



European network against racism

ENAR Shadow Report 2010-2011

ENAR SHADOW REPORT

Racism and related discriminatory practices in Greece

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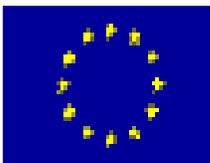
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

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

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I. Executive summary

Greece is facing one of the worst economic crisis' in the history of the country. The result of this is a huge social crisis that has an impact, not only on the Greek citizens, but also on the immigrant population who are residing in Greece.

Despite this major crisis, three laws have led to progress towards the social integration of vulnerable groups and the creation of immigration policy. In March 2010 the legal code, or the acquisition of Greek citizenship Law 3284/04 "Ratification of the Code of Greek Citizenship"¹, changed. The new code "Amending the Code of Greek Citizenship"² has specific provisions that allow second-generation migrants to apply for Greek citizenship. Also with Law 3838/2010 on "Current provisions for Greek citizenship and political participation for legal migrant residents and other settings"³, long term residents and holders of a 10 year residence permit can now vote in the municipality elections and stand for some positions, except for mayor and vice mayor. Finally with Law 3852/2010 "New Architecture of Government and Decentralised Administration - Program Kallikrates"⁴, there is more political representation for immigrants due to the formation of local integration councils which will act as consultative bodies.

Communities vulnerable to racism

Migrants: The number of foreigners living in Greece is 954.800, of which 791.700 (nearly 7% of its resident population) are from non EU countries, Refugees: Since Greece is located on the EU's Southern border many refugees from neighbouring countries aim to enter Greece and travel to other Western countries. According to the statistics of the UN High Commissioner for Refugees (UNHCR) in Greece, in 2010, out of 11.921 protection applications 95 were approved. Of all the European Union countries, Greece grants the lowest number of people refugee status. **The Roma community:** The Greek Roma face several problems and are disproportionately affected by social exclusion, discrimination, unemployment, poverty, bad housing, low levels of education and poor health standards.

¹ Ministry of Social Affairs, Law 3284/04 "Ratification of the Code of Greek Citizenship", http://www.ypes.gr/el/Generalsecretariat_PopulationSC/diefthinsi_ithageneias/nomoi/, accessed 26 November 2011

² Ministry of Social Affairs, Amendment on 28/05/2010, number 8 , Ministry of Social Affairs , http://www.ypes.gr/el/Generalsecretariat_PopulationSC/diefthinsi_ithageneias/Egyklio/, accessed 26 November 2011

³ Ministry of Social Affairs, Law 3838/2010 "Current provisions for Greek citizenship and political participation for legal migrant residents and other settings", http://www.ypes.gr/el/Generalsecretariat_PopulationSC/diefthinsi_ithageneias/nomoi/, accessed 26 November 2011

⁴ Epitheorisis Ika, Insurance and labor laws, http://www.eaed.gr/index.php?option=com_content&view=article&id=3090%3A-38522010-&catid=239%3A2008&Itemid=286&lang=el, accessed 26 November 2011

Manifestations of racism and related discrimination in **employment**: There are massive violations of migrant workers' rights. The economic crisis is weakening labour rights and people feel more insecure. The situation is worse for migrant workers. **Political and legal context**: The Law 3801/2009 provides full access to employment for reunited families yet the legal context regarding employment is still unfavourable towards these immigrants.

- There should be more systematic and intensive cooperation of state, business establishments and civil society in the fight against discrimination in the field of employment.
- The Greek authorities together with the Labour unions should inform the vulnerable groups about their rights through campaigns and should consider positive measures for the businesses and employers that reflect good practices in the employment sector.

Manifestations of racism and related discrimination in housing: Asylum seekers and people without legal documentation have a big problem in this area. Most of them reside in abandoned houses, shops and buildings in the historical centre of Athens. Moreover the living conditions of some Roma continue to fall below international standards. **Political and legal context**: A new law was adopted in January 2011 establishing an asylum service as well as a first reception service and transposing certain aspects of the EU Return Directive,⁵ in regard to reception facilities for asylum seekers and structures for vulnerable groups.

- The Greek authorities should act more vigorously to address the situation of Roma who live in settlements of inadequate standards.

Manifestations of racism and related discrimination in **education**: 118 different nationalities study in Greek schools, the majority though, 71.419 are students from Albania. The data concerning the Roma community is not encouraging, in fact, 35% of Roma are completely illiterate. **Political and legal context**: In the 20/8/2010 a circular was published by the Ministry of Education. This circular states that all directors of public schools should enrol Roma children and should do anything necessary in order to complete their enrolment successfully.

- The government should implement a long-term strategy for better integrating immigrant pupils and university students in education together with civil society and educational bodies.

⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

Manifestations of racism and related discrimination in **health**:

NGOs play a supporting role by providing free primary health services and medical care to immigrants who do not have access to the National Health Service. **Political and legal context:** There were no developments in this area in 2010.

- The Ministry of Health together with civil society should review all legislation and practice regarding access to health for vulnerable groups and propose ways to eliminate whatever discrimination may exist.

Manifestations of racism and related discrimination in **criminal justice**

Policing and ethnic profiling: The main victims are people who belong to vulnerable groups in society, especially immigrants or refugees and those belonging to the Roma community. Racist violence and crime: Despite the lack of data, some patterns and trends can be noted with regard to victims of racial violence in Greece. Specific groups are particularly vulnerable to racist violence and crime. These include asylum seekers, refugees, undocumented migrants and migrants. Furthermore, in the past few years there was a clear rise in anti-Semitic and anti-Muslim violence. Counter terrorism: The Muslim immigrant population is often accused of terrorism and criminality. Such accusations are mainly a reproduction of the rhetoric of the conservatives and far right.

The political and legal context: There was no update on political developments in relation to criminal justice from March 2010 to March 2011. The Greek Constitution guarantees civil and social rights in practice; however, such cases rarely goes to court. The law regarding racist violence exists but it is not applied.

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

Manifestations of racism and related discrimination with **access to goods and services in the public and private sector:** Under the Constitution and Greek legislation, every person should have access to goods and services, but this is not the case in practice, especially for vulnerable groups such as immigrants, refugees and the Roma community. These groups face suspicion, mistreatment and on some occasion violence from state and government employees.

The **political and legal context:** There was no update on political developments occurring in relation to access to goods and services from March 2010 to March 2011.

- Education and cooperation between competent authorities and NGOs should be carried out in order to address discrimination in this field.
- To enforce severe penalties for those who negatively target immigrants, especially civil servants.

Manifestations of racism and related discrimination in **the media, including the internet:** Even though the media can play a positive and crucial role in the elimination of stereotypes, normally it does not.

The political and legal context: There was no update on legal or political developments occurring in relation to discrimination in the media including the internet from March 2010 to March 2011.

- The Greek authorities should raise more media awareness around responsible reporting, alert media professionals to the dangers of racism and intolerance and ensure the enforcement of Law 927/1979 against journalists and media who incite racial hatred.

Political and legal developments in anti-racism and anti-discrimination

The non-discrimination Law 3304/2005 ⁶ Law provides residents with the minimum EU standards. Moreover nationality/citizenship discrimination is not explicitly prohibited by law, despite the past recommendations made by the Ombudsman, people are not protected from racial profiling.

- The competent authorities have to provide statistics and data on an annual basis, enabling the planning and implementation of a long-term plan to tackle discrimination and social exclusion and to implement social inclusion policies for vulnerable social groups.
- The Law 3304/2005 and 927/1979 must be supplemented so that NGOs can independently act on discrimination cases in the courts.
- The state must provide continuous and comprehensive information on discrimination issues and on how they should be addressed by the Administration. There should be an ongoing training programme for police and judges to ensure fairer application of the existing laws.

⁶ European Network of Legal Experts in the Non- Discrimination Field, "Material Scope", <http://www.non-discrimination.net/content/material-scope-6>, accessed 31 October

Migration and integration

In 2010 an Action Plan⁷ on Migration Management was introduced. The plan which focuses on the screening of irregular migrants and their detention, repatriation and return involved all main actors, including civil society representatives and is going to be implemented within three years.

The police should cease to be in charge of migration issues.

- The asylum applications should not be examined by police officers because it undermines the fairness of the asylum procedure and also more asylum centres should be created especially in the capital district.
- The authorities must immediately stop returning asylum seekers to third countries outside the EU.

⁷Europa Press Releases, "Joint statement by Mr Christos Papoutsis, Minister of Citizen Protection of Greece and Cecilia Malmström, European Commissioner in charge of Home Affairs: Greece and the Commission agree to enhance cooperation on reforming the Greek asylum system",

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III. Introduction

Greece is facing one of the worst economic crisis in the history of the country. This has resulted in a huge social crisis that has impacted not only on the Greek citizens but also on the immigrant population who reside in the country.

Despite this major crisis three laws lead to progress towards the social integration of vulnerable groups and the creation of an immigration policy during this reporting period March 2010 to March 2011. Specifically in the field of migration there were major political developments. An Action Plan⁸ on Migration Management was developed by the Greek authorities in 2010 and for the implementation of it at legislative level, there were major changes. In March 2010 the legal code of the acquisition of Greek citizenship Law 3284/04 "Ratification of the Code of Greek Citizenship"⁹ changed. The new code "Amending the Code of Greek Citizenship"¹⁰ has specific provisions that allow second-generation migrants who were born in Greece or studied in the country for at least six years, to apply for Greek citizenship. Also with Law 3838/2010 "Current provisions for Greek citizenship and political participation for legal migrant residents and other settings"¹¹, long term residents and holders of the 10 year residence permit can now vote in the municipal elections and stand for most positions, except for mayor and vice mayor. Finally with Law 3852/2010 "New Architecture of Government and Decentralised Administration - Program Kallikrates"¹² there is more political representation due to the formation of local integration councils which will act as consultative bodies. These developments were positively commented on by anti-racism NGO's and migrant communities but still there is a concern around whether these reforms will be correctly implemented in practice.

⁸ European Commission Press Release: "Joint statement by Mr Christos Papoutsis, Minister of Citizen Protection of Greece and Cecilia Malmström, European Commissioner in charge of Home Affairs: Greece and the Commission agree to enhance cooperation on reforming the Greek asylum system",

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/450>, accessed 31 October

⁹ Ministry of Social Affairs, Law 3284/04 "Ratification of the Code of Greek Citizenship", http://www.ypes.gr/el/Generalsecretariat_PopulationSC/diefthinsi_ithageneias/nomoi/, accessed 26 November 2011

¹⁰ Ministry of Social Affairs, Amendment on 28/05/2010, number 8, Ministry of Social Affairs, http://www.ypes.gr/el/Generalsecretariat_PopulationSC/diefthinsi_ithageneias/Egyklio/, accessed 26 November 2011

¹¹ Ministry of Social Affairs, Law 3838/2010 "Current provisions for Greek citizenship and political participation for legal migrant residents and other settings", http://www.ypes.gr/el/Generalsecretariat_PopulationSC/diefthinsi_ithageneias/nomoi/, accessed 26 November 2011

¹² Epitheorisis Ika, Insurance and labour laws, http://www.eaed.gr/index.php?option=com_content&view=article&id=3090%3A-38522010-&catid=239%3A2008&Itemid=286&lang=el, accessed 26 November 2011

One reason for that concern is the fact that, during the period this report focuses on there were certain important issues that were not solved. There were incidents of alleged abuse by security forces, particularly in regard to undocumented immigrants, overcrowding and harsh conditions in some prisons, detention of undocumented migrants in really bad conditions, and frequent discrimination against Roma, ethnic minority groups, migrants, asylum seekers along with incidents of anti-Semitism and anti-Islamism

Another issue that is of high importance is the rise of the far right. As we have already pointed out in previous shadow reports, there is a continuous rise of far right groups with xenophobic and racist opinions. The anti-racism NGO's and other independent organisations have complained that this rise has resulted in attacks against vulnerable groups, particularly immigrants, refugees and the Jewish community.

This shadow report covers the time period from March 2010 to March 2011 and comprises a total of 15 chapters including the executive summary, introduction and conclusion. In chapter IV we look at the communities that are vulnerable to racism and discrimination. In chapter V, VI, VII, VIII, we examine specific problem areas in relation to racism and discrimination in employment, housing, education and health. Each of these chapters also focus on the political and legal context for all of the above mentioned fields. Chapter IX focuses on criminal justice in relation to policing and ethnic profiling, racist violence and crime, and counter terrorism. Chapter X and XI examine manifestations of racism and related discrimination in access to goods and services in the public and private sector, and in the media. Chapters XII and XIII focus on anti-discrimination and migration respectively. Finally chapter XIV includes the reports' national recommendations on how to tackle the above issues.

IV. Communities vulnerable to racism and discrimination

Migrants

Despite the crisis, the population and workforce of Greece kept growing with more immigrants and asylum seekers, as Greece becomes one of Europe's major countries of transit and destination.¹³

As is the case with most of the Southern European countries, Greece has become a gateway for immigrants whose main goal is to move onwards to Western Europe. Due to the lack of sufficient immigration policies the majority of them remain unable to travel anywhere else rather than their country of origin.. According to Eurostat, it is estimated that Greece has a foreign population of 954.800, of which 791.700 are from non-EU countries, representing nearly 7% of the resident population.¹⁴ When they arrive in the country the majority of non-EU nationals are undocumented but over time, if there is a favourable legislative amendment they might be able to obtain their right to legal documentation. Since 1998 there were more than 64 amendments. New amendments meant that previously rejected applicants could reapply. Due to bureaucracy and continuous changes to the immigration laws throughout the years, most of the immigrants who obtained a residence permit do not manage to remain legal. That is also because the residence permit in Greece is linked with employment. In order for a migrant to have or to renew his/her residence permit they have to hold at least 200 social security stamps that prove they are employed. So if a migrant does not manage to have a permanent job at the time when they have to renew their permit then they immediately become undocumented. According to NGO's and migrant organisations about 35% - 50% of immigrants in Greece do not have all of the necessary legal documents.

The largest immigrant community is the Albanian community. Albanians accounted for approximately 60% of the total immigrant population both in 2001 and in 2007, followed by Bulgarians who accounted for nearly 8% of the legal migrants registered in 2007, then Romanians (4.5%), Ukrainians (4.3%), Georgians (2.7%), Pakistanis (2.5%), Russians (2.4%) and Moldovans (2.1%).¹⁵ Most of the immigrant population reside in the big cities of Greece: Athens, Thessaloniki and Patra. However a big number can also be found in agricultural and rural areas of the country.

¹³ Migrant Integration Policy Index III, February 2011, <http://www.mipex.eu/greece> accessed in 29 June 2011

¹⁴ Eurostat Press Release, 14 July 2011, Foreign citizens made up 6.5% of the EU27 population in 2010 <http://europa.eu/rapid/pressReleasesAction.do?reference=STAT/11/105&type=HTML> accessed in 22 July 2011

¹⁵ Triandafyllidou, Anna, *Controlling Migration: Policies, Problems and Opportunities* ARI 35/2008 - 1/4/2008, http://www.realinstitutoelcano.org/wps/portal/riecano_eng/Content?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/ari35-2008 accessed in 20 July 2011

Despite slight improvements Greece does not have specific and concrete immigration policy yet. Different legislation is created to solve certain problems relating to the legalisation process but it never actually results in a concrete policy. Furthermore, there is no effort to fight xenophobia and racism, which are problems that have reached remarkable heights in Greek society. The public and the media often associate immigrants with crime and project a negative image about immigrants especially Afghans, Arabs, Pakistanis, Bangladeshis and Africans.

Last but certainly not least, migrant women are often victims of 'multiple discrimination'. Migrant women usually provide house-keeping services and do so without a valid work permit or social insurance. They are therefore obliged to insure themselves and to work all day without breaks. If they are fired from their job, they do not receive compensation and cannot receive unemployment benefits.

Refugees

UNHCR regarded Greece as a transit country until the 1990s. This meant that recognised refugees were crossing the country and heading for other European countries. However, apparently that changed in recent years and a massive influx of people fleeing from their countries are "stuck" in Greece because of the gaps mentioned earlier such as the link of the validation of the residence permit with the security stamps and also the lack of a concrete immigration policy in the recent immigration laws. Since the country is on the EU's Southern border, many refugees from neighbouring countries aim to enter Greece and then travel to other, further Western, countries. The nationalities of asylum seekers most commonly identified as having the highest chances of being granted asylum in Greece are: Afghans, Burmese, Palestinians, Somalis and considering the current turmoil in the Arab countries, Libyans. On the contrary migrants who apply for asylum but are more likely to be deported are: Bangladeshis, Egyptians, Iranians, Pakistanis, Kurdish and Sri Lankans.

Greece is still the EU country which grants refugee status to the lowest number of people. According to statistics from the UN High Commissioner for Refugees (UNHCR) in Greece in 2010, out of 11.921 protection applications 95 were approved.¹⁶ According to data kept by the Greek Council for Refugees (GCR), in 2010, 2304 refugees from the following communities visited GCR and applied for asylum: 326 Afghans, 264 Ghanaians, 147 Iraqis, 81 Iranians, 187 Nigerians and the remaining 1299 from other countries.¹⁷

¹⁶ UNHCR, Statistical information on Asylum in Greece 1997-2010 <http://www.unhcr.gr/genikes-pliories/statistika.html> accessed 15 July 2011.

¹⁷ GCR, <http://www.gcr.gr/sites/default/files/image/Egrafes%20ana%20topo%20afaxis-2010.pdf> , accessed 3 June 2011.

Special reference needs to be made in regard to asylum applicants who live in Greece. The situation requires urgent attention because of the impact it has both on the asylum applicants and also on the Greek society. International organisations, including UNHCR, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Doctors without Borders and Pro Asyl – have highlighted the insufficient reception facilities and inhuman conditions of detention facilities in Greece. UNHCR has described the situation in Evros as a “humanitarian crisis”, thus implying the need for an emergency response and for making concrete suggestions for urgent measures to be taken.¹⁸

Roma community

The Roma community has had a presence in Greece for a long time. Unfortunately, there is, however, no official data on the exact population of Roma in Greece. According to a study made by Mr Claude Cahn and Professor Elspeth Guild¹⁹ unofficial estimates range between 180,000 and 350,000, averaging 265,000. They live scattered over the entire territory, with the biggest concentrations around larger cities such as Athens and Thessaloniki.

The Greek Roma face several problems and are disproportionately affected by social exclusion, discrimination, unemployment, poverty, bad housing, low levels of education and poor levels of health. The 2009 ECRI²⁰ report on Greece noted that “most Roma who live in settlements continue to earn their income from scrap and garbage collection and few are employed in the mainstream labour market due to discrimination and prejudice, although their lack of qualifications, as a result of a low education level, also play a role”. The Greek authorities are trying to reform the situation but NGO's who deal with Roma issues believe that there is a need for a more vigorous action in order to address the matter effectively.

¹⁸ ER Agency for Fundamental Rights FRA, Coping with a fundamental rights emergency: The situation of persons crossing the Greek land border in an irregular manner, 2011, http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/2011/pub_greek-border-situation_en.htm accessed 15 June 2011

¹⁹ Cahn C. Guild E., Recent Migration of Roma in Europe, OSCE High Commissioner for National Minorities, 10 December 2008, <http://www.osce.org/hcnm/78034> , accessed 20 June 2011

²⁰ ECRI, Report on Greece, (Strasbourg, ECRI, 2009) p.8 & p.20 <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/greece/GRC-CbC-IV-2009-031-ENG.pdf>, accessed 20 June 2011

V. Racism and related discrimination in employment

V.i Manifestations of racism and related discrimination in employment

In the employment sector there are massive violations of migrant workers' rights, especially for those who are working in agricultural sector. The key problems are: working conditions, social security and low wages.

An example of the above is an incident which became visible after the question raised on 16/9/2010 by four Greek members of the Parliament Fotis Kouvelis, Grigoris Psarianos, Nikos Tsoukalis and Thanasis Leventis on the situation of hundreds of immigrant workers in the area of Skala Lakonias in Greece²¹. There is an estimated population of 1000 migrants who work in the agricultural sector in that area, who do not receive proper wages and do not have enough income to cover basic housing needs, which also has a negative impact on their health and on the public health conditions in the area. According to the annual report of Antigone Information and Documentation Centre,²² immigrants in that area are the main labour force for the collection of oranges but the employers do not provide them with even the minimum working rights.

Domestic workers, especially migrant women, often fall victim to exploitation by their employers. There are two type of domestic workers, the ones who live and work in the house and the ones who just work in the house and live elsewhere. According to the Labour Union of Athens, Albanians work as live-out workers while Ukrainians, Georgians, and Filipinos are more often employed as live-in domestic workers. As clearly stated in the FRA report "Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member State"²³ migrant domestic workers are vulnerable to multiple discrimination. Because most of them are women they are vulnerable to gender based forms of discrimination and violence. Moreover they are migrants which means that they might be exposed to racial discrimination. In addition, because the residence permits are tied to employers, as was mentioned earlier in this report, workers may fall into an irregular status through no fault of

²¹ Dimocratic Left, "Conditions of residence and employment of foreign workers in Skala Laconia", http://www.dimokratikaristera.eu/index.php?option=com_content&view=article&id=417:2010-10-27-08-10-49&catid=68:2010-08-06-16-16-00&Itemid=140, accessed 31 October

²² Theodoridis Nastos, 'Antigone Information and Documentation Centre -National report 2010' (Athens, Antigone, 2011), <http://www.antigone.gr/en/default.php> , accessed on 27 July 2011

²³ Eu Agency for Fundamental Rights FRA, "Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member State", 2011, http://fra.europa.eu/fraWebsite/attachments/FRA-report-domestic-workers-2011_EN.pdf , accessed on 27 July 2010

their own. For example, in Greece a significant number of migrants end up in an irregular situation because their employers refuse to pay – or cannot afford – the necessary social insurance contributions which are a prerequisite for the renewal of a residence permit.

Of course we cannot forget the fact that the economic crisis is weakening labour rights and people feel more insecure. The situation is worse for migrant workers. According to the press statement of the head of the migration office of the Greek Workers Union in 22/8/2010, Giorgos Alevizakis « from recent research we can see that more than 10% of the immigrant population of Greece has left Greece»²⁴ The economic crisis has disrupted the lives of immigrants who live and work in Greece. Today most of the immigrants who have a job just wait to see how things will evolve in order to decide whether they are going to leave the country and move back to their home country or try their luck in another European country. But this is a decision that can only be made by the migrants who hold valid residence permits, the ones who do not have valid papers cannot leave. The difficulties that the immigrants are facing in Greece are huge. But the fact that the residence permit is connected to the social security stamps just makes the situation even worse than it already is. This fact led to one of the strongest protests that has ever been done in Greece by immigrants. It led to the “300 migrant’s hunger strike”²⁵: on 25 January 2011 250 immigrants in Athens and 50 in Thessaloniki began a hunger strike. According to their statement:

“We do not have any other way to make our voices heard, to raise awareness of our rights. **Three hundred (300) of us will go on hunger strike in Athens and in Thessaloniki on the 25 January 2011.** We risk our lives because, either way, there is no dignity in our living conditions. We would rather die here than allow our children to suffer what we have been through.”²⁶

After six weeks the 300 migrants ended their strike because the government offered them and all immigrants in Greece who have lost their residence permits because they did not have the required social security stamps to get temporary residence permits.²⁷

²⁴Delithanasi Maria, Migrants migrating, Kathimerini, 22/8/2010, http://news.kathimerini.gr/4dcgi/w_articles_ell_100009_22/08/2010_412279 accessed on 27 July 2011

²⁵Cladestina: Migration and Struggle in Greece, "A brief chronicle of the hunger strike, through the texts of the hunger strikers and the solidarity initiatives in Athens and Thessaloniki" <http://cladestinaenglish.wordpress.com/2011/03/06/a-brief-chronicle-of-the-hunger-strike-through-the-texts-of-the-hunger-strikers-and-the-solidarity-initiatives-in-athens-and-thessaloniki/>, accessed 2 November 2011

²⁶Assembly of migrant hunger strikers, “ Statement of the 300 migrant workers on hunger strike from 25 January 2011” <http://allilmap.wordpress.com/2011/01/20/statement-of-the-300-migrant-workers-on-hunger-strike-from-25-january-2011/>, accessed 2 November 2011

²⁷Brabant Malcom, “Migrants end Greek hunger strike after government offer”, BBC Athens, <http://www.bbc.co.uk/news/world-europe-12694104>, accessed 2 November 2011

Examples of NGO Good Practice

The organisation **KASAPI HELLAS** is a Filipino workers organisation which fights for the rights of the immigrant workers, especially the domestic workers since most of the Filipino population in Greece work in houses. KASAPI HELLAS is a member of [RESPECT Network](#) and they have joined the International Working Group for Domestic Workers (IWG-DW) on its “International Campaign for the Rights and Recognition of Domestic Workers” (8-HR Campaign). This campaign asserts that domestic work should be covered by the 8-hour work standard, and that 8 essential rights should be recognised and guaranteed equal application for domestic workers:

- Rights & redress • Respect • Remuneration • Rest & recreation
- Retirement and insurance protection • Residency & mobility rights
- Reproductive & family rights • Return & reintegration

Moreover, they strongly demand that Greece ratifies the “International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families” which serves as an instrument in protecting fundamental labour rights and equal treatment of migrant domestic workers particularly women migrant domestic workers

The organisation, amongst other things, also provides counsel to Filipino migrants on social, legal and labour problems.

Further information can be found in their website <http://www.kasapi.gr>

V.ii The political and legal context

Despite the slight improvement that was the Law 3801/2009 “**Regulation of matters on personnel with a private contract of indefinite duration and other provisions of organization and functioning of Public Administration**” **articles 43 – 45,-Issues on migration,**²⁸ which provides full access to employment for reunited families, the legal context regarding employment is still unfavourable towards immigrants. For example non-EU residents with a valid residence permit still do not have the right to work in the public sector. Moreover,

²⁸ Epitheorisis Ika, Insurance and labor laws, “Regulation of matters on personnel with a private contract of indefinite duration and other provisions of organization and functioning of Public Administration” articles 43 – 45,-Issues on migration, http://www.eaed.gr/index.php?option=com_content&view=article&id=2609%3An38012009&catid=239%3A2008&Itemid=286&lang=el, accessed 31 October 2011

in order to open their own business they need to fulfill additional obligations such as having an amount of at least 60.000 euro in their bank account.

One important change is the announcement by the Ministry that there is going to be a reduction of the required social insurance stamps for a residence permit from 200 to 120.²⁹ Although this is considered to be a positive change, the migrant organisations still argue the need to separate social insurance stamps from the residence permit.

According to Law 3304/2005 “Application of the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation”³⁰, which regulates the general framework for combating and eliminating discrimination in employment, services/ institutions for the promotion of the principle of Equal Treatment are the following three: 1. The Greek Ombudsman (for the violation and/or infringement public, sector including organisations and enterprises), 2. The Equal Treatment Committee, Committee of the Ministry of Justice, Transparency and Human Rights (for violation in the sale of goods and supply of services) and 3. Labour Inspectorate, a Body of the Ministry of Labour and Social Security (for violations and infringements in the area of employment and occupation in the private sector).

The above agencies are in charge of ensuring that the law is not violated and accept complains from the citizens. But still there is an important gap in data collection, even though the services and institutions for the promotion of equal rights make efforts to include particular sections on vulnerable groups in the area of discrimination in their annual reports. So, again we are facing an absence of data that could be used in order to monitor the situation in the employment sector.

This year the Labour Inspectorate (SEPE) in its annual report³¹ for 2010 refers to the high percentage 31,54% of migrant workers who were not insured by their employers. On the other hand it has no statistics on cases of discrimination. According to the migrant organisations and the NGOs this is mostly because there is a lack of information provided to workers that there is a specific body responsible for defending their rights and also because the citizens lack of confidence in such a public body.

The Greek NGOs, the anti-racist and migrant organisations believe that there are efforts made but there is a need for a more concrete Law that covers all the

²⁹ To Pontiki newspaper, Reduction of the social security stamps for the renewal of residence permits, To pontiki, <http://www.topontiki.gr/article/14313> , accessed 18 June 2011

³⁰ Greek Obdusman, “Application of the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation” http://www.synigoros.gr/diakriseis/odigos_04.htm, accessed 31 October 2011

³¹ SEPE, 2010 Report, <http://www.ypakp.gr/uploads/docs/4437.pdf> accessed 23 June 2011.

areas where discrimination occurs. Even though the three new laws (The new code “Amending the Code of Greek Citizenship”³², Law 3838/2010 “Current provisions for Greek citizenship and political participation for legal migrant residents and other settings”³³ and Law 3852/2010 “New Architecture of Government and Decentralised Administration - Program Kallikrates”)³⁴ have potential, Greece must develop a culture of using statistics and policy evaluation for integration otherwise we will not be able to know the impact of this legislation in the employment sector.

³²Ministry of Social Affairs, Amendment on 28/05/2010, number 8 , Ministry of Social Affairs , http://www.ypes.gr/el/Generalsecretariat_PopulationSC/diefthinsi_ithageneias/Egyklio/, accessed 26 November 2011

³³Ministry of Social Affairs, Law 3838/2010 “Current provisions for Greek citizenship and political participation for legal migrant residents and other settings”, http://www.ypes.gr/el/Generalsecretariat_PopulationSC/diefthinsi_ithageneias/nomoi/, accessed 26 November 2011

³⁴Epitheorisis Ika, Insurance and labor laws, http://www.eaed.gr/index.php?option=com_content&view=article&id=3090%3A-38522010-&catid=239%3A2008&Itemid=286&lang=el, accessed 26 October 2011

VI. Racism and related discrimination in housing

VI.i Manifestations of racism and related discrimination in housing

One of the most problematic areas for the vulnerable groups such as migrants, asylum seekers, people without legal documentation, and the Roma community is housing. This problem is especially bad for asylum seekers and people without legal documentation. Most of them reside in abandoned houses, shops and buildings in the historical centre of Athens, the area around Omonia square.

According to the 2009 Enar Shadow Report³⁵ the Prefecture of Athens, reports that often 30-40 immigrants (undocumented migrants or asylum seekers) live together in very small apartments and have only one toilet between them. They have to sleep on the floor and sometimes if there is no space they sleep in the balconies. In the report "Prevalence of hepatitis B and C markers among refugees in Athens"³⁶ it is clearly stated that the crowded living conditions and the avoidance of well-organised places of shelter, due to the fear of deportation or expulsion, characterise the situation of many immigrants and facilitate the spread of diseases like hepatitis B and C. Besides being a public health threat because of the possibility of transmission of diseases the above mentioned situation is very revealing about the conditions under which these people live. This is a result of the immigration policy that does not provide proper housing or even detention centres for immigrants without legal documents or asylum seekers. There are no other alternatives to detention for people who have no legal documents. Plus people who cross the border illegally can be detained for a few days or up to several months, regardless of age or gender. After that they are given a paper that states that they have to leave the country in 30 days and are then released. As a result most of these people find refuge in the abandoned buildings in the centre of Athens.

The fact that so many people live in such conditions is used by the far right rhetoric as a negative example of immigrants and what they can do to the "clean" Greek neighbourhoods. This rhetoric has been widely used by the far right when addressing Greek residents of such areas, also asking them to act and ask the government to deport all immigrants. The fact is that this rhetoric has a huge audience and in the municipality elections in 2010 the far right extreme fascist group Chrysi Avgi managed to win for the first time a seat on the Athens city council.

³⁵ Mardaki Andriana, 'Racism and Discrimination in Greece', Enar Shadow Report 2009-2010, <http://cms.horus.be/files/99935/MediaArchive/Greece.pdf> accessed 2 August 2011

³⁶ Ferti A., Goritsas C., Papadaki P., Pappas T., Roussos A., Spanaki M., "Prevalence of hepatitis B and C markers among refugees in Athens" <http://www.wjnet.com/1007-9327/9/993.pdf>, accessed on 23 July 2011

Another minority group that is facing housing problems in Greece is the Roma. The ECRI report states that “the living conditions of some Roma continue to fall unacceptably below international standards” and also that “some Roma settlements are in complete isolation from the rest of the population, without running water or electricity and without a sewage system or access to public transport”.³⁷ As is also indicated by the Greek Ombudsman, in the report entitled “Municipal settlement of Greek Roma”³⁸ there is a huge problem with regard to registering the Greek Roma in municipalities because of their continuous movement. As a result, most of them do not have birth certificates, a fact that can disqualify them from the right to acquire a house.

Examples of NGO Good Practice

PRAKSIS is an independent, Non-Governmental Organisation, aiming principally at the creation, application, and implementation of humanitarian and medical action programs. Since 2007 they operate a program called STEGI C. It is a program for the reception and integration of asylum seekers/refugees through independent yet supervised housing for a specific period of time (from 6 to 9 months). There are seven independent apartments in Attica, with two or three rooms each, which can house asylum seekers in groups of five to six individuals. The programme’s main objective is to provide temporary shelter and to facilitate the asylum seekers’ application process. Priority is given to families with children, victims of torture and to particularly vulnerable groups, such as single mothers.

Details of the program can be found on <http://www.praksis.gr/default.asp?pid=46&la=2>

³⁷ECRI, Report on Greece, (Strasbourg, ECRI, 2009) p.8 & p.20
<http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/greece/GRC-CbC-IV-2009-031-ENG.pdf>
accessed 20 June 2011

³⁸Greek Ombudsman, *Special Report, Municipal settlement of Greek Roma*, (Athens, the Greek Ombudsman 06/08/2009), http://www.synigoros.gr/pdf_01/8289_2_Dimotologisi_Roma_Perilipsi.pdf.,
accessed on 22 July 2011

VI.ii The political and legal context

The Greek authorities developed an Action Plan on Migration Management in 2010. As pointed out in the FRA report 2011³⁹ this plan involves all the main actors, including civil society representatives, and provides a structure for addressing the gaps in the Greek system for managing asylum and migration. For the implementation of this plan at a legislative level, in November 2010 a Presidential Decree was adopted introducing important changes to the asylum procedure for a transitional period. It provides a number of procedural safeguards and introduces appeals boards for reviewing the decisions made by the administration and it assigns an important role to UNHCR.

Secondly, a new law was adopted in January 2011 establishing an asylum service as well as a first reception service and transposing certain aspects of the Directive [2008/115/EC](#) on common standards and procedures for returning illegally staying third-country nationals "Return Directive."⁴⁰ It establishes an Asylum Service as well as a First Reception Service as separate structures within the Ministry. The law provides for the creation of screening centres throughout the country, where persons entering the country in an irregular manner will be channelled to the appropriate procedure. The screening centres shall also identify people with specific needs and refer them to the competent bodies for individual follow up.

According to this law, irregular migrants will stay in the screening centres for 15 days (Article 11) which can exceptionally be extended for an additional period of 10 days. After that, individuals should either be returned, referred to reception facilities for asylum seekers, or structures for vulnerable groups or detention facilities or otherwise be released. In this case, the Greek NGOs view positively the fact that there is an action plan which also involves civil society representatives. However, they consider it worrying that there is no specific reference to the people who are already living in Greece. The European Commission has issued a press release⁴¹ on 29 September 2011 stating that "as of 15 September 2011, 19 EU Member States (including Greece) or associated Schengen States had notified the Commission of their full transposition of the Directive".

³⁹EU Agency for Fundamental Rights FRA, Coping with a fundamental rights emergency: The situation of persons crossing the Greek land border in an irregular manner, 8/3/2011, http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/2011/pub_greek-border-situation_en.htm accessed 15 June 2011

⁴⁰Directive [2008/115/EC](#) on common standards and procedures for returning illegally staying third-country nationals ("the Return Directive") entered into force on 16 December 2008

⁴¹European Commission, Press Release: "An effective and humane return policy: 8 Member States have yet to comply with the Return Directive", <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1097&type=HTML>, accessed 1 November 2011

Regarding the Race Directive 2000/43/EC, Greece implemented it together with the Employment Directive 2000/78/EC in January 2005 with Law 3304/05. According to the Greek Ombudsman⁴², the Greek Implementation Law 3304/05 did not offer a unified protection to all grounds of discrimination, since the legislator chose to implement not more than the minimal protection he was obliged to under the EU law. Thus, the Framework directive offered protection on the grounds of religion or belief, disability, age or sexual orientation only in the field of work and employment so it is not possible to impose sanctions for discriminatory behaviour in other fields.

⁴² Greek Ombudsman, "Presentation of Law 3304/2005", <http://new.synigoros.gr/?i=metaxeirisi.el.laws>, accessed 1 November 2011

VII. Racism and related discrimination in education

VII.i Manifestations of racism and related discrimination in education

An article in the newspaper To Vima, in March 2010⁴³ presented very interesting information about foreign students who attend public and intercultural schools: 118 different nationalities study in the Greek schools, Nigerians, Indians, Bulgarians, Romanians and others. The majority though, 71.419 students, are from Albania. A study by professor Evi Markou from the Institute of Education in the University of London in September 2010⁴⁴ states that the principals or directors in some public schools believe that they have the unofficial right to choose whether they are going to accept a foreign/ migrant student. With this attitude the principal or director of the school manages to preserve an ethnically “clean” school. According to the study, some directors of Greek schools believe that it is better for the school to have only Greek students, this way it will be considered as quality school.

Another issue that proves there is a problem in the area of education is the high percentage of students who are from immigrant and Roma communities who drop out of education. The Greek Institute for the Education of people of Hellenic background and Intercultural Education (I.P.O. D. E.)⁴⁵ presented interesting information for the period 2008-2009 about migrant students who attend public and intercultural schools. The survey indicated that migrant students in elementary and secondary schools make up 11% of the student population, while in high school, the percentage of migrant students drops to 6.5%. There is an opinion that the difficulty they might face with the language prevents them from moving on to higher education i.e. university level.

The Greek Helsinki Monitor (GHM), in its press release⁴⁶ for the International Roma Day, informed public opinion that:

On 25 March 2011 the European Court of Human Rights (ECtHR) found in principle admissible and communicated to Greece the application *Ioanna Sampani and Others v. Greece*, filed by 140 Roma (98 children and 42 parents) through GHM. The application concerns the continuing racist

⁴³ Papamathaiou Marni, A small UN in the school class, To Vima, 23/4/2010 <http://www.tovima.gr/society/article/?aid=327457> , accessed 23 June 2011

⁴⁴ Hekimoglou Achilleas, Racism in class-room from Mr. principal, To Vima, 18/9/2010, <http://www.tovima.gr/society/article/?aid=355181#ixzz0ztEgf5tA> , accessed 24 June 2011

⁴⁵ Theodoridis, Nasos, 'Antigone Information and Documentation Centre- Annual Report 2009, (Athens: Antigone, 2010), http://www.antigone.gr/en/library/files/reports_on_greece/2009/national%20report%202009.pdf accessed 24 June 2011

⁴⁶ Greek Helsinki Monitor, Press Release-Greece again before European human rights court for Aspropyrgos Roma ghetto school- 7/4/2011, <http://cm.greekhelsinki.gr> accessed 24 June 2011

educational segregation of Roma children to a Roma-only ghetto school, namely the 12th Elementary School of Aspropyrgos. This segregation takes place despite the 5 June 2008 judgement in the *Case of Sampanis and Others v. Greece*⁴⁷ when the ECtHR found Greece in violation of the Convention regarding the initial school exclusion of Roma children living in the Psari settlement of Aspropyrgos and subsequently their segregation to a ghetto school – an annex of the 10th Elementary School of Aspropyrgos. Following the ECtHR judgment, the Ministry of Education renamed the 10th Elementary School of Aspropyrgos annex as 12th Elementary School of Aspropyrgos so that Greece could claim before international fora that no school segregation takes place any more.⁴⁸

Examples of NGO Good Practice

Arsis -Association for the social support of youth- is a non-profit organisation aiming at empowering young people and other social groups that live in disadvantaged circumstances, preventing and combating social exclusion, facilitating social integration or reintegration and informing/sensitising the public and the public services that deal with immigrants. **ARSIS** was established in 1992 and since then it operates in Athens, Thessaloniki, Volos, Larissa, Karditsa, Kozani and Tirana due to the active participation of members, volunteers and young people. Arsis in Thessaloniki hosted the European Play work Association (e.p.a) Training Course in Thessaloniki Greece (<http://www.go-epa.org/en/programme-Thessaloniki>) which took place in May 2010 with the title 'How can human rights education prevent violence and social exclusion' More details on their programme can be found in their website www.arsis.gr

VII.ii The political and legal context

In the 20/8/2010 a circular regarding the registration and attendance of Roma Children in schools was published by the Ministry of Education.⁴⁹ This circular states that all directors of public schools should enrol Roma children and should do anything necessary in order to complete their enrolment successfully. Moreover it reminds the teachers that six years of education is compulsory in

⁴⁷ Greek Helsinki Monitor, *Greece: European Court judgment on segregated education of Roma in Greece*, http://cm.greekhelsinki.gr/uploads/2008_files/ghm1024_echr_psari_education_english.doc, accessed 25 October 2011.

⁴⁸ Non-discrimination.net, *Greece brought again before European Court of Human Rights for Roma ghetto school in Aspropyrgos*, http://www.non-discrimination.net/content/media/EL-27-EL_Roma%20segregation.pdf, accessed 25 October 2011

⁴⁹ Circular of the Ministry of Education (20/8/10), protocole number F.3 / 960 / 102679 / G1

Greece and they should make an strong effort to keep young Roma children in school so that they get used to the idea of education and do not drop out really early. In terms of birth certificates, the circular urges the responsible persons in the school to enrol Roma children even if they do not have a birth certificate.

On 23/8/10 another important circular was issued by the Ministry of Education. This circular referred to migrant students. According to this circular, in exceptional cases regarding article 72 of the Law 3386/2005 migrant students with insufficient documents may enrol in public schools. This also applies to children of third country nationals a) if they are protected by the Greek state as refugees and persons under the protection of UNHCR, b. if they come from areas where the political situation is unsettled, c. if they have applied for asylum d. if they are third-country nationals residing in Greece, and their residence permit is not yet valid.

VIII. Racism and related discrimination in health

VIII.i Manifestations of racism and related discrimination in health

The barriers of access to health and social care are summarised very clearly in the report made by the National School of Public Health in 2008,⁵⁰ which ascertained that the following points constitute the main barriers for all groups (migrants, asylum seekers refugees and Roma):

- Legal and administrative difficulties in acquiring a valid residence permit or identification card
- Financial difficulties in making personal payments for health and social care services.
- Inadequate information on access to services: health, social insurance and welfare system (allowances, benefits etc.)
- Language difficulties in communicating with health and social care professionals.
- Biases and stereotypes of professionals towards these groups
- Fear and bias of these groups towards the operation of public services.

Poor immigration policy implemented in Greece throughout the years has led to the social exclusion of the migrant population. Moreover it deprived migrants of their basic rights, such as the right to health. As uninsured workers, the immigrants are not entitled to have free medical care. Also irregular immigrants are excluded from the provision of public health, unless and they are at immediate risk of death, and their attendance at public hospitals should be reported to the police. However, in practice the medical staff of public hospitals do provide medical services, irrespective of the residence status of the patient.

The research study "The access of poor and socially excluded groups living in Athens, to health, education and employment"⁵¹ was published in 2010 by the Social Service of the NGO 'Doctors of the World'. According to this study, the sample of the people who visit the polyclinic of the NGO, 47,33% are irregular immigrants while 31,32% are refugees or asylum seekers. The sample

⁵⁰ Altanis P. Economou C., Geitona M., Gregory S., Mestheneos E., Triantafilou J., Petsetaki E., Kyriopoylos J., 'Quality in and Equality of Access to Healthcare Services', March 2008, <http://www.ehma.org/index.php?q=node/54> accessed 22 July 2011

⁵¹ Mantziou I., Retinioti A., "The access of poor and socially excluded groups living in Athens, in health, education and employment ", December 2010 , Social Service of Doctors of the World, <http://www.mdmgreece.gr/%CE%88%CF%81%CE%B5%CF%85%CE%BD%CE%B5%CF%82/> accessed 22 July 2011

comprised equally of men and women and the vast majority (71.33% of the people), belong to the reproductive age from 20 to 40 years.

Greek Roma encounter significant difficulties in regard to their access to health and social services. In a report produced by the European Roma Rights Centre and the Greek Helsinki Monitor,⁵² about the barriers to access health care and other social support services, it is reported that many Roma lack basic identity documents like police identity, health book⁵³, birth certificates etc making it impossible for them to claim basic health and social benefits. While there is recognition of this problem with identification, access to services is still not facilitated. Many Roma children are not vaccinated since many fail to attend school and the parents are not adequately informed about vaccination procedures.

Examples of NGO Good Practice

Médecins Sans Frontières, Greece is supported by 136.000 private donors who make the operation of its humanitarian programs possible. In the last 15 years, programs have been developed in Africa, countries of the ex-Soviet Union, Asia, and the Balkans. Today, MSF Greece has programs in Greece, Zambia, Liberia, Syria and Niger. From August 2009 to May 2010, they provided psychosocial support to immigrants in detention or jail and asylum seekers in three detention centres: Pagani in Lesvos Filakio in Evros and Venna in Rodopi. Since 2010 they continue the programme in several detention centres. More details for their program can be found in their website <http://www.msf.gr>

The Greek branch of **Doctors of the World** is implementing a program entitled PUMA - Health for Undocumented Migrants and Asylum Seekers. The objective of the program is to promote equal access to the health care system for migrants. They carry out specific actions that target undocumented migrants and asylum seekers. More details for their program can be found in their website <http://www.mdmgreece.gr/>

⁵² European Roma Rights Centre and the Greek Helsinki Monitor, 'Cleaning operations- Excluding Roma in Greece', Country report series, n.12, April 2003, www.errc.org/cms/upload/media/00/09/m00000009.pdf accessed 23 July 2011

⁵³ A health book or health booklet is a personal booklet that records the health of the owner. If a person has health insurance then they are issued with such a booklet in order to keep track of their doctor/hospital visits. It is also considered identification document.

VIII.ii The political and legal context

There was no change in the political and legal context during this specific period of time regarding the issue of discrimination in the Greek Healthcare System.

The Greek NGO's and migrant organisations stress the need to take concrete measures in order to facilitate the access of undocumented migrants and other vulnerable groups to primary care by eradicating bureaucracy, educating doctors and health personnel and to providing information to everyone involved.

IX. Racism and related discrimination in criminal justice

IX.i Manifestations of racism and related discrimination in criminal justice

IX.i.i Policing and ethnic profiling⁵⁴

Ethnic profiling in policing practice is very frequent in Greece. The main victims are people who are from vulnerable groups in society, especially immigrants or refugees and those belonging to the Roma community. Most often this occurs without any specific reason and it is very frequent in the areas around the centre of Athens and in other big cities where the majority of the population of these groups reside.

People from the Roma community are more likely to be stopped for identity checks by the police and of course Africans and Asians happen to be frequently checked by the police, too. The results of a FRA study in 2010, in Greece found that: 'Roma respondents who indicated that police had stopped them in the last 12 months were stopped on average 5.8 times, whereas the Albanian respondents and members of the majority population were stopped on average 2.2 and 1.8 times, respectively.'⁵⁵

Example of NGO Good Practice

The NGO **Antigone** is an **Information and Documentation Centre** which emphasises the importance of collecting data and documenting the phenomena of racism, xenophobia, racial profiling and discrimination. It appeals to the public and scientific institutions requesting data relating to its area of interest and has a library which is open to the public. More details can be found in their website <http://www.antigone.gr/en/>

IX.i.ii Racist violence and crime

⁵⁴ The Open Society Institute defines "ethnic profiling" as the "use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity".

⁵⁵ EU Agency for Fundamental Rights FRA, "Towards More Effective Policing, Understanding and Preventing Discriminatory Ethnic Profiling: A Guide", (Fundamental Rights Agency, Belgium, 2010) p.31

Despite the lack of data, some patterns and trends can be noted with regard to victims of racial violence in Greece with reference to media and NGO reports. There are specific groups that are particularly vulnerable to racist violence and crime. These include: asylum seekers, refugees, undocumented migrants and migrants. Furthermore, in the past few years there has been a clear rise in anti-Semitic violence which can take the form of vandalism, damage to property or hate speech which is most commonly linked to neo-Nazi and extreme right-wing groups. Finally the Muslim and the Roma community in Greece are also targets of racial violence. It is very common to listen or read in the media reports about attacks towards these communities. According to a survey by the European Union Agency for Fundamental Rights on average 9.9% of respondents with an immigrant background indicated that they or a member of their immediate family had been the victim of hate crime.⁵⁶ .

In Greece, NGOs report a rise of racist violence into certain areas of the country, especially in the centre of Athens. Areas of the historic centre of Athens are inhabited, rented or occupied, by undocumented migrants and asylum seekers under precarious or inhumane conditions, while xenophobic public discourse about „ghettos and criminal migrants is on the rise. The neighbourhood of Aghios Panteleimonas in the centre of Athens has faced tensions in the past two years due to a number of racist violence attacks. According to the 2011 Racist Violence Report Greece:

On 10 June 2010 another migrant was brutally attacked...A 30 year old man from Pakistan was beaten up by three people as he was walking on the main street of the neighbourhood. Members of the Movement Deport Racism (Kinima Apelaste to Ratsismo) and members of the Afghan Community reported that they were informed about the incident by Afghan residents of the area and they immediately called an ambulance and the police. During the transportation of the victim to the ambulance 10 people were shouting “take your dirty ‘thing’ and move it”, “don’t come here again we will beat you up” and other verbal attacks. Policemen who were present at the incident did not arrest any of the attackers and did not take statements from any eye witnesses. However, they did ask for the names and addresses of the members of the Movement and the Afghan Community.⁵⁷

An Afghan man, walked thousands of miles in an attempt to escape the Taliban. His life was reflected in an award winning documentary of Anneta Papathanasiou

⁵⁶EU Agency for Fundamental Rights, *Report on Racism and Xenophobia in the Member States of the EU*, August 2007(Fundamental Rights Agency, Vienna, 2007),p. 118.

⁵⁷Shashati Adla, "Racist violence in Greece", (ENAR-Brussels, March 2011), p.3 and 4

with the title "Qadir, an Afghan Ulysses" and during 2010 he was working as a translator for the NGO "Doctors of the World." Yet even though he escaped the fierceness of the Taliban, he was brutally attacked by members of right-wing gangs in the area of Aghios Panteleimon on 14/9/2010. Nikitas Kanakis, the president of the Greek Doctors of the World stated in the press⁵⁸ that the Afghan man was attacked by a group of 20-30 people, who shouted "it's him, it's him", caught him by the throat and then threw him down and started to kick him. During the attack, the man wore the t-shirt with the medical signs of "Doctors of the world" but this did not prevent the group from beating him.

Vandalism occurred in the Jewish cemetery of Thessaloniki on 14 May 2010.⁵⁹ According to information in the article "Incendiary attack against the Jewish Cemetery of Salonica" from Abravel blog⁶⁰ the perpetrators are three young men from far right groups. The perpetrators wrote anti-Semitic slogans on the walls and threw Molotov bombs on some graves. On 16 November 2010, during the Muslim holiday Eid-al-Adha, local residents and members of Chrysi Avgi, an extreme right fascist group widely linked to a growing number of violent attacks against migrants, tried to stop the believers from praying in a local square. As stated in earlier Greek shadow reports, the Muslim community in Athens does not have a mosque so if they want to have a big celebration they have to ask the municipalities to provide them with permission to use squares, stadiums or big buildings as prayer sites⁶¹. It is worth noticing that Chrysi Avgi won its first ever seat on the Athens City Council in the municipality elections of Athens in 2010.

Examples of NGO Good Practice

Movement Deport Racism (Kinisi Apelaste ton Ratsismo)

This movement was founded in 2007. It is an organisation of Greeks and immigrants who fight against racism and neo-fascism through protests and information campaigns. They believe that Greeks immigrants, workers, and young people, need to fight together against poverty and unemployment. They are fight for human rights for immigrants and refugees, against war and repression, for a common better future. They are very active and they protect victims of racist attacks by providing legal information, translators etc. More details of their work can be found on <http://www.ksm.gr/kar/>

⁵⁸ Morfonios N., 'Quadirs Ulysses continues', 15/9/2010, <http://www.avgi.gr/ArticleActions/show.action?articleID=566746>, accessed 24 October 2011

⁵⁹ Abravel blog, Incendiary attack against the Jewish Cemetery of Salonica, 15/5/2010, <http://abravel.wordpress.com/2010/05/15/jewish-cemetery-of-salonica-vandalized/> accessed 23 July 2011

⁶⁰ Ibid.

⁶¹ European Network Against Racism ENAR, National Shadow Reports of Greece 2009-2010, 2008 and 2007, http://www.enar-eu.org/Page_Generale.asp?DocID=15294&la=1&langue=EN, accessed 1 November 2011

Group of Lawyers for the Rights of Migrants and Refugees

The team consists of lawyers who deal with the rights and discrimination against immigrants and refugees. It does a lot of work in matters related to asylum and cooperates with international NGOs and organisations . More details on their work on <http://omadadikigorwnenglish.blogspot.com/>

IX.i.iii Counter terrorism

In the last few years it has become common in Greek society to hear accusations of terrorism and criminality directed at the Muslim immigrant population. These accusations are mainly a reproduction of the conservative and far right rhetoric. During 2010, because of a wikileaks document which claimed that radical Islamic action was increasing in the centre of Athens, this rhetoric became more popular. The document was published in many newspapers and it became widely publicised after it was brought to Parliament via the LAOS political party, which demanded state explanations on the issue and proper notification for security forces. According to statements of this political party there is a "mobility of Muslim extremist circles in Athens."⁶²

This right-wing rhetoric links the building of a mosque in Athens to terrorism. The fact is that so far there is no mosque in Athens where Muslims can pray. The result is that Muslims in Athens have to rent basement apartments and warehouses in order to have a place to perform their religious duties.

Of course nobody disagrees that there has been terrorist attacks in Greece but they were perpetrated by Greek groups against Greeks and foreigners mainly politicians, military, and diplomats and all the attacks had political motives. Besides that, unfortunately immigrants have been victims of terrorist attacks in the country. Specifically, on March 28 2010 there was a terrorist attack on a government building, outside the headquarters of the Hellenic Management Association, in the region of Patisia in Athens, the victims of the attack were Afghan migrants. A teenage boy was killed and his mother and younger sister were seriously wounded.⁶³

Examples of NGO Good Practice

⁶² Vima newspaper, 'Its a shame to have no Mosque', To Vima, 10/12/2010, <http://www.tovima.gr/politics/article/?aid=372563> accessed in 23 June 2011

⁶³ Batty David, "Athens bomb blast kills one and badly injures two", The Guardian, 29 March 2010, <http://www.guardian.co.uk/world/2010/mar/29/athens-bomb-blast> accessed in 23 June 2011

The Institute for Rights Equality and Diversity performs:

- research and political intervention through interdisciplinary, socioeconomic and legal analysis
- public dissemination of research findings and policy recommendations regarding migrants and minorities and the phenomena of migration, racism, discrimination towards equality and participation in Greece and Europe. They also carry out studies and promote equal treatment and defence of discrimination victims on all grounds of diversity and social identity. More details on their work can be found on their website <http://www.i-red.eu/?i=institute.en.home>

The **Minority Groups Research Centre (KEMO)** is a non-profit organisation that was formed in 1996. The members of KEMO are young scientists as well as established academics. KEMO aims at the multidimensional study of minority groups, minority languages and every form of cultural diversity at a general theoretical level as well as with regard to specific minority groups in Greece. They organise events, conferences and produce reports with issues concerning ethnic, linguistic and religious diversity. More details on their work can be found in their website: <http://www.kemo.gr/index.php?sec=context>

IX.ii The political and legal context

It is commonly agreed that racist violence, just like any other form of violence, is harmful to the victim and has wider implications for society as a whole. Indeed, the Greek Constitution guarantees civil and social rights in practice; however, such cases rarely go to court. The law regarding racist violence exists but it is not applied, in 2005 the Greek State adopted Law 3304/2005⁶⁴ and later amended paragraph 3 of Article 79 of the Criminal Code in 2008 to assist in combating racist violence. Because of the gap in monitoring and recording incidents of racist violence the National Commission for Human Rights (NCHR) and the Office of the UN High Commission for Refugees in Greece (UNHCR) set up **a network for recording incidents of Racist Violence which will operate in pilot basis from October 2011**⁶⁵.

As an example of the gap in complaints one can view the Greek Ombudsman 2010 Annual Report⁶⁶ where there are only 53 complaints regarding

⁶⁴ Transposition of the principle of equal treatment regardless of race or national origin, religion or other beliefs, disability, age or sexual orientation in 2005.

⁶⁵ UNHCR, "Recording racist violence network", <http://www.unhcr.gr/nea/artikel/1c6a1d8a78c82bb64063a84a7edbbabb/-76a092aa24.html>, accessed 16 November 2011

⁶⁶ Greek Ombudsman, "Annual Report 2010", <http://new.synigoros.gr/?i=stp.el.annreports> accessed 1 November 2011

discrimination in the basis of race(36), nationality(2), disability(14) and age(1) which according to the writes of the report is too low to reflect the reality.

However, as we have already pointed out in the March 2011 report *Racist Violence in Greece*⁶⁷ “data kept by NGOs does not reflect the whole picture. NGOs only tend to keep records of very brutal or violent attacks because they do not have the economic means to keep records of all incidents.”

The Greek Forum of Migrants reports⁶⁸ that there is a rise of racist violence attacks in the centre of Athens in 2010-2011 especially regarding the Afghan community. This is a situation that was repeatedly pointed out by NGOs since 2007. The Hellenic League for Human Rights (HLHR) and the European League for Human Rights (AEDH) expressed their deep concern about the emergency of the asylum system and the rise of xenophobia and racist violence in Greece again on 2009⁶⁹ but there was no political action.

⁶⁷ Shashati Adla, "Racist violence in Greece", (ENAR-Brussels, March 2011), p.10

⁶⁸ Greek Forum of Migrants, "Afgan community and Greek Forum of Migrants Announcement" <http://www.migrant.gr/cgi-bin/pages/index.pl?arlang=greek>, accessed 1 November 2011

⁶⁹ Hellenic League for Human Rights (HLHR), "Open letter to the Prime Minister of Greece, Mr. Karamanlis and to the Minister of Interior, Mr. Pavlopoulos" <http://www.hlhr.gr/>, accessed 1 November 2011

X. Racism and related discrimination in access to goods and services

X.i Manifestations of racism and related discrimination with access to goods and services in the public and private sector

Under the Constitution and Greek legislation, every person should have access to goods and services, but this is not the case in practice especially for vulnerable groups such as immigrants, refugees and the Roma community. These groups face suspicion, maltreatment and on some occasions even violence from state and government employees. Greek society does not view discrimination in access to goods and services in the private and public sector as a problem. The reason for this is that many Greeks, especially when it comes to the public sector, face similar issues as the immigrants or the Roma do. On the other hand though, the effect is not the same when it comes to these communities. Many of the cases reported by the secretariat of the Greek Forum of Migrants (GFM) are cases of rude behaviour by a public or private employee towards an immigrant. But unfortunately such cases are not registered by NGO's and there is no available data in the area of discrimination in the access to goods and services in the public and private sector.

The institution that is responsible for providing such data is the Equal Treatment Committee of the Ministry of Justice. This committee is one of the Institutions for the Promotion of the Principle of Equal Treatment and its work is to record and monitor violations involving the sale of goods and services. However it seems that this committee did not report any official or unofficial information to date. The Equal Treatment Committee will have a new president as of 19/11/2011.⁷⁰ During 2010 the Committee's work just remained on paper, consequently, there is lack of data that could allow us to monitor the number of and types of discrimination in these areas.

Again the only data provided come from NGO's and migrant organisations but in no formal report or evaluation form.

Examples of NGO Good Practice

SOS Racism – Greece

maintains an open phone line for receiving complaints and provides free legal advice on discrimination issues. The purpose is to direct anyone interested to the relevant official authority to lodge their allegations. Within this framework,

⁷⁰ Ministry of justice decision, n. 116538, <http://et.diavgeia.gov.gr/ff/ministryofjustice/ada/4%CE%99%CE%A6%CE%A4%CE%A9-%CE%95%CE%92> accessed 25 June 2011

allegations of violations in the sale of goods and services were received but it was also noted that the interested parties (victims) after obtaining the necessary information did not maintain a line of communication so that reliable data could result from it.

X.ii The political and legal context

There was been no update on political developments in relation to access to goods and services from March 2010 to March 2011. The law 3304/2005 on "Implementing the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation" outlines the general framework for combating and eliminating discrimination in the sector of 1) employment and labour, 2) social protection and benefits 3) education, 4) health and 5) access to goods and services including housing. Generally, the law forbids any direct or indirect discrimination and clearly states that harassment and abuse or any other action such as discretionary treatment is discrimination.

The Institutions for the promotion of the Principle of Equal Treatment are:

1. the Greek Ombudsman as an Independent Authority,
2. the Equal Treatment Committee of the Ministry of Justice and
3. the Labour Inspectorate of the Ministry of Labour.

Among these three institutions, only the Ombudsman publishes a special annual report on discrimination with specific data. The institution that is responsible for providing data for access to goods and services is the Equal Treatment Committee of the Ministry of Justice which, as stated earlier in this report, has not provided any data yet. Most of the NGO's, migrant and anti-racism organisations together with the Greek Ombudsman⁷¹ point out that there are inconsistencies when the protection of equal treatment lies in three separate bodies, two of which lack an independent character. Moreover they highlight the necessity for initiatives that will help the other two bodies to become active.

⁷¹ Greek Ombudsman, Annual Report 2009, p.3, <http://www.synigoros.gr/diakriseis/index.htm> accessed in 23 June 2011

XI. Racism and related discrimination in the media

XI.i Manifestations of racism and related discrimination in the media, including the internet

The media in Greece, to a large extent, is responsible for the racist atmosphere by presenting migrants and other vulnerable social groups on television as law breakers and mostly presenting them in a negative manner.

According to ECRI's fourth report⁷² the Greek authorities have stated that the audiovisual and written media have adopted a code of conduct and that the National Radio and Television Council can impose sanctions on them in cases where racist speech has been published, and has done so since the publication of the previous ECRI's report. Yet there was no report of such a case until March 2011. On the other hand there are complaints from NGOs and migrant organisations that the media in Greece tend to project only on the criminality of immigrant offenders. For example when a robbery occurs and the offender is a migrant the journalists state his or her country of origin.

Usually there is no reporting on the Turkish minority in Thrace in the north-east of Greece but when they are mentioned in the media they are referred to as a Muslim minority hostile group whose members threaten Greece's national sovereignty⁷³. Xenophobic and discriminatory reporting consistently remains a favourite for a large segment of journalists, since immigrants are still considered responsible for a series of crimes.

On the other hand some newspapers like "Elephtherotypia", "Ta Nea", "Avgi", "Kathimerini" and also radio stations like "Athens Municipal Radio 9.84", and "Radio Filia 106,7" give the floor to migrant journalists or activists to write articles or produce radio shows with issues on migration. The internet TV channel "tvxs" also presents and discusses on a regular basis migration issues. According to the co-ordinator of the Greek Forum of Migrants, Mr. Ahmed Moawia: "In Greece there are more than 20 immigrant newspapers that are published by migrant communities like the Albanian, Russian, Bulgarian, Pakistani, Polish, Filipino and Arab speaking communities (Sudan, Egypt etc). Most of these newspapers are weekly and monthly. Their main news is based on the news

⁷² ECRI, Report on Greece, (Strasbourg, ECRI, 2009) p.8 & p.20
<http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/greece/GRC-CbC-IV-2009-031-ENG.pdf>
accessed 20 June 2011

⁷³ Mardaki Andriana, 'Racism and Discrimination in Greece', Enar Shadow Report 2009-2010,
<http://cms.horus.be/files/99935/MediaArchive/Greece.pdf> accessed 2 August 2011

covered by the Greek newspapers and of course they focus in issues that concern immigration like laws, racism, violent attacks, discrimination, etc. ⁷⁴

In the area of the Internet and social media there are many different projections both negative and positive. There are a lot of blogs and websites with racist or nationalistic content. The number of these websites was revealed after the massacre in Norway when a journalist reported in Greek Reporter that:

“More than 800 blogs with highly racist content and right-wing ideology that cultivate hatred operate in Greece and daily receive thousands of hits, views and comments...” ⁷⁵ Of course, there is a huge amount of anti-racist and anti-discrimination material on the internet. There are a number of websites from the migrant communities and organisations that present the work of these organisations, their activities, news and related articles that concern immigration. For example the United African Women Organisation website www.africanwomen.gr or the Somali Community website <http://somgreece.com> Moreover there are websites that present articles on immigration like the Diavatirio website <http://diavatirio.net/diavat/news.php> and the Greek Forum of Migrants website www.migrant.gr.

Examples of NGO Good Practice

Diavatirio: Online magazine for Immigrants

The Greek-Albanian Association of Friendship "Socrates" is a Non Governmental Organisation which was founded by Greek educators in 1991 aiming to contribute, through education and cultural activities, to the development of good relations between the two countries. The Association has published an online magazine with the title Diavatirio. The journalists of this magazine are all immigrants. More information about their projects can be found in the website of the online magazine <http://diavatirio.net/diavat/news.php> which provides useful information about immigrants living and working in Greece, including employment issues and labour rights.

Television Without Borders – tvxs: The <http://www.tvxs.gr> website is the result of a successful television broadcast documentary with the title: Television without borders. The series of the documentaries had several themes, one of them was discrimination. It has numerous reports and interesting articles about immigration, human rights, rights of immigrant workers etc. Moreover, it is a reliable source of information on issues relating to vulnerable groups, issues of

⁷⁴Greek Forum of Migrants, “The unknown press” , <http://www.migrant.gr/cgi-bin/pages/page3.pl?arlang=greek&arcod=070806175638&argenkat=Dialexeis%20Enimeroseis%20Omilies> accessed 2 November 2011

⁷⁵Chaini Anastasia “800 Greek Right-Wing Racist Blogs under Supervision”, *Greek Reporter*, 13/06/2011, <http://greece.greekreporter.com/2011/07/31/800-greek-right-wing-racist-blogs-under-supervision/>, accessed 2 November 2011

discrimination and updates on incidents of racist violence. More details can be found in their website.

XI.ii The political and legal context

No legal or political developments occurred in relation to discrimination in the media including the internet from March 2010 to March 2011. The situation is exactly the same as stated earlier in this report: xenophobic and discriminatory sensationalist articles are very popular among journalists. Most of the NGO's, anti-racist and migrant organisations point out that there is a need for the state to raise more awareness of the necessity of responsible reporting, alert media professionals to the dangers of racism and intolerance and ensure the enforcement of Law 927/1979 against journalists and media who incite racial hatred. As stated in Legislation online:

Law 927/1979 “on punishing acts or activities aiming at racial discrimination” penalises:

(a) to willfully 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 or [by virtue of article 24 of Law 1419/1984] religion;

(c) 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 or religion.⁷⁶

⁷⁶Legislation online, “Greece-Hate crimes, Law 927/1979” <http://www.legislationline.org/topics/country/27/topic/4> accessed 1 November 2011

XII. Political and legal developments in anti-racism and anti-discrimination

International bodies, civil society organisations, and Greek NGO's have repeatedly criticised the Greek authorities for not implementing a specific policy for combating discrimination. No additional measures are taken to inform citizens and vulnerable groups about their rights.

According to the MIPEX Report⁷⁷ the Anti-Discrimination Law provides residents with the minimum EU standards. However, nationality/citizenship discrimination is not explicitly prohibited in law, despite the past recommendations made by the Ombudsman. Furthermore, people are not protected from racial profiling. The relevant law for anti-racism and anti-discrimination is 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"⁷⁸.

As the ECRI's fourth report points out:

This Law prohibits direct and indirect discrimination, and protects against harassment and instruction to discriminate by an employer. Chapter II of the Law 3304/2005 extends to both the public and private spheres and covers employment, social protection, education and access to public goods and services, including housing. Article 6 of the Law provides that the adoption or maintenance of special measures aiming at preventing or compensating for disadvantages on the grounds of racial or ethnic origin shall not be considered discrimination. Finally Article 14 provides for the sharing of the burden of proof in anti-discrimination cases. This law entrusts three bodies with ensuring and monitoring its implementation. These bodies are the Greek Ombudsman, the Equal Treatment Committee and the Labour Inspectorate.⁷⁹

As mentioned earlier in this report the Office of the Ombudsman, examines complaints for alleged violations of the principle of equal treatment by public services. The Labour Inspectorate (SEPE), takes up cases of alleged discrimination in the fields of occupation and employment and the Committee of Equal Treatment deals with issues of discrimination in the field of goods and

⁷⁷ Migrant Integration Policy Index III, February 2011 , p.97

⁷⁸ Greek Ombudsman, "Presentation of Law 3304/2005", <http://new.synigoros.gr/?i=metaxeirisi.el.laws>, accessed 1 November 2011

⁷⁹ ECRI, Report on Greece, (Strasbourg, ECRI, 2009) p.14 <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/greece/GRC-CbC-IV-2009-031-ENG.pdf> accessed 20 June 2011

services. The National Commission for Human Rights (NCHR)⁸⁰ and ECRI have pointed out deficiencies in this Law 3304/2005. For example: it does not cover discrimination based on colour, language or nationality and Chapter III, which prohibits discrimination based on, inter alia, religious or other beliefs, does not extend the scope of this prohibition to social protection, education and access to goods and services.⁸¹

Furthermore, the legal protection and defence of the victim according to Article 13 of the same Law will enjoy not only protection from the courts, but also from administrative bodies or through NGOs or trade unions. But the NGOs and trade unions can act on behalf and in support of victims before the courts and before administrative bodies only if the victim has given his/her consent to the organisation stating that he/she wants and agrees to be represented by this organisation in court. As a result, NGOs cannot bring cases to court if they do not represent a specific victim. This is a big concern for Greek NGO's because in their difficult job of combating discrimination they have to deal with the lack of financial resources on one hand and on the other hand if they do have the resources to bring a case to court they cannot do that without representing a specific victim. In order to prove they represent that victim the law states that they need an official or a private document in which the victim's signature will be certified by a public authority for its authenticity. Furthermore, as is repeatedly argued by the Greek Helsinki Monitor, NGOs combating discrimination and xenophobia should be able to attend Greek Criminal Court proceedings for those who are discriminated against, as is the case in other European countries.

The relevant law for anti-racism and anti-discrimination is 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". This law prohibits direct and indirect discrimination, and protects against harassment and an instruction to discriminate. Chapter II of the Law 3304/2005 extends to both the public and private spheres and covers employment, social protection, education and access to public goods and services, including housing.

Examples of NGO Good Practice

The **Greek Helsinki Monitor (GHM)** was founded in 1992 by members of Minority Rights Group – Greece which is affiliated with Minority Rights Group - International since 1992. This NGO has experienced staff and the financial resources to bring complaints about discrimination against vulnerable groups to

⁸⁰ National Commission for Human Rights, "Παρατηρήσεις σχετικά με το νόμο 3304/2005", http://www.nchr.gr/category.php?category_id=174&gallery_category_id=&page=2 accessed in 25 June 2011

⁸¹ ECRI, Report on Greece, (Strasbourg, ECRI, 2009) p.14 <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/greece/GRC-CbC-IV-2009-031-ENG.pdf> 2 November

both the Ombudsman and the relevant authorities. It is also well known because it provides all legal means to condemn acts of racism and to take cases of discrimination to court. It also monitors the Roma situation in Greece and has a website that is updated regularly, even in English, which contains data related to discrimination. More details in <http://cm.greekhelsinki.gr/>

XIII. Migration and integration

In Greece the responsibility for migration and asylum is divided between 4 Ministries. The Ministry of Citizen Protection is responsible for border control, asylum, and returns, including the running of screening and removal centres. The Ministry of Interior Decentralisation and e-Government formulates the migration policy, and issues residence permits. The Ministry of Health and Social Solidarity is in charge of reception facilities for asylum seekers. Finally the Ministry of Labour and Social Protection coordinates government actions relating to migration.

Greece faces a particularly strong migratory pressure due to its geographic position on the Southern border of the European Union and its extensive land and sea borders. According to the latest report by the Frontex Risk Analysis Network (FRAN)⁸² there is a clear shift from the East to the Central Mediterranean regarding the irregular migration at the EU's external borders. Despite this shift, which is mainly a result of the exceptional circumstances of the "Arab spring", FRAN points out that the Greek land border with Turkey remains an area of key concern for irregular migration, representing more location where than half the EU total of irregular migration takes place, when migration to Italy is discounted.⁸³

The Greek asylum system did not guarantee basic protection for the asylum seekers. For this reason, many NGOs and International Organisations through 2009 criticised the Greek authorities and recommended that a new formula for managing asylum and migration should be developed.

Fortunately, the Greek authorities have submitted such a plan to the European Commission. In 2010, an Action Plan on Migration Management was introduced. The plan, which focuses on the screening of irregular migrants and their detention, and repatriation involved all main actors, including civil society representatives and is going to be implemented within three years. Moreover, there are provisions on the establishment of a First Reception Service within the Ministry of Citizen Protection that will coordinate the operation of First Reception Centres in border areas. This is Law 3907 on the establishment of an Asylum Service and a First Reception Service, and is the transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions.

⁸² FRONTEX European Union Agency, "Situation at the external borders", FRAN Quarterly | Q01 2011, http://www.frontex.europa.eu/situation_at_the_external_border/art25.html , accessed in 23 June 2011

⁸³ Ibid.

According to the MIPEX Report “Greece is now in the 16th place in the EU countries and has made the greatest overall progress of any MIPEX country (+10) with just 3 laws from the new government, though politicised among right-wing parties. Immigrants and their descendants may see slight improvements in all MIPEX areas, except long-term residence and anti-discrimination.”⁸⁴

These three laws that the report mentions were received very positively by the Greek NGOs and the immigrant communities. The first positive amendment was the one made to the laws governing Greek citizenship: this law was amended by the government of the PASOK Party which promised that it will take courageous measures especially when it comes to the integration of migrants. The Law 3838/2010 was published on 24 March 2010 and refers to the ways a third country national can acquire Greek citizenship. According to the new legislation this happens when they are either born in Greece and their parents live legally in the country or when they have successfully completed at least six years of study in a Greek school at any level. This specific article is very positive because it gives an opportunity for second-generation immigrants to become Greek citizens.

Moreover the law has changed in regard to the requirements of naturalisation especially in the number of years required for one to live in Greece in order to apply for nationality which was reduced from 10 years to seven years.

The law 3838/2010 gives the right to third country nationals legally residing in Greece to vote and to be voted for. The immigrants need to be over 18 years of age and be legally residing in the country for five to 10 years. They can stand for some positions (excluding mayor or vice-mayor) once they have sufficient knowledge of Greece and the Greek language for their tasks. With respect to family reunification, the legislative framework is considered sufficient: however, in practice, the entire process is slowed down by the Greek bureaucracy. Each case might take anything from one year up to three years and it is not always a positive outcome. The European Directive 2003/86/EC on the right to family reunification has been incorporated into Greek law by Presidential Decrees 131/2006 and 167/2008⁸⁵. Moreover the Law 3801/2009 provides full access to employment for reunited family members. Greece has recognised the 11 Common Basic Principles on Integration.⁸⁶

⁸⁴ Migrant Integration Policy Index III, February 2011, p. 92, <http://www.mipex.eu/greece> accessed 29 June 2011

⁸⁵ *Presidential Decree 167/2008: Complementing presidential decree 131/2006 'harmonization of the Greek legislation to Council Directive 2003/86/EC on the right to family reunification'* (Official Gazette A' 143) [Greece], No. A 223, 4 November 2008, available at: <http://www.unhcr.org/refworld/docid/4cc699bc2.html> [accessed 1 November 2011]

⁸⁶ European Council document on the 11 Common Basic Principles on Integration:

http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf

Also there is a strategy for Social Protection and Social Inclusion, currently represented in: the National Strategy Report on Social Protection and Social Inclusion.⁸⁷ The National Action Plan is implemented by the Ministry of Labour and the European Social Fund. At national level the priorities for social inclusion are: Preventing and tackling the social exclusion of vulnerable groups with specific interventions for social and professional integration of groups such as people with disabilities, immigrants, refugees, long-term unemployed, asylum seekers, trafficking victims and others. These actions are aimed at 1.Training, 2.Promoting employment, 3.Learning the Greek language, and 4.Awareness actions. The action plan also includes support to businesses and companies to combat discrimination in employment with actions such as: education to combat discrimination in the workplace, support projects such as corporate responsibility, the creation of a national forum to fight discrimination in the business environment, the development of measures to manage diversity in workplace, and support for business initiatives with regard to vulnerable social groups.

The Ministry of Labour, in order to implement the programmes, cooperates with NGOs and other bodies such as the Greek Ombudsman, and trade unions such as Hellenic Federation of Employees (SEV), the General Confederation of Social Workers (GSEE) and the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE). It also collaborates with NGOs working with vulnerable groups such as the Greek Migrants' Forum, the National Confederation of Disabled People (ESAMEA), 50 + Hellas, and religious communities and NGOs in the field of human rights in general such as the National Coordination of ENAR.

Examples of NGO Good Practice

The **Greek Forum of Migrants** represents more than 30 migrant communities in Greece and is the largest immigrant representation body in Greece. The GFM has participated in several State and EU-funded educational programs dealing with immigration issues and aiming at the social empowerment and promotion of the human rights of immigrants living in Greece. During 2010, the GFM organised information meetings for its members regarding the implementation of the new laws for citizenship and voting right. At the moment the GFM is developing a programme funded by Stavros Niarchos Foundation which aims at the social integration of second-generation immigrants, focusing on the critical age of 16-25, but addressing other age groups as well. More details about the organisation can be found in their website <http://www.migrant.gr/cgi-bin/pages/index.pl?arlang=greek>

⁸⁷ Analytical Support on the Socio-Economic Impact of Social Protection Reforms (ASISP), "National Strategy Report on Social Protection and Social Inclusion 2008-2010 (NSR Greece), <http://www.socialprotection.eu/>, accessed 2 November 2011

XIV. National recommendations

Employment

- There should be more systematic and intensive cooperation of state, business establishments and civil society for the fight against discrimination in the field of employment.
- The Greek authorities together with the Labour unions should inform the vulnerable groups through campaigns about their rights and should consider positive measures for the business establishments that reflect good practices in the employment sector.

Housing

- The Greek authorities should act more vigorously to address the situation of Roma who live in settlements of inadequate standards.

Education

- Implement a long-term strategy for better integrating immigrant pupils and university students in education together with civil society and educational bodies.

Health

- The Ministry of Health, together with civil society groups, should review all legislation and practice regarding access to healthcare for vulnerable groups and propose ways to eliminate whatever discrimination may exist.

Criminal justice

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

Access to goods and services

- The government must provide education and encourage cooperation between competent authorities and NGOs in order to address discrimination in this field. The relevant authorities should enforce severe penalties for those who target immigrants when they are trying to access goods and services, especially civil servants.

Media

- The Greek authorities should raise more media awareness of responsible reporting, and alert media professionals to the dangers of racism and intolerance.
- The authorities must ensure the enforcement of Law 927/1979 in regard to journalists and media who incite racial hatred.

General

- The competent authorities like the police, the municipalities and any other state authorities that deal with immigration have to provide statistics and data on an annual basis, enabling the planning and implementation of a long-term plan to tackle discrimination and social exclusion and to implement social inclusion policies for vulnerable social groups.

Anti-racism and anti-discrimination

- It is necessary to supplement the Laws 3304/2005 and 927/1979 so that NGOs can act independently in the courts on discrimination cases.
- The state has to provide continuous and comprehensive information on discrimination issues and on how they should be addressed by the Administration (head, directors) of the courts.
- There should be an ongoing training programme for police and judges to ensure the fairer application of the law.

Migration and integration

- The police should cease to be in charge of migration issues,
- The asylum procedure should immediately be changed and more asylum centres should be created, especially in the district capital.
- Greece must immediately stop returning asylum seekers to third countries outside the EU.

XV. Conclusion

At the end of 2009, Greece faced a serious economic crisis, with a huge public debt. In January 2010, the government presented a plan in order to manage the problem. In the following months the government announced a second round of austerity measures including a freeze on public-sector pay, reduction in pensions, increase of the retirement age and more. Greek society responded with national strikes and protests but things did not change. This is considered to be the worst crisis the country ever had and of course this has had an impact on both Greeks and immigrants who reside in the country.

Despite the economic crisis, March 2010 to March 2011 was a period of development both in policy and legislation relating to discrimination and racism. The authorities developed a main policy with laws and practices that are intended particularly for facilitating the social integration of vulnerable social groups:

First, the Law 3838/2010 which refers to the ways that a third country national can go about acquiring Greek citizenship. This is considered to be a positive development because, for the first time, the law refers to second generation immigrants and allows the acquisition of Greek citizenship to those who were born in Greece or studied in a Greek school, albeit there are a number of conditions attached thereto.

The same law gives the right to third country nationals legally residing in Greece to vote and to be voted for. Finally there is a National Plan for Migration and Asylum and with Law 3907 on the establishment of an Asylum Service and a First Reception Service; measures will be taken to address some of the main problems. These changes are considered to be positive by Greek NGOs and independent bodies like the Ombudsman.

Last, but not least, most of the NGO'S and anti-racism organisations in Greece are particularly worried by the rise of fascist and racist groups. There has been a continuing increase in racist attacks against vulnerable groups and these attacks have become more violent than ever.

As reported by Andriana Mardaki in the previous shadow report⁸⁸ the media and politicians constantly create fear in the public domain: "This is an attempt by the far-right party LAOS and other minor Nazi and racist groups. The publicity enjoyed by the far-right party, has given it the ability to use racist speech without being punished and this unfortunately affects a great portion of society."⁸⁹

⁸⁸ Mardaki Andriana, 'Racism and Discrimination in Greece', ENAR Shadow Report 2009-2010, <http://cms.horus.be/files/99935/MediaArchive/Greece.pdf> accessed 2 August 2011

⁸⁹ Above 58, Mardaki, 2010, p.40

Anti-racism NGOs and migrant organisations in Greece have minimum funding from their members and consist mainly of volunteers. They are trying really hard but with insufficient means and yet they have made considerable progress regarding the integration of immigrants and the amendments in legislation in key areas. Their main demand continues to be their active participation in the formulation of policies relating to discrimination, anti-racism and immigration.

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Annex 1: List of abbreviations and terminology

ECRI - European Commission against Racism and Intolerance

EctHR- European Court of Human Rights

FRA - European Union Agency for Fundamental Rights

GCR - Greek Council for Refugees

GHM- Greek Helsinki Monitor

GSEE - General Confederation of Social Workers

IPODE- Institute for the Education of people of Hellenic background and Intercultural Education

LAOS - Popular Orthodox Party

NAP - National Action Plan on Social Inclusion

NGO – Non Governmental Organisation

NHS - National Health Service

O.K.E. - Economic and Social Committee

PD - Presidential Decree

SEPE - Labour Inspectorate Body of the Ministry of Labour and Social Security

TVXS – Television without Borders

UNHCR - United Nations High Commission for Refugees

