. +30 210 7767317, +30 210 7714336, fax: +30 210 7767519, www.ministryofjustice.gr

3. Body for Inspection in Employment
   Ministry of Employment and Social protection
   Tel. +30 210 3702406-7, +30 3702320, fax: +30 210 3702346, ypersepe@otenet.gr

The victim can also refer to NGOs working on discrimination issues.

1. ESAMEA (National federation of people with disabilities),
   Tel. +30 210 5238961, fax: +30 210 5233967, esaea@otenet.gr & communication@esaea.gr

2. Greek Homosexual Community,
   Tel. +30 6947 969871, +30 6944 663232, fax: +30 210 3304910, info@eok.gr

3. Greek Forum of Migrants,
   Tel. +30 210 8232446, fax: +30 210 8232446, info@migrant.gr
National NGOs working on anti-racism are already seriously overburdened in their work to confront racism and discrimination. Why then should they also be concerned with what is going on in other European countries, and in the institutions of the European Union itself?

Developing an understanding of racism in Europe is essential for two key reasons. Firstly, to promote learning and knowledge about what racism is and how to combat it and secondly to generate common tools across the European Union to combat racism. Experience over the last ten years has demonstrated that national governments can be convinced to take action at a European level, where they may not have been prepared to move forward alone.

Racism has a distinctly European dynamic. Europe's colonial history underlines its role in fostering both historical and contemporary forms of racism; and the 20th century does not cast a positive light on the European legacy. Despite this long history Europe began to take racism seriously relatively recently. Europe has a responsibility both to the people living within its borders, as well as internationally to take a leading role in promoting a vision of a world free from racism.

In 1997, Article 13 of the Amsterdam Treaty gave the European Union a legal base on which to develop 'appropriate measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'. Using these powers the European Union adopted the Race Equality Directive in June 2000 (and later that year the Employment Equality Directive).

While the Race Directive was due to be fully implemented by July 2003, at the beginning of 2006 some Member States have failed to implement it. This reality raises questions about the continuing commitment of EU Member States to combat racism and discrimination. However...
the Directive does have direct effect, which means that individuals can assert it before national courts, even where it has not been implemented.

The Race Directive gives protection against discrimination in employment and access to a range of good and services, including social protection, health, social security and education. It puts forward a number of important definitions including: direct and indirect discrimination, harassment, and victimisation. Other significant aspects of the Directive are that it allows for positive action measures, the sharing of the burden of proof, and the establishment of equality bodies.

The principles enshrined in the Race Directive need to become core elements of anti-discrimination law and practice across the European Union. Strategic litigation is a tool to ensure that this happens. To this end, it expressly allows for NGOs to engage in proceedings in support of or on behalf of victims.

While Article 13 of the Amsterdam Treaty provided the context for developments in the field of anti-discrimination, Article 29 of the Treaty on European Union included reference to preventing and combating racism. While the European Commission proposed a Framework Decision against racism and xenophobia (racism as a crime) in 2001, developments in this policy area have been disappointing; the Council has failed to adopt the Framework Decision. In addition the European Union has competence in other policy areas that either directly or indirectly impact on the fight against racism, including: social inclusion, migration and asylum, and education.

The European Union is also involved in a range of other activities, including awareness raising (through the ‘For Diversity. Against Discrimination’ campaign) and funding of anti-racism projects. In 1997 the EU Monitoring Centre on Racism and Xenophobia (EUMC) was established. While the Centre is likely to be expanded to become a Fundamental Rights Agency in 2007, it will continue to focus on the problem of racism in Europe.
KEY LINKS AND SOURCES OF FURTHER INFORMATION AT NATIONAL LEVEL

Antigone National Focal Point EUMC: www.antigone.gr/
Research Centre for Minority Groups: www.kemo.gr/gr/index.asp
Greek Helsinki Monitor: www.greekhelsinki.gr/bhr/english/index.html
SOS Racism Greek branch: www.cosmosofculture.org/gr/sosgr.html
Greek Forum Of Migrants: www.migrant.gr

KEY LINKS AND SOURCES OF FURTHER INFORMATION AT EUROPEAN LEVEL

EU Monitoring Centre on Racism and Xenophobia: www.eumc.eu.int
European Commission - anti-discrimination and relations with civil society: www.europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm
European Network Against Racism (ENAR): www.enar-eu.org
European Roma Information Office: www.erionet.org
European Union: www.europa.eu.int
‘For Diversity. Against Discrimination’: www.stop-discrimination.info
Strategic Litigation of Race Discrimination in Europe: from Principles to Practice: www.migpolgroup.com/documents/2498.html
Strategies on Litigation Tackling Discrimination in EU Countries: www.solid-eu.org
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