

# National Report on Racist Violence

Editing: Christina Psarra (MdM)



1 ENOUGH! - APKETA!

#### **MEDECINS DU MONDE**

Medecins du Monde is a non-governmental, independent, humanitarian international organisation. MdM - Greece was established in 1990 and maintains its economic and administrative independence. At the same time, however, it remains part of the International Net of MdM which consists of 14 departments.

With 24 years of continuous action as of 2014 and dozens of humanitarian aid missions in Greece and in developing countries, more than 600 volunteers have been present to more than 50 countries of the planet offering medical, humanitarian aid. The motive and principal of the organization is that every human being has the right to humanitarian aid, regardless of gender, religion, ideological or political beliefs.

The first and foremost mission of Medecins du Monde is to provide treatment. The organization's volunteers are committed to offer their help to vulnerable populations around the world and in Greece alike. Their actions are not limited to medical care: always based on their medical experience and acting independently, they are vocal against the obstruction of access to healthcare, against the violation of human rights and dignity.

Firmsupporters of human rights, they are against racism, xenophobia, the social isolation and marginalisation of social groups.

In 2013, Medecins du Monde has offered its services to more than **60.000** individuals at the five Open Polyclinics belonging to the Organization and to **15.000** individuals at the four mobile medical units in more than **80** municipalities across Greece, while it performed over 9.000 vaccinations to children. Through its streetwork programmes – "Streets of Athens" and "Mobile Health Unit for Homeless" – it has offered psychosocial and medical support to 2.000 people and first reception services to **2.000** individuals who are entitled to International Aid in the island of Lesbos and to another **700** in the island of Chios. At the same time, it has offered hospitality services to more than **70** individuals at the Asylum Seekers Shelter and to hundreds of others at the Homeless Refuge while it offered multidimensional services to elderly citizens who live in conditions of destitution.

# GREEK COUNCIL FOR REFUGEES

The Greek Council for Refugees (GCR) is a Greek non-governmental organisation. Established in 1989, its mission is to defend the rights of people who are entitled to international protection, asylum seekers and refugees in Greece. It is an association recognised as a special charity.

GCR welcomes and offers free legal and social advice and services to refugees, asylum seekers and individuals entitled to international protection in Greece, on a daily basis, through the following Departments: Refugee Reception and Interpreters Unit, Legal Unit and Psycho-social support Units. Our people – lawyers, social workers, interpreters, specialised staff and our many volunteers - offer their services in Athens, Thessaloniki and Evros. At the same time, we make regular visits to detention centres and emergency missions to entry points whenever this is deemed necessary (for instance in Leros, Kos and Samos islands and in Xanthi, Kommotini and the broader Evros area) in order to offer our services to the newly arrived, to inform them about their rights and to ensure the protection of their human rights. At the same time, we promote the rights of these individuals and take action to accurately inform and raise awareness on issues relevant to these individuals by organising informative events and awareness campaigns. Within the context of the Social Unit of GCR we also operate the Intercultural Centre for the Promotion of Refugee Integration "Pyxis", aiming at the harmonious integration of refugees in the community by means of cultural and educational activities such as Greek and English language and computer classes, remedial teaching etc. to both adults and children.

GCR is included in the Registers of competent Ministries, has a Consultative Status in the Economic and Social Council (ECOSOC) of the UN and is an operative partner of the UN High Commissioner for Refugees (UNHCR). GCR is member of the Executive Committee of the European Council on Refugees and Exiles (ECRE), member of the Separated Children in Europe Programme (SCEP), member of the International Council for Voluntary of Voluntary Agencies (ICVA) while it also participates in the National Committee for Human Rights (NCHR).

GCR is run by Board of Directors elected for a term of two years, which offers its services on a voluntary basis.





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Incidents of racist violence and xenophobia date well before 2013. Today, despite the fact that racist violence is being characterised as "the other Greek crisis", combating it has proven so far ineffective. The combat against racism has to be a collective social responsibility.

Medecins du Monde - Greece have 23 years consecutive years of continuous presence in Greece and abroad. Once more, their activities prove that no solution can be found or effective assistance be provided without fair social legislation.

We hope that this report will contribute to the awakening of social consciousness and will assist the decision-making which will lead to the combat and eventually, the eradication of any form of racism and discrimination.

Medecins du Monde - Greece

April 2014







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Father and son, they were attacked in May 2013 in Attica square ©GIORGOS MOUTAFIS

#### PART ONE

## 1. INTRODUCTION

In these days of unprecedented economic and social crisis, which has led to the steep rise of xenophobic and racist phenomena, **Médecins du Monde** and the **Greek Council for Refugees** joined their forces in the implementation of the program entitled «ENOUGH!». The aim of the programme was to raise awareness and inform the public about: the pernicious repercussions of racism; the need to combat racist crimes; the need to end impunity for perpetrators of such crimes; and the protection of victims. It is also aimed at promoting all necessary actions that will support the adoption of an official National Strategy in the combating of this phenomenon, as well as to push for the elaboration of a National Review amongst other actions.

In the context of this programme, the two organisations undertook important initiatives to fight against the impunity for perpetrators of racist crimes by providing legal support to victims of racist violence, as well as medical and psychosocial support. At the same time, they visited schools and discussed with students and teachers and created multimedia material in the context of their information and awareness strategy.

Within one year, 75 victims of racist violence were recorded, including the appalling attack in Manolada as well as many of other incidents which did not draw as much media attention.

In the context of the program, numerous meetings were realised with high-ranking staff and officials from various national, European and international bodies such as the national prosecuting authorities, the European Union Agency for Fundamental Rights (FRA), the Organisation for Security and Co-operation in Europe (OSCE) and the Office for Democratic Institutions and Human Rights (ODIHR). The Council of Europe Commissioner for Human Rights visited the Open Polyclinic of MdM and discussed with victims of racist attacks while meetings took place between representatives of other states, such as the President of the Italian Parliament and the Swedish Minister for European Union Affairs.

Three presentations took place in the European Parliament, another during the annual conference of the European Council on Refugees, as well as multiple additional presentations during events and one-day conferences.

# 2. PRESENTATION OF RESULTS

During the course of one year (01.02.2013 – 1.02.2014) 75 victims<sup>1</sup> of racist violence were recorded: 67 men, 4 women, 4 minors – two of them unaccompanied.

All incidents involved physical attacks against immigrants where serious injuries were inflicted, except for one case where denial of access to medical care was recorded and two cases where the practice of racial profiling was recorded.

All incidents were recorded by the two organisations at the victims' physical presence. In the context of ENOUGH, the Racist Incident Record Form of the Racist Violence Recording Network was used, as per all participating organisations in order to a) not disrupt the systematic recording and b) as MdM treats a large number of victims, the recording of these must be included to those of the Network. The Form was extended so that it included additional qualitative and quantitative information, necessary for the particular objectives of ENOUGH!.

The victims originated from the Islamic Republic of Afghanistan (25), Bangladesh (7), Pakistan (6), the Federal Republic of Nigeria (5), the Islamic Republic of Iran (5), the Democratic Republic of Congo (4), the People's Democratic Republic of Algeria (4), Syria (3), the Republic of Ghana (2), Morocco (2), Sudan (2), Burkina Faso (2), Albania (1), Mauritania (1), the Republic of Guinea (1), the State of Eritrea (1), Libya (1), New Guinea (1), Somalia (1) and Greece (1)². Four of the victims were minors under the age of 17, 31 victims were between 18 and 30 years old, 28 were between 31 and 40 years old and ten were older than 40 years old. Two individuals refused to disclose their age.

Regarding the administrative status of the victims, 38 were asylum seekers; 30 did not hold any legislative documents; 4 had refugee status; 2 were under subsidiary protection status; one individual held Greek citizenship. Most of the victims were residing in precarious conditions: 16 were homeless; 1 resided in a hotel; 13 were temporarily accommodated by fellow nationals; 34 were sharing rented apartments. Only one was a residential property owner.

**Geographical distribution:** 58 out of 75 incidents occurred within the geographical area of the Municipality of Athens and more precisely in the area around Aghios Panteleimonas, Attiki and Omonia squares. Two attacks occurred in Nikaia and another three in Kommotini, Lamia and Raphina respectively. The attacks usually took place at night. The recordings also include attacks in areas such as Alimos, Pallini and Pireus. Additionally, 4 attacks took place inside police stations.

<sup>&</sup>lt;sup>1</sup> The Manolada case is not included in these 75 incidents.

<sup>&</sup>lt;sup>2</sup> A female Greek national from Northern Epirus, Albania.



In many cases the victims reported that the perpetrators used weapons such as crowbars, expandable batons, chains, brass knuckles, knives, broken bottles, pepper spray, while in some cases the use of big dogs was reported.

In all but one case the participation of more than one perpetrator was reported. Furthermore, the participation of minors was also recorded. Many victims reported that the perpetrators were dressed in black clothing bearing Nazi symbols and claimed to belong to fascist groups.

Among the victims of racist attacks, 12 were referred to the emergency department of public hospitals. All the victims were provided with information and advice and 67 among them received personal social support and aid services. In one case, a single-parent family was accommodated in the MdM's Asylum Seekers Reception Centre, as well as a male minor for a period of two days, until the appointment of a guardian. The majority was provided with material aid and foodstuffs.

In the majority of the recorded cases (52), the victims were at first positive to receive legal aid and to report the attack to the authorities. Among them, 20 did not proceed to further legal action while 10 accepted support only concerning their asylum application as their lack of legal documentation did not leave room for criminal investigation and the consequent legal representation of their case.

Regarding the rest 22 cases, the following action was taken:

- In 20 cases including the Manolada incident as one single case all necessary legal action was taken so that the cases would be brought to the attention of the prosecuting authorities.
- Two cases were brought to trial. The first one was judged by the Threemember Court for Minors on 20/9/2013. The court ruling condemned the perpetrators for grievous bodily harm and illegal possession of weapons. The victims were awarded €500 each in compensatory damages. The

M. 24 years old from Afghanistan was attacked near Larissa station © GIORGOS MOUTAFIS

racist motive of the attacks is clearly outlined in the reasoning of the court decision No. 225/2013 of the Three-member Court for Minors ("they wanted to beat them because they were Albanians"). However, on the proceedings aspect, it was not possible to consider it an aggravating circumstance according to article 79 paragraph 3 of the Criminal Code. It is only applied against adult perpetrators while in this case, the perpetrators were minors.

- The second case, regarding a false case made against two Nigerian women, was brought before the Three-Member Court of Appeal of Athens (10.03.2014) and resulted in their acquittal regarding the offenses of bodily harm, disobedience and insult against 4 police officers. They were found guilty only for the offense of disobeying the police. However, the women sued the police officers for bodily harm and false accusation and breach of duty because of ethnic profiling during a routine police check. The trial is still pending.
- The case against adult perpetrators for robbery and grievous bodily harm against a Greek national from Northern Epirus was brought to justice. She faced a pogrom-type attack after the national parade of October 28th 2011. The trial is postponed to 17/10/2014.
- Two cases were included in the indictment submitted against Golden Dawn after the submission of a memorandum by GCR to the Supreme Court Prosecutor.
- 17 cases are pending trial and are in various stages of the penal process (preliminary inquiry, summary investigation, ordinary investigation)

Also, 8 victims were provided support by the MdM social services and the GCR legal unit during the asylum procedure(pending decisions, renewals of applications); six (6) complaints via telephone were filed, one (1) complaint to the Department to Combat Racist Violence of the Hellenic Police and five (5) objections against detention were filed for victims of racist attack, where two (2) of them were accepted. Finally, fourteen (14) lawsuits were filed to the local prosecutors.

It is worth pointing out the fact that whilst many of the victims initially stated their will to report the attack to the authorities and continue with the necessary legal actions to pursue the perpetrators, they later withdrew their case. This decision was based mainly on fear, but also because due to their lack of official legal documentation; the direct result is that the victims fail to understand how they could benefit from submitting a complaint.

In the context of the effort to record the phenomenon of racist violence, one more investigation was undertaken on a **random** sample of individuals who addressed the MdM and GCR units. The investigation was based on a short questionnaire filled in by trained staff at the reception premises of the two Organisations and included, besides the recording of demographic data, the following (indicative) questions:

- During the time you have been in Greece, have you experienced racist behaviour? (Have you been verbally abused regarding your origin, ethnicity, religion, sexual orientation, and colour or have you been physically abused for the same reasons?)
- Do you limit your activities because of fear of a potential racist attack?





- During your interaction with the Greek public services, have you ever experienced racist behaviour? If the answer is yes, please choose one of the following.

Out of 262 individuals interviewed by MdM, 61% of them stated that they have experienced some form of racist behaviour, 47% of them limit their activities and avoid public spaces due to fear of being attacked and 53% has experienced racist behaviour during their interaction with public services, the majority being Police Stations.

Out of 157 individuals interviewed by GRC, 70% of them stated that they have experienced some form of racist behaviour, 60.1% of them limit their activities and avoid public spaces due to fear of being attacked and 81.3% has experienced racist behaviour during their interaction with public services; the majority, in this case also, being Police Stations.

# 3. INCIDENTS (CASE STUDIES)

- **1. A.P.D., (08.04.2013):** police officers entered A.'s African mini market where five customers of African origin were already present; the police officers addressed them, standing aggressively at the entrance of the store and yelling "everyone, out!". Despite the fact that one of them was already heading out, one of the police officers shoved him and violently threw him on the pavement outside the store. Afterwards, the police officers checked the customers' residence permits outside the store. When only an employee, who was at the storage room upstairs, and the first of the plaintiffs were the only ones left inside the store, he stated that the following conversation took place:
- Police Officer: What do you keep upstairs? (pointing upstairs, where the storage room of the store is)
- 1st Plaintiff: Nothing
- Police Officer: Can I see?
- 1st Plaintiff: If you wish. But why did you send my clients away?
- Police Officer: It's my job.
- 1st Plaintiff: You job is to check the clients, not to send them away.
- Police Officer: No, I do as I please, you won't indicate me how to do my job.
- 1st Plaintiff: So, you think that what you do is normal?
- Police Officer: You don't have the right to tell me what to do.
- 1st Plaintiff: I have the right to defend my rights. Besides, you wouldn't do the same thing in a Greek or an Arab store.
- Police Officer: If you don't like it, you can pack it up and leave.
- 1st Plaintiff: I pay my taxes, I have the right to be here.
- Police Officer: Shut your mouth. Show me your documents.
- 1st Plaintiff: You check my documents every single day. Look at the store license up there.
- 2nd Police Officer: Get the as\*\*\*\*\* and let's go.
- 1st Plaintiff: What gives you the right to handcuff me?

Then, after being showed the store license which was on display, the police officers walked off. Three days earlier, one of the same two police officers had once again visited the store to carry out another "check".

After the recording of the incident, a lawsuit was filed and the prosecutor in charge ordered the Department to Combat Racist Violence of the Hellenic Police to launch a preliminary inquiry. The case was referred to the Bureau

of Internal Affairs, as the police officers were identified due to the existence of visual material (DVD) obtained by the store's CCTV camera. The victim has already testified at the Bureau of Internal Affairs of the Hellenic Police.

**2. M.D., (28.01.2013):** The 32-year-old man left Iran because he was persecuted for his participation in the country's Communist Party, which is outlawed. He was attacked at midnight on January 28th 2013 in an area close to the Metro Station near Attiki square, just 15 days after arriving in Greece.

Initially he was approached by two young men who asked him for cigarettes. As the victim was looking for the cigarettes, they asked him in English where he was from. As soon as the victim replied, a third man, standing 6-7 metres away, approached him, grabbed him violently by the neck and immobilised him. Then, the three of them punched him in the face, chest and abdomen and pushed him to the ground. His fall resulted in serious arm injury (fracture) and he started yelling for help. The perpetrators proceeded in physical search of the victim, removed his mobile phone and money and told him to leave Greece, and then left on three large sport motorcycles. Two riders were waiting on for them.

M. was not able to remember if any witnesses were present at the scene. He stated that he met four police officers and informed them of the incident. They advised him to go to a hospital but they didn't take any further action to facilitate him.

The victim visited MdM a few days after the incident because of intolerable pain caused by the fracture. His condition was considered an emergency by the volunteer doctors at the Open Polyclinic. Immediately, all necessary actions were taken to ensure the victim's access to a public hospital in order to undergo surgery. Earlier, he had been admitted to the Emergency Department where he had received the necessary medical care (fracture splinting) but unfortunately, his health had since deteriorated. The case was closed due to the fact that the perpetrators were unknown.

**3. I. S., (15.05.2013):** 29-year-old S. from Morocco arrived in Greece with her husband on August 2012. Her husband was arrested and held for administrative reasons. She stated that she was attacked by two police officers inside Aghios Panteleimonas Police Station while she was there visiting her husband.

On May 16th 2013 she visited the MdM orthopaedics clinic complaining of pain on her right upper limb, ribs and shoulder blade. She said that the cause of injuries was battering. Specifically, she claimed that while waiting by the staircase inside the Police Station, a police officer asked her to take

a seat in the waiting room. Indeed, she sat on a chair and then another police officer told her to stand up and leave the police station as she wouldn't be able to visit her husband. S. tried to explain in English that she just wanted to give her husband a bag with foodstuffs and asked them if they could deliver it to him. One of the two police officers opened the elevator door and threw the bag inside. Then, they both dragged S. violently into the elevator, pulling her by the hair. S. stated that she sat on the elevator floor and that the police officer, who had previously thrown the bag, took the elevator down with her and started kicking and spitting at her. When they arrived at the ground floor, he kicked her and dragged her out again by pulling her by the hair. S., following the incident and with the assistance of her friends, went to the Emergency Department of a public hospital because of widespread pain and uterine bleeding which occurred a few hours after the attack.

MdM recorded the incident and immediately informed the GCR legal unit. Because of the serious nature of the reported symptoms, the immediate and free access to a public hospital was ensured so that extensive medical tests could be carried out.

It should be noted that S., as it emerged after taking her case history, had experienced domestic violence during childhood and had suffered complex social isolation with serious physical and psychological impact. For the abovementioned reasons she had left her country.

The victim applied for asylum after the intervention of GCR and filed a complaint with the Bureau of Internal Affairs of the Hellenic Police. In autumn 2013, she received refugee status. The perpetrators of the offence have been identified following the victim's testimony to the Hellenic Police competent officer. The determination of the case by the competent criminal court is expected within 2014 as the summary investigation has been completed.

**4. D.F., (12.05.2013):** The 22-year old refugee from Syria was attacked in Attiki square, only a month after having entered Greece. The victim, who had escaped the war in Syria, sought protection in Greece, where he had arrived together with his parents and two siblings.

According to his statement, on the night of May 12th 2013 and while he was waiting a friend in Attiki square, he noticed some police officers discussing with a group of men in civilian clothing, who also had three dogs with them. Then, a number of these men approached him and addressed him in Greek. D. answered in English and immediately the perpetrators asked him about his origin. As soon as he replied that he came from Syria, they attacked him. One of the men punched him in the face and then four more men attacked him by kicking and punching him until the victim fell on the ground, bleeding.

At the time of the attack, there were witnesses present who did not try to prevent the incident.

The incident was reported to the Department to Combat Racist Violence of the Hellenic Police; however, it was not possible to identify the perpetrators. Nevertheless, following GCR's intervention and according to the principle of the best interest of the victim, D.F. was given priority in the process of family reunification under the Dublin Regulations. As a result, he now lives in Germany.

**5. K.S.**, **(10.10.2013):** On October 11th 2013 the MdM social service was informed by the social service of another NGO about the case of a hospitalised Iranian man who had been the victim of a violent gang attack. K.S. lacked legal documentation and the intervention of MdM was requested within the framework of ENOUGH Project implementation.

K.S. had been attacked in the area between Larissa station and Metaxourghio square by three (3) black-clad men, who abruptly approached him. Initially they kicked him in the legs and then all three of them began to punch him in the face and back. One of the perpetrators immobilised the victim by hold-

ing his head tight. After numbing his head with punches, he bit off the victim's ear and spat it out on the ground. A friend of K.S. rushed to the point and helped him get up as soon as he realised that K.S. was on the ground. They collected the ear off the ground and took a taxi to a public hospital's Emergency Department where the victim underwent ear replantation surgery, which failed. The MdM social service got in touch with the victim's doctors and visited him in the hospital together with an interpreter in order to provide him with the necessary information and assistance. The victim was discharged from hospital on October 17th 2013 and on the same day he visited the MdM social service. After the detailed recording of the incident, a case history was taken in order to establish the victim's needs. At the same time, GCR proceeded in the immediate filing of a complaint via telephone to

the Department to Combat Racist Violence of the Hellenic Police.

In the past, the victim had been under administrative detention in the Aliens Detention Centre of Corinth while he had applied for asylum to the Aliens Directorate of Patras; the process was interrupted because he was unable to go to Patras for the scheduled interview. K.S. had to complete the asylum procedure in order to receive other supportive services such as accommodation in an asylum seekers shelter. Finally, because of his very bad psychological state and persistent feelings of severe frustration he decided not to go to Patras. As a result, he risked imminent arrest and administrative detention.



K.S after the attack.© GIORGOS MOUTAFIS

The victim himself had consented to video recording and publication of his testimony in order to increase public awareness on these incidents, within the context of ENOUGH!. After the publication of the material, on January 10th 2014, we were informed that the victim was arrested by the police authorities in order to give a preliminary hearing testimony. The legal service was immediately informed so that the victim was located and all necessary action for his release could be taken. Eventually, the victim was detained for 3 days in the Aliens Sub-Directorate of Attica and was released after successfully submitting objections to his detention before the Police Colonel. Even though at this point, the victim still lacked legal documentation, the Racist Violence Prosecutor ordered a preliminary inquiry concerning the incident.

**6. I. E., (06.05.2013):** One of the most shocking cases concerns a minor, 14 years old who was the victim of a violent racist attack in May 2013, as he exited the Attiki metro station; the perpetrators were three heavily built men. Initially, the men approached him and demanded to check his administrative documents while they asked him about his origin, in Greek. The child answered that he was Afghan and immediately the perpetrators insulted him, kicked him on the ribs and legs and broke a beer bottle on his face. Then, they abandoned him unconscious and bleeding on the ground. A passerby took him to a public hospital's night clinic – the minor was not able to remember which one – where surgical sutures were placed on his nose and forehead.

The minor was alone in Greece since early March 2013 and resided together with 13 individuals in a small apartment in Athens. He had already been arrested twice in the past, when he attempted to board a flight to Switzerland. The first time he was with his mother in Thessaloniki; his mother was detained for 40 days while he was released and had to return to Athens. The second time he was arrested in Eleftherios Venizelos airport before boarding and was separated by his mother, who had already passed through the passenger control. I.E. was detained for a few minutes at the airport police station and was subsequently released. He was left alone to find his way home; the authorities did not take any action to ensure his protection.

I.E. came to the MdM Open Polyclinic in Athens two days after the attack. He had no knowledge of his rights, resided in an unsuitable environment, faced difficulties even in covering his nourishment needs and he did not know where to turn to for help.

We need to stress that the child had no means to cover his medical expenses. Medication could not be given for free to the child as he lacked legal documentation.



I.E. two days after the attack in MdM's Open Polyclinic.

© MdM Archive ΓτΚ, 8.5.2013.

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The unaccompanied minor I.E. with the scars on his face.

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The minor had visited at least three different public services before visiting MdM but none of them took the necessary action towards his protection. Additionally, even after placing him under protection and while all the foreseen actions on the part of MdM and GCR was taken for his best interest, many risks and obstacles occurred. The case drew media attention which brought about the immediate intervention of the Embassy of Switzerland and the family reunification process was accelerated; the minor was thus able to reunite with his family within 20 days.

**7. B.A. & B.Q, (03.12.2013):** Asylum seeker B.A. from Afghanistan and his underage child B.Q. were attacked by three black-clad men bearing balaclavas. They were on their way back to the house where they were accommodated by fellow Afghan nationals in the area of Attiki square. The three perpetrators were lurking at the entrance of a building and as soon as they saw their victims, they attacked them using expandable batons.

Two of the perpetrators immobilised the father, brought him to his knees and proceeded in a physical search demanding to see his documents at the same time. The child started screaming and tried to get away. One of the perpetrators caught him and beat him on the back and legs with the baton. The perpetrators, after removing the father's mobile phone, his wallet and copies of their legal documents, kicked him repeatedly and walked off.

The family visited the MdM Open Polyclinic in Athens two days later, for the purpose of paediatric care. From their case history it emerged that the family faced serious financial problems and resided in precarious conditions. Additionally, their application for family reunification with the mother – who resided in Sweden – was pending. The family was immediately accommodated at the MdM's Asylum Seekers Shelter. They stayed there until January 28th 2014, when they were finally reunited with the mother in Sweden. During the family's stay at the Shelter, their psychosocial support was ensured while a child psychiatrist had weekly sessions with the minor.



The child **B.Q.** after the racist attack © Αρχείο ΓτΚ. 5.12.2013

**8. A.A., (11.05.2013):** The 27-year-old man from Pakistan was attacked on the noon of May 11th 2013 by five men in the area of Peristeri. The victim was initially approached by two men who claimed to be police officers. Under their assumed identities, they immobilised him and demanded to check his documents. Then, they violently dragged him to a near-by square where the rest of the perpetrators waited. A.A. suspected that the perpetrators were not police officers and he tried to escape. Then, all of them attacked him by punching and kicking him, while one of the perpetrators used brass knuckles. The victim fell unconscious and later on, with the help of a passer-by, contacted his brother, who took him to the hospital.



**A.A.** in MdM's Open Polyclinic © Αρχείο ΓτΚ. 17.05.2013

A.A. stated that he was not accepted at the hospital because he lacked legal documentation and for reasons of miscommunication. The 27-year-old, whose left arm and nose were seriously injured, spent four days at home and did not seek further medical help fearing that he could be arrested.

A.A. was informed by his fellow nationals about the MdM Open Polyclinic, which he visited a few days later on May 17th 2013. The volunteer doctors of MdM offered him the necessary treatment and medication and the social service took actions towards the victim's protection.

**9. S.A., (16.05.2013):** A Nigerian national who has resided permanently in Greece for 22 years was attacked by a group of three persons in Attiki Square. An on-duty police vehicle was close-by and two of the perpetrators (minors, aged 17) were arrested while the third managed to escape. Nazi symbols and Golden Dawn brochures were found in their possession. The victim filed a complaint for racist violence at the police station. However, the competent officer recorded the complaint as robbery only, since the minors, besides the battering, also stole €300.

The GCR lawyer filed a lawsuit for racist violence and met with the relevant prosecutor and investigator so that the racist motive would be added to the submitted legal memo.

This case highlights the usual practice followed by police officers of not including the racist motive during the initial recording of the incidents when additional offences have occurred. Thus, it is nearly impossible to add the racist motive on a later time. So, in a large number of cases, the perpetrators are indicted only for the base offence (robbery, for example). In this case, as in many others, the only way to address the issue of the inadequate description of the motive is to work closely with the competent judicial body. However, it is a time-consuming process with no immediate results.

The supplemental accusation was submitted a month after the trial and the victim was represented by the lawyer in the competent investigative authority. After a motion filed to the prosecuting attorney of the Supreme Court and following the arrest of Golden Dawn members, the case was included in the case file against Golden Dawn. The case is pending trial before the Three-member Court of Minors.

#### Manolada, (17.04.2013)

MdM and GCR went to Manolada from Friday (19/04/2013) to Monday (22/04/2013) in order to perform an on-the-spot recording of the victims of the appalling racist act, to offer legal and social support and also to provide morale assistance to the victims. In total, 92 people were recorded on-the-

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Manolada © GIORGOS MOUTAFIS - 19.04.2013

spot, whom we met at the settlement where they resided; all of them were victims of the attack, given the fact that it was a murderous attempt against every single one of them. Of the migrants documented, 35 individuals were injured. We met 4 of the victims in Pyrgos hospital and 2 of the victims in Rio hospital in Patras. During our visit, meetings took place with the local authorities. The victims stated that:

- The contract with their employer included a wage of 22 Euros for a 7-hour day, 7 days a week and free meals. The victims claimed that they worked 10-11 hours a day with a lunch break at noon. For six months, they had received no payment from their employer.
- As determined in the forensic examiner's report, the victims were shot with shotguns; the incident took place on the third day of the workers protest, when they expressed their intent to strike.
- In our meeting with the Prosecutor in Amaliada, we were been briefed about the indictment made against the perpetrators; the criminal case includes first and foremost human trafficking and multiple counts of attempted murder. It should be noted that the criminal case was filed regarding the 35 injured victims alone, and not the total of individuals who are victims of trafficking and were present at the scene of the murderous attack.
- Regarding the racist motive, the Prosecutor commented that it is one of
  the issues that will emerge during the trial. It should be noted that the initial case file established in Amaliada police station included only charges for multiple counts of attempted murder and aid and abet for multiple counts of attempted murder. The prosecuting attorney of the First
  Instance Court pressed charges for human trafficking following the order
  of the prosecuting attorney of the Supreme Court.

Following three more visits to Manolada where the testimonies of all workers involved were recorded, it emerged that the immigrants were 155 in total, Bangladeshi nationals in their majority, and lacking legal documentation. The investigation which had taken place was inadequate as it failed to record the real number of workers in the particular farm. The fact that only 35 of them were injured by the bullets is purely accidental and means that those who escaped unharmed were simply "lucky" not to be severely injured.

The injured immigrants will be represented by GCR in Patras, as part of the civil action. Additionally, GCR is in the process of filing a lawsuit on the part of the immigrants who are not identified as human trafficking victims since they were not injured. Regarding the issuing of residence permits, only the 35 "injured" victims are entitled to this, as human trafficking victims, until the trial of their case. For the rest, after a supplemental complaint filed by

35 migrant workers out 150, most of them undocumented, were shot in a strawberry farm at Manolada on 17th of April by 3 Greeks after requesting their salaries that had not been paid. The migrants - mainly from Bangladesh - reported that they had been working unpaid and under inhumane conditions in the strawberry fields for 6 months. Farm foremen opened fire using hunting guns, 2 of them pointed straight at them, while one shot in the air. The attack took place on the 3rd day of the migrants' peaceful protest. The severity of the incident requested immediate action.



GCR, the Hellenic Police is investigating whether they were indeed present during the attack (despite the fact that the Hellenic Police referred to 200 individuals a day after the attack took place). The police findings will be referred to the local prosecutor. There is no provision regarding the recovery of unpaid wages (a civil court is required). Additionally, during the Ramadan in the month of August, the electric and water supplies were cut off as no utility bills had been paid.

19.04.2013, Manolada, **M.C.** victim of the attack with the signs from the gunshots

#### **PART TWO**

## 4. LEGAL FRAME

According to article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>3</sup>, the term «racial discrimination» means any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 1 of Law 927/1979<sup>4</sup> adapts ICERD to the Greek legal system, according to article 4 of the Convention: "any person who, in public, either orally or by the press or by written texts or through depictions or any other means, incites acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter's racial or national origin or religion, is punished with imprisonment for a maximum of two years and/or a fine".

If we compare this definition to the one provided in article (1) of ICERD, we observe only partial compliance of the Greek antiracism legislation. The automatic prosecution of the said offences is included in an amendment of Law 2910/2001<sup>5</sup> which allows the public prosecutor to bring charges ex officio.

The law, however, would be much more effective if it foresaw the punishment of racist acts or activities under racial discrimination motives. However, Article (1) is of restrictive nature and should consequently have a broader interpretation—given that it is a provision of international law of human rights—in order to provide effective protection. Article (2) proscribes the expression of ideas offending individuals, or a group of individuals, on the ground of the latter's racial or ethnic origin or religion. The penalty provided in this case is imprisonment for a maximum of one year and/or pecuniary penalty. Contrary to article (1) whose actual purpose is to protect "public order and peace", article (2) aims mainly at safeguarding the honour of individuals in cases of expression of ideas which offend persons on any of the aforementioned grounds.

The application of Law 927/1979 undeniably inefficient and is in the process of being replaced by a new bill according to the Council Framework Decision 2008/913/JHA<sup>6</sup> on Combating Certain Forms and Expressions of Racism and Xenophobia. The new law includes provisions of fee abolition but there is still no special category for incriminating "hate crimes". Additionally, it does not ensure the protection of victims lacking legal documentation, resulting in their double victimisation.

Law 927/1970 and the bill which will replace it, in compliance with the Framework Decision of the European Council, does not typify a particular racist crime; it rather refers to acts of "incitement to violence" against protected

- <sup>3</sup>United Nations Commission for Human Rights, (1996). International Convention on the Elimination of All Forms of Racial Discrimination. New York, March 7 1966
- <sup>4</sup> Law 927 "On Punishing Acts or Activities Aiming at Racial Discrimination", Official Gazette 139, 1979, issue A
- <sup>5</sup> Law 2910/2001, Entry and Stay of Aliens in Greek Territory. Acquisition of Greek Citizenship by Naturalisation and Other Provisions, Official Gazette A91 2001.
- <sup>6</sup> Official Journal of the European Union, Acts Adopted, Framework Decision 2008/913/JHA of the Council of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. 6.12.2008, L 328/55



characteristics and not to racist violence per se, which is still addressed de jure as any other crime in the criminal code.

According to article 79<sup>7</sup>, paragraph 3 of the Criminal Code, the perpetration of an act of hatred on racial, national, ethnic or religious grounds or hatred due to differentiated sexual orientation of the victim constitutes an aggravating circumstance. Article 79 cites the criteria which need to be applied in court for the purposes enhancing the penalty imposed. These criteria concern the gravity of the crime and the character of the perpetrator. Paragraph 3 of the abovementioned article was amended by Law 3719/2008<sup>8</sup> in order to stipulate that the perpetration of an act of hatred on national, racial or religious grounds or hatred due to differentiated sexual orientation constitutes an aggravating circumstance.

Besides the lack of implementation of the particular article, which will be discussed in detail later on, it is worth pointing out that the aggravating circumstance increases the penalty imposed at the conclusion of the criminal proceeding, at the stage of the sentencing. The victim is not even called upon during the sentencing procedure; only the public prosecutor is addressing the court. Moreover, according to the prevailing view of the prosecutors, the victim has no right to refer to racist motives even during the pre-trial. Consequently, the crimes are registered as common crimes of criminal law, without any particular characteristics; any possible racist motive will emerge during the court hearing. This means that the said article is practically inactive, since it has been applied only once in the case-law and in the absence of the defendants.

Additionally, because of the existing legislative context of the aggravating circumstance, there is no way to follow the court decisions, as well as how often or not the court "avoids" adding the racist motive as an aggravating circumstance in the process of sentencing.

Articles 2 and 7 of Law 2472/1997<sup>9</sup> categorically prohibit the collection and processing of data concerning the racial or ethnic origin and religious or philosophical beliefs. These data are considered "sensitive" and their collection and processing is allowed only under extraordinary circumstances described in detail in Article 7.2 of the law, such as public security.

Article 192<sup>10</sup> of the Criminal Code provides imprisonment for a maximum of two years, unless the offence attracts a harsher sentence under a different provision (such as the aforementioned article 1 of law 927/1979), for any individual who in public or otherwise, provokes others to commit a violent act or sow discord among citizens, or incites citizens to do so, thus causing a breach of the peace. The aim of this general provision of the criminal code is the prevention of social unrest. The case-law clarifies that the term "citizens" in the abovementioned provision means "groups of citizens who are

- <sup>7</sup> Criminal Code, Chapter 5, "Sentencing" article 79, "Judicial Sentencing", par.3,1951. It was amended by Law 4139/2013
- Eaw 3719 "Reforms concerning the family, children and society". Official Gazette A 241, 26.11.2008.
- <sup>9</sup> Law 2472 "Protection of the individual from the processing of personal data", Official Gazette A 50/1997, art. 2, art. 7, art. 7.2
- Penal Code, Chapter 6, «BREACH OF THE PEACE» art. 192, «Anyone who, publicly or otherwise, provokes others to commit a violent act or sows discord among citizens, or incites citizens to do so, thus causing a breach of the peace, shall be punished by a prison sentence of up to two years, unless the offence attracts a harsher sentence under a different provision».(1951)



united by a religious or political belief or professional training or common interests or race or belief system, besides religious or political ideologies".

This particular article complements law 927 and could have been applied on many occasions over the previous years.

Article 1961<sup>11</sup> of the Criminal Code punishes religious workers for "abuse of ecclesiastical office" with imprisonment of a maximum of 3 years, if, while exercising their duties, provoke or incite citizens to commit "acts of bigotry" against other citizens or hostility towards the state. The prosecution in this case can be automatic. This particular article is a more precise version of the previous one (article 192 of the Criminal Code) but in essence it has not yet been implemented.

Article 1861<sup>12</sup> of the Criminal Code punishes any individual who provokes or incites someone to commit a crime as well as anyone who accepts such an offer or provocation. It incurs imprisonment for a minimum of three months.

**Civil Code** – article 57<sup>13</sup> is a general provision aiming at the protection of the personality of individuals in cases of personal insult. This provision enables the victim to claim damages and revoking of the insult. The said article could be applied in the context of racial, ethnic or religious discrimination but in practise it is very difficult to prove personal insult in court.

Mass Media: According to Law 2863<sup>14</sup> the National Council for Radio and Television (NCRTV) is the competent Independent Authority concerning the implementation of the legislation covering the audiovisual field in Greece. In this context and in accordance with legislative provisions, it promotes the use of methods of self-regulation, such as the adopting and implementation of the Code of Conduct. Article 4 of the Code of Conduct of NCRTV<sup>15</sup> concerning news bulletins, journalistic and political programmes, ratified by the Presidential Decree 77/2003, according to Article 1, prohibits "to depict persons in a way liable, in practice, to encourage the degradation, social isolation or unfavourable discrimination against a section of the public for reasons relating, in particular, to sex, race, nationality, language, religion, ideology, age, sickness or infirmity, genetic orientation or occupation".

Law 2462/1997 ratifies the International Covenant on Civil and Political Rights the United Nations of December 16th 1996.

Article 2 reads that each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Articles 6 and 7 oblige the State Parties to investigate any violations of the right to life and inhuman treatment by state instruments or others. All indi-

- <sup>11</sup> Criminal Code, Chapter 6, «BREACH OF THE PEACE», art.196 «abuse of ecclesiastical office»
- <sup>12</sup> Criminal Code, Chapter 6, «BREACH OF THE PEACE» art. 186 "Provocation and offer to commit a felony or minor crime".
- <sup>13</sup> Civil Code, Chapter 3, "Natural Person" art. 57, Right of Personality. Law 1329, Official Gazette A' 25, 1983
- <sup>14</sup> Law 2863/2000, National Council for Radio and Television and other authorities and instruments in the field of radio and television rendering of services, Official Gazette A 262, 2000.
- <sup>15</sup> Code of Conduct of news bulletins and other journalistic and political programmes, Presidential Decree 77, 2003. Official Gazette A'77, 28 March 2003.

viduals are equal before the law and are entitled without any discrimination to equal protection of the law.

# The Framework Decision on Combating Racism and Xenophobia

The aim of the Council Framework Decision 2008/913/JHA of 28 September 2008 on Combating Certain Forms and Expressions of Racism and Xenophobia by means of criminal law is to ensure that racism and xenophobia provide effective, proportionate and dissuasive penalties within the European Union (EU). Another aim is to promote and to improve the judicial cooperation in this area.

The framework decision, which follows the Joint Action 96/443/JHA¹⁶ sets out the approximation of Member States' criminal laws regarding offences concerning racism and xenophobia. Racist and xenophobic behaviours should behaviour constitute an offence in all Member States and be punished with effective, proportionate and dissuasive penalties of a maximum of at least between 1 and 3 years of imprisonment. This Framework Decision applies to any conduct which occurs:

- In the territory of the European Union (EU, including conduct committed through an information system
- By a Member State national or for the benefit of a legal person that has
  its head office in the territory of that Member State. Regarding the latter,
  the framework decision provides certain criteria concerning the liability of
  a legal person.

The following intentional conduct on grounds of racism or xenophobia is punishable:

- publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin
- the public dissemination or distribution of tracts, pictures or other material which express racism or xenophobia
- publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group.

Inciting, aiding and abetting in the commission of the abovementioned conduct is also punishable.



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<sup>&</sup>lt;sup>16</sup> 96/443/JHA: Joint Action of 15 July 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning action to combat racism and xenophobia. It was repealed with the Council framework decision 2008/913/JHA.

Concerning the commission of the conduct referred to in Article 1, each Member State shall impose:

- effective, proportionate and dissuasive penalties
- criminal penalties of a maximum of at least between 1 and 3 years of imprisonment.

In any case, racism and xenophobic motivations are considered an aggravating circumstance, or, alternatively such motivation may be taken into consideration by the courts in the determination of the penalties.

Regarding legal persons, penalties must be effective, proportionate and dissuasive which shall include criminal or non-criminal fines and may include other penalties, such as:

- exclusion from entitlement to public benefits or aid
- temporary or permanent disqualification from the practice of commercial activities
- placing under judicial supervision
- a judicial winding-up order

Additionally, the initiation of investigation or prosecution of racist and xenophobic conduct shall not be dependent on a report or an accusation made by a victim of the conduct.

Directive 2012/29/EU, of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, which doesn't bind Member States but provides guidance to them for the provision of individualised services to victims of crime as based on their particular needs.

Prior to being withdrawn, Article 19, par. 1 of the Migration and Integration Code follows the essence of the aforementioned Directive, according to which victims of racist violence, and witnesses of crime and/or racist incidents would receive residency permit for humanitarian reasons. Similarly, residency permits would be given to substantial witnesses of criminal actions, or perpetrators who have committed an act against life, health, physical integrity, property and personal and sexual freedom of a person, and as long as the prosecution or ordered preliminary investigation and/or pending final court decision is pending. The fulfillment of these requirements shall be established by an act of the competent Public Prosecutor, both before and after the prosecution.





#### PART THREE

## 5. OPINIONS

#### **Giorgos Tsarbopoulos**

# Head of the Office of United Nations High Commissioner for Refugees in Greece

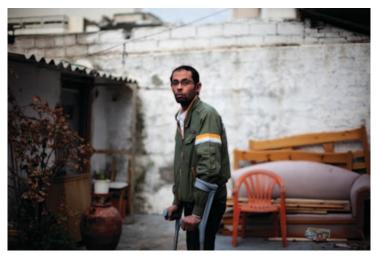
Two and a half years ago, when the UN High Commissioner for Refugees and the National Commission for Human Rights united to create the Racist Violence Recording Network, no one could have imagined that things would evolve in such a fast pace. From the initial 12 member organisations of the Network today we have reached a total of 35. From the establishing of a common Racist Incident Recording Form and the initial pilot programme we now present annual reports and proposals to the Authorities. The Network forms a point of reference concerning the highlighting of hate crimes, for a number of bodies, media, universities, researchers and international organisations alike, because this action was filling an important gap overlooked by the Greek State: the absence of an effective system of recording racially motivated acts of violence and trends of racist violence in Greece, according to the country's international obligations. Indicatively, the Network's First Report recorded 63 incidents of racist violence for the last trimester of 2011 when the respective official data of the Greek Authorities for the whole year could be counted on the fingers of one hand.

The Network's work depended on the experience of its member organisations and their years of direct contact with the victims, in order to provide medical care, legal advice, psychosocial support and other services. Among them, Medecins du Monde and the Greek Council for Refugees, who are among the founding members of the Network.

The Network's reports and the conclusions emphasized the explosive proportions of racist violence in Greece over the last years, the modus operandi of the attack squads, the brutality of the attacks, the ineffectiveness of the state mechanisms to press charges and punish the perpetrators. Today, all of this is a common secret. However, the need to protect the victims and the witnesses is the most important precondition towards combating this impunity. Despite the repeated proposals made by the Network and a number of bodies and organisations, there are still no guarantees for the victims of racist attacks who lack legal documents and form the majority of these incidents, to file a complaint. The recent backtrackings during the effort to include a relevant provision in the Immigration Code Bill demonstrate that the Greek State has not realised or does not want to admit that its statements concerning the combat of hate crimes remain empty words when they are not accompanied by guarantees and protection of the victims.

In any case, the eradication of racist violence demands time and effort. The racist poison lies deep in the subconscious of a great part of the population, it paralyses the reflexes of reason, it transforms fear and despair over a

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series of problems into opposition towards the "other", the "different" and, most of all, the "foreigner". Even underlying expressions can easily transform into a generalised demonization, an inherent discrimination, a verbal attack or a hate crime, particularly in times of economic crisis and mistrust towards the institutions. And of course, when the agents of the unprovoked racist violence are groups of the extreme right, the threat is made against society as whole and the rule of law itself.

The very existence of rights, perspectives of social integration and preconditions for a solid social fabric is virtually impossible when the lives and bodily integrity of immigrants and refugees is at stake. For this reason, the High Commissioner regards the prevention of racist violence and the general promotion of social tolerance as necessary prerequisites in order for the refugees to enjoy the rights recognised by law.

Programmes such as "ENOUGH!" are not only valuable but also necessary. Legal assistance, medical care, social and psychological support, these are services not simply necessary for the victims in a time of social welfare austerity; they offer appeasement to bodies bearing the scars of barbarity, consolation and hope for souls traumatised by fear, bridges of understanding and solidarity to the Other.

#### **Kostis Papaioannou**

#### President of the National Commission for Human Rights, Coordinator of the Racist Violence Recording Network.

The year 2013 is a turning point in the evolution of the racist phenomenon in Greece. There have been some dramatic developments during the previous months following Pavlos Fyssas murder: the criminal investigation, the pre-trial detention of individuals involved in the murder as well as of leading Golden Dawn members with serious charges. However, all of the above are not enough to soften the perception that the Authorities were too late to acknowledge the existence, the size, the characteristics and the necessity to combat the racist violence phenomenon. We cannot turn a blind eye to the long-term institutional tolerance of the racial motivated crime. We cannot but point out that the antiracist rhetoric has to reflect in specific and consistent measures. On this level, there still remains an institutional deficit. And as such we have to describe the lack of provision of guarantees to the victims of racist violence, who do not have legal documents, in order for them to file a complaint to the authorities. The effective prevention and combat of racist crimes prerequisites the real possibility on the part of the victims to report the incident in a secure situation, without fearing that instead they



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will find themselves in an unfavourable situation which will prevent them from filing a complaint. The establishment of Departments and Bureaus for the combat of racist violence within the Hellenic Police is a necessary move but not enough to effectively combat the phenomenon. At the same time, there is a need for certain preconditions which are not yet fulfilled, such as: a transparent and objective procedure for the selection of the officers; specialised training; the ability of the victim of racist violence to file a complaint even when lacking legal documents; the investigation and punishment of police officers for racially motivated criminal conduct. The significant rise of incidents where the police is linked to racist violence, that is when the perpetrators of such offences are members of the police force, is a cause of grave concern. The culture of impunity for similar conduct is strengthened by the lack of an effective, independent investigation mechanism of reports on police violence and misconduct, according to the recommendations of international organisations. That culture is also strengthened by the recent legislative initiatives which aim at erecting a protective wall around the corrupt officers, terrorising the victims of their violence.

The systematic recording of racist crimes is a first and foremost responsibility of the authorities. A state governed by the rule of law shall pursue to recognise, record and punish racist crimes. On the contrary, the competent state authorities' shortcomings in recognising and combating the phenomenon strengthen the impression that similar criminal conduct is tolerable, thus fuelling the tensions which tear the social fabric and undermine the basic principles of the rule of law. For the abovementioned reasons, the impression that our country has effectively addressed the problem of racist violence should by no means be given. In particular under these circumstances, the protection of those fighting for the human rights and the witnesses of racist attacks is essential, as they may be targeted on the grounds of that capacity.

#### **Nikos Tzavaras**

#### Psychiatrist - Professor of Psychiatry

Xenophobia and the violence directly linked to it and their various manifestations are forms of social phenomena with a strong presence in Greece for the last decades. It is a self-evident paradox that the relatively recent historical developments which favour the contact with alien citizens form also the precondition for the emergence of prejudice, the intense and unclear –on the level of causality– hostility against the unfamiliar foreigner. When we talk about prejudice, we mean some often unwavering beliefs which, while they lay in an unconscious dormant state, they get reactivated under circum-

stances of political or economic crisis. I would like to note that the tradition of nationalism, the megalomaniac ballooning of the role of the race, of the biological and spiritual superiority combine to form an ideological spring-board for maintaining, on a conscious or preconscious level, some deeply rooted paranoiac perceptions. When the reality does not appear threatening, the citizens of a country do not tend to externalise their xenophobic tendencies which are created as a counterweight for the enhancement of the individual's Ego. However, in cases where the circumstances of crisis cannot be interpreted or addressed with the usual interpretive ease, then the prejudice against the foreigners offers an explanation for the unpredicted plights faced by society and the individual. The prejudice transforms into a refuge of obsessions which bring along a series of consequences.

Thus, the poor, dirty foreigner, the Negro or the one with the ash-coloured skin, the Jew, is an abomination which infects anything or anyone it touches. At the same time, the cause of every misfortune is attributed to the stigmatised. His or her economic role obtains disproportional dimensions since it no longer serves the interests of the country of reception. Behind the fear of contact, that is, the approach and understanding of the foreigner, an unconscious demand for catharsis is shaped, a demand for even the violent obliteration of the abomination.

Because of the interdefinable nature of fear and aggression, the main reasons behind the historical dramatic turning point become even more elusive. In order to avoid the discomfort of rational criticism and self-criticism, the Ego's aggression is externalised. Thus, simplifications favour the demonization of the dangerous race while at the same time fuel the rhetoric of a revengeful totalitarianism which validates and sustains the individual and collective distortion of reality. When groups or larger formations are organised, the prejudice associated with xenophobia leads to fanaticism, in order to obliterate any form of dissent. It is no coincidence that fanaticism is intended and promoted initially within the internal structure, the members and the followers of a totalitarian ideology party. Compliance and obedience are demanded so that they can form a model "horde". The allure of permitted violence and aggressiveness fuels the fascist individual's delusions of omnipotence, while in essence the individual remains a deeply controlled instrument. What is of priority is the constant effort to offer substantial revealing information during the youth's formative years as well as in the frame of the democratic institutions within a republic. Undoubtedly, it is a difficult task because, as similar approaches in other European countries reveal, only their long-term adoption can deliver a blow to the xenophobic prejudice. The starting point of these goals should be the understanding of problems and of cultural particularities of the immigrants in Greece, mainly, in order to highlight the similarities between them and the local population. The persistent effort to identify with them enhances the solidarity towards them and





assists the effort of various organisations involved in the assistance of immigrant population, often with great sacrifices. At the same time we should never forget that population movements from one area to another will be a major and inescapable problem of this particular historical chapter.

### **Dimitris Psarras**

## Journalist of "Efimerida ton Syntakton" (The editors' daily)

#### The essence of the air is black

Thanks to MdM and other humanitarian organisations, we have become aware, during the last few years, that our country is a theatre of racist attacks against helpless population groups. Greek society has spent many decades in the illusion that there are no phenomena of racist violence in Greece, such as those manifesting themselves in many European countries since the late 1980s. At the same time, any incident that could fall into this category was treated casually as an "isolated incident" and the perpetrators were characterised as "lunatics". In any case, these incidents were striped of any political characteristic.

If only it was true. For many decades now, Greece together with Spain and Portugal were the only European countries where no extreme right formation could thrive. The explanation given by political scientists to interpret this particularity of the three Mediterranean states was that all three of them got rid of their military juntas around the same time (mid 1970s) and consequently, their citizens had a bitter experience of the extreme right rule and were in no mood of going through it again.

However, this does not mean that the ideas of the Extreme Right have vanished altogether from Greece. For years they crept in the margins of political life and sometimes they took the centre-stage and even claimed a leading role. We have been through it in the early 1990s when the nationalist rush surrounding the Macedonia issue coincided with the first arrival in Greece of immigrants from the Balkans and notably Albania. Within a few years time, our country, according to Eurobarometer surveys went through a real transformation. While in 1991 it held the position of the most hospitable and tolerant country among the 15 EU Member States, four years later it plummeted to the position of the least tolerant and most xenophobic one. And despite the fact that the country's economic growth up until the first years of the 21st century owes a lot to the contribution of the immigrant work-force, the racist stereotypes kept on getting propagated. At the same time, the media were trying to outrun each other in over-exaggerating the "immigrant criminality". In 2000, this racist change of heart of the Greek so-

ciety was expressed because of the decision of the government to remove the religion field from the Greek identity cards. The time had arrived for this political current to take a political dimension, in the form of the newly-founded LAOS party, an openly racist, anti-immigrant and anti-Semitic formation, which managed to impose its own political agenda and to dominate the political life, mainly thanks to its successful TV appearances. The participation of LAOS in the coalition government together with Nea Dimokratia and PASOK under PM Papadimos in November 2011 has been another landmark in the gradual legalisation of political racism as an answer to the complex social crisis.

Golden Dawn did nothing more but take advantage of the fall of LAOS and radicalise even more the racist rhetoric, while at the same time it popularised racist violence, even demonstrating it in front of television cameras.

Unfortunately, it took the murder of a Greek national for the society to mobilise and for the prosecuting authorities to take action against Nazi violence. The collective indifference towards the dozens of victims, the toll of the Attack Squads night raids, will remain a dark page of the modern history of Greece. However, even today, the problem of racist crimes does not appear to be close to a definitive solution. There still exist those who doubt Golden Dawns legal prosecution while the two governing parties are still tempted by the slogans of the Nazi organisation and some party members keep on flattering Golden Dawn voters. The Antiracist Bill remains locked in a drawer at the Ministry of Justice, despite the fact that its passing has been already proclaimed at least three times. As for the immigrants and the refugees who report racist crimes against them, they remain exposed to the vindictive appetite of the accused. At the same time, even the victims' relatives risk to find themselves in the place of the defendant if they stand up for the victims' rights.

If we do not face the problem directly, we won't be able to find a solution. From this aspect, the contribution of the organizations of MdM and GCR is valuable.

# 6. THE STUDENTS' VOICE

Over the last decade, MdM visits schools all over the country on a regular basis in the context of its multiple actions. During project implementation, 22 presentations took place in 12 primary and secondary schools in the region of Attica. The schools are located in areas where the phenomena of racism and xenophobia are intense.

The main goal of these educational visits was to promote the respect to diversity and the creation of the necessary pedagogical climate in order to investigate the penetration of racism within the school communities. The schools were located mostly in neighbourhoods in central Athens. At the same time, headmasters of primary and secondary schools in the western and eastern suburbs of Athens also applied for an MdM visit.

An average of 40 students participated in each of the 45-minute presentations. The goal of the presentations was to stimulate the students' critical thinking over the issue and put them in a situation of processing any xenophobic thoughts and feelings of theirs. Through the presentation, the students had the opportunity to familiarise with the concepts of immigration, refugees and asylum and also to discuss the reasons behind the movement of large population groups from one country to another. Additionally, during the presentation a short introduction on the work of the organisations involved was given and sociological concepts were analysed, such as stereotyping, prejudice, acceptance or rejection of diversity, social isolation, social integration etc.

The actions were warmly welcomed in all of the schools participating in the project with a high level of participation. However, we could say that some of the students demonstrated certain xenophobic tendencies on, such as repeating the stereotype of the cultural superiority of the Greek people in comparison to the immigrant population; nevertheless, in most cases the students have showed a conciliatory attitude and after the end of the presentation they appeared highly perplexed.

A few students reproduced hate speech against immigrants and firmly maintained their position. Others have openly talked about incidents of racist fury in their neighbourhoods and schools.

Through the recording of these testimonials the existence of school violence has emerged. Many students reported incidents of marginalisation, bulling and infliction of physical and mental harm towards immigrant students. Schools seem incapable in handling similar phenomena.

This type of violence tends to be introduced from the streets to the school and then back to the streets again. From racist letters to immigrant classmates, to bigoted nationalistic graffiti on school walls, to the isolation from social circles which leads to broader social isolation and stigmatising of the "non-Greeks", it all adds to the difficulties of socialisation and integration of immigrant students.

Nevertheless, the experience gained in schools proved that the majority of students and teachers show open mindedness and critical thinking towards the potential xenophobic and racist tendencies of society. They seem open and willing to surpass the incorrect perceptions aiming at the acceptance of differences, reconciliation and harmonious social coexistence.

However, showing good will is only the first step. Some of the students commented that they are afraid to talk about the fear they are experiencing and feel helpless in the face of those few classmates who act violently. Consequently, there is room for improvement and many more planned and methodical steps need to be taken in order to combat and prevent xenophobia, and the incidents that accompany it, within schools and the community as a whole.

Therefore, it is imperative to implement teaching methods which further the democratic spirit with respect to human rights and multiculturalism. As long as cross-cultural pedagogical methods as well as psychosocial support services are absent from schools, the integration of immigrant students will continue to be problematic and Greek students will still continue to adopt hate speech against immigrant populations and other minorities.

After the completion of the presentation, students were encouraged to write down, if they wished, a personal account concerning xenophobic behaviour. Some of these students' accounts who have been in the position of the victim and the victimiser are presented here with the sole purpose of making their voices heard.

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Πριν 2 χρόνια είχαρε έτα παιδί πα
το έλεζαν Νίμο Σουάπεκ. Το παιδι
ουτό επειδή ήταν Πολιωός έτρυμε
οτραθιάρες από ένα άλλο παιδί γε
αποτέλεσγα να φύχει σπ' το σχρλείο

EZW μια φορά είμαν με τον χιώργο

Σον Διονόδη και τον Μιχάλη και

βλέπονμε τον μίλο μας τον

Πάρη τον μαυριδερό και είδαμε

κάποια άτομα να τον βαραίνε

προδηαθησαμε να τον βοηθησουμαι

αλλά θα θέταμε δε κίνδυνο τη

αλλά θα θέταμε δε κίνδυνο τη

υάναμε. Ο βλέρο Ταρης μετά την

μάχη έχινε ματάμανρος από το

τρόβματα. Από τότε ο Πάρης

δεν έχει ξαναβγεί απο το σηλι

του μαι περνάει τον χρόνο του

στον υπολογιότη.

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LOI DE MEDINOS JENOS TEPNOSI 610 GOOMO CON DE MEDINOS (JEPONES) TOUS OTTOPENJOUV.

Λληρών στο τρόπει του τμα τοτεπα δευ τάθηκε στο τρασότη θέση του υπηρακ πευή τόνο ται τράνο επειδή η ποτέπα των ποθότων δίτηπα ήτων τρεπαιμβή Προεωπικά θύτμωσα.

ποποί του πημα του πάθηκα εμώ στον θέση.
Το θεώρηκα ευτεπώο πάτο που ανεγείραπο αυτό που επανε η ποπέπα πως μιετου να στέρτεταν έτου είσε αυθρώτησος.

Ο ρατοισμός στη χώρα μας εμφανίζεται σε τάσει δραματίς οι κάθε στενό. Μπορείς να βιείς σπο σε κάποιο πάρτο, και θα διείς στα παβτοίμα βραμμένα με σπορεί η μαρκαδόρους "ΕΠ ΟΙ ΞΕΝΟΙ ΑΠΟ ΤΗΚ ΚΑΠΑΝ". Μέχρι ναι στην εκτληδία δράσρουνε στους τοίκους κι στα πατώματα "ΑΣΝ Δεχομαξίε ΕΕΝΟΥ Ε ΤΕΙΝ Εππαλαλαλαλαίνω αυτή τη κατοστάσεη. Είμαι κατά του ρατοισμού: Αμα διείς τάπου έναι στουρόκρωμιο άνθρωποι Αμανικί ότι είναι δολοφώνος ότι είναι δολοφώνος το διείνουν οι άνθρωποι διουνε κάτι ταδό. Απλά δευ το βαξίπουν οι άνθρωποι ολοι προσπαθούν να δων το άσχημο σε κάποιον. Αν κατά ξουν όμως πιο βασιά σα δων πόσο ταλή καρδιά έκουν.

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#### PART FOUR

# 7. PROPOSALS

We understand that we cannot find a solution to the problem or provide effective assistance on the long run without fair social legislation.

In 2013, the Racist Violence Recording Network recorded 166 incidents of racist violence with 200 victims: 143 of the incidents (with 177 victims) involve immigrants or refugees while the remaining 22 involved LGBT individuals and one human rights defender (one of the victims' lawyer).

Incidents of racist violence and xenophobia date well before 2013 and it is widely accepted that the Greek Authorities were late in acknowledging their presence and the need to take measures in order to combat them. Nevertheless, the extent of the problem seems to be easily grasped by a great part of society. A European survey from 2012 is very indicative: 7 out of 10 respondents believe that racial discrimination is very widespread while a large percentage (33%) have witnessed or heard of someone suffering discrimination. Additionally, about half of the respondents believed that the state's efforts are not effective towards the eradication of the phenomenon.<sup>17</sup>

The creation of Departments and Offices within the Hellenic Police<sup>18</sup> aiming at the "prevention and prosecution of crimes committed against individuals or groups of individuals on the sole grounds of racial or ethnic origin or of religious beliefs" is a positive step, as well as the creation of the 11414 hotline through which incidents of racist violence may be reported and relevant information may be provided. However, the implementation of these measures remains inefficient. Greece, in the report of the European Union Agency for Fundamental Rights, holds the last qualitative position as far as the mechanisms for recording and publishing hate crimes are concerned.<sup>19</sup>

One of the positive initiatives is the appointment of competent prosecutors concerning the collection and supervising of racial hate, racism and xenophobia cases.

One very important issue which has not been sufficiently addressed so far is the protection of the victims. A great number of victims assisted during the one-year duration of the project were immigrants lacking legal documentation. The victims were practically not able to report the racist attack to the authorities because of their fear of being arrested and deported. The emphasis on the existing situation concerning victims who lack administrative documents by no means implies that the process of filing a complaint and proving the racist attack is easier for victims who fall into other categories.

The most disturbing phenomenon remains the tolerance of impunity by a large part of society, the familiarisation with hate speech and the acceptance of racist practices as a part of daily life.

- <sup>17</sup> E.C.2012, Special Euro barometer 393 Discrimination in the EU in 2012.
- <sup>18</sup> Presidential Decree 132, "SET UP OF DEPARTMENTS AND OFFICES FOR COMBATING OF RACIST VIO-LENCE - AMENDMENT OF PROVI-SIONS P.D. 14/2001 (A 12). Official Gazette 239, 11 December 2012.
- <sup>19</sup> Fundamental Rights Agency, "Making hate crime visible in the European Union: acknowledging victims' rights", November 2012, pages 8-9.

Our recommendations to the competent official authorities and bodies:

- Establishing and implementing an official and effective unified system of recording and monitoring of racist incidents and hate crimes, which will allow access and handling to other bodies, besides the police, such as public hospitals, municipal authorities, NGOs and independent authorities such as the Greek Ombudsman
- The authorities shall condemn and first and foremost refrain from racist rhetoric
- The authorities should refrain from any action which promotes the penalisation of immigration. Such actions include the use of terms such as "illegal immigrants", the long-term administrative detention and the imprudent implementation of the practice of "racial profiling" in the context of police operations<sup>20</sup>. All these actions violate international and European obligations while at the same time weakening the trust of the victims towards the police authorities in filing a complaint.
- Ensuring the direct and unimpeded access of victims of racist violence to the judicial system. The immigrants who lack legal documentation should not form an exception. Specifically, we recommend the immediate implementation of the Racist Violence Recording Network proposal, which provides: suspension of detention and deportation of victims or witnesses who lack legal documents when reporting incidents of racist violence, under a prosecuting provision which will examine initially the dependability of the complaint. At the same time, it should recognise the status of the victim and/or witness of a racist violence crime to the individuals, so that they can be provided with special protection status (residence permits) and the automatic suspension of any deportation/extradition/removal during the period needed to indict the perpetrators and until an irrevocable decision is issued by the court concerning the sentencing of the offender.
- Abolition of the €100 fee as most of the racially motivated crimes fall into the "crimes subject to absolute private prosecution" category.
- The competent authorities must ensure the efficient and rigorous investigation of the racist motive during every stage of the judicial procedure and particularly during the stages of preliminary inquiry and summary investigation. In this context they shall activate and implement the 24/5/2006 Police Circular (No. 7100/4/3) which provides that: the police authorities shall investigate the racist motives of the reported crimes; collect relevant information and to record/report incidents through a particular Form during the handling of all cases against individuals on the grounds of national or ethnic origin, colour, religion, disability, sexual orientation or gender.

<sup>&</sup>lt;sup>20</sup> In the context of operation "Xenios Zeus" 123,567 individuals were rounded up in total. Only 5.6% of them was detained.

- In case the abovementioned circular is not enough, then the authorities should proceed in all necessary legislative regulations ensuring the investigation of the racist motive regardless of the aggravating circumstance during sentencing. Article 79 paragraph 3 of the Criminal Code which was added in 2008, stipulates that committing a crime on the grounds of national, ethnic or racial origin hate, religious hate or sexual orientation hate forms an aggravating circumstance and it is activated during sentencing, that is after the finding of a guilt.
- Ensuring that no individual under detention or police custody is denied access to medical care. The access to medical care is a fundamental right for any individual and should by no means be denied on the grounds of detention or arrest of the individual.
- The implementation of Law 2713/1999, on the level of local government, for the creation of local councils for the prevention of crime with the participation of local police stations.
- It shall be indicated to all members of the educational community that the existence and tolerance of any form of racist behaviour or violence is absolutely unacceptable.
- The promotion of educational activities and teaching practices which enhance the students' critical thought.





