

RAXEN BULLETIN

1. THE “POLITICAL HEADLINES”

After a 2-year-long public debate and reactions the Government Committee announced that the Athens Mosque will be built in Eleonas (the location proposed by the Greek Orthodox Church) following the rejection of the Foreign Minister Ms Bakoyanni’s proposal to restore the Monastiraki old Mosque monument (near Acropolis) (To Vima, 19.04.2006)

Almost seven years after the initial prosecution, a major court case has come to an end with the 12-year prison sentence assigned to two trafficking network members. The case of Gina and Camelia from Romania has been the first court case of trafficking victims who risked expulsion during their multi-year adventure all up until the final court decision. – I am not sure I understood this right

The Athens Court of Appeal accepted the argument used by the Greek State (Minister of Finances) to appeal against a court decision to provide pecuniary compensation of 12,000 euros to a man from Bangladesh who was illegally detained by the authorities for one year in degrading conditions, and reduced the indemnity to 3000 € (Decision n.2390/2005 published on 22.02.2006). In particular, according to the appeal and the 2nd degree court decision, the immigrant is considered to be co-responsible for the ill-treatment he suffered as a detainee because of his illegal residence in the country despite the order to leave the country. Furthermore, the court accepted the argument given by the Minister of Finances in his appeal that “irregular migrants are responsible for the increase in the criminality rate and that when they break the law, the behaviour of the police officers is justified on the grounds of attempting to contain such crime rate”, and that “ill-treatment of detained immigrants does not offend their dignity under the light of the superior need to protect the Greek territory from the uncontrollable illegal migration wave”. (media reports: Ta Nea, 28.02.2006, Apogevmatini, 02.03.2006, Rizospastis, 01.03.2006)

2. UPDATE ON LEGAL DEVELOPMENTS

There are no major developments concerning anti-discrimination or anti-racist legislation.

However, there has been some legislation activity concerning religious freedom and long term residence status, EU directive transposition and a good practice for immigrant participation in public life at a local level:

A new law was passed by the parliament, allowing for the first time people to be cremated rather than buried. The Greek Orthodox Church has until now opposed cremation, describing it as a violation of the human body. The governing and the main opposition parties all voted in favour of the bill, which means that the country's first crematoria can now be built. However, the law does not go as far. It will only apply to those whose religion allows cremation, therefore, the minority of the population who are not Orthodox Christians. (07.03.2006, Greek Parliament, <http://www.parliament.gr/ergasies/nomodetails.asp?lawid=410>)

A presidential decree aiming to fully transpose the Long Term Residence status EU directive (109/2003/EC) has been presented by the Interior Ministry. (16.03.2006, http://www.ypes.gr/ypes_po/detail.asp?docid=975)

The Mayor of Kozani (Northern Greece) P.Koukoulopoulos (also president of the National Union of Municipalities of Greece) has announced the establishment of the immigrant council taking on an advisory and consultation role in the area of Kozani, The council's members would be elected by the vote of the locally residing immigrants. (Eleftherotipia, 23.03.2006)

3. RESEARCH

1. The Greek Ombudsman published its first year Annual Report about the implementation of its mandate and its role as official agent for the protection and promotion of the principle of equal treatment in the public sphere. This is part of the Greek Ombudsman's general Annual Report and focuses on the following:

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

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

2. In his follow-up report on Greece, covering the period 2002-2005, Mr Alvaro Gil-Robles, Commissioner for Human Rights of the Council of Europe, concludes that the access to asylum proceedings continues to be difficult for immigrants detained on their irregular entry as the access to information and legal assistance remains poor. The Commissioner is concerned about the poor reception conditions for registered asylum seekers and Greece's very low refugee recognition rate, in comparison with other EU countries. (*Eleftherotypia*, 31 March)

3. The US State Dept published its annual report on Human Rights practices. According to this report the government generally respected the human rights of its citizens. Nevertheless some problems pertain. (US State Dept., <http://www.state.gov/g/drl/rls/hrrpt/2005/61651.htm>)

4. ANNEX

1. Unofficial list of racist violence incidents and cases

- A 29-year-old Bulgarian immigrant woman has denounced having been raped by three police officers in Rhodes (Ialysos) prior to the execution of her expulsion. Initially the Greek Police Chief started procedures for the administrative prosecution of these officers, while the Prosecutor of Rhodes initiated penal action against them for serious offences.

Later media reports indicate the emerging of a broader trafficking racket in the island of Rhodes and Crete, which involves six police officers and a number of businessmen of the abovementioned regions, who had mediated for the transportation of the Bulgarian woman from Crete to Rhodes. The latter has been immediately assisted and protected as a trafficking victim under the witness protection program.

(Athens News Agency, news.in.gr , 06.04.2006 and 07.04.2006, Greek Police: <http://www.mopo.gr/main/Section.jsp?SectionID=732>)

- According to a complaint submitted to the Greek Ombudsman by the Greek Homosexual Community, the Transportation Ministry obliges homosexuals who wish to obtain a driving license and have been exempted by military service as mentally ill (according to the classification of homosexuality applied by the Defense Ministry) to present a Public Hospital Psychiatrist's certificate that they are mentally healthy in order to proceed with their application. (Greek Helsinki Monitor, 27.03.2006)

Furthermore, a European Court of Human Rights' mission headed by Ch.Rozakis, president of dept A of the Court, has performed an on site inspection of the immigrants' detention facilities in the Police Dept. of Larissa after a recourse petition submitted by an Albanian immigrant denouncing inhuman detention conditions (Eleftherotipia, 03.04.2006)

3. Major upcoming events

The Greek Migration Policy Institute (IMEPO), a research foundation annexed to the Interior Minister, is holding a major conference on migration issues next autumn (23-24.11.2006) with the title 'Migration in Greece: Experiences – Policies – Perspectives' and has published its call for papers. www.imepo.gr