



Racism and Xenophobia in 2006 GREECE

**Antigone
Information & Documentation Centre**

**RAXEN
National Focal Point**

Miltos Pavlou

October 2006

CONTENTS

CONTENTS.....	1
1. Executive Summary	3
2. Five main areas	5
2.1. Legal Issues.....	5
2.1.1. Impact of EU Directives 2000/43/EC and 2000/78/EC	5
Impact in court cases and litigation	5
Discrimination by private and legal entities	5
Discrimination in Employment	6
Discrimination in and by the public administration	6
Chart 1. Complaints submitted to the Greek Ombudsman under law n.3304/2005.....	9
Chart 2. Complaints under law n.3304/2005 investigated by the Greek Ombudsman	9
Chart 3. Complaints about discrimination due to racial/ethnic origin	10
Significant Ombudsman Cases	10
2.1.2. Transposition and impact of Council Directive 2003/109/EC of 25 November 2003 on long-term resident status for third country nationals. .	12
2.1.3. Legislation in the area of criminal law	13
Court cases	14
Strasbourg case for violation of art.9 of ECHR	14
2.1.4. Reports and studies	15
2.1.5. Legislative measures and initiatives combating discrimination, racism, xenophobia and antisemitism and improving integration and community cohesion (not covered in other chapters)	17
Institutional policies and measures	17
Significant initiatives	18
2.2. Employment.....	19
2.2.1. New sources of data	19
2.2.2. Statistical data and information.....	19
Chart 4. – Cases of illegal employment of foreign citizens (Labour Inspection Body statistics)	19
2.2.3. Reports and studies	20
2.2.4. Impact of EU Directive EC/43/2000	20
2.2.5. Special Bodies	22
2.2.6. Discrimination on the grounds of religion at the work place	22
2.2.7. Immigrants and minorities in trade unions	22
2.2.8. Monitoring working conditions of immigrants and minorities	23
2.2.9. Policies, measures and initiatives combating discrimination and improving integration and community cohesion in employment	23
Institutional policies and measures	23
Significant initiatives	24
2.3. Education (including vocational training and life-long learning)	26
2.3.1. New sources of data	26
2.3.2. Statistical data and information.....	26

2.3.3. Reports and studies	26
2.3.4. Impact of EU Directive EC/43/2000	26
2.3.5. State provisions for minority and multicultural education.....	27
Chart 5. Integrated Programs 2006-2007 for intercultural education (European Structural Fund and National funding).....	29
2.3.6. Religious symbols in schools	29
2.3.7. Policies, measures and initiatives combating discrimination and improving integration and community cohesion in education	29
Institutional policies and measures	29
Significant initiatives	31
2.4. Housing.....	32
2.4.1. New sources of data	32
2.4.2. Statistical data and information	32
2.4.3. Reports and studies	35
2.4.4. Impact of EU Directive EC/43/2000	38
2.4.5. Policies, measures and initiatives combating discrimination, racism, xenophobia and antisemitism and improving integration and community cohesion in housing	38
Institutional policies and measures	39
Significant initiatives	39
2.5. Racist violence and crimes	40
2.5.1. New sources of data	40
Racist, xenophobic, antisemitic and islamophobic crimes and the law..	40
2.5.2. Statistical data and information	41
Table 1 – Major racist violence incidents against immigrants and minorities (2003-2006).....	41
2.5.3. Official data publicly available	47
2.5.4. Reports and studies	47
2.5.5. Policies, measures and initiatives combating racist violence and crime and improving integration and community cohesion	49
Institutional policies and measures	49
Significant initiatives	49

1. Executive Summary

- There are extremely few discrimination cases within the field of the anti-discrimination law. These are handled by the Greek Ombudsman, which seems to be the only fully operative Equality Body in Greece. There is no official case of racist violence and crime, although violence against immigrants and minorities, in many cases done by the police officers, is a reality.
- The above depict a landscape of a problematic implementation of anti-racist and anti-discrimination laws, due to institutional shortcomings and underlying attitudes.

▪ Nevertheless, a number of innovative legislative initiatives in 2006, especially in regard to religious freedom, have reformed deeply rooted discrimination practices (abolition of the pre-Second World War law on approval procedures for worship places, the new law on cremation, establishment of the immigrants' councils in some municipalities)

▪ There is no data available on the litigation cases before the court in discrimination matters and on the basis of the anti-discrimination law.

▪ The Equal Treatment Committee, annexed to the Justice Minister, is suffering from resource and staff constraints and is not conforming to the Paris principles of independence and transparency. Up to date it has handled only one case in 2005 - the final outcome of which has not been notified - and it is currently handling two cases. Its first report to the competent Justice Minister has not been made publicly available.

▪ The Labour Inspection Body, responsible for discrimination in employment, up to date has not encountered nor handled any case whatsoever.

▪ The Greek Ombudsman, in its first Annual Report as Equality Body, indicates the following among the main factors underlying the present situation:

- a) Absence or low level of awareness among the large public and within the administration staff about anti-discrimination legislation
- b) Reconciliatory role of equality bodies instead of an active and pro-active one in supporting victims, as well as the non conformity of all the Equality Bodies to the *Paris Principles*.
- c) The shift of the burden of proof is implemented solely by repetition of the exact wording of the directives, failing to introduce any new legal and judicial procedures for individual cases.

d) The ‘citizenship exception’ - the general clause for exception from the regulatory field of law n.3304/2005 concerning discrimination due to citizenship against the third country nationals - constitutes a precondition for extensive discrimination against foreigners due to race or national origins. Access to provision of public services and to a number of fields of employment continues to be tied to Greek citizenship and ethnic origin.

- During 2006 the exclusion of immigrant workers from employment fields, and the slow and not-yet fully implemented transposition of the long term residence status directive, reflect an immigration policy that fails to pursue integration through employment as the Common basic Principles for Immigrants’ Integration suggest.

- The Economic and Social Committee, in its Annual Report overview, recommended that a Committee should be founded in order to examine and advocate the amendment of all existing law provisions in force that introduce discrimination on the grounds of ethnic origin and citizenship, and that all Equality Body competences should be assigned to the Ombudsman, the latter being the only body capable of guaranteeing independence and efficiency of operation.

- As for education, 2006 is a starting year for a number of new EU-funded major school integration projects, which propose to design from scratch policy and tools for promoting integration of immigrants and minorities in education. The Roma children participation remains a major question to be dealt with by affronting systematically the Roma social exclusion in housing, social welfare and political participation.

- Almost half of the few discrimination cases handled by the Ombudsman were due to racial or ethnic origin, in their majority concerning Roma housing. The latter constitutes an emergency area of ‘*institutionalised practices of discrimination*’¹, within which much tension, court litigations and intervention of international bodies were recorded.

- The anti-racist criminal law has still not been tested in court and no racist crime has been recorded as such by the police and the judicial system. Yet certain recent significant initiatives indicate a net orientation towards improving the investigation of racist motivation and prosecuting such criminal activity. However, the available data on violent incidents against immigrants (including two murders) and minorities indicate a consolidated or increasing trend, while opinion polls and surveys indicate a justifying or tolerant attitude towards racist crime.

¹ The Greek Ombudsman, 1st Annual Report as National Equality Body, 2006., p.10.

2. Five main areas

2.1. Legal Issues

2.1.1. Impact of EU Directives 2000/43/EC and 2000/78/EC

Impact in court cases and litigation

The impact of the Race and Equality Directives transposed into the Greek legal order through the law n.3304/2005 is difficult to estimate due to the minimal effective application of this law, especially with respect to court cases and litigation.

According to the Ministry of Justice, there is no data available on the litigation cases before the court in discrimination matters and on the basis of the anti-discrimination law².

Moreover, there is no official government data concerning the cases or complaints on the grounds of discrimination, and the available independent authority's statistics are extremely limited.

Discrimination by private and legal entities

The Equal Treatment Committee established by the Decision No. 98623/10/05 of the Minister of Justice on the basis of the art. 21 of Law 3304/05 is a body annexed directly to the Ministry of Justice, and assisted by a special Equal Treatment Service within the same ministry. The Equal Treatment Service deals with the equal treatment principle and discrimination violation by private and legal entities.

Up to date the Committee has handled only one case, while its first report to the competent Justice Minister has not been made publicly available. The commission has one employee and the only personal computer available has no Internet access. It has also been criticised for the lack of collaboration with other public bodies, as presented by the following example. The Economic and Social Committee is responsible for conducting an annual report about the implementation of the equal treatment principle in Greece, as provided by the art.18 of the anti-discrimination law n.3304/2005. In its 2005 Annual Report, it stressed that the Commission for Equal Treatment of the Ministry of Justice had not responded to its written requests for cooperation and exchange of views³. These and similar malfunction are also confirmed by the media⁴. Finally, the Commission had not provided the needed information to the Greek RAXEN

² Penitentiary Policy Directorate, Doc.prot.n. 45857/09.05.2006.

³ Economic and Social Commission, *Annual Report 2005 on the application of the Equal Treatment Principle on Greece*, p.20.

⁴ Delithanasi M., *Indifference for the equal treatment principle*, Kathimerini, (14.05.2006).

NFP before as late as October 12 2006, and it did so only after persistent requests.

According to the official document n.117936/12.10.2006, during the year 2006 no written complaint has been submitted to the Equal Treatment Committee. There is a four-digit cost-free telephone number available to the public, providing information to citizens about the anti-discrimination law. It is used mostly by the employees of the private sector, although no official statistics about its use are available.

The Committee has proposed a legislation review of art.2.2 of the law n.3304/2005 in order to define more clearly the concept of harassment and to transpose fully and correctly the relevant art.2.3. of the Directive 2000/43/EC and art.2.3. of the Directive 2000/78/EC. This proposal was prompted by the recommendations of the European Commission (official doc. N. 2000542/07.02.2006) and is conforming to the harassment definition provided by the Directive 2002/73/EC to be transposed soon into the Greek legal order.

The Committee is currently handling two cases, which were forwarded by the Greek Ombudsman as falling within the mandate of the former. They concern limitations in exercising the lawyer's profession. The Committee is bound to express an opinion and eventually propose amendments to the Lawyer's Code in order to safeguard the equality principle and harmonise the relevant regulatory text with the anti-discrimination law provisions.

During the last two months of 2005 the Equal Treatment Committee has handled one case forwarded by the Labour Inspection Body (SEPE), which concerned discrimination in employment due to disability. In particular, it regarded a violation of the equality principle by a bank. The Committee made no information concerning the outcome of this case available to the RAXEN NFP.

Discrimination in Employment

The Labour Inspection Body (SEPE) is an agency whose role is to monitor and control discrimination cases in employment. It is assisted by the Equal Opportunities Department of the Directorate for Social Protection of the Labour Ministry.

According to the official response that SEPE gave to the Greek RAXEN NFP, up to date it has not encountered nor handled any case of discrimination in employment.

Discrimination in and by the public administration

However, the data that do provide useful information about the impact and the perspectives of the effective transposition of Directives come from the activities of the Ombudsman - its mediation in cases concerning discrimination in the public sector and between the citizen and the state.

The Greek Ombudsman (GO) is investigating the discrimination acts and omissions made by the public administration on the grounds of racial or ethnic origin, in the context of the respect of the equal treatment principle by public authorities. To this purpose, the law n.3304/2005 extended its mandate to include complaints submitted by public servants against the public administration on the grounds of discrimination. The Greek Ombudsman in its first Annual Report as Equality Body offers an overview and a critical assessment of the effectiveness of the anti-discrimination legislation and the accomplishment of its objectives.

Furthermore, the Ombudsman point out the three factors decisively reducing the impact of the anti-discrimination legislation:

a) An absence or low level of awareness among the large public and within the administration staff about anti-discrimination legislation. As the GO emphasises, the public awareness of the anti-discrimination legislation and existence of the equality bodies is highly limited. It adds: *'the relative ignorance, the fear of social exposure or other suffering unofficial sanctions or social pressure in case a complaint for unjustified discrimination is filed (...) in addition to the relatively low participation of persons from visible minorities on the staff of the Greek administration may explain the reduced flow of serious complaints. (...) However (this cannot) be seen as proof of the non-existence of serious phenomena of illegitimate discrimination'*.⁵

b) The reconciliatory role of equality bodies instead of an active and pro-active one in supporting victims.

The legislator's decision to distribute the tasks of promoting the principle of equal treatment to the different public and independent agencies has been subject to criticism, because some of these agencies are directly attached to the ministries, and hence do not fulfil the independence requirement and do not confirm to the Paris principles⁶. Further critique has been exercised against the ombudsman-like mediation approach used to set up such agencies instead of assigning them an active role in representing the discrimination victims, especially before the courts⁷. In order to improve legal support and representation of victims, the Ombudsman has proposed that the responsible Ministries of Justice, Labour and Internal Affairs provide incentives, support and perhaps even funding to the NGOs that are particularly active in the fields of counselling, victim support, and representation before the authorities.⁸

⁵ The Greek Ombudsman first report as National Equality Body, 2006, p.14.

⁶ As the Greek Ombudsman notes in its first report as National Equality Body, 2006, p.14.

⁷ N.Theodoridis - ANTIGONE (NFP) Critical comments for anti-discrimination directives transposition, (06.02.2005), Stagos P. – Eleftherotipia (03.03.2005)

⁸ The Greek Ombudsman 1st Annual Report as National Equality Body, 2006, p.14.

c) The most crucial and innovative aspect of the law⁹ transposing the anti-discrimination Directives - the shift of the burden of proof - is implemented solely by repetition of the exact wording of the directives. Thereby it fails to introduce any new legal and judicial procedures for individual cases¹⁰, reducing the transposition of such provision to a minor contribution to the existing respective legal framework: *'the wording of the above-mentioned statute, incorporating the two EU Directives adds little to the pre-existing Greek regulatory framework as it reflects the usual practice of the Greek legislator to adopt EU Directives without the necessary additions for them to be truly effective.'*¹¹.

Therefore, the law transposing the race and equality directives is innovative mainly insofar as it lays some perspectives for the future and introduces proactive measures that affect the public awareness and the way discrimination and fight against it may be handled under the Greek administrative and legal system. According to the Ombudsman, whereas the law sets up an institutional apparatus system reinforcing the protection of the offended party, it fails to introduce new legal and judicial procedures for individual cases: *'emphasis has shifted to: mediating action on the part of special public agencies in the promotion of equal treatment; to the mobilizing of civil society, both at the level of sensitizing the public as well of representing the offended parties; to forecasting strategic actions and institutionalized social dialogue; in addition to recommending affirmative action.'*¹²

d) The 'citizenship exception' - the general clause for exception from the regulatory field of law n.3304/2005 concerning discrimination due to citizenship against the third country nationals (art.4.2 of the law). As the first Annual Equality Body Report of the Greek Ombudsman implies¹³, as long as in Greece, *'access to a number of fields of employment continues, perhaps unjustifiably, to be tied to Greek citizenship, the preconditions are created for extensive discrimination against foreigners due to race or national origin.'*

The Greek Ombudsman in its Annual Report 2005 indicated to have received a total of 26 cases as Equality Body during the first year of the legislation in force (2005).

⁹ The Greek Ombudsman 1st Annual Report as National Equality Body, 2006, p.1: *'the innovative provision of article 14 appears to be the most crucial of all. Therein, the redistribution of the burden of proof regarding the documentation of illegitimate discrimination between claimant-offended party and the defendant is attempted, through the limitation of the burden of the former to prove the claim against the latter simply prima facie.'*

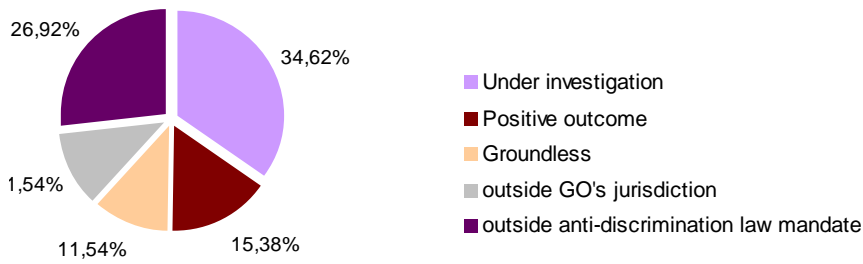
¹⁰ The Greek Ombudsman 1st Annual Report as National Equality Body, 2006, p.1.

¹¹ The Greek Ombudsman 1st Annual Report as National Equality Body, 2006, p.1.

¹² The Greek Ombudsman 1st Annual Report as National Equality Body, 2006, p.1

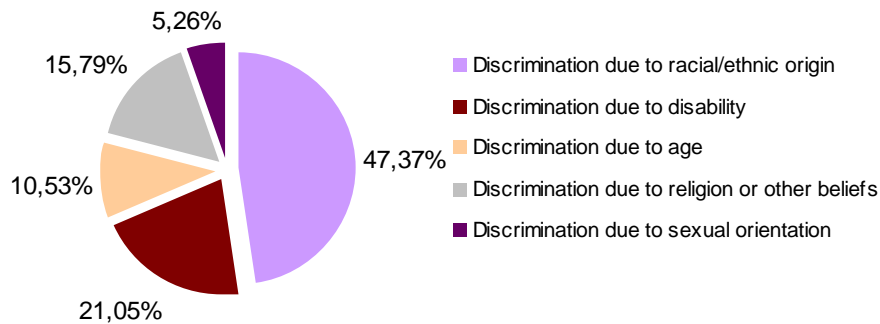
¹³ The Greek Ombudsman, http://www.synigoros.gr/docs/discrimination_ish_metaxeirish.pdf

Chart 1. Complaints submitted to the Greek Ombudsman under law n.3304/2005



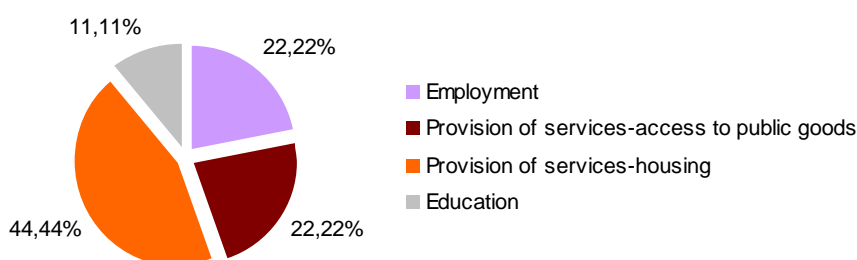
Among the 26 mentioned cases, 19 fell within the scope of the anti-discrimination law. Those complaints are analysed further below, according to the area of discrimination, as reported by the Greek Ombudsman:

Chart 2. Complaints under law n.3304/2005 investigated by the Greek Ombudsman



As the chart above shows, almost half of the complaints within the Greek Ombudsman’s mandate relate to discrimination due to racial or ethnic origin. Among these, the largest proportion regards Roma housing (provision of services):

Chart 3. Complaints about discrimination due to racial/ethnic origin



Significant Ombudsman Cases

Some of the discrimination cases handled by the Ombudsman are significant in either providing an interpretation of the law, or in offering examples of the anti-discrimination legislation impact in concrete cases:

- The majority of discrimination cases handled by the Ombudsman concern housing (44,44% of the total). However, in the Riganokampos (Patras - Peloponnesus) case of Roma housing - regarding the delay in the implementation of the “program for the settlement of Gypsies” of the Municipality of Patras - the Ombudsman refrained from investigating the case judging that it was inadmissible on formal grounds, because the NGO which submitted the complaint failed to invoke any form of representation of the offended party’ (case n.11906/2005).

- Another couple of cases (one contained in the Ombudsman Annual Report 2005, the other published in 2006) concern discrimination on the basis of citizenship. In the first case (that is included in the Annual Report 2005) an Albanian national complained to the Ombudsman about the refusal to grant him a student allowance for housing in addition to a scholarship from the State

Scholarship Institute, with the rationale that he did not hold Greek citizenship (Ombudsman case n.3393/2005). In the latter case (Ombudsman case n.6343/2005) a Ministerial Decision limited the immigrants' entrepreneurship¹⁴ by requiring Greek or EU citizenship or Greek ethnic origin in order to provide permits for open markets' commercial activity¹⁵. In both cases the Ombudsman has found that the differentiation in treatment due to citizenship is acceptable according to the established legislative framework for the combating of discrimination due to race or ethnic origin.

- In yet another group of cases (cases 13820/2005, 18035/2005, 16885/2005) three citizens complained about the treatment in their workplace. They claimed that that due to their party affiliations they were subject to discrimination on the grounds of their political beliefs. After an interpreting the relevant provisions, the Ombudsman rejected their complaints and filed them, because of the fact that *'discriminatory treatment against an employee based on party affiliations does not fall under the jurisdiction prescribed in Law 3304/2005, because party affiliations do not connote the concept of "beliefs" such as those which are safeguarded under article 7, paragraph 1 of Law 3304/2005. In its interpretation the Ombudsman concluded to consider as beliefs safeguarded by the above provision only the conscious choices related to an ideology or a worldview, of which: a) the foregoing manifestation is proven with analogous public action or way of life and b) there is a causal relation between the beliefs and the unfavorable discrimination.'* In this case the Ombudsman distinguishes between the risk of discrimination, which falls within the field of the law n.3304/2005 and the need for meritocracy and transparency in employment in public sector. So in the case of the need to safeguard meritocracy in general as a principle of law, *'the legislator did not grant the jurisdiction for the implementation of the [relevant] regulations to the GO, since this jurisdiction is reserved exclusively for the administrative courts.'*¹⁶

In the case 2967/2005, a third country national post-graduate student on a Greek government scholarship, accused the administration of a department of the University of Athens of discriminatory behaviour against him, due to his sexual orientation, reporting harassment by his fellow students and threats of expulsion by the administration. As the Ombudsman notes in the Annual Report following its intervention: *'the recommendation of expulsion was withdrawn and the student in question was allowed to continue his studies as a scholarship student. In any case, despite the arguments put forward by the complainant, the case in question does not fall under the protective field of articles 7 and 8 of Law 3304/2005, since, according to the above provisions, post secondary education*

¹⁴ Through provisions of the new migration bill (law n.3386/2005):

¹⁵ According to a Minist. Decision (K1-186/18-1-06) open market traders' license is reserved to persons of Greek citizenship, or of EU countries or immigrants of Greek ethnic origin. A similar decision by the Education Minister has limited access to musical schools to teachers of Greek or EU citizenship or of Greek ethnic origin causing in this way open market immigrant petty traders and music teachers who were already employed to loose their jobs.

¹⁶ The Greek Ombudsman, www.synigoros.gr/docs/discrimination_ish_metaxeirish.pdf, p.8-9.

*is protected against discrimination only on the grounds of race or ethnic origin, but not on the grounds of sexual orientation*¹⁷.

2.1.2. Transposition and impact of Council Directive 2003/109/EC of 25 November 2003 on long-term resident status for third country nationals.

The Council Directive 2003/109/EC regarding long-term residence status has been transposed into the Greek legal order in two phases: firstly it was introduced in the immigration permit system through the articles 67 to 69 of the immigration law n.3386/2005. These provisions contained main provisions of the directive, such as prerequisites and criteria for obtaining the long-term residence status. Greece has opted for an integration test system, requiring the immigrants who wish to obtain the long-term residence status, to have sufficient knowledge of Greek language, history and culture. This must be proven by an apposite system of training and certification, which is designed for a limited number of immigrant workers per year. It applies irrespective of other potential Greek language certification they may possess.

Articles 68 and 69 of the law n.3386/2005 authorised ministries to define the exact procedures and agencies that provide certification of knowledge of Greek language, history and culture. Therefore, in a second phase, a Presidential Decree regulates specific issues, such as documents and procedures requested, terms and conditions for renewal, withdrawal of long term residence status, mobility and protection from expulsion and so on. This decree was issued almost one year later, in July 2006 (PD n.150/2006). The ministerial decision defining procedures, specific examination criteria and agencies has not been issued yet.

Since the above framework requires the provision of Greek language, history and culture lessons to immigrants and the subsequent examination and certification procedures, it has not yet began to display any tangible results and no application for long term residence status has yet been possible to submit to the administration.

Up to July 2006, 3.435 immigrants have received such training and certification by participating in the Greek language training programme entitled “Greek language learning as a second tongue to immigrant workers” implemented by the only competent agency (Life-long Adult Education (ΙΔΕΚΕ)-General Secretariat of Adult Education (ΓΓΕΕ)¹⁸. As announced by the Ministry of Interior Affairs, the available classes until June 2008 are 610, providing for 9000 posts. There has been much criticism against the ‘bottleneck’ effect of this numerus clausus policy for allowing immigrants to access the long-term residence status.¹⁹ It goes noted that such training programmes are implemented

¹⁷ The Greek Ombudsman, www.synigoros.gr/docs/discrimination_ish_metaxeirish.pdf, p.9-10.

¹⁸ www.ideke.edu.gr/meta.asp

¹⁹ www.diavotirio.net, 05.07.2006

through European Union funding, that they are currently present at 40 out of the 54 prefectures of Greece, and that they do not constitute a structurally integrated public service addressing immigrants.

Therefore, the impact of the long term residence directive's transposition is not yet possible to measure, while its major effect seems to be the emphasis that the issue of 'immigrants' integration' came to receive in the public and political discourse. In response to the request of the opposition political parties for immigrants to gain the right to vote at the local administration elections, the Minister of Interior Affairs has announced that it is planned to introduce such reform at the next local administration elections of year 2010.

2.1.3. Legislation in the area of criminal law

The existing legislation in Greece concerning the areas covered by the proposal COM(2001)664 for a Council Framework Decision by the European Commission is the one provided by criminal (law n. 927/1979) and migration legislation (law n.2910/2001, the wording of which concerning racist offences has been repeated in the law n.3386/2005). It seems that the legislator thought that the above provisions fulfil in large part the aims of such proposed framework decision and no other relevant legislative initiatives have taken place since year 2001. However announcements of new provisions did appear in public discourse and the media at the time of the COM(2001)664 publication²⁰.

Law 927/1979 "*on punishment of acts or activities aiming at racial discrimination*" is the main anti-racist criminal law punishing by imprisonment of up to two years or a fine or both:

1. Whoever intentionally and publicly instigates, either orally or in the press or through written texts or illustrations or through any other means, acts of activities capable provoking discrimination, hate or violence against individuals or groups because of their racial, ethnic and by virtue of an amendment in law 1419/1984 religious origin;
2. The establishment of, and membership in organizations that aim at organized propaganda or other activities tending to racial discrimination;
3. Public, oral and written expression of offensive ideas aimed at racial discrimination;
4. The act of refusing to sell goods or supply services, or subjecting the aforementioned activities to special conditions on racial grounds.

An amendment appended to migration law n.2910/2001 allowed the public prosecutor to bring charges ex officio. The relevant art. 72e and 39, paragraph 4

²⁰ Zervas, Ch., 'Racists outlaws', Kiriakatiki Eleftherotypia (16.12.2001), Kathimerini (14.12.2001). Papadopoulou Tat., Institutional innovations in facing migration, To Syntagma, n.4/2002, <http://tosyntagma.ant-sakkoulas.gr/theoria/print.php?id=669>.

of the law 2910/2001 is repeated in article 71, paragraph 4 of the recent immigration law 3386/2005.

Court cases

Even after the introduction of the ex-officio investigation provision, such cases have been difficult to prove in a court of law, and therefore the law was never tested in court. “Courts have never effectively applied anti-racism Law 927/1979. A series of recent criminal proceedings targeting the publication of anti-Semitic, xenophobic/racist texts in the press, brought before Greek criminal courts by an NGO (Greek Helsinki Monitor), have not had any effect, mainly due to misinterpretation by Greek courts of the above statute.”²¹

In early 2006, an American citizen residing in Greece asked to participate in the proceedings by bringing action to court after an ex-officio investigation (file n.114769) started against two extreme right-wing organisations (‘Chrissi Avgi’ and Patriotiki Simachia’, ‘Golden Dawn’ and ‘Patriotic Alliance’ respectively) for inciting to hatred and violence against foreigners and Jews and exalting Nazi ideology through road writings, graffiti and signs, as well as through their websites²².

A trafficking court case, which was the first to be recorded in Greece, came to an end in 2006: Almost seven years after the initial prosecution, a major court case has come to an end with the 12-year prison sentence assigned to two trafficking network members. The case of Gina and Camellia from Romania has been the first court case of trafficking victims who risked expulsion during their multi-year adventure all up until the final court decision.

Strasbourg case for violation of art.9 of ECHR

The European Court for Human Rights through its decision in the *Agga v. Greece* case condemned Greece for violation of art. 9 of the ECHR. In 1990 Agga was chosen to be the Mufti of Xanthi by the Muslims of that district. When the Greek State appointed another mufti, Agga refused to step down and after a criminal prosecution he was found guilty of having usurped the functions of a minister of a known religion. The Court of Cassation rejected his appeals. The Strasbourg Court found that it had not been shown that the Agga’s conviction was justified in the circumstances of the case by a pressing social need or for the protection of public order under Article 9 § 2 of the Convention. The Court considered that the finding of a violation of Article 9 constituted in itself adequate just satisfaction and awarded the applicant 1,620 euros (EUR) in respect of the first case and EUR 1,380 in respect of the second case for costs and expenses.

²¹ Sitaropoulos N. (2003), Executive summary on race equality directive. State of play in Greece.

²² Declaration forwarded by Greek Helsinki Monitor org. of which the aforementioned citizen is active member.

2.1.4. Reports and studies

a) The Greek Ombudsman is assigned the mandate of investigating discrimination acts and omissions made by the public administration on the grounds of racial or ethnic origin. In March 2006, as Equality Body, it issued its first Annual Report about discrimination²³. There, the Greek Ombudsman stressed that this law ‘constitutes a landmark for the promotion of the principle of equality and the protection of human rights’ and furthermore, ‘strengthens the role of the Greek Ombudsman’s office with new competencies, which are expected to contribute to more effective pursuit of its institutional mandate’.²⁴

The Ombudsman criticized various aspects of the relevant legislation transposing the race and equality directives and exposed the findings and the perspectives of its effective implementation in practice whilst relating to certain concrete cases (analytically presented above in par.2.1.1)

This report is a section of the Greek Ombudsman’s general Annual Report. After one-year activity as an Equality Body, it draws the following main conclusions, as summarised here briefly²⁵:

- the small number of complaints investigated by the G.O. as a national equality body, not to be seen as absence of discrimination phenomena.
- interpretive difficulties connected with the very broad and unclear regulatory content of the EU provisions incorporated into the Greek law.
- the national legislator deviates to some degree from the EU regulations. (conformity of the equality principle protection bodies to the *Paris Principles*.)
- the citizens who explicitly sought the protection by Law 3304/2005 belong to groups with relatively easy access to the specific legal information
- although the organizations of civil society are relatively well informed, only one of them has addressed itself to the Ombudsman,
- In regard to the general clause of exception from the field of the law concerning discrimination due to citizenship, the Ombudsman expresses its concerns for extensive discrimination against foreigners due to race or national origin.

b) In 2006, The Economic and Social Committee (‘OKE’) issued the first Annual Report for the year 2005 about the application of the equal treatment principle in Greece, as provided by the art.18 of the anti-discrimination law n.3304/2005. In this report the OKE depicts the landscape of the first year of application of the anti-discrimination law. It provides an overview of the operation of the various equality bodies in Greece, as well as proposals by which it mainly supports the relevant recommendations already articulated by

²³ The Greek Ombudsman, http://www.synigoros.gr/docs/discrimination_ish_metaxeirish.pdf

²⁴ The Greek Ombudsman, ‘The Greek Ombudsman’s first year as a specialized body for the promotion of the equality principle of equal treatment’, p.1., March 2006.

²⁵ The Greek Ombudsman, http://www.synigoros.gr/docs/discrimination_ish_metaxeirish.pdf

the Greek Ombudsman's 2005 Equality Body Annual Report. Among other recommendations, the OKE suggests conducting a wide range of public awareness programs, as well as seminars on language and legislation designed for immigrants and other groups vulnerable to discrimination. The Committee also notes that Greece risks to be brought before the Court of European Communities for not guaranteeing independence of all equality bodies and for overlapping competences, especially between the Equality Treatment Committee and the Equality Treatment Service of the same Ministry (Justice). On this matter the OKE recommends all competences for preserving and promoting the equality treatment under all fields to be assigned to the Ombudsman, the only body capable of guaranteeing independence and efficiency of operation.

According to the OKE, the notion of 'provision and access to services' is transposed in a way that limits the effective field of application of the law. This is so because it excludes all provisions not of transaction nature provided to the public, such as the states' provision of a license to exercise a profession or e.g. driving license²⁶.

Moreover the Economic and Social Committee suggests that the representation of victims should be allowed to a wider spectrum of civil society organizations, presently limited to those that explicitly include the respect of the equality principle as a main scope within their statute²⁷.

Finally, the OKE recommends that a special pluralist Committee should be founded in order to examine and advocate the amendment of all existing law provisions in force that introduce discrimination on the grounds of ethnic origin, citizenship etc.²⁸

c) The Commissioner for Human Rights of the Council of Europe in his Follow-up report on the Hellenic Republic emphasised among other the need for amendments of the legislation in force, in particular concerning religious freedom. His proposals refer to two issues: One, the procedures for founding a place of worship for a religion other than the Greek Orthodox Christian and two, the issue of proselytism. With respect to the first issue, the state passed the new legislation in response to the following recommendations made in March 2006: *'It is regrettable that the status quo regarding the asking of the opinion of the local Orthodox bishop on places of worship for all religions has been maintained. It is all the more so since the information provided in October 2005 by the Greek Government to the Committee of Ministers of the Council of Europe in the context of the execution of Manoussakis judgment (where a refusal of a place of worship under the legislation in question had been found in violation with Articles 13, 1 and 2 and 9, 1 and 2 of the ECHR) stated that*

²⁶ An observation already formulated by the Ombudsman and the NFP 'Antigone' as the OKE report notes in its Report p.28.

²⁷ Economic and Social Commission, *Annual Report 2005 on the application of the Equal Treatment Principle on Greece*, p.29.

²⁸ *Ibidem*, p.30.

*“close attention was paid by Greece” to the recommendations made by the Commissioner on this issue*²⁹.

In regard to the second issue, the Commissioner expressed his concern about the fact that proselytism in Greece is still subject to criminal sanction under laws promulgated before World War II (laws n.1363/1938 and 1672/1939), although no cases are brought before the courts. According to the Commissioner, *‘the mere existence of the said criminal law provisions puts needless pressure on religious or spiritual groups wishing to share their convictions in a law-abiding manner, without recourse to subversive, coercive, deceptive or improper methods’*. Therefore, he regretted that *‘the manifestly obsolete legislation under which criminal sanctions can be imposed for proselytism has not yet been repealed.’*

d) A Mediterranean Migration Observatory Working Paper is dealing with socio-economic aspects of ‘Implementing the EU anti-discrimination directives in Greece’³⁰. The author poses the question about *‘the chances for anti-discrimination policy to operate efficiently in the Greek economy’*: in the labour market, which is highly segmented, with low level of competition, mostly permanent job posts, with a traditional structure (family-owned) and resistant to formal rules and respect of individuals’ rights. This is a context where *‘immigrants and minorities are in a limbo between the traditional exclusionary values and the yet-to-happen marketized Greece’*³¹

2.1.5. Legislative measures and initiatives combating discrimination, racism, xenophobia and antisemitism and improving integration and community cohesion (not covered in other chapters)

The following list contains selected legislative and political initiatives which are highly innovative insofar as they reform the deeply rooted discrimination practices, and/or promote significantly integration and community cohesion, targeting especially the respect of immigrants and minorities’ needs and rights.

Institutional policies and measures

A new law allows for the first time people to be cremated rather than buried. The Greek Orthodox Church has until now opposed cremation, describing it as

²⁹ Follow-up report on the Hellenic Republic (2002 – 2005) Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2006)13, (29.03.2006).

³⁰ Baldwin-Edwards M., *Implementing the EU anti-discrimination directives in Greece: Between “marketization” and social exclusion*, Mediterranean Migration Observatory Working Paper n.8, January 2006.

³¹ Baldwin-Edwards M., op.cit. p.16.

a violation of the human body. The governing and the main opposition parties all voted in favour of the bill, which means that the country's first crematoria can now be built. However, the law does not go as far. It will only apply to those whose religion allows cremation, therefore, the minority of the population who are not Orthodox Christians.³²

The parliament passed a new law, abolishing a much criticized provision of an almost a century old law n.1363 of 1938 (article 1), according to which in order to found or build a worship place for any other religion, the Greek Orthodox Church administration should provide its opinion. From now on such an application is submitted directly to the Ministry of Education and Religions and not to the Greek Orthodox Church authorities anymore³³.

According to the Greek Code for Local Administration(law n.3463/2006 – FEK 114/A/08.06.2006), recently approved by the Parliament, the Municipalities are also responsible for designing and implementing integration policies for immigrants, under the provisions set by the immigration law n.3386/2005 (especially for the long term residents).

In summer 2006 new provisions have been adopted through a ministerial decision for regularizing minors and adults, who are students or graduates of Greek primary, secondary schools and Universities through a payment of the relevant residence permit fees (150€ per year)³⁴.

The Greek Ombudsman, equality body for the public sector, has extended its institutional mandate to equal treatment between men and women, as well as to sexual harassment at the workplace. These provisions do not directly tackle ethnic and racial discrimination. Given the fact however that immigrants and minorities may experience multiple and indirect discrimination, this is nevertheless a significant legislation, and one which adds an even more gives a broader role to the activity of the Greek Ombudsman.

Significant initiatives

The Mayor of Kozani (Northern Greece) P.Koukoulopoulos (also president of the National Union of Municipalities of Greece) announced the establishment of the immigrant council taking on an advisory and consultation role in the area of Kozani. The council's members would be elected by the vote of the locally residing immigrants³⁵.

³² The Greek Parliament www.parliament.gr/ergasies/nomodetails.asp?lawid=410

³³ The Greek Parliament www.parliament.gr/ergasies/showfile.asp?file=syne060530.txt

³⁴ Ministerial Decision n.11702/2006 about procedures and prerequisites for regularization of third country nationals studying or that have graduated at public educational institutions. (FEK 892/12.07.2006)

³⁵ Eleftherotipia, 23.03.2006.

2.2. Employment

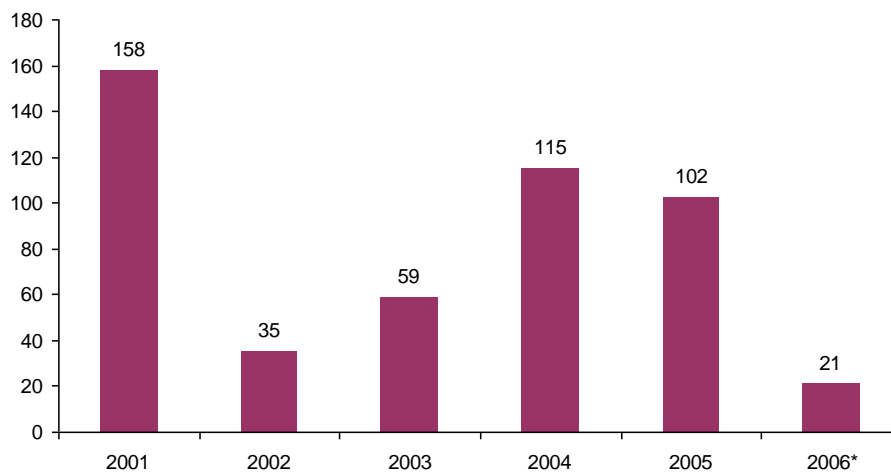
2.2.1. New sources of data

There are no new sources of data regarding racism, discrimination, and situation of immigrants, refugees, asylum seekers and minorities in employment.

2.2.2. Statistical data and information

There are no available data concerning racism and discrimination in employment. However, there are few but significant data that indicate trends regarding illegal employment of immigrant workers in the grey economy. The following numbers are obviously extremely low in comparison to the large size of the grey economy in Greece. Although largely influenced by the control capacities and efficacy of the competent body (SEPE), they nevertheless do demonstrate the relevant trend connected to the home immigration policy:

Chart 4. – Cases of illegal employment of foreign citizens (Labour Inspection Body statistics)



* 1st Semester of 2006

After the year 2001 (when the first general regularization program free of excessively demanding requirements was implemented in Greece) the total number of the illegally employed persons had decreased significantly. It had started to increase again in the following years until 2005, when a second regularization program was implemented.

2.2.3. Reports and studies

There are no significant reports related to racism and discrimination in employment published in 2006.

The Greek Ombudsman Annual Report contains information about handling of two cases of complaints on the grounds of discrimination due to ethnic origin and for one complaint due to beliefs, as provided under the anti-discrimination law n.3304/2005 that transposed the EU Directive EC/43/2000.

2.2.4. Impact of EU Directive EC/43/2000

According to the relevant official response provided to the Greek RAXEN NFP, the competent Labour Inspection Body (SEPE) up to date has not handled any relevant case in the labour market.

The Annual Report of the Economic and Social Committee ('OKE') for the year 2005 suggests that the Labour Inspection Body (SEPE) in its operation report should, according to the law, include a special chapter on the application and promotion of the equal treatment principle in employment, and that this has nevertheless not been the case in the SEPE's report for the year 2005. The Economic and Social Committee also notes that according to the information provided by SEPE, citizens and employees hesitate to submit a complaint, especially in cases of discrimination due to sexual orientation and harassment and in rural societies and small enterprises. Furthermore, according to the Labour Inspection Body's opinion expressed through the OKE's annual report, there are no indications of discrimination due to ethnic origin and race in employment, while *'it is difficult to prove that discrimination is due to one of the motivations described by the anti-discrimination law (race, ethnic origin, etc.) and not by the different working positions and relations of the employees with their employers'*³⁶. Therefore, it seems as if the citizens as well as the Labour Inspection Body are not fully aware of the shift of the burden of proof in cases of discrimination.

The Greek Ombudsman has handled only a few cases regarding employment, which however, according to its Annual Report 2005 represent 22% of the cases of discrimination on the basis of the ethnic origin.

It is noteworthy that, while no case of effective discrimination in employment was found under the hard-law provisions of the relevant legislation, the Ombudsman did outline certain specific problems deriving from the implementation of such legislation, and it formulated recommendations in overcoming problematic aspects of the current provisions.

In one case (Ombudsman case n.12420/2004) a naturalized woman could not be appointed as a lawyer because of restrictive legislation that concedes such right

³⁶ Economic and Social Commission, *Annual Report 2005 on the application of the Equal Treatment Principle on Greece*, p.18.

only after *'five years after obtaining Greek citizenship through naturalization'* (Presidential Decree 3026/1954). The GO considered such provisions as placing naturalized foreigners in an inferior position relative to other Greek citizens and thus expressed its concern about the effective implementation of the anti-discrimination law n.3304/2005. The GO informed the local Lawyer's Union about its conclusions and recommended that upon completion of her period of articling, the citizen should apply once again.

In the second case (Ombudsman case n.3457/2005), which concerned the requirement of "*excellent knowledge of the Greek language*" in order to be hired by the Migration Policy Institute, the Ombudsman filed the complaint "*due to the lack of lawful interest on the part of the complainant since he was not the 'directly interested' party affected*". However, the Ombudsman made informal recommendations to the Institute director, noting that the above requirement *'might lead to indirect discrimination due to national origin against the candidates who are not of Greek origin'*.

Another case of complaint (Ombudsman case n.6343/2005) not included in the Annual Report 2005, but published in 2006, concerns discrimination on the basis of ethnic origin in the access to specific professions. A Ministerial Decision limited the immigrants' entrepreneurship³⁷ by requiring Greek or EU citizenship or Greek ethnic origin in order to grant permits for open markets' commercial activity³⁸. In this case the Ombudsman concluded that the differentiation in treatment due to citizenship is acceptable according to the established legislative framework for the combating of discrimination due to race or ethnic origin. Nevertheless, the Ombudsman pointed out that the administrative practice of such recent provision through ministerial decision and circulars, may cause serious problems to immigrant petty traders, and their legal status in the country as an impediment to the renewal of their resident and work permits. In particular, the art.29 of the law n.3377/2005 and the ministerial decision K1-186/18-1-06 is limiting access of the non-Greeks petty street traders to additional license to sell at open markets. This has lead to difficulties in renewing even their old permit as street traders. According to the Ombudsman, this side-effect of the application of provisions does not arise from the legislative framework³⁹, but due to the administrative practice of the competent municipal services. The latter refuse to receive or do not respond to the applications submitted. This practice lead the immigrant street traders to loose their legal work permit. For this reason, and in the interest of safeguarding the principle of good administration, the Ombudsman recommended a) the prolongation of validity of the relevant expired permits, b) the provision of

³⁷ Through provisions of the new migration bill (law n.3386/2005):

³⁸ According to a Minist.Ddecision (K1-186/18-1-06) open market traders' license is reserved to persons of Greek citizenship, or of EU countries or immigrants of Greek ethnic origin. A similar decision by the Education Minister has limited access to musical schools to teachers of Greek or EU citizenship or of Greek ethnic origin leading in this way open market immigrant petty traders and music teachers already employed to loose their jobs.

³⁹ Which is providing for alternative procedures of application in case of rejection of an open market trader application (art.29.1. of the law n.3377/2005 and art.3.3 of the Min.Dec. K1-186/18-1-06)

sufficient time until the regular procedure is effectively implemented by the municipal services and c) that immigrants are given the option to apply for another employment type permit, once and if their street trader request is rejected. Considering the above government measure to be racist, the immigrant petty traders protested soundly at a protest march they organised in the centre of Athens on 6.6.2006⁴⁰. It also goes noted that in a press release the parliamentary party of the "Coalition of the Left" (SYNASPISMOS) condemned the political decision of the Ministry of Development to exempt foreign nationals from the right to acquire a permit for the exercise of the profession of open market seller, and characterised it as racist. The "Coalition of the Left" declared that it would support all the protests and rallies of the specific category of migrants.⁴¹

2.2.5. Special Bodies

The Labour Inspection Body (Soma Epitheorisis Ergasias – SEPE) is the mandated body provided by the anti-discrimination law (n.3304/2005) for monitoring and controlling discrimination cases in employment assisted by the Equal Opportunities Department of the Directorate for Social Protection of the Labour Ministry. The LIB is annexed directly to the Labour Minister.

2.2.6. Discrimination on the grounds of religion at the work place

There are no new positive measures established in order to facilitate or promote the religious activities of minority groups at the workplace in 2006.

2.2.7. Immigrants and minorities in trade unions

According the General Confederation of Workers (GSEE, www.gsee.gr) regarding participation of immigrants and minorities in trade unions, the legally residing and employed third country nationals may be members of syndicalist unions on the basis of the art.71γ of law n.1264/1982). Moreover, the confederation is encouraging participation of immigrants in the workers' unions at all levels of organization, as simple members or elected representatives. However, the Confederation explains that because of the absence of any discrimination whatsoever (immigrant workers are regarded and registered the same way as Greek workers) no data on citizenship or ethnic origin is kept track of and therefore no relevant statistics are available⁴².

⁴⁰ Eleftherotipia, 06.06.2006.

⁴¹ Eleftherotipia, (21.06.06)

⁴² Official response of GSEE to NFP 'Antigone', prot.n.1666/21.09.2006.

A successful Ombudsman intervention in a case of discrimination due to religion or other beliefs concerned participation of a Muslim doctor in a Medical Professional Association (case 12573/2005). He was a former citizen of Jordan, who had acquired Greek citizenship, and who had faced the refusal of the Medical Association of Thessalonica to register him as a member, although he had met all the required preconditions. After an informal intervention of the Greek Ombudsman the registration took place regularly.⁴³

2.2.8. Monitoring working conditions of immigrants and minorities

The Labour Inspectors' Body (SEPE) is the one dealing with violations of labour law and working conditions, and since January 2005 fulfilling also the mandate of monitoring discrimination in the workplace (under the new anti-discrimination law). There is no other body monitoring working conditions and no new report has been published concerning working conditions of immigrants and minorities.

According to the data provided by SEPE to the NFP 'ANTIGONE' during the first semester of 2006, 21 cases of undeclared labour of immigrant workers were certified (See above).

2.2.9. Policies, measures and initiatives combating discrimination and improving integration and community cohesion in employment

The following initiatives and policies have been selected as important for being connected to the implementation of the long term residence status procedures and application, as well as for indicating the increased interest of the local administration and society in the employability and social inclusion of immigrants.

Institutional policies and measures

Ministry of Interior Affairs, Public Administration & Decentralization:

- "Programs for Learning Greek Language in Certified Centres of Professional Training (C.P.T.)"⁴⁴

Programs for Learning Greek Language in Certified Centres of Professional Training (C.P.T.) continue to be conducted in 2006. They target migrants, refugees and repatriated persons who are unemployed and cannot be socially integrated due to lack of knowledge of the Greek language.

- 'Learning Greek language as a second language for working migrants'

⁴³ The Greek Ombudsman first report as National Equality Body, 2006, p.9.

⁴⁴ www.olimazi.eu/?articleid=494 ; www.kekeee.gr ; www.ekepis.gr ; www.esfhellas.gr ; www.prosonolotahos.gr ; www.ypergka.gr/ekt/ey/efarmogh/index.htm

The Program "Learning of Greek language as a second language for working migrants" aims at helping migrants to learn the Greek language and basic information about the Greek civilisation.

- Seminars of intercultural approach for civil servants

Seminars of intercultural approach for civil servants aim at training public employees who are competent to deal with migrant cases on daily basis.

Ministry of Employment and Social Protection

- Subsidies of employers for hiring persons from vulnerable social groups and for entrepreneurship of vulnerable social groups members⁴⁵

The duration of the subsidisation for each employee amounts to a period of 24 months, after which the employer is obliged to employ him/her for an extra period of six or twelve months, according to the size of the specific enterprise. The cost of the subsidisation amounts to 20 Euros per day.

Members of vulnerable social groups (among whom immigrants, Roma, and minorities) are subsidized with the amount of 16.000 euro to set up an enterprise. For both programs access depends on some requirements such as previous participation in programs of learning Greek language. According to the competent Labour Force Organisation (OAED), in the first 8 months of 2006 only 34 unemployed immigrants and 3 minority members participated in such project due to obstacle of the above requirement. From 31.10.2003 until August 2006, the relevant data were 726 immigrants/repatriates/refugees and 36 cultural minority members (Roma/Pomakhs).

Significant initiatives

Ministry of Employment and Social Protection:

The EQUAL Community Initiative implements a number of projects for confronting discrimination in employment. It is addressed to all groups of the population that face or are threatened by discrimination, inequality and/or labour market exclusion. Immigrants, refugees and asylum seekers, as well as minority members are be among its beneficiaries. The Ministry of Employment and Social Protection provided no data about the effective participation of such groups in EQUAL projects.

Municipality of Athens:

- Operation of offices for the provision of social and supportive services to migrants

The purpose of a continuing operation of Offices for the provision of Social and Supportive Services to migrants is to provide migrants with useful information, especially in the field of employment (in the form of counselling, intermediation, job seeking, etc). There are special offices operating 24 hours per day.

⁴⁵ Official Document of the Labour Force Organisation addressed to the NFP 'Antigone', prot.n.30.08.2006.

- Seminars for acquiring computer skills carried out by the Municipality of Athens⁴⁶

The Intercultural Centre of Municipality of Athens organised seminars aiming at helping migrants, refugees and asylum seekers to acquire computer skills and therefore improve their position in the labour market.

Gazoros Village (Municipality of Nea Zihni - Seres Prefecture – Central Macedonia – Northern Greece)

- Farewell festival in the honour of immigrant seasonal workers⁴⁷
- At the end of the summer season, the village of Gazoros in Northern Greece (Central Macedonia) organise a farewell festival to express their gratitude to immigrant seasonal workers who worked there during the summer. The inhabitants of the village are of immigrant and refugee background themselves, as they emphasize in their announcement, aiming to develop mutual understanding, respect and friendship. The activity is supported by the Municipality of Nea Zihni, the Prefecture of Seres, ΝΕΠΙΟΣ and UNESCO.

⁴⁶ <http://www.ota.gr/article/21786.html>

⁴⁷ Kiouisis G., *Thanking foreign workers*, Eleftherotipia, (30.08.2006)
www.enet.gr/online/online_text/c=112.id=58823356

2.3. Education (including vocational training and life-long learning)

2.3.1. New sources of data

There are no new sources of data and information available.

2.3.2. Statistical data and information

There are no available official or unofficial statistical data on racism and discrimination in education.

2.3.3. Reports and studies

In March 2006, the High Commissioner for Human Rights of the Council of Europe, emphasized in his follow-up report on the Hellenic Republic (2002-2005)⁴⁸ in regard to the education of Roma children, that while there is *'a wide range of measures taken for the benefit of Roma children'* and effort has been done *'to avoid the segregation of Roma children from other children by assigning them to special classes or to special schools (...) for a host of reasons, including parents' resistance not only on the non-Roma but also sometimes on the Roma side, such separation could not always be avoided.'*

On the same issue, the Greek Ombudsman in its 2005 Annual Report (Children Rights Deputy Ombudsman) pointed out that integration of Roma children in education is tightly connected to wider survival issues of the Roma minority, such as the resolution of their housing and settlement question, as well as to the lacking health and social care and welfare provisions. Moreover, the Ombudsman stressed that the educational system has to improve its available tools (educators training, special educational material) in order to support their integration into school and to reduce their drop-out rate. These efforts have to be accompanied by the development of special targeted supportive services available to children and their families in the areas of their residence⁴⁹.

2.3.4. Impact of EU Directive EC/43/2000

⁴⁸ FOLLOW-UP REPORT ON THE HELLENIC REPUBLIC (2002 – 2005) Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2006)13, (29.03.2006)

⁴⁹ The Greek Ombudsman, Annual report 2005, p.171 (31.03.2006).

As stressed above, there is no official government data concerning cases or complaints on the grounds of discrimination provided by the law n.3304/2005 on implementation of the EU Race and Equality directive EC/43/2000.

The available Ombudsman statistics however, show that only one out of 9 complaints about discrimination due to racial/ethnic origin received by the Equality body concerned education. In that case (Ombudsman case 3393/2005, already presented in par.2.1.1.) the Ombudsman concluded that differentiation in treatment due to citizenship denounced by the complainant Albanian student against the state scholarship institute, is acceptable according to the established legislative framework for combating of discrimination due to race or ethnic origin.

2.3.5. State provisions for minority and multicultural education

There are no new legislative provisions for minority and multicultural education in 2006. There are no statistical data available concerning immigrants as teachers or educators. Instead, through the circular n.119005/Γ7, the Ministry of Education and Religions excluded non-Greek or EU citizens from the right to be assigned as temporary teachers at Music Schools (primary-secondary education). After such development a number of foreign teachers employed in Greek Music Schools for a number of years have not renewed their employment term. The major opposition party (PASOK) has issued a press release on this matter.⁵⁰

However, 44 new Muslim teachers (graduates of the Special Pedagogic Academy of Thessalonica) and 13 Muslim secretariat staff have been hired in minority schools for the school year 2005-2006⁵¹.

In 2006 two major projects about integration of immigrant and Roma children in education started to be implemented by the Universities of Thessalonica and Thessaly (see par. 2.3.7 below). The University of Athens continues the implementation of a project targeting Muslim children of the Muslim minority of Thrace.

According to the Ministry of Education⁵², the central concept about integrating ethnic, cultural and religious minorities in education is mainstreaming through integrating in the regular education system. Thus, the efforts of the competent state authorities are to improve performance through enhancing their Greek linguistic skills and by offering support and assistance to the learning process.

⁵⁰ www.pasok.gr/portal/gr/41/30321/7/7/1/showdoc2.html (10.02.2006)

⁵¹ Official document of the Ministry of National Education and Religions forwarded to the RAXEN NFP 'Antigone' on 9.10.2006 p.1.

⁵² 'EPEAEK II' (Operational programme for education and initial vocational training) 2000-2006.

In 2006, the Ministry of National Education and Religions has started the first year of an innovative Turkish language training program, addressed to the Greek curriculum teachers of the Western Thrace Muslim minority schools with the support of the National Centre of Public Administration⁵³.

Furthermore, the Ministry of National Education and Religions announced⁵⁴ that, starting from school year 2006-2007, the option of learning Turkish as a second foreign language will be available to 5 lower secondary education schools of Western Thrace (3 in the prefecture of Rodopi and 2 in the prefecture of Xanthi). The students will be able to choose between French, German and Turkish languages.

Due to a positive discrimination provision, Muslim student candidates are exempted from the general prerequisite of a minimum grade (10 out of the maximum 20) that is required from all secondary education students who wish to participate in the university admission examination. A 0.50% of the vacant University student posts is reserved to Muslim minority children, as provided by existing and law provisions (law 2341/1995).

The State Foundation of Scholarships has provided 10 scholarships for Muslim minority scholars, selected on the basis of interviews and the curriculum vitae of the candidates.

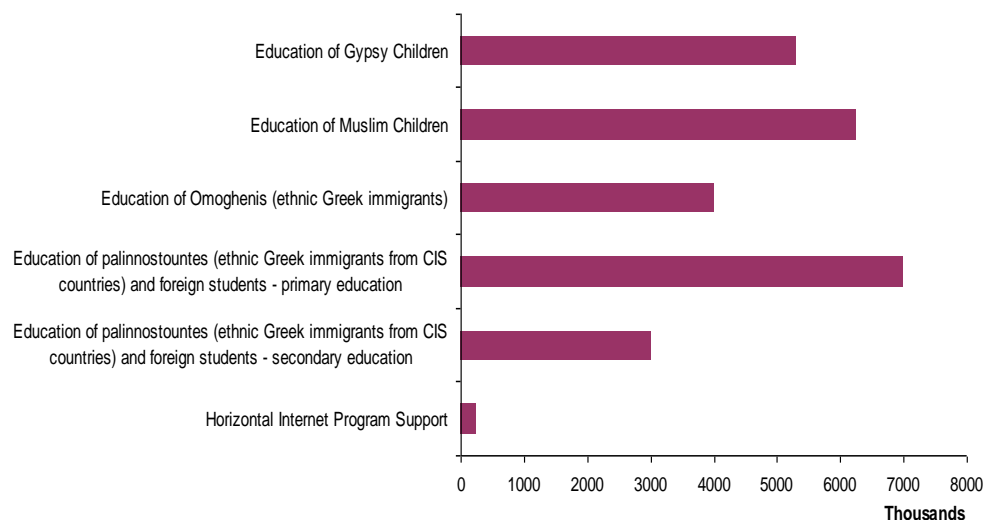
Eleven Thrace Muslim minority schools have been renewed and one new minority school complex has been constructed and made operational in the Dilina village of the Prefecture of Rodopi.

The following chart shows the budget of the programs aimed at supporting intercultural education and funded under European Union financial schemes:

⁵³ Official document of the Ministry of National Education and Religions forwarded to the RAXEN NFP 'Antigone' on 9.10.2006 p.2.

⁵⁴ www.naftemporiki.gr/news/static/06/08/07/1226033.htm (06.08.2006) Ministerial Decision 61539/C2 - "Analytical Curriculum for the teaching of Turkish language at the 1st, 2nd and 3rd grade of the High School" (19.07.06)

Chart 5. Integrated Programs 2006-2007 for intercultural education (European Structural Fund and National funding)



2.3.6. Religious symbols in schools

In conformity to the art.13 of the Greek Constitution about religious freedom, a Presidential Decree (art.10 of the PD 201/1998) and a Ministerial Decision (Γ2/61723/13.06.2002) provide that the pupils may be exempted from assisting the religion class, the morning prayer, and from attending mass, not being obliged to declare his/her religious beliefs. Furthermore a recent circular (76992/27.7.2006) implementing the recommendations of the Greek Ombudsman has made it clear that the function of confession is performed exclusively and only in the Church and not in school. In regard to religious symbols, there is no particular legislation in force. According to a relevant Ministry circular document 785/9.2.1982 *'students may choose freely their dressing habits within the framework of objective dignity and social acceptance'*.⁵⁵

2.3.7. Policies, measures and initiatives combating discrimination and improving integration and community cohesion in education

Institutional policies and measures

⁵⁵ Official document of the Ministry of National Education and Religions, prot.n.102497/Γ2/4.10.2006 and Φ25/932/104438/Γ1/10.10.2006.

- ‘Integration of repatriates and foreigners’ children into schools – for secondary education’⁵⁶

The main objective of the program entitled ‘Integration of repatriates and foreigners’ children into schools – for secondary education’ implemented by the Aristotle University of Thessalonica is *‘combating the failure of foreign and repatriate children to integrate into Greek schools system, through compensatory interventions’*.

The relevant documentation emphasises that the general objectives of this project are the *‘harmonic integration of children with cultural and linguistic particularities to the educational system, guaranteeing the acceptance of these children by the educational community and the wider society, the provision of knowledge, tools and means to the educators, the support of families with cultural and linguistic particularities in order to assist their children to respond to their educational obligations, as well as the sensitization of the administrative education agencies in order that they earn the trust of the to-be-integrated populations’*⁵⁷.

In the framework of this project which is to be completed by February 2008, the following activities will take place: a network of schools upon their request and response to a call of interest, a survey concerning the needs and social environment of immigrant children, supportive teaching and summer courses, vocational training of teachers and school professionals, elaboration and publication of new educational material and schoolbooks, as well as psycho-social support programmes.

- ‘Integration of Roma children into school’

The project aiming to enrolling and integrating Roma children into school system is currently going through an organisation phase and is to be implemented in 170 schools throughout the country. The project provides for infrastructure, musical training and various artistic and entertainment activities, a web portal, mapping of the target-group, as well as for elaboration of schoolbooks and educational material on Greek language and mathematics⁵⁸.

- ‘Education of Muslim Children’⁵⁹

The specific activity of the Project "Education of Muslim Children", carried out by University professors on behalf of the Ministry of Education, strives to reduce educational and social inequalities concerning children of the Muslim minority of Thrace by enriching the school curriculum with extra supportive hours and by distributing a modern and effective educational material.

⁵⁶ <http://web.auth.gr/eppas/PALKENTRIKH.html>

⁵⁷ Hard-copy documentation provided to the NFP ‘Antigone’ by the competent department of the Ministry of National Education and Religions.

⁵⁸ Official Document of the University of Thessaly addressed to the NFP ‘Antigone’, prot.n.75/5.10.2006 and 2065/17.5.2006.

⁵⁹ www.ecd.uoa.gr/museduc; www.kleidiakiaantikleidia.net; www.ilsp.muslimgr.html; www.ilsp.muslim_eng.html

- Teaching the Holocaust⁶⁰

Under the auspices of the Ministry of Education, seminars are held to provide guidance to educators and academics on teaching of the Holocaust in primary and secondary schools.

In Thessaloniki, a city with the majority of Greece's Holocaust victims, on the Holocaust Remembrance Day - January 27 - each year the Ministry of Education distributes teaching material to schools on the history of the Holocaust.

Significant initiatives

- University of Athens - Faculty of Early Childhood Education

Researchers, teachers and students of the Faculty of Early Childhood Education of University of Athens organised an event in Athens pedestrian area to start an open discussion with parents, children, migrants, other vulnerable groups and general public about the results of previous scientific research concerning fields of anthropology and social sciences. This is an attempt to raise public awareness on issues such as intercultural education, environmental education, etc. Similar actions - carried out by other colleagues - took place on the same day in the areas of Grammatiko, Kapandriti, in the islands of Egina and Tzia and in several other European cities.⁶¹

Hellenic Migration Policy Institute (IMEPO)

- Creation of an informative system of use and elaboration of data concerning the issue of migration

Aspiring to enhance the understanding and research of the phenomenon of migration, the Hellenic Migration Policy Institute has inaugurated its new library with more than 1.000 books and international journals. Interested parties and the general public have free access.

⁶⁰ Reported also by the United States State Department 2005 Country Report on Human Rights Practices in Greece, published in March 2006.

⁶¹ www.hcc.edu.gr

2.4. Housing

2.4.1. New sources of data

There are no new sources of data available.

2.4.2. Statistical data and information

There has been no monitoring or complaint system on housing discrimination until recently, when the anti-discrimination law prompted the establishment of the Equal Treatment Committee. Assisted by a special Equal Treatment Service in the same ministry, it undertakes the role of an Equality Body for cases of discriminatory behaviour of private persons and legal entities. As stressed above, this Committee is not been fully operational yet, and no relevant complaint has been examined or any report issued.

Therefore, up to date, the only public and independent authority effectively dealing with misadministration connected to discrimination in housing conditions and policy is the Greek Ombudsman. Several of the complaints submitted to the Ombudsman refer to housing issues particularly of Roma, and the conditions of detention and reception centres for asylum seekers. 44% of the complaints received about discrimination due to racial/ethnic origin concern housing (provision of services) as shown by the Chart n.4 (see Legal Issues chapter)⁶². In absolute numbers, in 2005, the Ombudsman handled 4 cases concerning discrimination in housing. As shown below in par.2.4.4. in the majority of cases the Ombudsman concluded that these were well-founded complaints and it thus mediated in order to resolve the discrimination problem.

Violent evictions of Roma families without the provision of any alternative means for housing, along with numerous racist attacks, have continued in 2006. The new emerging trend is characterised by tensions, evictions and racist attacks against Albanian Roma settled in the region of Patras, a city nominated Europe's Cultural Capital for 2006. A Greek Member of the European Parliament⁶³ submitted a question to the European Commission regarding this particular issue.

In a September 2006 press release concerning forced evictions of Roma families throughout Europe, the Commissioner has also focused on forced evictions and demolition of houses in Patras in July 2006⁶⁴. Moreover, The World Organisation Against Torture (OMCT) expressed its concern over the current

⁶² The Greek Ombudsman conclusions, 1st Annual Report as National Equality Body, 2006.

⁶³ Written Question to the European Commission by Mr. Dimitris Papadimoulis (MEP from Greece, European United Left - Nordic Greek Left) 'The rights of Greek Roma to housing', (30.06.2005)

⁶⁴ Commissioner for Human Rights of the Council of Europe, "Forced eviction of Roma families must stop", www.coe.int/t/commissioner/Viewpoints/Default_en.asp (04.09.2006)

situation of continuous threat of forced eviction of Greek Roma families living in the city of Patras in February 2006⁶⁵.

The forced evictions and the settlement problem in Patras have developed in 2006 in a situation characterised by major tensions between different institutional and civil society operators. Recent reports in the occasion of the visit of the new Commissioner for Human Rights of the Council of Europe Mr. Thomas Hammarberg, indicate tensions also between the latter and the local administration representatives, as has been the case of the Municipality of Patras on September 2006. The Commissioner had to denounce the Mayor of Patras (A.Karavolas) for lack of respect and for putting wording in his mouth and distortion of his declarations. In the mayor's office press release Mr Hammarberg appeared falsely to be congratulating the mayor on his initiatives about the housing issue of Roma settlements of Riganokampos in Patras. He also falsely appeared to be criticizing the Greek Helsinki Monitor, an NGO with a sharply contrasting stance to that of the local authorities, and with a defending role of the Roma in the area. The Commissioner stressed that the purpose of his visit was to acknowledge the problems and to investigate the situation, rather than to express a judgement, let alone to take sides, congratulate or criticize. The Commissioner also emphasized that he was not convinced of the absence of deficiencies regarding the respect of human rights of the Roma minority members living in settlements in the area⁶⁶.

In fact, legal investigations had started on February 2006 against the Chair of the Greek Helsinki Monitor by the Head of the Appeals Prosecutor's Office of Patras under the accusation of encouraging Roma of the Makrigranni settlement to *"believe that they enjoy a sui generis immunity and to have thus grown insolent, as they believe they will not be punished and that they have hence reached a point of throwing useless objects into the River Glafkos"*⁶⁷.

Furthermore, on June 2006 the Patras Prosecutor's Office initiated penal prosecution for environmental pollution and disrespect of public hygiene by requesting police preliminary investigation against any responsible, either public services or settlers, and the GHM NGO as inciting illegal activities⁶⁸. Legal action has been taken after local associations of the neighbouring areas denounced this type of violations⁶⁹. Forced eviction procedures of the Roma families in the Makrigranni area of Patras started on the basis of a 1938 law, one day after the commemoration of the Roma Holocaust (3 August)⁷⁰. The evictions were criticized in early September 2006 by the Commissioner for Human Rights of the Council of Europe (see above). The European Commission for Social Rights (ECSR) concluded that 'situation in Greece is in violation of Art.16 of the European Social Charter' because of the lack of

⁶⁵ Letter of the World Organisation Against Torture (OMCT) to the Permanent Representative of Greece to the United Nations Office at Geneva - Permanent Mission of Greece, (01.02.2006)

⁶⁶ In.gr, (29.09.2006).

⁶⁷ GHM press release, www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=6662 (02.02.2006)

⁶⁸ Papadakou G., Ta Gekonota tis Ahaias, (27.09.2006).

⁶⁹ Vasilakis M., Peloponisos, "Red" from the Associations, (30.06.2006).

⁷⁰ GHM press release, (08.08.2006).

adequate housing according to the number and the needs of Roma families, which do not enjoy full and adequate legal protection.⁷¹

Moreover, the difference in the reasoning of the national and supranational judges in two court cases reflects two opposite approaches to the issue of discrimination and human rights violations during police detention of immigrants:

a) In early 2006 the Athens Court of Appeal accepted the argument used by the Greek State (Minister of Finances) to appeal against a court decision to provide pecuniary compensation of 12,000 euros to a man from Bangladesh who was illegally detained by the authorities for one year in degrading conditions, and reduced the indemnity to 3000 €. In particular, according to the appeal and the 2nd degree court decision, the immigrant is considered to be co-responsible for the ill-treatment he suffered as a detainee because of his illegal residence in the country despite the order to leave. Furthermore, the court accepted the argument given by the Minister of Finances in his appeal that “irregular migrants are responsible for the increase in the criminality rate and that when they break the law, the behaviour of the police officers is justified on the grounds of attempting to contain such crime rate”, and that “ill-treatment of detained immigrants does not offend their dignity under the light of the superior need to protect the Greek territory from the uncontrollable illegal migration wave”.⁷²

b) The European Court of Human Rights has published its Chamber judgment in the case of *Kaja v. Greece*⁷³ concerning inhuman detention conditions. The Court held unanimously that there had been a violation of Article 3 of the European Convention on Human Rights (prohibition of inhuman or degrading treatment) with respect to the conditions of the applicant’s detention in the police detention centre in Larissa. Under Article 41 of the Convention (just satisfaction), the Court awarded the applicant 5,000 euros (EUR) for non-pecuniary damage.

A European Court of Human Rights’ mission headed by Ch.Rozakis, president of dept A of the Court, has performed an on site inspection of the immigrants’ detention facilities in the Police Dept. of Larissa on April 2006.⁷⁴

Taking into account the observations made by its delegation following its fact-finding visit to the police detention centre in Larissa in the spring of 2006, the Court considered that the conditions there were acceptable, although it was very apparent that the centre had been freshly painted and meticulously cleaned immediately prior to the visit. Nevertheless, the Court considered that the detention centre was not suitable for periods of detention as long as that of the applicant in question. By its very nature, it was designed to house defendants

⁷¹ www.coe.int/t/e/human_rights/esc/3_reporting_procedure/2_recent_conclusions/1_by_state/Greece_2006_XVIII_1_A4_EN.pdf, ECSR, pp.19-22 (July 2006).

⁷² Sentence of the Athens Court of Appeal n.2390/2005 published on 22.02.2006. Media reports: *Ta Nea*, (28.02.2006), *Apogevmatini*, (02.03.2006), *Rizospastis*, (01.03.2006)

⁷³ Application no. 32927/03, <http://www.echr.coe.int> (27.07.2006)

⁷⁴ *Eleftherotipia*, (03.04.2006)

for short periods, not for a period of three months and it was not suited to the requirements of extended periods of imprisonment. The Court referred to the recommendations of the CPT (Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) regarding police detention.

2.4.3. Reports and studies

- The Greek Ombudsman first Annual Report as Equality Body for 2005

The Greek Ombudsman, in its 2005 first Annual Report as Equality Body issued on March 2006, places great importance to the settlement and housing issue for the Roma minority and emphasises the structural aspects of their exclusion by the Greek society and institutionalised practices of discrimination: *'the structural nature of this phenomenon in reality makes the intervention of agencies whose mandate includes safeguarding human rights, such as the GO who focuses its action on individual cases, in large part ineffective.'*⁷⁵

Overall, the centrality of the housing problem of the Roma minority reveals the complexity of the factors underlying their social exclusion. At the same time, the solutions may brought about only by the combination of sufficient resources, strong commitment, and coordination between the competent agencies: *'the peculiar issue of settlement constitutes a condensation of the basic problems of social integration and participation of this sensitive segment of the population and, at the same time, the axis around which these problems evolve.'*⁷⁶

The Ombudsman has been dealing with such multi-factorial issues since the beginning of its establishment, and various aspects of this eight-year experience are recorded in its annual reports (especially in Annual Report 2000, pp. 61-67, Annual Report 2002, pp. 106-107). Among its key findings is that Roma exclusion, especially in housing, is due to *'institutionalised practices of discrimination'* and that *'the persistent practices of social exclusion of the Greek Roma rest in structural characteristics of Greek society (such as the non-transparent organization of employment market, the anarchic residential structure of the country and the clientelistic nature of political life, particularly at a local level)'*⁷⁷.

The Ombudsman proposes to design a strategy of broadening the investigation of individual cases *'by examining the influence of side factors such as concentration of populations at regional level, living conditions settlements, local sentiment and institutional practices etc.'* in order to point out problems such as access to health, employment, education and participation in public life at a local level aiming at a *'holistic assessment'* of administration practices,

⁷⁵ The Greek Ombudsman, 1st Annual Report as National Equality Body, 2006., p.10.

⁷⁶ As the Ombudsman concludes in its 1st Annual Report as National Equality Body, 2006., p.10-11.

⁷⁷ The Greek Ombudsman, 1st Annual Report as National Equality Body, 2006., p.10.

'both from the point of view of their legality as well as from that of their effectiveness with respect to the declared aims of public care for the Greek people of Roma origin'⁷⁸.

To that purpose the Greek Ombudsman (through its Human Rights' Department and the Children Rights' Ombudsman) is performing wide scale visits and examinations of Roma settlements and is holding meetings with the responsible agencies, both at the level of local government and the central administration.

- Research on housing of immigrants in Thessalonica⁷⁹

Research on housing of immigrants in Thessalonica demonstrates that immigrants - and especially those of Greek ethnic origin - reside in distinct districts, creating in this way homogeneous settlements. These are mostly situated on the west side of town, and at the external boundaries of the wider Thessalonica urban complex. There is a differentiation between immigrants (of which Albanians are the majority) and ethnic Greek immigrants from the former USSR countries ('palinostountes') who are the majority of immigrants in Thessalonica (in a net contrast to the rest of the country). In many cases, mostly under a pattern of temporary residence and legal status, non ethnic-Greek immigrants use the degraded stock of available housing premises not anymore used by local people. However, immigrants are not excluded from higher priced residential zones at the east part of the city. Instead, the former Soviet Union ethnic Greek immigrants reside in rather homogeneous zones at the west side of the city (Nikopoli, Galini, Efxinoupoli, Lahanokipi). The percentage of foreign population is significant (5,97% of the entire population). It quadrupled in the period 1991-2001, but it is still much smaller than the corresponding percentage in the wider Athens area. This is a significant finding since Thessalonica is geographically much closer to Albania than Athens. Nevertheless, Thessalonica is the city with massive presence of the ethnic Greek immigrants from the former Soviet Union countries. The research is conducted by the Central Macedonia Department of the Technical Chamber of Greece.

- Follow-up report on the Hellenic Republic (2002 – 2005) Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights⁸⁰

- The Commissioner for Human Rights of the Council of Europe Mr. Alvaro Gil-Robles, in his follow-up report on the Hellenic Republic at the end of his mandate (March 2006), emphasized once more his concern and regrets about the need to build a suitable and recognized place of worship for Muslim believers, as well as an Islamic cemetery in Athens. In autumn 2006, the

⁷⁸ The Greek Ombudsman, 1st Annual Report as National Equality Body, 2006., p.11.

⁷⁹ Visoviti S., Karamanli Th., Katsavounidou G., Kourti P., Basiakou K., Rascou M., Tsitselikis K. Central Macedonia Department of the Technical Chamber of Greece, 2006.

⁸⁰ COMMDH(2006)13, (29.03.2006)

competent Minister of National Education and Religions announced a new Law Draft which provides the construction of a mosque and cemetery in the area proposed by the Greek Orthodox Church and the Municipality of Athens (Eleonas). This offers visible perspectives of a solution to that issue in the following years (see below par.2.4.5).

- In regard to the large-scale Roma housing program, the Commissioner noted that, by the time of his visit, only 3.708 housing loans had been given out of 5.708 approved applications. The target has been to give out 9.000 housing loans. Furthermore, he underlined that much criticism has been reported to him, *'alleging that an important percentage of the loans was misused for expenses others than housing, with the complicity of non-Roma, that the criteria for attribution were unknown or unclear to the Roma, that one could not see why most of the Action Plan was spent for the benefit of 9,000 out of an estimated 150,000 to 200,000 Roma living in Greece, that in most parts of Greece the sum of 60,000 Euros was insufficient to both purchase the land for a house and pay for the construction of it, etc.'*

Therefore, the Commissioner expressed his concern about the respect of the basic rights for Roma in Greece. He did note with satisfaction that a considerable amount of money has been addressed to cover the minority housing needs, but also that the results on the ground were not encouraging: *'promises are made but not kept, mainly, it would appear, because of resistance on the local level.'* The Commissioner therefore outlined that *'under international law, resistance at local level is not a valid reason for exonerating a Government from responsibility for human rights breaches persistently occurring at local level'* and urged the Greek Government *'to take all adequate action to ensure that the basic human rights of Roma citizens are now rapidly respected in places like Aspropyrgos, Amaroussia, Patras or elsewhere'*.

Foreigners and refugees reception and the poor conditions of the detention centres is still a problematic issue according to the Commissioner's follow-up report of March 2006, as: *'minimum standards, notably regarding access to health care and education, urgently need to be met'*. While the Commissioner welcomed the closure of the detention facility in which foreigners pending deportation were previously held, he considered that the replacement facilities at Petros Rali did not meet the required standards for detention and urged for a *'viable long-term solution'* in order *'to meet the needs and dignity of irregular immigrants, who, it must be recalled, have committed no crime'* and to *'increase and improve co-operation with NGOs, allowing them to pay regular visits to all facilities in which foreigners are detained.'*

It goes noted that a European Court of Human Rights' mission headed by Ch.Rozakis, president of dept A of the Court, has performed an on site inspection of the immigrants' detention facilities in the Police Dept. of Larissa after a recourse petition submitted by an Albanian immigrant denouncing inhuman detention conditions.⁸¹

⁸¹ Eleftherotipia, (03.04.2006)

2.4.4. Impact of EU Directive EC/43/2000

The positive impact of the Race and Equality Directive EC/43/2000 on housing is difficult to estimate due to the lack of case-law and of specific cases other than the Ombudsman ones. However, the ever greater focus that the latter receive and the new tools provided by the anti-discrimination law may lead to an increased interest and more adequate response by the administration in dealing with such problems more effectively, as the relevant few but meaningful data show. In 2005 the Greek Ombudsman has received a limited but significant number of complaints on discrimination by the public sector due to racial/ethnic origin concerning housing. Therefore, a specific system of complaints regarding discrimination in housing is partially operative (at least the one that covers discrimination by the public entities).

#	Description	interested group	Greek Ombudsman		
			findings	actions	outcome
1	Overly large fines for a makeshift shack	Roma	founded complaint	recommendations to comply	pending
2	administration delays and negative attitude cause expiration of state guarantees for housing loans	Roma	founded complaint	not specified	pending
3	delay to provide certification in order to purchase a house	Roma	founded complaint	mediation	Successful
4	delay in the implementation of a settlement program	Roma	inadmissible	refrain from investigation	filed complaint

The victims of discrimination in the area of housing in all cases were Roma minority members. In all examined cases the Ombudsman considered the complaints to be founded. It is also noteworthy that in most cases discrimination is expressed through a classical and the most frequent maladministration problem – the lengthy and unjustified delay in administrative procedures - according to the Greek Ombudsman, and also according to the experience of other National Ombudsman throughout the world. There is no Ombudsman case in which the administration refused to comply with the Equality Body recommendations and outcome has been either successful or pending in view of the ongoing mediation intervention.

2.4.5. Policies, measures and initiatives combating discrimination, racism, xenophobia and antisemitism and improving integration and community cohesion in housing

The following legislative and policy initiatives constitute decisive steps towards improving integration and community cohesion in housing through respect of

the immigrants and minorities' needs and promotion of their equal participation in the social sphere and welfare.

Institutional policies and measures

- Mosque for Muslim believers

After a 2-year-long public debate the Government Committee announced that the Athens Mosque would be built in Eleonas. This location was proposed by the Greek Orthodox Church, following the rejection of the Foreign Minister Ms Bakoyanni's proposal to restore the Monastiraki old Mosque monument (near Acropolis)⁸², and after the announcement of a new law draft providing the framework for building a Muslim mosque and cemetery in Athens.

- Loans for Houses program for Roma minority

The Ministry of Interior Affairs issued a Ministerial Decision (n.33165/23.06.2006) and a relevant circular (n.38818/19.07.2006), according to which municipalities will provide loans under more favourable terms and criteria and with more expedient procedures. As of 21.12.2005, 15.950 applications have been submitted, 50% of which have been examined. 5.754 have been approved and 3.972 housing loans had been effectively provided⁸³.

- House loans for immigrants

The activities of the Workers Housing Organization (OEK) may be considered as positive measures in the area of housing. OEK is an agency financed by the contributions of the workers and their employers. It is granting its housing contribution exclusively to its beneficiaries without making any discrimination due to race, religion or national characteristics. Among the projects carried out by OEK are the allocation of houses, the granting of housing loans and the subsidies for rent. Financial immigrants, returnees from countries of the former Russian Republic, gypsies and Muslim Greek citizens are beneficiaries of the above mentioned Programmes.

Significant initiatives

An initiative important to mention is the foundation of a political party by federations and associations of Greek Roma, under the name ASPIDA («Anexartiti Sispisosi Politon Idieterou Prosdiorismou»). Their aim is to represent the Roma community at the national elections, currently not represented in Parliament. The community estimates its members to amount to approximately 600.000, and it encourages their participation in political life of the country, as opposed to being a voters' pool for the major parties and subject to manipulation and unfulfilled promises for improvement of their living conditions.⁸⁴

⁸² To Vima, (19.04.2006).

⁸³ According to data provided by the Interior Ministry, General Directorate for Development Programmes, doc.prot.n.64434/17.01.2006.

⁸⁴ In.gr (15.01.06)

2.5. Racist violence and crimes

2.5.1. New sources of data

No new sources of statistical data are available.

Racist, xenophobic, antisemitic and islamophobic crimes and the law

i. The Greek anti-racist criminal law (n.927/1979 as amended by the laws n.1419/1984, n.2910/2001 and n.3304/2005) does recognise crime, hate or violence on the basis of racial, ethnic origin and religion, including threats and violence against an individual or groups as capable of provoking discrimination. It does not explicitly recognise a crime as ‘xenophobic, anti-Semitic or Islamophobic’, but opts for a generic formulation of actions and verbal instigations to acts, that may lead to racial, ethnic or religious discrimination, hate or violence.

ii. The relevant legislation (law n.927/1979) applies to those violent incidents/crimes and verbal instigations to acts and activities that are committed under the motivation of racial, ethnic and religious discrimination, and/or that aim at such discrimination. It is noteworthy that the motives of the crimes are taken into account as aggravating circumstances only for those specific crimes described under the same law, therefore only if racial discrimination is the sole ground for relevant action or activity. For crimes or activities on other grounds racist motivation is not examined and is not taken into account in the legal proceedings as the judicial practice show and various reports indicate⁸⁵. This is also reflected in the lack of classification of crimes by the Ministries of Public Order and Justice on the basis of their eventual racist motivation.

The prosecutor of Mesologhi - among very few that responded to the request made to the Ministry of Justice - has informed the Greek NFP ‘Antigone’ that one cannot exclude the possibility that crimes already brought before the courts may have had indirect racial or racist motivation (especially trafficking, sexual exploitation, bodily harm etc.). However, in each case it is upon the substantial judgment of the judge or prosecutor to formulate such hypothesis, which can be done only upon formal request before or during the hearing procedure⁸⁶.

⁸⁵ The Greek Ombudsman Annual Report 2001, Sitaropoulos N. (2003), Executive summary on race equality directive. State of play in Greece, Tassopoulos, I.A., Hate speech and liberal democracy – Perspectives from Greece, XVIth Congress of the International Academy of Comparative Law, Brisbane, 14 – 20 July 2002, Gavalas N., Report on measures to combat discrimination, Country report – Greece, European Network of Legal Experts in the non-discrimination field, 2004, Theodorides N.,-Dimitrakopoulos Y., Legislation analytical study, RAXEN NFP ‘Antigone’, 2002.

⁸⁶ Prosecutor of Mesologhi, Paterakis G., official document prot n.977/25.05.2006.

iii. The law does not focus on incidents/crimes done by banned organisations. It nevertheless encompasses sanctions to whoever establishes or participates as a member in groups that which aim at organized propaganda or other activities tending to racial discrimination.

As the Prosecutor of the Kefalonia island informed the Greek NFP 'Antigone', she has initiated penal action for violation of art.1.2 and 2 of the anti-racist law n.927/1979 for street wall graffiti on the walls of the town of Argostoli (capital town of the island). The graffiti contain racist writings and incitement to hatred against immigrants and are propagandizing extreme right-wing group activity. The case has been temporarily filed as the perpetrators are declared unknown (although one of the writings is 'Golden Dawn now' which is the name of an extreme right-wing organisation'⁸⁷).

2.5.2. Statistical data and information

All data provided in the National Data Collection Report are unofficial and derived from cross-checked and multiple national media reports. The police has not labelled such incidents and crimes as racist. Instead, crimes are reported as incidents against immigrants and minorities irrespective of the motivation, which is hardly investigated in any way by the police and/or judicial authorities, as explained analytically above through official documentation. Hence the following table does not provide a precise report of racist incidents but records a trend according to the number of crimes committed annually against immigrants and minorities.

Table 1 – Major racist violence incidents against immigrants and minorities (2003-2006)

	2003	2004	2005	2006
<i>Major racist violence incidents*</i>				
against immigrants and refugees	5	11	12	16
against Roma	2	3	3	2
against religious minorities	-	2	1	3
alleged police, border & costal guard racist violence incidents	4	4	9	7
Violence against immigrants - death toll	1 ⁸⁸	1 ⁸⁹	1 ⁹⁰	2 ⁹¹

* as recorded by NFP 'Antigone' RAXEN National Annual Reports

⁸⁷ Prosecutor of Kefalonia, Arghiri V., official document prot n.896/31.05.2006.

⁸⁸ Nigerian male immigrant.

⁸⁹ Albanian male immigrant. The murderer of the 20 years old Albanian immigrant in Zakynthos after the 2004 football match between Albania and Greece has been condemned to life imprisonment in mid 2006, although the court has not taken into account eventual racist motivation (Athens Indymedia, 07.05.2006)

⁹⁰ Albanian male immigrant.

⁹¹ Albanian and Georgian male immigrants, both stabbed to death in the island of Crete.

The above table contains an indicative number of major incidents as they have been presented in the Annual Reports 2003, 2004, 2005 of the NFP ‘Antigone’ and the recent National Data Collection Report. It must be repeated that they do not represent a reliable set of data and may reflect the NFP’s data collection capacity, rather than the pragmatic racist crime rate throughout the years. However, the recorded trend, especially of the murders, is quite reliable since such cases are well exposed by the media. Overall, the emerging trend in Greece is not a decrease of violent incidents against immigrants and minorities, but on the contrary, they are most probably rising in number.

Table - Incidents

There are no official sources for racist violence and crime. Therefore, the table below lists violent incidents against immigrants and minorities irrespective of their eventual racist motivation (as explained thoroughly above):

Unofficial Sources
<p>National Sources</p> <p>Reported incidents (by the public to the police) and incidents recorded by the police</p> <p>A. Violence against person/s - 16 cases⁹²</p> <p>Victims: immigrants – Albanians (3) – Georgian (1) – Afghan (2) – Bangladeshi (2) – Iraqi (1) – Palestinian (1) – Bulgarian (1) – Pakistani (1) – Algerian (1) - Unknown (3)</p> <p>Perpetrators: Police officers – 7 cases Local Greeks – 9 cases</p> <p>B. Violence against property - 3 cases</p> <p>Victims: Immigrants - Pakistani (1 case - unknown number) Roma – 2 cases (unknown number)</p> <p>Perpetrators: Police officer (special guard) – 1 case (immigrants) Municipal services (Roma)</p>

⁹² The number also includes two cases of death due to heart attack after tensions with police officers, and a suicide, all having happened inside police detention facilities. However, these cases are not calculated in the violent incidents death toll of the previous table.

(Main) Data Sources:

- Official press releases (Police and Ministry of Commercial Marine),
- Major national and local media reports,
- Intergovernmental organisations,
- NGOs and civil society organisations (see analytical list below)

The following unofficial list of incidents is based upon national media publications (including deaths due to physical causes under police detention):

1. Rethimno –Crete. A 17 year-old Albanian has been stabbed to death by a group of locals who irrupted into his home in the morning hours of 01.01.2006. The murderers have previously beaten the boy's ill father and chased the victim to the terrace of the house, where the murder took place. An 18 year-old local (currently serving his military service) assisted by his father stabbed the victim 17 times with a knife. (Source: All national electronic and press media, 01.01.2006)

The victim was not involved in the dispute the killers had the previous night with a group of Albanians in a town's night club, however he was killed, as he was the only Albanian the residence of whom was known to the killers. What caught the attention of national media was the reactions of Crete society and the local public discourse, as well as the attitude of the general public. These were characterised by frequent justifications of the murderers' behaviour and denial of any racial motivation behind such incident. The violence has not been adequately condemned. In fact, the killing has been followed up right away by other similar violent incidents in Crete.⁹³ The Albanian young immigrant's killing has led to immigrants' and civil society manifestations and marches against racism in Athens and Crete.

2. Iraklio-Crete. A young Albanian worker was beaten by 3 persons who pretended to hire him for agriculture work and then took him to an isolated rural area. (Source: Crete TV, 04.01.2006)

3. Aghia Galini, Rethimno –Crete. A 29 yrs old Georgian immigrant was stabbed to death by a 25 years old local Rethimnian in a bar. (Source: Athens News Agency, 22.01.2006)

4. Chalkidiki - Northern Greece. A 26 yrs old Albanian immigrant was stabbed by the 59 yrs old Greek after a dispute between his son and the immigrant. (Source: Eleftherotipia, 30.01.2006)

5. Patras – Peloponessus. A 15 years old Afghan refugee was beaten the by the

⁹³ Lyviakis G., 'What did we do and why do they kill us ?' Eleftherotipia, (04.01.06): After the murder of his son by a Greek professional soldier, the Albanian father was wondering why his child was killed and why himself was attacked in his house although he was sick with serious disease.

Port Policemen at the Patras port while trying to hide under a truck traveling to Italy. The Minister of Commercial Marine ordered an audit investigation (Source: Official Press Release of the Ministry of Commercial Marine, 14.02.2006)

6. Patras – Peloponessus. A 20 years old Afghan irregular immigrant died from a heart attack he suffered as he witnessed and tried to interfere during the beating of a 15 years old Afghan boy by the Port Policemen at the Patras port. The Minister of Commercial Marine ordered an audit investigation (Sources: Official Press Release of the Ministry of Commercial Marine, 14.02.2006, To Vima, 15.02.2006)

7. Athens - An Iraqi immigrant died from a heart attack in the police department right after his eviction from an old house in the center of Athens. (Source: Network of Social Support to Immigrants and Refugees, 12.01.2006).

8. A 29-year-old Bulgarian immigrant woman has denounced to having been raped by three police officers in Rhodes (Ialyssos) prior to the execution of her expulsion. Initially the Greek Police Chief started procedures for the administrative prosecution of these officers, while the Prosecutor of Rhodes initiated penal action against them for serious offences. Later media reports indicate the emerging of a broader trafficking racket in the island of Rhodes and Crete, involving six police officers and a number of businessmen of the abovementioned regions, who had mediated for the transportation of the Bulgarian woman from Crete to Rhodes. The latter has been immediately assisted and protected as a trafficking victim under the witness protection program. After penal persecutions on behalf of the District Attorney of Rhodes and an order of the Chief of the Greek Police for a further administrative investigation the defendants were temporarily interdicted to exercise their profession. (Sources: Athens News Agency, news.in.gr , 06.04.2006 and 07.04.2006, Greek Police: <http://www.mopo.gr/main/Section.jsp?SectionID=732>, in.gr 06.04.06)

9. Group Z police officers allegedly beat a Bangladesh national on 12th of May. Two MPs of the Greek Communist Party have asked from the Minister of Public Order to punish the officers. Men of the group Z in Nikea (a suburb of Piraeus) mistreated Dorei Shohid while trying to arrest him because he was reportedly acting suspiciously. Shohid was first transferred to the hospital and then to the police station, from where he was released since there were no charges against him. The MPs have also asked from the Minister to adopt measures in order to prevent similar acts of police violence. (Sources: Rizospastis, 01.06.2006, UNCHR Greece: Press review on migrant and refugee issues -Athens, 02.06.06)

10. On May 15th and 16th unidentified neo-fascist groups attacked immigrants with knives, stones and improvised weapons in N.Kosmos and Daphne Athens suburbs. An arson attack against an immigrant store in N.Kosmos took place

too. (Source: Indymedia 18.05.2006)

11. A police officer member of the special guards' corps was arrested by the Police Internal Affairs Directorate. According to numerous complaints by the Pakistani community the officer was stealing telephone cards (SIM and prepaid calling cards) from immigrants in the Centre of Athens during routine police checks at their gathering areas of Menandrou and Sofokleous Str. (Source: Eleftherotipia, http://www.enet.gr/online/online_text/c=112,id=72998804 19.09.2006)

12. A 22 years old Palestinian and one 50 years old Bangladeshi immigrants have been victims of brutal attack and beatings by unidentified Greeks who, according to media reports, were participating at a rally of the "Galazia Stratia" extreme right-wing and sport oriented association, after the unexpected defeat of the Greek basketball team at the World Championship final on 3.9.2006. The newspapers refer to the incident as one more case of the 'usual hunt of the immigrant' after a Greek national team major sport event.

(Source: Eleftherotipia, http://www.enet.gr/online/online_text/c=115,id=91944324, 04.09.2006)

13. Four young Greeks invaded houses of migrants from Pakistan and they did "body control" on 9 persons. When they got arrested by the Police, they said that their mere purpose was to make a joke. However, according to the newspaper, the whole incident has a clear racist dimension. (Source: Eleftherotipia, 10.07.06)

14. The candidate for mayor of Athens from the Communist Party has denounced the ill-treatment and arrest of a barefoot immigrant in the central Athens square of Omonia by police officers. According to the party press release the officers threatened Greeks who assisted the scene and tried to defend the victim (Source: Indymedia (07.07.2006), athens.indymedia.org/front.php3?lang=el&article_id=540042)

15. A 32 Algerian immigrant detained for drug smuggling in the Acropolis Police station has committed suicide (Eleftherotipia, 22.08.2006).

Demolition of Roma dwellings

14. Personnel of the Inter-municipal Enterprise for Solid Waste of Chania have demolished the dwellings where 40 Roma lived in the area of Kladissos on 19 of July.

15. In late July the Municipality of Patras, supported by the local police, demolished the habitations of thirteen (Greek or Albanian) Roma families of the Makrigianni quarter of Patras. The demolished dwellings belonged to persons that were away from Patras, engaged in seasonal work. In all instances, the

Municipality of Patras advanced the argument that no eviction of Roma took place but that it merely “cleaned” the area from “deserted” houses, after first “acquiring the consent” of other Roma living there, but apparently not the consent of the Roma who owned the demolished houses and who were not there at the time of the eviction. ¹ (Sources: GHM, Press release 31.07.2006, Commissioner for Human Rights of the Council of Europe, press release, 01.09.2006⁹⁴)

Anti-Semitism - Unofficial Sources
<p>Reported Incidents (by the public to the police)</p> <p>C. Verbal offences against members of Jewish community - 3</p> <p>Perpetrators: Athens Municipal elections’ candidate (ballot member) - 1 case (newspaper article) Newspaper – 1 case (as denounced by the Israeli Embassy in Athens) Unknown – 1 case (graffiti)</p>
<p>(Main) Data Sources:</p> <ul style="list-style-type: none"> - Official judicial sources - Major national and local media reports

1. The weekly newspaper "Alpha Ena", voice of the biggest extreme right wing political party "LAOS" published a crude anti-Semitic declaration of Mr. Milonopoulos saying that " if you wash the Jew, you’ll waste your soap. If we give them a little more time they'll break Hitler's record, in numbers of victims we mean. In brutality they've surpassed him." Milonopoulos was an extreme right wing member of the ballot of the official candidate of the governing party for the municipality of Athens. (Source: Alhpa Ena, 23.07.06)

2. The Prosecutor of Kegalina (an Ionian Sea island) initiated penal action on the basis of the penal provision for racist crimes (law n.927/1979) for ‘actions aiming at racial discrimination’, that is racist writings on the walls of Argostoli on 06.09.2005. This is the first time that the relevant provisions have been activated ex officio, however the case has been archived since the perpetrators remained unidentified.
 (V.Arghiri, Prosecutor of Kefalinea, Argostoli, 896/31.05.06)

⁹⁴ “Forced eviction of Roma families must stop”, www.coe.int/t/commissioner/Viewpoints/Default_en.asp (04.09.2006)

3. The Israeli Embassy in Athens has protested against a number of articles written in major newspapers, which allegedly included anti-Semitic argumentation in criticising Israel for the Lebanon war.
(Source: Eleftherotipia, 11/08/2006)

There is no incident of Islamophobia reported and recorded by the Greek NFP 'Antigone'.

2.5.3. Official data publicly available

No official data on racially motivated crimes is available either in written or electronic form. All the above information is collected through various media and NGO publications and re-organised and filtered according to standards and criteria provided by the EUMC in order to meet the specifications of the NFP National Data Collection Report.

2.5.4. Reports and studies

- Amnesty International Report 2006

The Amnesty International, in its Report for the year 2006 regarding Greece, commented in summary the following: *Migrants, refugees and members of minority groups suffered human rights violations, including denial of access to asylum procedures, ill-treatment in detention and discrimination. Romani homes were targeted for demolition in ways that breached international standards, and Roma faced discrimination and racist attacks. A new law improved the situation for conscientious objectors to military service, but still provided for punitive alternative civilian service.*

- Follow-up report on the Hellenic Republic (2002 – 2005) Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights⁹⁵

In his follow-up report on Greece, the Commissioner for Human Rights of the Council of Europe has stressed that *'allegations of police misconduct and abuse have continued since the Commissioner's visit in 2002. Statistics provided by the Ministry of Public Order show that for the period 2001-2005, 248 complaints were made by citizens (detainees and non-detainees) about*

⁹⁵ COMMDH(2006)13, (29.03.2006)

mistreatment and abuse by police officers. 2005 saw an increase in the number of complaints made as compared to previous years.'

Therefore, the Commissioner commended the efforts, in particular training, made by the authorities to respond to problems of police violence, especially against foreigners. However, he expressed his concern about structural problems that need to be addressed, especially about the widely reported failure to examine and punish cases of ill-treatment by police officers. The Commissioner suggested that the relevant recommendations of the Ombudsman should be implemented and that the police internal audit mechanisms need to be reviewed.

- Survey: policing racist violence

A survey⁹⁶ published in 2006 indicates indifference by the police officers towards extensive racist violence practices and racially motivated crimes against immigrants, especially Albanians. Drawing on interviews with Greek police detectives, the attitudes of Greek police towards migrant communities and racist violence demonstrate that not only are migrant communities, particularly the Albanian, viewed as hotbeds of crime but racist violence against these communities is not perceived as a significant problem by the Greek police. The latter is usually indifferent to racially motivated crimes and often view racist incidents as acts of self-defence by Greeks against the criminal 'other'. According to the author a transformation of such attitudes would require a public recognition of the widespread racism that exists in Greek society.

- Opinion poll after racist murder

After the killing of a young Albanian in Crete on 01.01.2006 an opinion poll by the V-PRC poll company commissioned for a national radio network (Sky radio) has shown that public opinion is not strongly condemning violence against Albanian immigrants. While 44% of the interviewed sample found the assassination to be an '*unjustified act*', 34% said that '*it is the Albanians' fault too*'. A significant 24% of the sample refused to respond at all and therefore to give a judgment about the murder.⁹⁷

⁹⁶ Antonopoulos G.A., Greece: policing racist violence in the 'fenceless vineyard', Race & Class, Institute of Race Relations Vol. 48(2): 92–100, <http://rac.sagepub.com>, 2006.

⁹⁷ Eleftherotipia, (13.01.2006)

2.5.5. Policies, measures and initiatives combating racist violence and crime and improving integration and community cohesion

Institutional policies and measures

- In regard to the investigation of racist motivation and character of crimes some important initiatives took place:
 - The Police Chief issued the Circular Order n.71100/4/3/24.05.06 entitled 'Confronting racism, xenophobia and intolerance during police action'. Through this circular police officers are ordered to investigate eventual racist motivation in cases where immigrants or vulnerable group members are involved.
 - Through the Circular Order n.4803/22/210 –κ/26.06.06, the Police Chief recommends to investigate eventual racist motivation in audit and internal disciplinary investigations, therefore taking under consideration the European Court of Human Rights Judgement on the Bekos and Koutropoulos vs. Greece case.

The Ministry of Public Order established Special Departments for Combating Human Trafficking and Organised Crime (provided by the Presidential Decree n.48/13-3-2006) in Athens and Thessalonica. After a Police Chief decision Anti-trafficking teams started operation in 12 Police Directorates throughout the country: Arkadia, Ahaia, Iraklio, Ioanina, Corfum Seres, Kozani, Kiklades, Larisa,Lesvos, Rodopi and Fthiotida.

Furthermore, the Ministry of Public Order informed the Greek Raxen NFP that the new police officers' training programmes are designed in order to include extensive topics about racism, xenophobia, minorities and racist discourse⁹⁸.

Significant initiatives

- "Anniversary for the commemoration of Greek Jews who had been exterminated during the Holocaust"

The Jewish Board of Thessalonica and the State University of Thessalonica organised a ceremony and a public meeting respectively for the commemoration of the Holocaust with the participation of representatives of the Government and all the political parties. During the event, messages of the Greek Prime Minister and the French Minister of Interior Affairs were read.

⁹⁸ Official Document by the Police Headquarters, prot. n.5401/1-236814/11.10.2006.