



HLHR-KEMO
National Focal Point on
Racism & Xenophobia

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Institute for Rights Equality & Diversity
Ινστιτούτο για τα Δικαιώματα την Ισότητα & την Ετερότητα

RAXEN / Greece

Thematic Study

Racist and Related Hate Crimes in EU

**Country Report 2010
GREECE**

September 2010

Thematic Study

Racist and related
hate crimes in the EU

RAXEN NFP Greece
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Executive summary

Trends of racist and hate crimes

The most notable trend in 2009-2010 is the rise of racist violence and a qualitative shift to Islamophobic crime by extremist groups against migrants and refugees from Middle East and Africa especially in the centre of Athens.

- Migrants and refugees from Middle East, Pakistan, Afghanistan, appear to become the main target of racist attacks, instead of Albanian migrants, who had been the most frequent victims for the last 20 years.¹ It goes noted that, since March 2010, migrants living in Greece for many years have improved access to citizenship and political rights, therefore leading to a more clear distinction between long time migrants and newcomers.
- Public officials, police officers, coast guards, are among the most frequently reported alleged perpetrator groups throughout the years 2007-2010. However, in the first half of 2010 almost no police officer were reported as perpetrators, which is probably linked to the firm stance and policy initiatives of the competent Ministry.
- Anti-Semitic hate speech has increased and marks a period in which Greek courts acquitted a blatantly anti-Semitic author in a hate speech case that received much public attention.
- There is a net increase of incidents in Crete in the last years and especially in 2010.
- Most incidents take place in urban open city spaces (squares, streets) and in the historical centre of Athens. The situation in this area of the capital and the related incidents received most media, political and public attention in 2009-2010. Since 2008, a xenophobic and sometimes Islamophobic debate about the Athens centre provided fertile ground for the rise and increase of attacks by far-right extremist against migrants and refugees.
- ECRI and CERD in their 2009 reports urge the Greek authorities to ensure the enforcement of Law 927/1979 in the matters of media and political discourse.

¹ A trend supported also by EU Midis results for Albanians in Greece.

Legislation and policy

Anti-racist legislation and practice

The Greek government, namely the Ministry of Justice, Transparency and Human Rights, has set up a law drafting committee with the task to transpose in the Greek legal order Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.

A working group has been created in the Ministry of Justice to examine the issue of ratifying the Additional Protocol to the Council of Europe Convention on Cybercrime.

- The only piece of specific legislation in place regarding racist crime is the anti-racism Law 927/1979 “on punishing acts or activities aiming at racial discrimination.”
- The law is considered to be restrictive in the sense that it intends to punish racial discrimination if that is the *sole* ground for the relevant action or activity
- The law has been rarely applied by Greek courts, and never by an ex officio prosecution.
- In the Plevris case, which received much public attention, his acquittal was based on the court judgement, validated by the Supreme Court, that racial origin was not the sole ground for hate speech through an anti-Semitic book.
- The court decision could be easily recorded as an incident of anti-Semitic hate speech: “*the defendant does not revile the Jews solely because of their racial and ethnic origin, but mainly because of their aspirations to world power, the methods they use to achieve these aims, and their conspiratorial activities.*”²
- After the acquittal the Public prosecutor pressed charges against members of Antinazi Initiative for “dissemination of false news that may provoke unrest to citizens” after they stated that two specific public prosecutors and one judge defended K. Plevris by expressing unprecedented anti-Semitic and pro-nazi positions.

² Greek Helsinki Monitor, Greek Supreme Court dismisses appeal in cassation against neo-Nazi Plevris’ acquittal!, Press Release (20.4.2010)
<http://cm.greekhelsinki.gr/index.php?sec=194&cid=3639>

Positive policy initiatives

The Ministry for the Protection of the Citizen plans to set up an independent complaint mechanism, staffed exclusively by civil personnel, in order to investigate cases of abuse by police officers, firefighters and coast guards.

Its design aims to achieve compliance with recommendations and guidelines by the European Court for Human Rights, the Commission Against Torture and the High Commissioner for Human Rights of the Council of Europe.

- The general recommendations made by the European Committee against Racism and Intolerance (ECRI) of the Council of Europe were notified to the police forces.
- The Ministry of Public Order underlines that it is a basic duty of the police is to investigate the possibility of racist motives in both penal and administrative cases, and police officers have been instructed so through circular orders and education programs.
- Despite this emphasis police has never found any indications or grounds on investigation of racist motives in any case so far.
- Nevertheless, police officers are not reported as perpetrators in any racist incident in the first half of 2010, despite being the most frequent offenders during the past years.
- On March 2010 the Greek Parliament approved a milestone bill proposed by the Greek government that comprehensively reforms Greek citizenship law introducing ius soli and the chance for automatic acquisition of Greek citizenship to children of migrants under conditions. Migrants residing in the country for more than five years may participate in municipal elections as voters and candidates for Municipal Council members (not mayors or vice mayors).

Desk Research

A.1. An overview of the situation concerning hate crime

Given the lack of official statistical data on racist crime, the situation in Greece in 2009 and 2010 with respect to manifestations of racist crime and related hate crimes, is based on unofficial (non-governmental) data and information.

The most notable development in 2009-2010 is the rise of Islamophobic crime and racist violence by extremist groups against migrants and refugees from Middle East and Africa. This increase is eventually linked to the impact of hate speech, also by political and religious leaders, as well as to the heavy economic crisis which afflicts Greece in the last two years. In 2010 unofficial data available up to June, demonstrate an considerable increasing trend of violence against persons and property, perpetuated by extremist groups. Additionally, anti-Semitic hate speech has increased and marks a period in which Greek courts acquitted a blatantly anti-Semitic author in a hate speech case that received much public attention.

Migrants and refugees from Middle East, Pakistan, Afghanistan, appear to take the place of Albanian migrants, who had been the main target of racist attacks for the last 20 years. EU Midis results reveal a similar trend for Albanians in Greece. It's worth noting that most of this long years migrant population has now access to citizenship and to political rights on a local level due to major citizenship reform of the new government in March 2010. This is eventually leading to a more clear distinction between long time migrants and newcomers, such as migrants and refugees from Middle-East countries in turmoil.

Public officials, police officers, coast guards, are among the most frequently reported alleged perpetrator groups throughout the years 2007-2010. However, police officers are not reported as perpetrators of any racist incident during 2010 and up to June, possibly also due of the strong anti-racist position and policy of the newly elected government and the competent Ministry for the Protection of the Citizen (ex 'Public Order').

The wider Athens complex and Attica, as well as Crete are the regions where more incidents were reported. There is a net increase of incidents in Crete in 2010.

The Athens city centre and extremist violence

Most incidents take place in urban open city spaces (squares, streets) and in the historical centre of Athens. The situation in this area of the capital and the related incidents received most media, political and public attention in 2009-2010. Since 2008, the debate on Athens migrant ghettos in some areas of the Athens centre has been transformed to Islamophobic and xenophobic discourse providing the basis for self-organised ‘committees of residents’ and civic militia by violent far-right extremist against the presence of migrants.

As the RAXEN reports (Rapid Response, Human Rights Debates during the EuroElections 2009) indicate, in the period prior to Elections for the European Parliament of 2009, a number of articles in major newspapers³ or tabloids, as well as interventions by the LAOS party leader defined migration inflows as a major security problem and main cause for crime-fear by the population.⁴

A.2. Current legislation and developments

The Council Framework Decision 2008/913/JHA

The Greek government, namely the Ministry of Justice, Transparency and Human Rights, has set up a law drafting committee with the task to transpose in the Greek legal order Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law. This committee is expected to complete its work within 20.9.2010 in order to proceed to transposition until the 28.11.2010.

According to the Ministry of Justice, Transparency and Human Rights, one of the main tasks of such Committee is to adopt in the Greek legal order the prohibition of public condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes, while public incitement to violence or hatred is already punished by Greek law. Penalties and sanctions against legal entities are planned to be of administrative non-criminal nature.⁵

3 Papahelas A.I., Το πρόβλημα ασφαλείας με λαθρομετανάστες, http://news.kathimerini.gr/4dcgi/_w_articles_columns_95_01/04/2009_309598 (01.04.2009)

4 Anonymous, Γιώργος Καρατζαφέρης: Μείζον πρόβλημα οι λαθρομετανάστες, Kathimerini, (09.04.2009), http://news.kathimerini.gr/4dcgi/_w_articles_politics_2_09/04/2009_310483

5 Official response n.717/2.6.2010 by the the Ministry of Justice, Transparency and Human Rights to the request for data and information by the RAXEN NFP.

National legislation in the field of racist and other hate crimes

The Greek Constitution, namely art.5 and also articles 2, 13, 14 provide general protection of potential racist violence victims. In particular, the art.5 of the Constitution provides that

All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs.

The only piece of specific legislation in place regarding racist crime is the anti-racism Law 927/1979 (as amended by law n.1419/1984, law n.2910/2001, law n.3304/2005 and law n.3386/2005). It constitutes purely criminal legislation that covers in effect solely direct discrimination, harassment and (indirectly) instruction to discriminate. The latter is not expressly covered by Law 927/1979.

In specific, the Law 927/1979 “on punishing acts or activities aiming at racial discrimination” penalizes:

Art.1

1. anyone who publicly, orally or in writing or through pictures or any other means intentionally incites people to perform acts or carry out activities which may result in discrimination, hatred or violence against other persons or groups of persons on the sole ground of the latter’s racial or ethnic origin or religion (by virtue of article 24 of Law 1419/1984) is punished by imprisonment for a maximum of two years and/or pecuniary penalty or both;

2. The above-mentioned penalties are dealt with by the same provision in cases where someone establishes or participates in organisations that aim at organising propaganda or activities of any form whatsoever, leading to racial discrimination.

Art.2

To express publicly, either orally or by the press or by written texts or through pictures or any other means offensive ideas against any individual or group of individuals on the grounds of the latter’s racial or ethnic origin or religion. The penalty provided for in this case is imprisonment of a maximum of one year and/or pecuniary penalty.

Art.3 (abolished and substituted by art.16 of law 3304/2005)

The initial art.3 of the latter included provisions about fines and sanctions against those discriminating during provision of goods and services on the grounds of ethnic or racial origin. The law 3304/2005 by art.16 (the law

transposing the RED Directive in Greece) has extended protection to victims of sexual orientation by providing that

‘whoever violates the prohibition of discriminatory treatment on grounds of ethnic or racial origin or religious or other beliefs, disability, age or sexual orientation, during transactions regarding provision of goods or services to the public is punished by imprisonment of six months and up to three years and with a fine from 1000 up to 6000 Euros.’

The motives of the crime are taken into account when determining the sentence so racist motives can be considered as aggravating circumstances. According to the article 23 of Law 3719/2008, amending article 79 of the Criminal Code (Presidential Decree n.283/1985), committing an offence on the basis of, inter alia, ethnic, racial or religious hatred is considered an aggravating circumstance.⁶

Art.71.4 of the law n. 3386/2005) provides ex officio prosecution of acts of racism and xenophobia as described in the law n.927/1979.

The law is subject to much criticism especially for the fact that it is restrictive in the sense that it intends to punish racial discrimination if that is the *sole* ground for the relevant action or activity.⁷

The notorious Plevris case acquittal was based on the court judgement that racial origin was not the sole ground for hate speech through an anti-Semitic book. In fact, the Supreme Court’s Criminal Section, sitting in plenary, with Judgment 3/2010 dismissed the appeal in cassation in the interests of law, filed by the Prosecutor of the Supreme Court against judgment 913/2009 of the Five Members Appeals Court of Athens. With that judgment neo-Nazi Costas Plevris was acquitted of charges of violation of anti-racist law 927/79 with his book “The Jews: the whole truth”. The Supreme Court’s judgment, taken by a majority of 24 judges with two dissenting opinions to which 7 and 5 judges subscribed, dismissed the appeal and validated the acquittal based on the reasoning that “the defendant does not revile the Jews solely because of their

⁶ In its 4th report on Greece, ECRI noted with satisfaction that, according to Article 23 of Law 3719/2008, amending Article 79 of the Criminal Code, committing an offence on the basis of, inter alia, ethnic, racial or religious hatred is considered an aggravating circumstance, as recommended in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. ECRI Report on Greece, fourth monitoring cycle, September 2009. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>

⁷ “The main defect of anti-racism Law 927/1979 is that its scope is limited to criminal law punishment and prevention, setting aside civil and public law aspects that racist acts may have in actual practice. (...)Article 1 of Law 927 is restrictive in the sense that it intends to punish racial discrimination if that is the sole ground for the relevant action or activity.” at: Nicholas Sitaropoulos, Transposition in Greece of the European Union Directive 2000/43 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, http://www.mmo.gr/pdf/library/Greece/Sitaropoulos_GR-RACISM.pdf

racial and ethnic origin, but mainly because of their aspirations to world power, the methods they use to achieve these aims, and their conspiratorial activities.”⁸

Penal Code provisions

Additionally there are Penal Code provisions aiming at punishing incitement to violence.

‘Article 1 of Law 927 is restrictive in the sense that it intends to punish racial discrimination if that is the sole ground for the relevant action or activity and its actual statutory purpose is to safeguard “public order”. A general Greek criminal provision, that of article 192 of the Greek Penal Code provides for the penalty of maximum imprisonment of two years, if any other more severe penalty is not provided for by another provision (like the above-mentioned article 1 of Law 927/1979), of anyone who publicly in any manner whatsoever provokes or incites citizens to act violently against each other, or to mutual discord (intolerance) and, as a consequence, (s)he disturbs public peace. The aim of this generic criminal provision is to prevent the creation of a climate of intolerance that would break the fabric of the domestic society otherwise able to safeguard the equal co-existence of all its members.’⁹

This provision has been rather abused in Greece through prosecutions against ethnic minorities and their organisations¹⁰.

Article 196 of the Greek Penal Code that typifies another more specific act, that is, the “abuse of ecclesiastic office”. This provision provides for a severe penalty of maximum imprisonment of three years of clergymen who, during exercise of their work or when they publicly use their religious capacity, provokes or incites “citizens”, in the generic above-mentioned sense, to acts of intolerance towards other “citizens” or to enmity towards the state. In both articles 192 and 196 of the Greek Penal Code prosecution may be initiated ex officio.

8 Greek Helsinki Monitor, Greek Supreme Court dismisses appeal in cassation against neo-Nazi Plevris’ acquittal, Press Release (20.4.2010) <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3639>

9 Law 927 is restrictive in the sense that it intends to punish racial discrimination if that is the sole ground for the relevant action or activity.” at: Nicholas Sitaropoulos, Transposition in Greece of the European Union Directive 2000/43 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, http://www.mmo.gr/pdf/library/Greece/Sitaropoulos_GR-RACISM.pdf

10 Law 927 is restrictive in the sense that it intends to punish racial discrimination if that is the sole ground for the relevant action or activity.” at: Nicholas Sitaropoulos, Transposition in Greece of the European Union Directive 2000/43 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, http://www.mmo.gr/pdf/library/Greece/Sitaropoulos_GR-RACISM.pdf

Soft law tools against racist and hate speech

Soft law is the Code of Conduct (“Kodikas Deontologhias”) for radio and television. Article 23 of the above Code (dated 07.03.2000), entitled “vulnerable population groups”, proscribes the transmission of, among others, racist or xenophobic messages and characterisations as well as of intolerant statements. It is also prescribed that special effort should be made by Greek radio and television so that no ethnic or religious minorities, or other “vulnerable or weak population groups”, are offended.

The Code of Conduct of the Athens Journalists’ Association contains a provision (article 1) which enjoins journalists to impart information without any prejudice related to their racial or cultural ideas or opinions. The same provision provides for the journalists’ obligation to provide redress in cases where there has been transmitted information offending an individual’s honour or personality.

Anti-racist law application

Law 927/1979 has been rarely effectively applied by Greek courts, and never by an ex officio prosecution.

As ECRI notes in its 2009 4th report on Greece, (ECRI) *regrets, as the authorities have acknowledged themselves, that Law 927/1979 continues to be rarely applied although information indicates cases of incitement to racial hatred in Greece.*¹¹

Only a small number of cases were brought to court by NGOs. According to ECRI, more action on the Prosecutor’s part is still necessary in this regard as it appears that he rarely brings cases to court ex officio. The Greek authorities have informed ECRI that, for this purpose, a special Prosecutor has been recently appointed as a contact person in respect of such crimes and, by circular of the Ministry of Justice, all prosecutions based on Law 927/1979 are monitored, relevant statistical details being sent to the National Focal Point on Racism and Xenophobia.¹²

¹¹ ECRI Report on Greece, fourth monitoring cycle, September 2009. Page 13, point 17 <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>

¹² It goes noted that so far, existing data on cases which reached the courts on the basis of the law 929/1979 were notified to the RAXEN NFP by the Greek Helsinki Monitor and in general by the NGO which brought the case to court.

Additional Protocol to the Council of Europe Convention on Cybercrime

Greece has signed on 28.1.2003 but not yet the Additional Protocol to the Council of Europe Convention on Cybercrime. According to the 4th ECRI report on Greece :

*'The Greek authorities have informed ECRI that a working group has been created in the Ministry of Justice to examine the issue of ratifying this Protocol and its propagation and integration into Greece's internal legal order.'*¹³

¹³ ECRI Report on Greece, fourth monitoring cycle, September 2009. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf> (p.11)

A.3. Official data and information on racist and related hate crimes

A.3.1. Overview of official government/criminal justice data on racist crime

No data available.

According to the Ministries of Justice, Transparency and Human Rights and for the Protection of the Citizen, no official statistical data collection, recording and reporting of crimes with eventual racist motives is in place. The Ministry of Justice disposes of specific statistical data only on trafficking, smuggling and child pornography.¹⁴ The Ministry for the Protection of the Citizen and the Greek Police refer that no incident of ill-treatment by police officers with a racist motive has been recorded and reported since the issuing of the circular order on racist crime n.4803/26.6.2006.¹⁵

However, a complaint mechanism with a certain degree of functional independence is planned to be set up by the Ministry for the Protection of the Citizen.¹⁶

A.3.1.1. Incidents/complaints reported by the public

No official data available. In a number of well-known cases NGOs have brought hate speech cases before the courts. Relevant information on these cases is provided by the NGOs. (See below (A.3.1.3))

14 Official response n.717/2.6.2010 by the the Ministry of Justice, Transparency and Human Rights to the request for data and information by the RAXEN NFP.

15 Official response n.6634/1-851448/28.6.2010 by the the Ministry for the Protection of the Citizens, to the request for data and information by the RAXEN NFP.: “it is indicative that all the administrative investigations that have been carried out, from the 26th-06-2006, publication date of the circular mandate 4803/22/210 k’ until today (21-06-2010), regarding unethical behaviour of police forces against migrants or other members of vulnerable social groups do not mention anything about racist motives.”

16 Official response n.6634/1-851448/28.6.2010 by the the Ministry for the Protection of the Citizens, to the request for data and information by the RAXEN NFP.

A.3.1.2. Incidents/complaints recorded by the police

No data available.

A.3.1.3. Cases recorded by the prosecution service/courts

Hate speech court cases

Up to date there has been only one final and irrevocable conviction pronounced by a first instance court and confirmed by an appeals court in thirty years the Law 927/79 is in force. It regards hate speech (First Three-Member Appeals Court of Athens (Misdemeanors) Judgment 5800 & 5919/2008 upheld the Eleventh Three-Member Misdemeanors' Court of Athens Judgment 16819/08 (5 March 2008) and convicted, to a suspended sentence of five months in prison, the publisher and the columnist of "Eleftheros Kosmos".¹⁷

In the first effective implementation by the courts of the antiracism law n.927/79 in Greece the major case of hate speech and incitement to violence against Jews, ended by an acquittal (case n. 913/2009) of a blatantly anti-Semitic book author and far-right wing political figure. At the end of an exhausting process lasting four whole sessions, the Athens Court of Appeal with five judges on the bench pronounced on 27.3.2009 Constantinos Plevris not guilty of charges brought against him under anti-racism law, thereby overturning the conviction and 14-month imprisonment sentence he had previously been given for what he had written in his book "The Jews, the Whole Truth. Following the acquittal, smear over acquittal was expressed by national and international organizations, as well as by the Greek Minister for Foreign Affairs. The Central Board of Jewish Communities in Greece expressed its "concern and disappointment". The Greek anti-Nazi initiative launched a petition and campaign to pressure the Greek state to overturn the court decision.¹⁸

The Greek Supreme Court, with Judgment 3/2010, the Supreme Court's Criminal Section, sitting in plenary, dismissed the appeal in cassation in the interests of law, filed by the Prosecutor of the Supreme Court against the above judgment 913/2009 of the Five Members Appeals Court of Athens. With that judgment self-professed neo-Nazi Costas Plevris was acquitted of charges of violation of anti-racist law 927/79 with his book "*The Jews: the whole truth*".

¹⁷ An allegedly extreme-right, fascist and often neo-Nazi newspaper affiliated with the parliamentary and Euro-parliamentary party LAOS for an anti-Semitic column published on 12 March 2006. This case started with a complaint filed on 12 March 2006 by GHM to the Athens Prosecutor of First Instance.

¹⁸ 'Don't let Greece turn into the first racist state in the European Union' http://antinazi.gr/articles/dikiplevri/kampania/epistoli_en.htm

The Supreme Court's judgment, taken by a majority of 24 judges with two dissenting opinions to which 7 and 5 judges subscribed.

The reasoning of the acquittal was based to the assumption that the author *'did not revile the Jews solely because of their racial and ethnic origin, but mainly because of their aspirations to world power, the methods they use to achieve these aims, and their conspiratorial activities(of Zionist-Jews)'*.

After the acquittal the public prosecutor's office of the Athens Court of Appeal pressed charges (following complaint of K. Plevris) against three members of Antinazi Initiative (Anna Stai, Irene Koutelou, Lampis Katsiapis) for "dissemination of false news that may provoke unrest to citizens". The three who are prosecuted were witnesses for the prosecution against K. Plevris at the trial for his book under the title "Jews, the whole truth" for which K. Plevris was indicted according to the Greek antiracist law 927/1979. During the trial the Antinazi Initiative representatives had stated that two specific public prosecutors and one judge defended K. Plevris by expressing unprecedented anti-Semitic and pro-nazi positions.¹⁹ Also, Antinazi Initiative has expressed the view that there is a fascist network in the judicial system. These denouncements and views of Antinazi Initiative, following K. Plevris' complaint, lead to penal action against Antinazi activists. The case is currently pending. The Antinazi initiative organised a campaign and a petition of support.²⁰

The UN CERD in its August 2009 Observations on Greece expressed its concern that legal provisions aimed at eliminating racial discrimination were not efficiently and in particular those relating to prosecution and punishment of racially motivated crimes.²¹

In relation to the case, ECRI in its April 2009 4th cycle report on Greece regreted that Law 927/1979¹ continues to be rarely applied although information indicates cases of incitement to racial hatred in Greece.²²

There was a widely shared concern that the inconsistent implementation of laws against inciting racial hatred in Greece may result in targeted attacks against Jews and increased anti-Semitic sentiments in the country. This to a certain extent came true during the recent Gaza conflict, when the humanitarian catastrophe after the Israeli army attacks boosted the anti-Semitic speech and comparisons between the Israelis and the Nazis in public debates. The case of the far-right parliamentary party leader Karatzaferis is a notable one: in an

19 The antinazi initiative considered as such the statement of the judge during court proceedings that the book in which the Holocaust is denied, "constitutes a scientific paper, product of a historian's research." More on the antinazi initiative statements: <http://www.antinazi.gr/english/notediki100412.htm>

20 <http://www.antinazi.gr/english/note270310.htm>

21 UN CERD/C/GRC/CO/19, Concluding observations of the Committee on the Elimination of Racial Discrimination on Greece (28.08.2009), p.5. <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GRC.19EN.doc>

22 ECRI Report on Greece, fourth monitoring cycle, September 2009. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>

article of its party (LAOS) newspaper, he wrote among others: ‘*the JEW smells BLOOD*’.²³

Nevertheless, another conviction for Anti-Semitic hate speech was imposed by a Greek Court in 2010: The Third Three-Member Misdemeanors Court of Athens condemned the publisher of the magazine “Apollonio Fos” Ioannis Haralambopoulos for violating Article 2 of the anti-racism Law 927/79 because, in 2007 *distributed anti-Semitic leaflets*²⁴

Finally it goes noted that there have been two unanimous convictions of Greece by the ECtHR for ill-treatment and torture cases in 2010:

In January and in April 2010 the European Court of Human Rights (ECtHR) issued two unanimous convictions of Greece in the Cases of Galostkin²⁵ and Stefanou²⁶ for violating twice Article 3 (prohibition of torture) of ECHR. Greece also violated Article 6.1 of the ECHR (excessive length of proceedings).

A.3.1.4. Other hate incidents/crimes/cases

No data available.

23 The anti-Semitic publication: http://alpha1.gr/older_versions_A1/A1-2009/January/03-01-09/09.pdf

GHM Press Releases <http://cm.greekhelsinki.gr/index.php?sec=192&cid=3397>,

http://cm.greekhelsinki.gr/uploads/2009_files/ghm1150_plevris_trial_english.doc

Relevant major newspaper articles: http://news.kathimerini.gr/4dcgi/_w_articles_columns_1_14/03/2009_307492

http://news.kathimerini.gr/4dcgi/_w_articles_columns_1_14/03/2009_307600

<http://www.enet.gr/?i=issue.el.home&id=31365>

<http://www.enet.gr/?i=news.el.ellada&id=31354>

Ministry of Foreign Affairs statement:

http://www.mfa.gr/www.mfa.gr/Articles/en-US/10042009_ALK1803.htm

Central Israeli Council and other organisations’ statements: www.kis.gr

<http://www.minorityrights.org/7792/press-releases/plevris-acquittal-signals-that-authorities-in-greece-fail-to-take-firm-action-to-curb-racism.html>

24 GHM press release, (29.1.2010) http://cm.greekhelsinki.gr/uploads/2010_files/ghm1263_katadiki_apolloneio_fos_english.doc .

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<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=861025&portal=hbk&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

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<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=866810&portal=hbk&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

A.4. Trends in racist and related hate crime

Given the complete absence of official data, conclusions about the trends in racist crime for the period 2005 – 2009 may be drawn only by unofficial data and relevant efforts by Non Governmental Organisations.(see below Section A.6)

However, a number of notable developments, may lead to visible changes:

- There are some intense and focused initiatives of the Ministry for the Protection of the Citizens regarding promoting in the Police corps an ethos against racism and discrimination. This is expressed through circular orders to investigate eventual racist motives in penal cases and through notification of most important relevant recommendations of ECRI and other international bodies to Police officers. At the same time, the Ministry establishes an apparently independent Office against Police Abuse – yet to start operation - while declares a firm stance against similar incidents and in a few cases in 2010 proceeded promptly in disciplinary control. This approach eventually will produce some results, as shown by unofficial statistics: the number of police officers as perpetrators in allegedly racist violent incidents, has visibly decreased in 2010 (is null up to June 2010).
- According to the most recent ECRI report, the Greek authorities have informed ECRI that, *a special Prosecutor has been recently appointed as a contact person in respect of such crimes and, by circular of the Ministry of Justice, all prosecutions based on Law 927/1979 are monitored, relevant statistical details being sent to the National Focal Point on Racism and Xenophobia.*²⁷ Apparently no statistical data have been so far collected or sent to the RAXEN NFP, nonetheless this eventually reveals a shift in policy regarding the need for such data collection. The RAXEN NFP is in close contact with the Ministry of Justice in order to improve such mechanism.
- Additionally, the program for Social integration of migrants regarding the years 2007, 2008, 2009 has been launched by the Interior Ministry since March 2009. The Estia is a 75 percent-funded by the European Union 26.2-million-euro program aiming at facilitating the immigrants' integration into society. It also aims to raise awareness about migrant issues within society in order to combat racism and xenophobia.²⁸
- On 11 March 2010 the Greek Parliament approved a milestone bill proposed by the Greek government that comprehensively reforms Greek citizenship law. Among main changes, which promote equal participation, the law n.3838/2010 introduces *ius soli* and the chance for automatic acquisition of Greek citizenship to children of migrants if one of the parents is born and permanently resides in the country. Additionally A new mode of citizenship

²⁷ It goes noted that so far, existing data on cases which reached the courts on the basis of the law 929/1979 were notified to the RAXEN NFP by the Greek Helsinki Monitor and in general by the NGO which brought the case to court.

²⁸ European Integration Fund for Third Country Nationals, Ευρωπαϊκό Ταμείο Ένταξης Υπηκόων Τρίτων Χωρών , <http://ete.ypes.gr/>

acquisition is introduced for migrant children, and migrants residing in the country for more than five years may participate in municipal elections as voters and candidates for Municipal Council members (not mayors or vice mayors). The law proposal came after the new government took office and after the campaign for a new citizenship law in Greece by the Hellenic League for Human Rights Tensions and discussions about purity of Greek race and intolerance related to a more inclusive citizenry or to the fear of attracting more immigrants in the country, were marked by intolerant and sometimes hate speech by extreme right-wing speakers, even inside the Greek Parliament.²⁹

A.5. Independent police (and related) complaints mechanisms

There is currently no specific mechanism for the public to register complaints and for these complaints to be investigated concerning abuses of power related to allegations of racist incidents/crimes and related incidents perpetrated by the police or other State officials (including immigration, customs and border officials) against members of the public.

A general mechanism for registering complaints exists with regard to cases of discrimination handled by the Greek Ombudsman, as a National Equality Body. It goes noted though that these cases are handled under the RED Directive and do not concern racist or hate crime.

Nevertheless, the Ministry for the Protection of the Citizen plans to set up an independent complaint mechanism in order to investigate incidents of police abuse.³⁰ Such body will be competent for investigating cases of abuse by police officers, firefighters and coast guards. Its design aims to achieve compliance with recommendations and guidelines by the European Court for Human Rights, the Commission Against Torture and the High Commissioner for Human Rights of the Council of Europe. According to the police headquarters document, the new Office will be accessible to victims of police abuse and illegal behaviour by security forces, irrespective of ethnic, racial origin or citizenship. It will be staffed exclusively by civil personnel (not in uniform), special experts, and honorary judges. No more details on who presides over the complaint mechanism and how is appointed, were given by the Ministry for the Protection of the Citizen.

29 <http://eudo-citizenship.eu/citizenship-news/260-greek-parliament-passed-comprehensive-citizenship-reform-on-11-march-read-a-summary-by-eudo-citizenship-expert-dimitris-christopoulos>

30 Office for Dealing with Abuse Incidents («Γραφείο Αντιμετώπισης Περιστατικών Αυθαιρεσίας») according to the official response n.6634/1-851448/28.6.2010 by the the Ministry for the Protection of the Citizens, to the request for data and information by the RAXEN NFP.

A.6. Unofficial data and information on racist and related hate crimes

Statistical data and trends

The only available unofficial statistical data are those provided by the i-RED Racist Violence Database. The data is the result of RAXEN NFP Data Collection and it is organised on the basis of relevant categories in the spirit of the RED Network initiative.³¹

Racist violent incidents appear to follow an alarmingly increasing trend especially after the major financial crisis in Greece in 2009 and 2010. Racist crimes had already presented a steep increasing curve between 2007 and the previous years, according to RAXEN reports. The peak of 2007 was inevitably linked to the election for the first time in modern Greece of a far-right wing political party (LAOS) and to the emergence of extremist offender groups.

The increase of 2009 and 2010 is represented mainly by an increase in violent attacks by extremist organised far-right groups, and by an increase violence against property, namely arson attacks. (Annex II, Table 1: Categories of Incidents of Racist and Hate Crime)

Migrants continue to be the major target of racist violence, while there is a notable increase of Islamophobic incidents (Annex II, Table 2: Racist Violence Category) . Migrants and asylum seekers (Annex II, Table 4: Victims – vulnerable groups) mostly from Pakistan and Afghanistan (Annex II, Table 5: Victims – main nationalities) are victimised. Migrants and refugees from Asia and especially Middle East appear to take the place of Albanian migrants, who had been the main target of racist attacks during the nineties and early in the first decade of the century.

On the other hand, public officials, police officers, coast guards, are among the most frequently reported alleged perpetrator groups. Organised extremist groups however, is the second more frequent offender group, after Police officers. It's worth underlining though that during 2010 and up to June, that data are available, the latter are not reported as perpetrators in any racist incident, possibly also due of the strong anti-racist position and policy of the newly elected government and the competent Ministry for the Protection of the Citizen (ex 'Public Order'). (Annex II, Table 8: Offenders – perpetrator groups)

³¹ The RED Network is a network composed by 20 EU bodies , research centres and organisations, most of them RAXEN NFPs, coordinated by i-RED and aims at a real-time overview of developing situations and best practices against racist violence and hate speech in Europe. www.i-red.eu/red.html

The wider Athens complex and Attica, as well as Crete are the regions where more incidents were reported. (Annex II, Table 10: Incidents – Regions). There is a net increase of incidents in Crete in 2010, (explained below). Most incidents take place in urban open city spaces (squares, streets) which is mostly due to the emerging racist violence in the historical centre of Athens. (Annex II, Table 11: Incidents - incident site, Table 12: Incidents – location type)

Notable incidents

The following incidents are reported by unofficial sources and received a lot of public/media attention:

The Koran tearing and islamophobia

In late May 2009 an Islamophobic incident – mutilation of the Koran by a police officer in a ‘ghetto-area’ in Athens – caused tensions and protests,³² as well as arson attack to an informal mosque. The tearing apart of the Koran by a police officer during a control after stopping a Muslim migrant was followed by Muslims’ protests in Athens and by public discourse about cultural conflict and incompatibility of Islam and Muslim migrants with the Greek culture.³³ The related intolerance and xenophobia fed into the discussion about the presumably overburdening high numbers of Muslim migrants, and provided an additional argument in favour of the reactions and of the presumed consequent need to remove them violently from the Athens areas they reside in.³⁴

The historical Athens centre and the rise of the extremist groups

The debate on Athens migrant ghettos, therefore about the residence of migrants in unsanitary conditions in some areas of Athens such as Aghios Panteleimonas Aharnon, led to self-organised ‘committees of residents’ against the presence of migrants.³⁵ Ultra-right wing groups (in particular Chryssi Avgi – ‘Golden Dawn’) participated in such committees of outraged Greek citizens.³⁶ In some

32 Christopoulos S., Σύλληλητήριο μουσουλμάνων στην Αθήνα, CityPress, (29.05.2009), <http://www.citypress.gr/index.html?action=article&article=67033>

33 Christopoulos S., Άναψε φωτιάς το Κοράνι, CityPress, (25.05.2009), <http://www.citypress.gr/index.html?action=article&article=66868>, Chrysikopoulos D., Εκρηκτικό σκηνικό στο κέντρο της Αθήνας, CityPress, (25.05.2009), <http://www.citypress.gr/index.html?action=article&article=66872>

34 Kirtsos G., Ανάπλαση ιστορικού κέντρου και απομάκρυνση λαθρομεταναστών, CityPress, (12.05.2009), <http://www.citypress.gr/index.html?action=article&article=66501>,

Chrysikopoulos D., Γιάννης Σγουρός, Νομάρχης Αθηνών: Φοβάμαι ότι τα χειρότερα έρχονται, CityPress, (20.05.2009), <http://www.citypress.gr/index.html?action=article&article=66768>

35 Chrysikopoulos D., Δώστε μας πίσω την πόλη μας!, CityPress, (13.05.2009), <http://www.citypress.gr/index.html?action=article&article=66563>

36 Dama G., Τρόμου και ρατσισμού γονία, Eleftherotipia, (27.05.2009), <http://www.enet.gr/?i=news.el.article&id=48314>

cases they obstructed access of migrants and human rights defenders to city squares and open spaces proceeding to ‘cleansing operations’ of public areas and they committed brutalities and aggressions against migrants and human rights’ defenders.³⁷ In the occasion of anti-racist protests and marches they attacked protesters under the tolerance of the riot police (MAT). Video and photos published showed armed ‘Golden Dawn’ members throwing Molotov bombs and attacking protesters side by side with police officers.³⁸ Such events did not catch much attention by major media searched here (such as Kathimerini, To Vima and CityPress).³⁹

As the RAXEN reports (Rapid Response, Human Rights Debates during the EuroElections 2009) indicate, in the period prior to Elections for the European Parliament of 2009, a number of articles in major newspapers⁴⁰ or tabloids, as well as interventions by the LAOS party leader defined migration inflows as a major security problem and main cause for crime-fear by the population.⁴¹ The broader political context was marked by polls in view of Euro elections, which were very unfavourable to the governing party.⁴² However, most concerns were expressed about the economic crisis and relevant public policies, and migration did not appear to be central in this discussion at that time. Nevertheless, in the past year, second half of 2008, 2009 and 2010, the situation of the migrants living under deplorable conditions in Athens central neighbourhoods, such as Aghios Panteleimonas and Omonia area, had received public attention and voices were raised against the migrants’ presence. The prospected depth of the economic crisis and the increasing unemployment rate were considered as factors that could deteriorate the migrants’ living condition and lead them to extreme deviant behaviour.⁴³

Additionally, recent publications link the sweeping arrests and cleansing operations against the migrants with the need to support the tourism industry

Dama G., Πεδίον μάχης η πλατεία του Αγίου Παντελεήμονα, Eleftherotipia, (10.06.2009), <http://www.enet.gr/?i=news.el.article&id=52839>, Kamyylis T., Το νέα, καθημερινά πρόσωπα της βίας, Kathimerini, (04.04.2009), http://news.kathimerini.gr/4dcgi/_w_articles_ell_2_04/04/2009_309910

37 Onisenko K., Εκτός ελέγχου η κατάσταση, Kathimerini, (26.05.2009), http://news.kathimerini.gr/4dcgi/_w_articles_ell_2_26/05/2009_316086,

38 TV Horis Sinora, Κρανοφόροι με ρόπαλα μαζί με τα MAT στην αντιρατσιστική, (08.07.2009) <http://www.tvxs.gr/v15958>

TV Horis Sinora, Η κυβέρνηση, η Χρυσή Αυγή και το παρακρατικό DNA, (08.07.2009)

TV Horis Sinora, Εκκαθαριστική επιχείρηση της Χρυσής Αυγής στην πλατεία Αττικής, (15.07.2009) <http://www.tvxs.gr/v16454>, A relevant parliamentary question has been submitted by MPs of the left party Syriza:

TV Horis Sinora, Ερώτηση στη Βουλή για τη μολότοφ των... MAT (13.07.2009). <http://www.tvxs.gr/v16302>

TV Horis Sinora, Εθνικιστές και αστυνομικοί εναντίον αντιρατσιστικής διαδήλωσης (07.07.2009), <http://www.tvxs.gr/v15908>

39 TVXS as a network TV is used here as a source.

40 Papahelas A.I., Το πρόβλημα ασφαλείας με λαθρομετανάστες, http://news.kathimerini.gr/4dcgi/_w_articles_columns_95_01/04/2009_309598 (01.04.2009)

41 Anonymous, Γιώργος Καρατζαφέρης: Μείζον πρόβλημα οι λαθρομετανάστες, Kathimerini, (09.04.2009), http://news.kathimerini.gr/4dcgi/_w_articles_politics_2_09/04/2009_310483

42 Public Issue, Πολιτικό barόμετρο 2008-2009, www.publicissue.gr

43 Karakousis A., Οι δρόμοι της μετανάστευσης και οι εφιάλτες της οικονομίας, To Vima, (14.06.2009), <http://www.tovima.gr/default.asp?pid=39&ct=32&artid=273522>, Hekimoglou A., Η οικονομική κρίση, η παρουσία χιλιάδων μεταναστών, η δράση ακραίων στοιχείων και οι νέοι τρομοκράτες εκκολάπτον ακροδεξιούς πυρήνες, To Vima, (05.04.2009), <http://www.tovima.gr/default.asp?pid=2&ct=1&artid=262430&dt=05/04/2009>

and improve the image of Athens and islands.⁴⁴ This is a discourse highly linked to the economic crisis.

Economic crisis and racist violence - extremist group attacks

By an increasing pace and mostly in 2009 and 2010, as also the unofficial statistics indicate, in the Athens center right wing civil militia groups sporadically exercises violence against migrants and especially against street petty sellers. Moreover, according to allegations by passers by municipal and regular police often abuses against these migrants once stopped or arrested. As proposed by RAXEN reports (especially Rapid Response, Human Rights Debates during the EuroElections 2009), such violence has significantly increased in view of to the new citizenship law which introduced a priority path for citizenship to children of migrants. Local shop owners supported such violent incidents by claiming that petty sellers are damaging their business. Scapegoating of migrants in this case has been connected to the heavy economic crisis suffered by medium and small businesses.⁴⁵ Additionally, similar right wing violent groups, such as ‘Chryssi Avgi’ (‘Golden Dawn’) have violently interrupted a public conference on the new citizenship law in the centre of Athens⁴⁶

The Kuneva, migrant trade unionist acid attack

On 23.12.2008, Konstantina Kuneva, a Bulgarian migrant worker in Athens and trade unionist, secretary of the Union of Domestic Workers and Cleaners of Attica was attacked with sulfuric acid in front of her home by two yet unidentified men. She was admitted to a hospital in a critical condition with burns on her face, head, hands, back and internal organs, and loss of her sight in one eye and serious deterioration of the other eye. A prosecutor probing the acid attack has shifted his attention to companies that contract out cleaning jobs, since the results of a preliminary investigation reportedly suggest widespread transgressions in the sector. The lawyers representing Kuneva, claimed that the police bungled their investigation into the assault. Allegedly, police wasted valuable time in the days immediately after the attack because they focused their inquiries on Kuneva’s friends and family, believing the incident to be a crime of passion, rather than treating it as an attempt to murder Kuneva because of her unionist activity. The unprecedented incident casued a wave of solidarity by civil society for the

44 Chrysikopoulos D., Προτοβουλίες για μία ασφαλή Αθήνα, CityPress, (21.07.2009), <http://www.citypress.gr/index.html?action=article&article=68441> , , Anonymous, Θερινό «κυνήγ» λαθρομεταναστών προαναγγέλει ο Μαρκογιαννάκης, Eleftherotipia, (14.06.2009), <http://www.enet.gr/?i=news.el.politikh&id=54341>

45 An indicative incident testimonial:

http://www.youtube.com/v/F6_sPIDydbc&rel=0&color1=0xb1b1b1&color2=0xcfcfcf&hl=en_US&feature=player_embedded&fs=1

46 TVXS, ακροδεξιοί-διέκοψαν-εκδήλωση-για-την-ιθαγένεια, (8.2.2010) <http://tvxs.gr/node/51661>

financial support of Kuneva and public pressure for the prosecution of the perpetrators, while the issue of working conditions, underpayment and exploitation of domestic workers came into focus and awareness in the public debates, leading also to reconsideration of subcontracting cleaning services in the public sector.⁴⁷

Racist violence emergency in Crete

In Crete and in particular in Chania,⁴⁸ a number of serious racist incidents, some of which very violent,⁴⁹ were unofficially recorded and widely reported in the media. Perpetrators were organised far-right violent groups. Muslim immigrants, Jews and natives supporting migrants⁵⁰ have been targeted victims of such attacks. An arson attack against a Jewish synagogue-monument⁵¹ caused the prompt reaction of the political actors in condemning anti-semitism and police investigated thoroughly the case.⁵² It goes noted that in the city of Crete there is one of the most active movement of the support and integration of migrants, mainly composed by secondary school teachers.

Hate chants inciting violence against migrants at the national military parade in the centre of Athens

Marines from the Greek Coastal Guard Corps chanted racist and violence inciting slogans against foreigners in Greece during the official National Day parade on March 25 in Athens. A video shot on the very central Panepistimio Blvd shows marines shouting: *“We will spill some blood you Albanian pig”*. Additionally hate chants were heard for Turks and Macedonians.⁵³

Despite the wide reporting and reactions on the incident, no prosecutor initiated an ex officio investigation, as provided by the relevant law n.927/1979.

Nevertheless the Minister for the Protection of the Cizien (ex Public Order) ordered a disciplinary investigation for the incident. The leader of the right wing political party LAOS in defense of the marines, claimed that this is a wrong

47 References to the incident: <http://clandestinenglish.wordpress.com/2008/12/26/konstantina-kuneva-attacked-with-acid/http://www.iww.org.au/node/604>

<http://www.bgnewsnet.com/story.php?lang=en&sid=23527>

http://www.ekathimerini.com/4dcgi/_w_articles_politics_100008_14/02/2009_104720

http://www.ekathimerini.com/4dcgi/_w_articles_politics_100002_12/03/2009_105448http://www.ainfos.ca/05/apr/ainfos00252.html

48 <http://www.in.gr/news/article.asp?lngEntityID=1110742>

49 <http://tvxs.gr/node/57361>

50 <http://www.in.gr/news/article.asp?lngEntityID=1110501>

51 <http://www.etz-hayyim-hania.org/>

52 Guardian: <http://www.guardian.co.uk/world/2010/jan/22/britons-arrested-arson-crete-synagogue>

53 Eleftherotipia, video of the incident: <http://www.enet.gr/?i=news.el.ellada&id=145379>

persecution against motos which were perceived until yesterday as ‘the flag of Greek nation’.⁵⁴

Homophobia

Homophobic incidents have been on the rise in the recent years. In 2009 and a major beating incident in the centre of Athens has been recorded,⁵⁵ while in a larger period (2003-2010) the National Council for Radio and Television (NCRT) issued a number of decisions and imposed fines to TV media companies for broadcasting LGBT subjects, themes and behaviours. The most frequent reasoning was that “*the homosexuality related content of a show can be dangerous for children*” (NCRT Decision n.105/2009) or “*can incur serious damage to the mental and moral development of minors*” (NCRT Decision n.105/2010).

RAXEN data collection

RAXEN data collection has been redesigned and a new database on racist violence has been created, in order to deal on the one hand with the lack of official data, and on the other hand with funding difficulties emerged by the fact that no National Annual Report has been commissioned to RAXEN after 2007. The funding of the current Thematic Study and the collective effort of the RED Network – coordinated by the Greek RAXEN NFP Director Miltos Pavlou and i-RED – have contributed in providing the new i-RED Racist Violence database. The RED Network intends to continue to develop and expand such methodology in EU.

A.7. Other sources

All reports by international bodies, like ECRI and CERD, stress the lack of effective legal actions against abusive behaviour of law enforcement officials, hate speech by media outlets and public figures, and antisemitic acts. Therefore, their recommendations focus on the effective implementation of anti-racist law (Law 927/1979) concerning racist violence and hate speech, the prosecution and punishment of abusive behavior, and the establishment of independent

⁵⁴ Public Statement by the RAXEN NFP: http://hlhr.gr/press/hlhr-kemo-ired-intervention-parelisi25_27.3.2010.doc (27.3.2010), Eleftherotipia, (30.3.2010) <http://www.enet.gr/?i=news.e.lellada&id=146724>.

⁵⁵55 Pavlou M., Homophobia in Greece. Love for Equality, i-RED, 2009, www.i-red.eu/reports/i-RED_Homophobia_in_Greece2009.pdf

ILGA Europe. http://www.ilga-europe.org/home/guide/country_by_country/greece/institutional_homophobia_and_transphobia_by_the_national_council_for_radio_and_television

mechanisms aimed at monitoring law enforcement establishments and the receiving complaints.

Ill-treatment

It is noted that many reports include data on cases of ill-treatment of persons belonging to vulnerable groups, held by law enforcement officials. ECRI refers to “*continued violence by the police and border guards against, Roma, refugees, asylum seekers and immigrants*”,⁵⁶ while CPT report focus on allegations of “*ill-treatment of persons held by law enforcement officials under suspicion of having committed criminal offence. The alleged ill-treatment consisted mostly of kicks, punches and blows with batons, often inflicted during questioning [and certain] referred to the use of excessive force at the time of arrest*”.⁵⁷ CERD data on ill-treatment refers mainly to Roma population⁵⁸.

Racist violence, hate speech & hate crimes

Data on racist violence is mostly based on ECRI report, which includes a 2007 survey indicating that “16,4 percent of respondents [stated] that they had been the victims of this type of crime⁵⁹”. Data on hate speech concern far right political and media discourse on immigrants and Jewish believers. ECRI report highlights the leader of LAOS (a far right-wing party which acquired 3% of the votes in the 2007 parliamentary elections), who “*often makes public antisemitic and racist statements, including blaming immigrants for a surge of drug-related crimes and violence*”.⁶⁰ With regard to media discourse, ECRI report includes concerns of Jewish community representatives, who indicate that “*the exacerbation of the conflict in the Middle East [has also given] rise to antisemitism in some Greek media*”.⁶¹ In addition, CERD mentions other reports “*on the propagation by certain organizations and media outlets of racist stereotypes and hate comments against persons belonging to different ethnic and racial groups*”.⁶² Antisemitic acts concern particularly attacks against

56 ECRI Report on Greece, fourth monitoring cycle, September 2009. Page 28, point 82, <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.

57 CPT, Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), June 2009, Page 11, point 10, <http://www.cpt.coe.int/documents/grc/2009-21-inf-eng.pdf>.

58 CERD, Consideration of Reports submitted by States Parties under Article 19 of the Convention. Concluding observations of the Committee on the Elimination of Racial Discrimination, Greece, Page 4, point 13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/448/55/PDF/G0944855.pdf?OpenElement>.

59 ECRI Report on Greece, fourth monitoring cycle, September 2009. Page 28, point 82, <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.

60 *ibid*, Page 30, point 91.

61 *Ibid*, Page 45, point 170.

62 CERD, Consideration of Reports submitted by States Parties under Article 19 of the Convention. Concluding observations of the Committee on the Elimination of Racial Discrimination, Greece, Page 3-4, point 11, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/448/55/PDF/G0944855.pdf?OpenElement>.

synagogues⁶³, desecration of tombs and vandalism against Holocaust memorials.⁶⁴

Anti-racist law application problems

Both ECRI⁶⁵ and CERD⁶⁶ reports point out that the Greek authorities are not effectively implementing legal provisions against racially motivated crimes.

Reports urge the Greek State to take further legal actions on examining and punishing cases of ill-treatment and abusive behaviour held by law enforcement officers. The CPT report *“calls upon the Greek authorities to ensure that, whenever criminal suspects brought before a judge allege ill-treatment by law enforcement officials, the judge records the allegations in writing, orders immediately a forensic medical examination and takes the necessary steps to ensure that the allegations are properly investigated”*.⁶⁷ The CPT report suggests that the *“judge should request a forensic medical examination whenever there are [...] grounds to believe that a person brought before him could have been the victim of ill-treatment”*.⁶⁸ Furthermore, the same report urges the Greek state to establish an independent system of surveillance of law enforcements establishments⁶⁹ and an independent police complaints mechanism⁷⁰. In the same way, the CERD report encourages the Greek State to *“take further measures to combat the abuse of authority and to prevent the ill-treatment of people belonging to different racial and ethnic groups by the police, to ensure that such acts are effectively prosecuted and punished by the judicial authorities [and proposes] to integrate more members of the Roma community into the police”*.⁷¹

The CERD report calls upon the Greek State to ensure the effective implementation of all legal provisions aimed at effectively prosecuting and punishing racially motivated crimes. In addition, the Committee requests the Greek State to provide *“in its next report updated information concerning the application by courts of criminal law provisions punishing acts of racial*

63 *ibid*, Page 45, point 169.

65 ECRI Report on Greece, fourth monitoring cycle, September 2009. Page 13, point 14, <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.

66 CERD, Consideration of Reports submitted by States Parties under Article 19 of the Convention. Concluding observations of the Committee on the Elimination of Racial Discrimination, Greece, Page 3, point 10, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/448/55/PDF/G0944855.pdf?OpenElement>.

67 CPT, Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), June 2009, Page 14, Point 15, <http://www.cpt.coe.int/documents/grc/2009-21-inf-eng.pdf>.

68 *ibid*.

69 *ibid*, Page 14, point 16.

70 *ibid*, Page 14, point 17.

71 CERD, Consideration of Reports submitted by States Parties under Article 19 of the Convention. Concluding observations of the Committee on the Elimination of Racial Discrimination, Greece, Page 4, point 13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/448/55/PDF/G0944855.pdf?OpenElement>.

discrimination, such as those contained in Law 927/1979. Such information should include the number and nature of cases brought, convictions obtained and sentences imposed, and any restitution or other remedies provided to victims of such acts."⁷²

ECRI and CERD in their reports urge the Greek authorities to ensure the enforcement of Law 927/1979 in the matters of media and political discourse. The ECRI report recommends the enforcement of anti-racist law against "journalists and media who incite racial hatred"⁷³ and "public figures who engage in racist discourse".⁷⁴ In addition, the report recommends that the Greek authorities "make media aware, without encroaching on their editorial independence, of the need to ensure that the information they provide does not breed a climate of hostility towards members of ethnic or religious minorities"⁷⁵ and "take awareness-raising measures against racism, such as national campaigns [and provide to civil servants, elected representatives and politicians] training on racism and racial discrimination".⁷⁶ The CERD report recommends that the Greek State "take more effective measures to penalize organizations and media outlets that are guilty of such acts [and] concretely ban Neo-Nazi groups from its territory and take more effective measures to promote tolerance towards persons of different ethnic groups".⁷⁷

Finally, the ECRI report recommends that the Greek authorities "take a more vigorous stance against antisemitism in all its manifestations by ensuring the arrest, prosecution and conviction of those who commit antisemitic acts".⁷⁸ It also recommends establishing "a system for monitoring antisemitic acts and that dialogue between the authorities and representatives of the Jewish community on combating antisemitism be strengthened".⁷⁹

⁷² *ibid*, Page 3, point 10.

⁷³ ECRI Report on Greece, fourth monitoring cycle, September 2009. Page 29, point 88, <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.

⁷⁴ *ibid*, Page 30, point 94.

⁷⁵ *ibid*, Page 29, point 89.

⁷⁶ *ibid*, Page 30, point 96.

⁷⁷ CERD, Consideration of Reports submitted by States Parties under Article 19 of the Convention. Concluding observations of the Committee on the Elimination of Racial Discrimination, Greece, Page 3-4, point 11, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/448/55/PDF/G0944855.pdf?OpenElement>.

⁷⁸ ECRI Report on Greece, fourth monitoring cycle, September 2009. Page 45-46, point 171, <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.

⁷⁹ *ibid*.

A.8. Good practices and initiatives

No major new initiatives and/or policies addressing racist and religiously motivated hate crime, or other forms of hate crime have been reported either by government or unofficial sources.

Nevertheless, the Ministry for the Protection of the Citizen emphasizes the dissemination of Codes of Ethics to Greek Police Officers. The European Code of Police Ethics and the National Police Officer's Deontological Code (P.D. 254/2004) including rules and norms that regulate the respect of human rights and the protection of the vulnerable people and social groups. The latter has been produced taken into consideration the European Code of Police Ethics, the international declarations over the rules of conduct for the police officers, the remarks and proposals made by the National Committee of Human Rights, the Ombudsman, and the High Commission for Refugees (UNHCR) in Greece and by the Police personnel's federations.

According to the information provided by the Ministry, a number of general recommendations made by the European Committee against Racism and Intolerance (ECRI) of the Council of Europe were notified to the police forces. In particular there have been notified to police stations throughout Greece:

- the 3rd ECRI Recommendation concerning the current situation in Greece in order to adjust the actions undertaken by the Police Departments over racism and the protection of vulnerable social groups.
- the 8th ECRI Recommendation with subject: "Combating racism while fighting terrorism". The aim of this report was the analysis and the harmonization of different actions in cases of racism and intolerance.
- Publication of the 9th ECRI Recommendation "Combating anti-Semitism" that was exactly on the same vein with the previous Report.

It goes noted that the Ministry of Public Order underlines that it is a basic duty of the police is to investigate the possibility of racist motives in both penal and administrative cases, and police officers have been instructed so through circular orders and education programs. Despite this emphasis police has never found any indications or grounds on investigation of racist motives in any case so far.

A.9. Reference to EU-MIDIS

EU-MIDIS results have received limited public attention in Greece and are not referred by official documents or government reports. Only a handful of publications deal with the MIDIS results despite the fact that Greek Roma top the table regarding underreporting and ignorance of the right to appeal to an equality body against discrimination.

In almost all other cases (seven), the media publications are based on the Press Release issued by the Greek RAXEN NFP,⁸⁰ which highlighted the national dimension of the EU-MIDIS research, especially about the Roma in Greece.⁸¹

In one case it is erroneously reported that the research report was published by Mr Hammarberg, the Commissioner for Human Rights of the Council of Europe with no reference to FRA.⁸² In one case MIDIS research is reported in a blogspot within the original text of an Opinion by the Commissioner regarding racial profiling against Roma.⁸³

80 HLHR-KEMO Press Releases, Έρευνα EU-MIDIS για τις Διακρίσεις και τις Μειονότητες στην Ευρωπαϊκή Ένωση

Η πραγματική έκταση του ρατσισμού και των διακρίσεων στην Ευρώπη and Ρομά και Διακρίσεις στην Ελλάδα (22.4.2009) www.hlhr.gr

81 Zervas Ch., *Ο... κακός καιρός των Ταγγάνων, Eleftherotipia*, (23.4.2009) <http://www.enet.gr/?i=news.el.article&id=37439>, Papagiannis K., *Πρώτη η Ελλάδα σε διακρίσεις εις βάρος των Ταγγάνων, Agyi* (29.4.2009)

<http://www.avgi.gr/ArticleActionshow.action?articleID=453430>, Foskolos Y., *Υφίστανται διακρίσεις οι Έλληνες Ρομά, Ethnos* (23.4.2009) <http://www.ethnos.gr/article.asp?catid=11424&subid=2&tag=8334&pubid=3220816>, TVXS, *Διακρίσεις και προκατάληψη υφίστανται οι Έλληνες Ρομά, σύμφωνα με έκθεση της Ε.Ε.*, (23.4.2009), <http://tvxs.gr/node/9538>

82 Roussis N., *Πρωταθλητές στο ρατσισμό κατά Ρομά, Eleftherotipia* (27.4.2009) <http://www.enet.gr/?i=issue.el.home&date=28/04/2009&id=38954>

83 E-lawyer blogspot, *Επίτροπος Δικαιωμάτων: οι έρευνες και τα μπλόκα λόγω φυλής ή θρησκείας είναι αναποτελεσματικά*, (23.7.2009) http://elawyer.blogspot.com/2009/07/blog-post_23.html

B. Annexes

Annex I – Statistical Data

The following unofficial data statistical data are provided by the i-RED Racist Violence Database and are based on the allegedly racist incidents reported or collected by the RAXEN NFP. These incidents, cross-checked for their validity, are those which received most media attention and/or have been reported and advocated by NGOs and victims' support organisations.

Therefore, figures are only indicative, while conclusions on developing trends may be drawn given that a uniform methodology has been followed in collecting data throughout the reported years. Up to a certain extent this may provide some basis for reliability, *ceteris paribus* - all other conditions remaining equal.

Table 1: Categories of Incidents of Racist and Hate Crime

Unofficial national sources					
Statistics of categories of incidents					
	2007	2008	2009	2010*	TOTAL
Violence against the person	21	20	20	11	72
Violence against property	3	1	7	5	16
Verbal threats - hate speech	6	2	1	2	11
Abusive behaviour - harassment	2	4	3	1	10
Racist, xenophobic publications				1	1
Extremist offences	5	2	12	13	32
Total	37	29	43	33	142
Data Source	RAXEN NFP i-RED Database on Racist Violence * Data up to June 2010				

Table 2: Racist Violence Category

Unofficial national sources					
Statistics of categories of Racist Violence					
	2007	2008	2009	2010*	TOTAL
anti-Semitic			1	1	2
Islamophobic	2		4	1	7
anti-roma	2		2		4
anti-migrant	27	26	22	16	91
neonazi			2	1	3
religious intolerance	1				1
anti-LGBT				1	1
Data Source	RAXEN NFP i-RED Database on Racist Violence * Data up to June 2010				

Table 3: Crime Type

Unofficial national sources					
Statistics of Crime Type					
	2007	2008	2009	2010*	TOTAL
arson	1	2	1	4	8
abuse	2	4	3		9
rape		1			1
murder	1	1	1	1	4
beating	11	11	15	2	39
bodily harm	9	5	5	6	25
hate speech	5	1	1	4	11
theft				1	1
damage property	3	1	5	2	11
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Table 4: Victims – vulnerable groups

Unofficial national sources					
Statistics of Victims - vulnerable groups					
	2007	2008	2009	2010*	TOTAL
Migrant	27	16	23	16	82
Roma	3		2		5
LGBT	1	2	3	3	9
Asylum seeker	6	10	3	1	20
Religious minority	3		2	1	4
Unknown			1	1	2
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Table 5: Victims – main nationalities

Unofficial national sources					
Statistics of Victims – main nationalities					
	2007	2008	2009	2010*	TOTAL
Pakistan	5	6	4	2	17
Multinational	2	4	7	4	17
Afghanistan	5	6	2	2	15
Albania	5	2	1	3	11
Greece	2		3	3	8
Bangladesh		1	5	1	7
Iraq	2		1		3
Morocco	2				2

Palestinian Territory, Occupied			1	1	2
Sudan	1	1			2
Other	5	5	6		16
Unknown	3	1	1	4	9
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Table 6: Victims – ethnic groups

Unofficial national sources					
Statistics of Victims – ethnic groups					
	2007	2008	2009	2010*	TOTAL
Asian	10	13	11	6	40
Balcans	7	4	1	3	15
Greek	2		3	3	8
Middle East	2	1	4	1	8
African	4	2	1	1	8
Maghreb	2				2
ex USSR		1	1		2
EU			1		1
Hispanic			1		1
Unknown	5	5	8	6	24
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Table 7: Victims – gender

Unofficial national sources					
Statistics of Victims – gender					
	2007	2008	2009	2010*	TOTAL
M	24	20	20	7	71
F	2	2	2	2	8
M, F	4		3	7	14
Unknown	2	4	6	4	16
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Table 8: Offenders – perpetrator groups

Unofficial national sources

Statistics of Offenders – perpetrator groups					
	2007	2008	2009	2010*	TOTAL
Police	10	15	13		37
Organised extremists / paramilitary	3	1	6	10	20
Locals	10	4	4	1	19
other	3	2	7	6	18
Coast guard	2	4	1	1	7
Public servant	2			1	3
Military	1				2
Employer	1				1
Private enterprise				1	1
Politician	1				1
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Table 9: Offenders – main nationalities

Unofficial national sources					
Statistics of Offenders – main nationalities					
	2007	2008	2009	2010*	TOTAL
Greece	27	24	24	10	85
Multinational	1			1	2
Unknown	4	2	7	9	22
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Table 10: Incidents - Regions

Unofficial national sources					
Statistics of Incidents – Regions					
	2007	2008	2009	2010*	TOTAL
Athens	8	15	18	11	52
Crete	4	2	1	4	11
Thessaloniki	7	1	1		9
Patras	3	5			8
Piraeus	2	1	2		5
Central Greece	2	1	1	1	5
North Aegean	2	1	1		4
Peloponnesus			2	1	3
Western Greece			2	1	3
Thrace	1		1		2
Rest of Attica	1				1
Epirus			1		1
Macedonia	1				1

South Aegean			1		1
Thessaly				1	1
Unknown	1			1	2
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Table 11: Incidents - incident site

Unofficial national sources					
Statistics of Incidents – incident site					
	2007	2008	2009	2010*	TOTAL
street	4	9	15	9	37
home	3	4	4	5	16
city space (squares etc.)	5	6	3	2	16
police station	3	4	2		9
religious venue	2		4	2	8
entertainment	5				5
Settlement/camp	3		2		5
state agency	1	2			3
fields/outskirt	2				2
sea	1	1			2
school	1			1	2
store	1				1
sport venue			1		1
unknown	1			1	2
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Table 12: Incidents – location type

Unofficial national sources					
Statistics of Incidents – location type					
	2007	2008	2009	2010*	TOTAL
Urban	24	24	26	17	91
Rural	3		3	3	9
Suburban	4	1	2		7
Sea		1			1
unknown	1				1
Data Source	<i>RAXEN NFP</i> <i>i-RED Database on Racist Violence</i> <i>* Data up to June 2010</i>				

Annex II – Important court cases

Case title	‘Apollonio Fos’ anti-Semitic hate speech
Decision date	29.01.2010
Reference details (type and title of court/body; in original language and English [official translation, if available])	3 ^ο Τριμελές Πλημμελιοδικείο Αθηνών [Third Three-Member Misdemeanors Court of Athens]
Key facts of the case (max. 500 chars)	The publisher of the magazine “Apollonio Fos” Ioannis Haralambopoulos (http://www.apolloneiofos.gr/) distributed to an indefinite number of citizens anti-Semitic leaflets <i>leaflets with offensive texts against Jews</i> (available here: http://cm.greekhelsinki.gr/index.php?sec=192&cid=3602).
Main reasoning/argumentation (max. 500 chars)	The publisher of the magazine “Apollonio Fos” Ioannis Haralambopoulos was found guilty of violating Article 2 of the anti-racism Law 927/79 because, according to the indictment: <i>“In Athens on 5/9/2007 and 3/12/2007 with several similar acts, that constitute a persistent repetition of the same offense through the medium of the press, he expressed ideas offensive to a group of persons because of their racial or national origin.”</i>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	An important element of the trial is that, in the beginning, Greek Helsinki Monitor (which filed the case in the first place), member Andrea Gilbert, responsible for monitoring anti-Semitism and Jewish herself, constituted herself civil claimant (considering that she is herself offended by the publication). The defendant filed an objection to the civil claimant status which was rejected. This is the fifth trial before a Three-Member Misdemeanors Court of Athens where the objection to the civil claimant status of members of the offended groups (Jews and Roma) was rejected.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The publisher was sentenced to seven months imprisonment with a three years suspension, and the sentence was suspended until the trial of a possible appeal.

Case title	Plevris anti-Semitic hate speech acquittal in appeal - case n. 913/2009
Decision date	27.03.2009
Reference details (type and title of court/body; in original language and English [official translation, if available])	Εφετείο Αθηνών [Athens Court of Appeal]
Key facts of the case (max. 500 chars)	The Athens Court of Appeal pronounced on Constantinos Plevris not guilty of charges brought against him under anti-racism law, thereby overturning the conviction and 14-month imprisonment sentence he had previously been given through the the Second Three-Member Appeals Court of Athens (Misdemeanors) Judgment 8705 and 9006/2007, for what he had written in his anti-Semitic book “The Jews, the Whole Truth.

Main reasoning/argumentation (max. 500 chars)	The reasoning of the acquittal was based to the assumption that the author <i>'did not revile the Jews solely because of their racial and ethnic origin, but mainly because of their aspirations to world power, the methods they use to achieve these aims, and their conspiratorial activities(of Zionist-Jews)'</i> .
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The acquittal put in evidence a notable weakness of the Greek anti-racist law which prima facie, seems to punish hate speech only if racial or ethnic origin are the sole grounds for racist and hate crime.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Following the acquittal, smear over acquittal was expressed by national and international organizations, as well as by the Greek Minister for Foreign Affairs. After CERD Rapporteur's relevant questions were submitted to Greece, the Deputy Prosecutor of the Supreme Court on 1 July 2009, filed a special motion for cassation on behalf of the law (n. 34/2009), on the grounds of "lack of the special reasoning required by the Constitution, and erroneous interpretation and application of the substantive criminal provision."

Case title	Supreme Court's rejection of appeal against acquittal in appeal of Plevris anti-Semitic hate speech - case n. 3/2010
Decision date	20.04.2010
Reference details (type and title of court/body; in original language and English [official translation, if available])	Άρειος Πάγος - Ολομέλεια [Supreme Court - Plenary]
Key facts of the case (max. 500 chars)	The Greek Supreme Court with Judgment 3/2010, the Supreme Court's Criminal Section, sitting in plenary, dismissed the appeal in cassation in the interests of law, filed by the Prosecutor of the Supreme Court against judgment 913/2009 of the Five Members Appeals Court of Athens. With that judgment Costas Plevris was acquitted of charges of violation of anti-racist law 927/79 with his book "The Jews: the whole truth".
Main reasoning/argumentation (max. 500 chars)	By fully endorsing the reasoning of the Athens Court of Appeal, the Supreme Court dismissed the appeal based to the assumption that the author <i>'did not revile the Jews solely because of their racial and ethnic origin, but mainly because of their aspirations to world power, the methods they use to achieve these aims, and their conspiratorial activities(of Zionist-Jews)'</i> . Also the Court added: <i>'The defendant is not expressing himself collectively against Jews but against Zionist Jews, who obviously are not a group which falls under the concept of ethnic or racial origin.'</i>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The dismissal of the prosecutor's appeal demonstrated even stronger the weakness of the Greek anti-racist law which prima facie, seems to punish hate speech only if racial or ethnic origin are the sole grounds for racist and hate crime, as well as interpretation shortcomings by both the courts and the Supreme Court.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Supreme Court's judgment was taken by a majority of 24 judges with two dissenting opinions to which 7 and 5 judges subscribed. GHM has filed an application before the Europe Court of Human Rights.

Annex II – RAXEN NFP data requests and Official Responses

RAXEN NATIONAL FOCAL POINT

Athens 5.5.2010

To:

κ.Vougias,
Vice Minister of the Ministry for the Protection of the Citizen

P.Kanellopoulou 4
101 77 Athens
yfyp@yptp.gr

Honourable Mr Vice Minister,

The Hellenic League for Human Rights in consortium with KEMO and i-RED (Institute for Rights Equality & Diversity) operates for the period 2007-2010 as RAXEN National Focal Point, a Network managed by the [\(EU Fundamental Rights Agency - FRA\)](#).

Currently, we are implementing a research in Greece regarding racist and hate crimes within an EU comparative research implemented by FRA.

For the purposes of the above research we would be grateful if you informed us about the following:

1. If there is in place, or is it planned to be set up, a mechanism for recording and reporting the activity of the police with regard to investigation of offences with eventually racist motivation and/or of similar type of crimes in general.
2. In particular, in case such data are available, please provide us with statistical data for the last 2 years regarding crimes committed for violations of the law n.927/1979 (as amended by law n.3386/2005):
 - Per category: Anti-Semitic – Islamophobic crimes– against migrants – against LGBT– against Roma – other
 - per type of crime with racist motivation: Violence against the person, Violence against property, Verbal threats and abusive behaviour – including harassment and hate speech, Racist, xenophobic publications – including internet based, Extremist offences or offenders as organised violent groups
 - per victim and offender characteristics: gender, age, citizenship, nationality and ethnicity, religion etc.
3. Does a specific mechanism exist for the public to register complaints and for these complaints to be investigated concerning abuses of power related to allegations of racist incidents/crimes and related incidents (verbal offences etc.) perpetrated by the police or other State officials (including immigration, customs and border officials, coast guards)?
4. If a complaints mechanism exists, please inform us to what extent can it be considered independent from the police or other State organisations whose staff are

 **Hellenic League**
for Human Rights

HLHR-KEMO
National Focal Point on
Racism & Xenophobia

www.hlhr.gr/hlhr-kemo/hlhr-kemo.htm

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accused of having abused their power? Additionally, please clarify who presides over these complaints mechanisms and how are they appointed? (including the persons appointed as members of such body)

5. About the implementation of the circular order issued by the Police Headquarters in May 2006 regarding ‘confronting racism, xenophobia, intolerance during police activity’?

6. About the existence or planning of codes of conduct for police officers against racism and discrimination, as well as

7. About other eventual policy initiatives and good practices with regard to a) response of your ministry and of the government in general to the problem of racist violence and crime b) policies to identify and address extremists or extremist organisations that incite or commit racist crime, including racist hate speech (hate crime) c) initiatives responding to the needs of support and psycho-social rehabilitation of victims and offenders of racist crime d) cooperation with non governmental initiatives and organisations of civil society especially those assisting racist crime victims through legal and medico-social aid e) cooperation with the Ministry of Justice, Transparency and Human Rights and the Prosecutor of the Supreme Court regarding awareness and combating of the problem by judicial authorities and police officers etc.

Allow me to emphasize that official recording and documentation of the relevant police activity is extremely important also aiming at the awareness and familiarising of police officers and staff, therefore towards a more effective application of the relevant legislation.

Finally, and besides the need of collecting data for this research, I wish to underline the need for a National Action Plan against Racism Xenophobia and Intolerance, for which the RAXEN National Focal Point is eager and ready to contribute with all its capacity.

Remaining at your disposal for any communication and clarification on these issues I wish to thank you in advance for your cooperation

Yours sincerely,

Miltos Pavlou

Director
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Notified to:
Ministry for the Protection of the Citizen
Greek Police Headquarters
Directorate of Organisation Legislation
P.Kanellopoulou 4
101 77 Athens

Which initiatives – policies are reported by the RAXEN NFP as good practices?

- **Anti-discrimination:** Does the initiative target discrimination, either by attempting to change the attitudes or practices of those at risk of discriminating, or by empowering minorities to resist discrimination?
- **Sustainability:** Is the initiative more than just a ‘one off’ activity? Does it have the potential for continuing in the future, or being established in an organisation’s routines?
- **Effectiveness and Impact:** Is there any evidence that the initiative has either a short term measurable output or a longer term impact?
- **Transferability:** Does the initiative have the potential to be one that others can copy, and that can be transferred to other settings and/or Member States?
- **Review and assessment:** Does the initiative have review and assessment built into it?
- **Participation of beneficiaries:** Are beneficiaries and other stakeholders involved in the design, planning, evaluation, review, assessment and implementation?

**HELLENIC REPUBLIC
MINISTRY OF CITIZEN PROTECTION
GREEK POLICE HEADQUARTERS
SECURITY DEPARTMENT
FOREIGN NATIONALS DIVISION
1ST DEPARTMENT OF MIGRATION
AND ADMINISTRATIVE MEASURES/ OFFICE 3
4 P. Kanellopoulou, 101 77 Athens
A/B/ Aggelopoulos Alex.
Tel: 6977445 (P.O.L. 10.25.150)**

URGENT

Athens, 28 June 2010

To: Greece's *National Focal Point* for the European

Monitoring Centre on *Racism and Xenophobia*

**Mr. Pavlou Miltos, Director
63 Mpochali str.
115 25 Athens**

Subject: “Information to the National Focal Point for the European Monitoring Centre on *Racism and Xenophobia*”

- A. In response to the above relevant letter regarding the respect of human rights that constitute aim of great importance for the Greek Police Headquarters, we would like you to be aware of the following:
1. The Greek Police Headquarters attentively procures for the protection of human rights. Thus, it is intended not only to deal with human rights abuses and other incidents on a fragmental basis but also to create a mindset and culture of human rights’ protection. Therefore, occasionally general orders focusing on the issue of human rights, their significance and protection, which should always be guaranteed, have been published.

In light of the above, a number of actions and initiatives has been undertaken in order to assure firstly that the principles in question will be incorporated by the police personnel in its whole and secondly that the incidents that tarnish generally the Police Forces will get eliminated.

To what is more, specific actions have been undertaken on the above issues within the framework of the General Action Plan of the Greek Police Headquarters. The latter’s primary goal was to ensure absolute human rights protection especially for the persons detained by police authorities, to continuously provide information, to control and monitor in order to assure the implementation of the relevant to the promotion of human rights legislation and measures. To this end, the Greek Police Headquarters, proving once again its permanent interest, has initiated various actions to raise awareness to the police officers on the respect and protection of human rights.

More specifically:

D) Codes of Ethics:

- a. Police Officer’s Deontological Code (P.D. 254/2004).

The “Police Officer’s Deontological Code” includes rules and norms that regulate the respect of human rights and the protection of the vulnerable people and social groups. For its elaboration, the followings were taken into consideration: the European Code of Police Ethics, the international declarations over the rules of conduct for the police officers, the remarks and proposals made by the National Committee of Human Rights, the Ombudsman, and the High Commission for Refugees (UNHCR) in Greece and by the Police personnel’s federations.

- b. Notification of the European Code of Police Ethics.

A special leaflet with all the provisions of European Code of Police Ethics was announced and further distributed to all the Greek Police Departments and their personnel (Recommendation 10/2001 Committee of Ministers of Council of Europe). The specific Code refers to the guidelines-principles that should govern every modern democratic police force, the treatment of the civilians and of racist incidents by the police officers and the protection of the vulnerable social groups.

II) Notification of the reports and of the general recommendations made by the European Committee against Racism and Intolerance (ECRI) of the Council of Europe to the police forces.

- Notification of the 3rd Recommendation of ECRI concerning the current situation in Greece in order to adjust the actions undertaken by the Police Departments over racism and the protection of vulnerable social groups.
- Notification of the 8th Recommendation of ECRI with subject: “Combating racism while fighting terrorism”. The aim of this report was the analysis and the harmonization of different actions in cases of racism and intolerance.
- Publication of the 9th Recommendation of ECRI “Combating anti-Semitism” that was exactly on the same vein with the previous Report.
- Additionally, the mandate “combating racism, xenophobia, anti-Semitism and intolerance against the police actions” was issued where it was highlighted that the respect for the different cultures, lifestyles and cultural elements that all human beings have constitutes the fundamental duty of every police officer. Moreover, the mandate underlined that another basic duty of the police is to investigate the possibility of racist motives in both penal and administrative cases.

Following the aforementioned points, the Greek Police Forces collaborates with the competent bodies, such as the European Commission for the Prevention of Torture (C.P.T.), the National Commission for Human Rights, the Greek Ombudsman, the UNHCR, NGOs etc in order to educate police officers over issues of respect of human rights. Also, it is also intended to provide information and support to refugees, migrants, members of vulnerable social groups and detainees.

Furthermore, according to the Supreme Court’s Circular Letter (No. 1/10, 23-03-2010) it has been set that in cases of complaints lodged by detainees against police forces, the competent Prosecutor of the General Court will get immediately informed and then he or alternatively the Deputy Prosecutor, other interrogative bodies such as the Magistrate’s Courts and the Justices of Peace (JP) will initiate investigations in order to ensure the implementation of the principle of fairness that runs through the whole procedural law of the country. To elaborate on the above it could be said that the aim of this Letter is to deter other police officers of the same department to undertake cases regarding police ill-treatment against detainees either during the investigatory process or during their arrest. Notwithstanding, this Letter does not refer to the authorities of the Internal Affairs Division of the Greek Police as the agency in question undertakes only cases that do not concern its officers.

The specific Circular Letter along with the 1016/23/27-a Letter, issued after the mandate of the Headquarters, 07-04-2010, have been distributed to all the Police Departments in order to be fully implemented and conformed.

2. Taking now into consideration your questions 3 and 4, regarding the possibility of the establishment of an independent monitoring mechanism the following points are raised:
 - a. It is granted that the Minister as soon as he assumes his duties sets as primary aim the general advancement of both the control system and the public liability of the police forces.

In light of the above the establishment of an independent mechanism responsible to undertake cases of arbitrary police violence against citizens is being promoted.

The Office of Response to incidents of Police Abuse, as the new mechanism will be called, will undertake cases that do not only concern police officers but also other officials from all the security forces of the country. By the establishment of the Ministry of Citizen Protection, for the first time in the history of the country, all the security forces fall within the same jurisdiction.

Moreover, the functioning of this Office will enable the citizens-victims of police arbitrary violence to have their cases immediately investigated by competent officials and not by other uniformed officers, eliminating thus the allegations of whitewash within the framework of the misunderstood “comradely

solidarity”. In addition, the establishment of the Office in question constitutes an undoubted proof that Greece is willing to comply with the guidelines given by the European political and judicial institutions. Overall, the office under discussion and preparation meets the suggestions and proposals made by European institutions, such as the European Court for Human Rights, the European Committee against Torture of the Council of Europe and the European Commissioner for Human Rights, to Greece.

More specifically:

- ✓ The newly established Office will receive complaints regarding arbitrary violence of the security forces against civilians, irrespective of the latter’s nationality or ethnicity.
 - ✓ The Office will exclusively be staffed by political personnel including special scientists and judiciary of recognized prestige.
 - ✓ Special attention is given to the persons that can not speak or write in Greek. Indeed, the presence, contribution and assistance of both interpreters and competent personnel of the Office are also provisioned.
- b. Further, the initiatives undertaken by the Ministry on this subject include the reformation of the disciplinary law of the Greek Police in order to promote quick and efficient handlings for the cases. In this direction the followings have been decided:
- ✓ The participation of an honorary judicial in the Secondary Disciplinary Council.
 - ✓ The enactment of hearings regarding disciplinary offences before police courts, whenever of course this is permitted by the circumstances.

Overall, the creation of a quick, trustworthy and serious system of Police accountability that will ensure protection for the civilians and development for the institution of law enforcement constitutes the terminus of the above initiatives and actions.

3. Nevertheless, it is indicative that all the administrative investigations that have been carried out, from the 26th-06-2006, publication date of the circular mandate 4803/22/210 k’ until today (21-06-2010), regarding unethical behaviour of police forces against migrants or other members of vulnerable social groups do not mention anything about racist motives.
4. In addition, with respect to your research (question 7c’) we would like to inform you that the Ministry as well as the Greek Police Forces, since 2006, have initiated the Project “ILAEIRA” in order to combat the economic exploitation of women’s or juveniles’ sexual life.

More specifically, ILAEIRA has two component-stages: National and International/Cross-border. Also, the Project includes five implementation phases and two parameters, due to its preventive and repressive nature. The first parameter refers to the Operational (Police-Judicial) Action for the dislocation of the international organized crime networks and for the release of the victims, whilst the second one focuses on victims’ protection and support.

Moreover, (regarding the question 7d’) in Greece the police forces do not cope with human trafficking cases owing to the existing national legislation. To what is more, the competent bodies are the relevant Ministries. Consequently, according to its decision the Ministry of Justice has decided on the establishment of a special committee whose main duty will be the harmonization of all the actions, undertaken at a political level, for the implementation of the provisions of the Norm 3064/2002 and of other legislative measures over human trafficking. The Secretary Generals of the relevant Ministries, including the Ministry of Justice take part in the committee in question.

In November 2005, the above committee along with twelve Non Governmental Organizations (NGOs) and the International Organization for Migration (IOM) signed a Memorandum of Cooperation for the combat of Human Trafficking and the protection and support of victims.

In detail the signatories NGOs are:

- 1) ARSIS-Social Organization of Youth Support, 2) Solidarity, 3) Rehabilitation Centre for Victims and other Forms of Abuse, 4) Centre for Victims of Maltreatment and Social Exclusion (CVMSE), 5) International Police Union, 6) Hellenic Action for Human Rights, 7) Greek Council for Refugees, 8) Klimaka, 9) European Network of Women, 10) Frontida (International Agency for Family Support), 11) Research Centre and Action for Peace-Stop Now and 12) Child’s Smile.

In the Annex, you can find lists with statistics over cases of Human Trafficking during 2008-2009.

5. It is also underlined that the Ministry of Citizen Protection and the Greek Police Headquarters are determined not to allow the creation of a xenophobic and racist environment within the Greek Police Forces and to monitor and investigate any unlawful or abusive police behaviour. Yet, it is noteworthy that so far none of the cases regarding police violence seems to have underlying racist motives.
- B. Following the above, hold on your information.

- C. The Offices, to notification, of Natural and Political Leadership also hold on their update.
- D. All the other recipients, to whom the current letter is notified, hold on their information and the relevant correspondence.

LIST OF RECIPIENTS

RECIPIENTS TO NOTIFICATION

a. MINISTRY OF CITIZEN PROTECTION

Deputy Minister's Office

(Rel: 8914/12-05-2010 mandate)

b. GREEK POLICE HEADQUARTERS

Police Chief's Office

Head Staff's Office

Office of the Head of the Organization and Human Resources Sector

Office of the Head of the Security and Order Sector

Addresses:

- ✓ Organization of Legislation
- ✓ Police Personnel
- ✓ State Safety
- ✓ General Police
- ✓ Public Safety

INTERNAL DISTRIBUTION

RAXEN NATIONAL FOCAL POINT

Athens 5.5.2010

To:

κ. Skandamis,
Special Secretary of Ministry of Justice, Transparency and Human Rights

Mesogeion 96
11527 Athens
7767468
idisecretary@justice.gov.gr

Honourable Mr Special Secretary,

The Hellenic League for Human Rights in consortium with KEMO and i-RED (Institute for Rights Equality & Diversity) operates for the period 2007-2010 as RAXEN National Focal Point, a Network managed by the [\(EU Fundamental Rights Agency - FRA\)](#).

Currently, we are implementing a research in Greece regarding racist and hate crimes within an EU comparative research implemented by FRA.
For the purposes of the above research we would be grateful if you informed us about the following:

1. What is the current situation and your initiatives with regard to the transposition of the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law ?
2. In view of such transposition which has to be completed within the 28 November 2010, please inform us about the extent to which you believe that the current legislation in force in Greece covers part or entirely the range of the above Framework Decision.
3. If there is in place, or is it planned to be set up, a mechanism for recording and reporting data concerning the activity of courts and judicial police with regard to investigation of offences with eventually racist motivation and/or of similar type of crimes in general.
4. In particular, in case such data are available, please provide us with statistical data for the last 2 years regarding crimes committed and their judicial investigation, court proceedings by prosecutor offices and courts throughout Greece for violations of the law n.927/1979 (as amended by law n.3386/2005) and about their outcome:

**Hellenic League
for Human Rights** **KEMO**

HLHR-KEMO
National Focal Point on
Racism & Xenophobia

www.hlhr.gr/hlhr-kemo/hlhr-kemo.htm

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Equality & Diversity

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- Per category: Anti-Semitic – Islamophobic crimes– against migrants – against LGBT– against Roma – other
- per type of crime with racist motivation: Violence against the person, Violence against property, Verbal threats and abusive behaviour – including harassment and hate speech, Racist, xenophobic publications – including internet based, Extremist offences or offenders as organised violent groups
- per victim and offender characteristics: gender, age, citizenship, nationality and ethnicity, religion etc.
- per type of outcome: acquittal – conviction – sentence - nature of the sanction imposed etc.

5. About the existence or planning of codes of conduct for judicial staff and for detention and penitentiary institutions' staff against racism and discrimination, as well as about other eventual policy initiatives and good practices with regard to a) response of your ministry and of the government in general to the problem of racist violence and crime b) policies to identify and address extremists or extremist organisations that incite or commit racist crime, including racist hate speech (hate crime) c) initiatives responding to the needs of support and psycho-social rehabilitation of victims and offenders of racist crime d) cooperation with non governmental initiatives and organisations of civil society especially those assisting racist crime victims through legal and medico-social aid e) cooperation with the Ministry for the Protection of the Citizen and the Prosecutor of the Supreme Court regarding awareness and combating of the problem by judicial authorities, prison employees, police etc.

Allow me to emphasize that official recording and documentation of the relevant case law is extremely important also aiming at the awareness and familiarising of judges, therefore towards a more effective application of the relevant legislation.

Finally, and besides the need of collecting data for this research, I wish to underline the need for a National Action Plan against Racism Xenophobia and Intolerance, for which the RAXEN National Focal Point is eager and ready to contribute with all its capacity.

Remaining at your disposal for any communication and clarification on these issues I wish to thank you in advance for your cooperation

Yours sincerely,

Miltos Pavlou

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Which initiatives – policies are reported by the RAXEN NFP as good practices?

- **Anti-discrimination:** Does the initiative target discrimination, either by attempting to change the attitudes or practices of those at risk of discriminating, or by empowering minorities to resist discrimination?
- **Sustainability:** Is the initiative more than just a ‘one off’ activity? Does it have the potential for continuing in the future, or being established in an organisation’s routines?
- **Effectiveness and Impact:** Is there any evidence that the initiative has either a short term measurable output or a longer term impact?
- **Transferability:** Does the initiative have the potential to be one that others can copy, and that can be transferred to other settings and/or Member States?
- **Review and assessment:** Does the initiative have review and assessment built into it?
- **Participation of beneficiaries:** Are beneficiaries and other stakeholders involved in the design, planning, evaluation, review, assessment and implementation?

HELLENIC REPUBLIC
MINISTRY OF JUSTICE, TRANSPARENCY AND HUMAN RIGHTS
OFFICE OF SPECIAL SECRETARY
ORGANIZATION AND FUNCTION OF
THE DETENTION CENTERS OF THE COUNTRY
AND OF THE CENTRAL SERVICE OF THE MINISTRY OF JUSTICE
Address: 96 Mesogeion av.
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SEND VIA EMAIL
Athens, 2-6-2010
Prot. No. 717

TO: Mr. Miltos Pavlou
Director of HLHR-KEMO Greece's *National* Focal Point for the
European Monitoring Centre on Racism and Xenophobia.

Esteemed Mr. Pavlou,

In the hope of contributing to the research run by the Greek Union of Human Rights, KEMO and i-RED, I would like to stress your attention on the following answers regarding the questions you raised in your previous letter, sent on the 05-05-2010.

To begin with, we would like to promulgate that the Ministry of Justice, Transparency and Human Rights has already initiated a special legislative committee, in which I myself participate, for the integration of the Framework Decision 2008/913/CA, concerning the combat of certain types of racism and xenophobia, in the national legal order through the criminal law.

It has been scheduled that by the 30th September 2010 and the 28th November 2010, the committee in question will complete its work and the common Framework Decision will be integrated in the national law, respectively.

Notwithstanding, it should be recognized that the Greek legislation, especially with the Law 927/1979, deals with the issue of racism. Yet, the modernization of the specific legal provision is necessary.

On the other hand, the Greek Constitution includes several provisions (such as the Arts. 2,5,13,14) for the general protection of the foreigners and of all the persons that could be subjected to racist attacks. Moreover, the Civil Code (Art.4) provides that any foreigner has the same rights as the nationals.

In addition, the ratification of a number of European and International Conventions (like the European Convention on Human Rights and Fundamental Freedoms, the European Social Charter, the International Convention on the Elimination of all Forms of Discrimination and the UN Convention on the Prevention and Punishment of Genocide) constitutes a very significant legislative advancement against racism.

Moreover, there is difference between the penal sanctions provisioned by the Framework Decision (1-3 years deprivation of liberty) and those in the Greek legislation (imprisonment up to 2 years or pecuniary penalty or both). After the modification of the 927/1979 Law that permitted the practical implementation of the provision regarding the self-appointed prosecution, the latter was effectively incorporated in the national legal order.

It is estimated that the integration of the above Decision in the Greek legislation will efficiently ensure the combat of racist actions. More specifically, its first section refers to the prohibition of the public incitation of violence or hate against persons or members of groups on the grounds of race, color, religion and ethnicity. Also the language used in the Framework Decision with reference to the root causes of discriminations is more analytical comparing to the enunciation of the Law 927/1979.

The second section of the Decision focuses on the prohibition by law of the public approval or denial of war crimes, genocides etc. It is indicative that this last point is not yet included in the Greek legislation and therefore it will also be examined by the special legislative committee.

On the other hand, we hold the belief that the issue of the criminal accountability of the legal persons, as it is provisioned by the Framework Decision 2008/913/CA, can be effectively dealt within the Greek legal order through the administrative penalties.

Also, as I assume you may already be aware of, there is no specific provision with respect to the statistical report of the courts' activities during the examination of offences that possibly conceal racist motives.

Statistics concerning the crimes of Procuration (351 PC) Human Trafficking (323 A PC), Juvenile Pornography (348 A PC) and those mentioned at the Law 3691/2008 (legalization of the earnings from illicit activities or the funding of Terrorism) are at disposal of the Ministry of Justice, Transparency and Human Rights.

In addition, for the statistical data of the Police Force you could address to the Ministry of Citizen Protection, whereas for the statistics of the Ministry of Justice, Transparency and Human Rights the competent official to inform you is Mrs. Chronopoulou, head of the Courts' Organization and Judiciary's Monitoring Department. (tel: 2107767204)

Moreover, allow me to assure you that the combat of racism and discrimination within the country's Detention Centers and Correctional Institutions constitutes a central pillar of action of the Special Secretariat of the Ministry of Justice, Transparency and Human Rights. Following, your proposal about the establishment of ethic codes is very interesting and will be further taken into consideration.

In this demanding effort, we are seeking for the constructive cooperation with the Greek Ombudsman as well as with all the relevant to this field Non Governmental Organizations (NGOs) whose recommendations and suggestions are always substantial. Also, NGOs with their remarks always trigger for the improvement of the promotion and protection of human rights within the Detention Centers.

In light of the above, allow me to express you my gratitude for your letter. I will always be at your disposal for potential collaboration in actions against Racism and Xenophobia.

Ultimately, I would like to inform you that I will propose your invitation to the special legislative committee, if you wish so, in order to express us your very interesting thoughts.

Respectfully,

Special Secretary
Marinos Skandamis