

Greece

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<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

- **Context information from ECRI**

p.10:

“There is also considerable discrimination towards LGBT and in particular against transgender persons. Harassment by the police is a common phenomenon as is discrimination in the education sector. The individuals concerned do not have sufficient support or protection from discrimination.”

“The question of a racist and/or homo-/transphobic motivation in cases of violent incidents should be made an integral part of investigations and judicial proceedings from their very beginning. There should be further training provided to the police, for which programmes proposed by international organisations could be used. The authorities should also offer training to judges and prosecutors on the application of Article 81A of the Criminal Code on hate motivated offences.”

- **Transphobia and data on hate crimes in the country**

48. ECRI recommends that a provision prohibiting racist and homo-/transphobic insults and providing for measures and/or sanctions to be taken in case of its breach is introduced in the Parliament's Standing Orders.

53. ECRI has been informed by LGBT groups that homo- and transphobic hate speech, verbal harassment and inappropriate comments are common amongst the general public, resulting in LGBT persons feeling constantly discriminated against and excluded in day-to-day life.

57. ECRI recommends that the authorities make a public declaration condemning homo-/transphobic hate speech. It also recommends that all political parties take a firm stand against homo-/ transphobic discourse by their representatives.

58. There is a severe problem with underreporting of racist or homo-/transphobic violence in Greece. In so far as racist violence is concerned, this is mainly due to fear amongst victims of being arrested and deported when reporting such a crime to the police, given the fact that many of them do not have residence permits. Other deterrents include the absence of successful prosecutions of culprits, and the persistent and continuing allegations, some of which were officially investigated, of collusion between police officers and Golden Dawn, which have severely diminished trust in the police amongst victims of racist violence. Furthermore, the fact that the police have requested a number of victims to pay a fee of € 100 to lodge their complaints created an additional obstacle, although the authorities indicated to ECRI that in such cases no fee should be charged by the police.³⁶ This has been made clear in Law 4285/2014, which in Article 5 expressly rules out such fees.

59. ECRI recommends that the authorities ensure that clear instructions are issued to all police officers that no fee is to be charged for reporting racist or homo-/ transphobic violence; the victims should always be informed accordingly.

75. There were hardly any criminal proceedings against perpetrators of racist violence until the arrests of the Golden Dawn leadership. Furthermore, ECRI was informed by the prosecuting authorities, the Ombudsman and several NGOs that the racist and/or homo-/transphobic motivation of an act, in line with Article 79 of the Criminal Code on aggravating circumstances, was considered only at the end of a trial, when deciding the length of a sentence. This means that usually the full racist and/or homo-/transphobic background and dimension was not properly taken into account during the collection of evidence, the investigation and the judicial proceedings, in spite of a 2006 Police Circular regarding the inclusion of such motivations in police investigations. This in turn also led to a skewed picture with regard to the extent of hate crime committed and the severity of this problem within Greek society. Several recommendations had been made in the past by human rights organisations concerning the need to take racist or homo-/transphobic motivations into account from the outset of an investigation and at the beginning of a trial. Given the scale of the problem in Greece, it is difficult to comprehend why this had not been done before. The new Article 81A of the Criminal Code on hate motivated offences, introduced in 2014, is intended to remedy this problem now.

76. ECRI recommends that a racist and/or homo-/transphobic motivation in cases of violent incidents is made an integral part of investigations and judicial proceedings from their very beginning. ECRI recommends training for the police, for which programmes proposed by international organisations could be used. ECRI also recommends that the authorities offer training to judges and prosecutors on the application of Article 81A of the Criminal Code on hate motivated offences.

- **Legislative issues**
- **Policies to combat discrimination against LGBT persons**

140. Greece does not have an effective policy for the protection of LGBT persons against discrimination or a strategy to promote tolerance vis-à-vis this group. Sexual orientation and gender identity were included as grounds in the old Article 79(3) of the Criminal Code on aggravating circumstances, and in Law 4285/2014, which added the new Article 81A on hate motivated offences to the Criminal Code. 94 Sexual orientation, but not gender identity is also included in the grounds of Law 3304/2005 (see section I.1 above). However, there is no national programme in place to raise awareness among the public and combat negative stereotypes and prejudices.

141. In the 2012 LGBT survey of the European Union's Fundamental Rights Agency (FRA), 68% of respondents in Greece said that offensive language about LGBT people by politicians is "fairly" or "very widespread" in their country (EU average: 44%).⁹⁵ ECRI was informed by LGBT groups that homo- and bisexual persons can usually only avoid discrimination by not revealing their sexual orientation, as levels of intolerance are still high. While it is regrettable that anyone feels compelled to resort to secrecy, such an "option" is often not even available to transgender and transsexual people.

142. A cause for serious concern is the homophobia and transphobia exhibited by some staff in educational institutions. FRA's LGBT survey showed that nearly one quarter (24%) of respondents felt

discriminated against because of being LGBT by personnel in educational institutions.⁹⁶ The case of a transgender person, who was harassed in an Athens evening school and was finally driven to abandon her further education, is one of the cases in point and even led to an intervention by the Ombudsman.⁹⁷ However, in this case it seems particularly peculiar and counter-productive that the only teacher, who had supported the victim in the absence of any support from the headmaster, was subsequently suspended in dubious circumstances and allegedly without due process.

143. ECRI strongly recommends that the Greek authorities develop a national strategy, together with LGBT representatives, to combat discrimination and homo-/transphobia, including in educational facilities. Furthermore, all educational staff should be encouraged and supported to assist victims of bullying.

144. Not only are sexual orientation and gender identity not included into the mandate of the newly established anti-racism police units (see section I.3 above), but repeated and consistent allegations have been brought to ECRI's attention concerning routine police harassment of transgender persons by fining them for solicitation and attempted prostitution merely based on their appearance and the discrepancy between their looks and the sex indicated on their identity cards.

145. ECRI strongly recommends that the Greek authorities issue a clear instruction to all police officers that transgender persons should not be fined for alleged prostitution offences merely due to their identity and appearance.

146. In the run-up to the 2013 Thessaloniki Pride, a group of transgender people was arrested and charged with public order offences allegedly caused by their transgender identity. Their lawyer, who visited them in the police station, was also detained, allegedly without justification, and intimidated by police officers.⁹⁹ The Greek authorities informed ECRI that an internal police inquiry has been conducted, but that the case was closed as the claims against the police officers could not be substantiated. ECRI notes that the investigation was not independent; moreover, it has received no information as to whether a criminal prosecution against the policemen concerned will be initiated.

147. ECRI recommends that the authorities ensure a full and independent investigation of this incident.

- **Education and awareness-raising**

p.11:

The authorities should develop a national strategy, together with LGBT representatives, to combat discrimination and homo-/transphobia, including in educational facilities. Furthermore, all educational staff should be encouraged and supported to assist victims of bullying. The authorities should also

issue a clear instruction to all police officers that transgender persons should not be fined for alleged prostitution offences merely due to their identity and appearance.

- **List of recommendations from ECRI**

13. (§48) ECRI recommends that a provision prohibiting racist and homo-/transphobic insults and providing for measures and/or sanctions to be taken in case of its breach is introduced in the Parliament's Standing Orders.

16. (§57) ECRI recommends that the authorities make a public declaration condemning homo-/transphobic hate speech. It also recommends that all political parties take a firm stand against homo-/transphobic discourse by their representatives.

17. (§59) ECRI recommends that the authorities ensure that clear instructions are issued to all police officers that no fee is to be charged for reporting racist or homo- / transphobic violence; the victims should always be informed accordingly.

20. (§76) ECRI recommends that a racist and/or homo-/transphobic motivation in cases of violent incidents is made an integral part of investigations and judicial proceedings from their very beginning. ECRI recommends training for the police, for which programmes proposed by international organisations could be used. ECRI also recommends that the authorities offer training to judges and prosecutors on the application of Article 81A of the Criminal Code on hate motivated offences.

22. (§80) ECRI recommends including sexual orientation and gender identity in the mandate of the new anti-racism police units.

43. (§143) ECRI strongly recommends that the Greek authorities develop a national strategy, together with LGBT representatives, to combat discrimination and homo- /transphobia, including in educational facilities. Furthermore, all educational staff should be encouraged and supported to assist victims of bullying.

44. (§145) ECRI strongly recommends that the Greek authorities issue a clear instruction to all police officers that transgender persons should not be fined for alleged prostitution offences merely due to their identity and appearance.