

2004 Data Collection

RAXEN National Report

European Racism and Xenophobia Information Network

National Focal Point for GREECE

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1. Executive Summary

The main conclusion of the 2004 annual report on racism, xenophobia and anti-Semitism in Greece is that the country is standing in front of a crossroads. While social exclusion, discrimination and racist violence still constitute persistent problems in social life, the state shows itself committed and firmly determined to combating such phenomena. In fact the anti-discrimination bill (transposing the relevant EC directives) has been the very first law to be tabled into Parliament and approved in 2005.

However, in a number of cases, such policies seem not to be effectively implemented or fail to produce the desired results. The underlying key issues that remain unsolved and have to be faced on a political level are:

- The “Greek majority” (priority/homogeneity/superiority) principle.

An obstacle to the creation of a society based on equality and non-discrimination, this perception of an almost genetically-defined “Greeknness” is deeply rooted in Greek society and has historically been the basis for discriminations against minority groups and foreigners. Today, the state needs on the one hand to distance itself from this view and refrain from simplistic and insincere anti-discrimination rhetoric, and on the other to embrace and promote the social participation/integration of immigrants and minorities through practical and verifiable rights-oriented policies.

- The legitimisation of stereotypes and racial violence.

Racial violence against foreigners and negative stereotypes against minority groups are often legitimised, especially when they are directed against specific groups, such as the Albanians, as was eloquently illustrated in recent clashes and violence against them. The state needs to actively deconstruct these stereotypes and openly condemn racist violence, either in public space and the central political arena or by implementing effectively on the ground the already existing anti-discrimination and racial crime-related legislation.

- The mainstreaming of xenophobic and racist discourse.

Xenophobic and racist public discourses are often legitimised through reference to the need to preserve the nation’s territorial security and value system. It is necessary for politicians to preserve the public sphere from such extreme right-wing xenophobic and racist discourse and resulting practices. While public condemnations of such views when linked explicitly to the use of force are frequent, the main arguments and repertoires of racist discourse permeate the entire political spectrum. At the same time, the media do not hesitate to offer the floor to xenophobic and racist discourses, thus encouraging similar opinions and practices.

I. Employment

1. Racism and discrimination in employment when directed against migrants is manifested under the light of the dysfunctional migration law and policy which, by perpetuating their insecurity and denying durable regularity and protection in employment, keeps them in a subaltern position in work relations which also affects their salary and work conditions. There seems to exist no specific immigrant integration policy, but only fragmentary and contradictory remedy measures.

2. Migrants are overworked and underpaid. More than half of the immigrants in Greece work forty one to sixty or even more hours per week, while they earn an average of 600 euros per month.

3. Opinion polls and surveys regarding the future of immigrants in Greece and the rights to be given to them show contradictory results. Intolerance and xenophobic stereotypes go hand-in-hand with wide acceptance of migration's positive impact on Greece and with legitimisation and backing of claims for civic and social rights for immigrants.

II. Education

1. The 2003-2004 school year was characterized by the increased participation of second generation immigrant children in education and a series of both institutional and individual incidents or attempts of exclusion and discrimination against them.

2. The effective situation in the area of education as depicted by the available data is still marked by inequality, emerging through the different rates of attainment, higher dropout levels and lower participation of minority groups.

3. The reason for which the programmatic declarations on the introduction of multiculturalism and anti-racist policies have not been effective lies in the fact that they do not challenge the structural and systemic role of the educational system in Greek society, which is based on exclusion rather than on inclusion.

4. The main issues raised during the past year were a circular issued by the Interior Ministry suggesting that children of undocumented immigrants should not be accepted by schools, withdrawn following the intervention of the Ombudsman and the Ministry of Education; and the well-known and annually repeated polemic over aliens holding the national flag during school parades.

5. Administration and academics in charge of the special Roma education project claim that Roma enrolment in the educational system at primary school level has risen from 25 per cent to 75 per cent, while at the same time dropout rates have fallen. Yet, a number of publications and reports insist on the intensity of the problem, claiming that the actual participation of Roma children in the Greek educational system is, on the contrary, still low. The persisting housing problem and employment and social protection problem faced by the Roma, as well as the need for additional resources in the education system, appear to constitute the most crucial factors for improving the Roma children participation.

6. While the situation of Muslim minority children in education has definitely improved, a fact that is underlined also by Muslim minority representatives, there remains a lot to be done, starting from the outdated legal framework.

III. Legislation

1. The year 2004 was marked by legal action undertaken by the European Commission against Greece and five other member states for failing to transpose the two anti-discrimination directives (2000/43/EC and 2000/78/EC).

2. During summer 2004 the administration focused on the implementation of the procedure of residence permits applications provided for by Law 3242/2004 (24.05.2004). Article 25 of this Law gave migrants whose permits expired during the preceding year, and who did not manage to renew them, a so-called "second chance" to do so before 30.06.2004.

IV. Housing

1. Documented migrants enjoy equal treatment with Greek citizens as far as formal access to social rights derived from their social security contributions is concerned. Therefore, their participation in the work insurance system and the payment of the corresponding contributions gives them the right to participate without any discrimination on the basis of ethnic origin in state-sponsored housing policies, such as low-interest loans programme for the acquisition of a home. As a result, in October 2004 many immigrants participated in the state-organised lottery of Olympic Village appartments.
2. Positive measures in the area of housing, such as such as low-interest loans for the acquisition of a home and state-provided prefabricated houses, have been especially designed in the past years for the Roma minority. Moreover, emergency medical support mobile units have travelled around Greece to assist Roma populations. However, these positive initiatives have not yet proven sufficient to meet the Roma minority's housing and health needs.
3. Roma settlements around Athens continued to face evictions and severe problems arose from their obligatory transfer from sites near the Olympic venues in view of the 2004 Athens Olympics.
4. The Roma living, health and sanitary conditions in improvised settlements still remain an emergency.
5. A dark picture of the refugee reception and detention centres, especially in the Aegean Sea islands, such as Samos, is depicted by a long list of organizations.

V. Racial Violence and Crimes

1. Episodes of violence throughout Greece against Albanian immigrants celebrating their national football team's victory over Greece, with the tolerance of the police, illustrated well the generalised climate of intolerance and the legitimising of racist aggression and violence. All incidents and the ideology behind them have been condemned by almost all political parties and actors, with some exceptions. However, what is especially worrisome is that the episodes cannot be attributed to a few nationalist and fascist groups. On the contrary, they are publically legitimised via a mainstream anti-Albanian attitude which is shared or tolerated by a large part of Greek society.
2. 2004 has been a year for both general and European Parliament elections. It has also been the year when for the first time an independent political extreme right-wing party succeeded in electing a MEP, while it only failed to enter parliament by a close margin.
3. Measures for the protection of the victims of human trafficking have only recently started to be implemented. At the time of reporting the first two residence permits were given to victims protected under the anti-trafficking law, while special services have been set up for their protection. In the meanwhile the issue of child trafficking and protection have yet to be efficiently addressed.
4. Sporadic episodes of anti-Semitic vandalism were reported throughout 2004. A date (27 January) has been designated by law (3218/2004) for the Commemoration of Greek Jew Holocaust Martyrs.
5. The problem of police and army violence against immigrants-refugees and minorities and their impunity has yet to be addressed. Inside the police, audit control and investigations procedures often lead to the offenders' impunity. Only in a very small and insignificant

number of cases has the investigation led to disciplinary measures, while in the absolute majority of cases the complaints are judged to be unfounded.

6. The policing-racial profiling of Muslims and their surveillance in the context of anti-terrorist measures was widespread before and during the Olympic Games, with a number of suspect ethnic groups subjected to screening performed on the basis of their country of origin and faith. The practice, known as “profiling”, is often the cause of human rights violations.

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3. Definitions and sources

→ Official (legal) definitions of socially vulnerable groups affected by racism, xenophobia and discrimination

The social groups which are affected or threatened by racism, xenophobia and discrimination in employment, education, housing, racist violence and crimes are not defined as such in the Greek legal order. However, international and national scientific and research bibliography individuates those groups, which are given official – and legal - definitions through relevant policies to combat social exclusion and promote equal access to individual, political and social rights.

The Ministry of Labour and Social Security¹ provides, in the context of policies and projects aimed at combating social exclusion, a list of groups considered socially vulnerable. Other ministries also use this list, which defines vulnerable groups according to political, rather than legal, classification:

- Roma
- Religious groups
- Migrants
- Repatriated ethnic Greeks
- Asylum Seekers
- Refugees
- Cultural-linguistic minorities
- Inhabitants of mountainous and remote regions
- Single parent families
- Prisoners and ex-prisoners
- Juvenile offenders
- Drug-addicts and ex addicts
- Disabled individuals
- Mental patients
- HIV positive patients

In the framework of this report, definitions are given for those social groups, which are affected by racism and discrimination.

The vulnerability of the above groups consists in their degree of social exclusion from public and social goods (education, welfare, health, accessibility). Their exclusion is a result a) of discriminatory legal measures determining formal inequality on the basis of origin and nationality and b) of discriminatory social attitudes and practices or objective effective barriers to the access of public goods and substantial equality.

The long awaited implementation of the already existing anti-discrimination legislation, especially after the transposition of the relevant EC directives is expected to improve this situation, as well as to promote equality in social life through pro-active measures and public campaigns targeted to the protection of vulnerable groups.

a. Roma - Legal definition

¹ Indirectly in the sense that there is no “official” list, but such groups are defined as vulnerable in policies and projects aimed at combating social exclusion; relevant information in Greek only available at: http://www.labor-ministry.gr/index_gr.html (22.09.2004), NFPGR0090. Also some additional information on definitions of vulnerable groups can be found in the “National Action Plan for Social Inclusion 2001-2003”, prepared by the Ministry of Labour and Social Security and available at: europa.eu.int/comm/employment_social/news/2001/jun/napincl2001el_en.pdf (22.09.2004), PUBGR0729

There is no legal definition of the Roma; a generally acceptable definition would be: “members of a social group sharing certain common ethnic – linguistic – cultural characteristics that may differ according to their tribe or clan.”

The only reference to the Roma in the Greek legal order comes from a ministerial decision² regulating the conditions under which settlements of itinerant nomad populations are allowed to set up in the country. Therefore, this decision focuses rather on a nomadic behaviour (based on an outdated characteristic of the specific social group) than on cultural diversity.

Independent authorities, such as the Greek Ombudsman, use the term “racial minority” to define the Roma social group.

b. Religious Groups - Legal definition

*Muslim inhabitants of Western Thrace are considered to be all Muslims established in the region to the east of the frontier line laid down in 1913 by the Treaty of Bucharest.*³

The legal term “religious minority” is used to refer exclusively to the autochthonous Muslim minority in Thrace whose legal status and rights are governed by the 1923 Lausanne Treaty and other subsequent bilateral agreements.

Other religious groups are Jews, Catholics, Jehovah’s Witnesses and Evangelicals who are not legally defined as a religious minority per se.

c. Documented / undocumented migrants - Legal definitions

*Documented immigrants are foreign nationals who reside and work in Greece legally holding a residence and work permit.*⁴

*Undocumented immigrants are foreign nationals who reside and work in Greece illegally either without a residence and work permit or holding one that has expired.*⁵

A further legal distinction among resident third country nationals concerns kin-minorities which migrated and are established in Greece on the basis of Greek ethnic origin. This category is defined as Greek “omoghenís”, that is, of the same *génos* (descent-race). Greek law uses the term “omoghenís” to define the non-Greek citizen of Greek ethnic origin, thus a member of a Greek minority in a foreign country. As this composite word describes, “omoghenís” is a person who is part of the same “genos” (descent), thus of the same nation, while he/she is a citizen of another country. The principle that lies behind the legal status of “omoghenís” is that the individual is a descendent of Greeks. However, what is decisive is his/her “Greek national consciousness”, which is defined as the connection with the Greek nation through common language, religion and traditions⁶. In this sense, an individual may be considered and recognized as Greek in conscience (“thinking, beliefs”) even if he/she has no Greek origin through “blood” parentage. The administration requires a case-by-case examination in order to determine the sense of belonging and ethnic membership.

This category comprises 2 major categories:

- “Repatriated ‘omogenis’ from the New Independent States (NIS) and
- Albanian citizens of Greek ethnic origin

Repatriated ethnic Greeks (“palinnostountes omogeneis”) are residents of the New Independent States of the former Soviet Union of Greek ethnic descent who have the right to

² Ministerial Decision A5/696/25.4 on Health Protection of Travelling Nomads, PUBGR0703.

³ Convention Concerning the Exchange of Greek and Turkish Populations (Appendix A, Article 2), Lausanne January 30, 1923 between the Government of the Grand National Assembly of Turkey and the Greek Government. English text available at: <http://www.hri.org/docs/lausanne/> (22.09.2004), PUBGR0465

⁴ Greece, N. 2477/1977 (FEK 59A/18.04.1997), PUBGR0462

⁵ Greece, N. 2477/1977 (FEK 59A/18.04.1997), PUBGR0462

⁶ Papasiopi-Pasia Z. (1994), *Dikaio Ithageneias*, Athens: Sakkoulas, pp. 45-93, PUBGR0892

apply for the acquisition of Greek citizenship if their nationality cannot be established by the procedures laid down by the Ankara and Lausanne Treaties. Citizenship is granted on the basis of the findings of a special committee appointed jointly by the Minister of the Interior and the Foreign Minister on the basis of an interview and examination of all or any of the following original documents: passport, birth certificate, marriage certificate, family status certificate, identity card or internal passport or any other document that can prove Greek descent.⁷

The adjective “palinnostountes” (means “repatriated” but the exact translation is “returning home”), used as a substantive, is the term adopted to describe the status of the “omoghenis” and Greek Pontians coming from ex Soviet Union. This term, which was not conceded to the large group of Greek Albanians, corresponded to a series of positive and generous integration measures.

While NIS repatriates may acquire Greek citizenship through the special process described above, Albanians of Greek ethnic origin, also considered a special category, are only entitled to a special three-year residence permit⁸ issued by the Aliens Department of the Greek Police after examination of all or any of the following original documents: passport, birth certificate, marriage certificate, family status certificate, identity card or internal passport or any other document that can prove Greek descent.⁹

d. Asylum seekers & refugees - Legal definitions

Asylum seekers are foreign nationals and their immediate dependants (wife/husband, minor or handicapped children and parents) who apply or have applied orally or in writing to any public authority for political asylum according to the 1951 Geneva Convention as amended by the 1967 New York Protocol or have entered the country with the intention to apply for asylum according to the Dublin Convention 1990 as transposed in national legislation.¹⁰

Refugees are foreign nationals who reside and work in Greece legally having acquired the status of political refugee from the competent authorities following the due process prescribed by international law and transposed into national legislation.¹¹

It must also be noted that the Ministry of Foreign Affairs (responsible for asylum seekers, refugees and the Muslim minority) adheres to the existing international legal definitions (1951 Geneva Convention) for asylum seekers and refugees and the 1923 Lausanne Treaty for the Muslim minority of Thrace.

→ Data and information sources

Year 2004 has been marked by the publication of important data elaborated and published for the first time in Greece. Although no discrimination-related specific data are collected and published officially, the new available statistics provide a more in-depth view of the situation of vulnerable groups in Greece. They also provide some indication of the results of relevant state policies.

While incidents of racial violence and discrimination are visible in every day life and regularly reported in the news, no quantitative or qualitative data exist or are planned to be collected on phenomena of racism and xenophobia by public authorities. However, the

⁷ Greece, N. 2790/2000 (FEK 24A/16.02.2000), PUBGR0470

⁸ Official data concerning the number of special permits issued are not available. The Greek Ombudsman in a recent report on migration law (December 2001) describes clearly and criticizes the differentiated treatment of the two “omoghenis” groups as concerns the different prerequisites and procedures for applying and obtaining the Greek citizenship.

⁹ Greece, Ministerial Decision 4000/3/10-e (FEK395B/29.04.1998), PUBGR0459

¹⁰ Greece, PD 61/1999 (FEK A63/06.04.1999), PUBGR0592

¹¹ Greece, PD 61/1999 (FEK A63/06.04.1999), PUBGR0592

statistical basis for policies concerning socially excluded groups is widening and there is a declared political will to pursue the goal of non-discrimination and equal treatment..

As far as education is concerned, the Institute for Greek Diaspora Education and Intercultural Studies (IPODE) published statistics on the numbers of migrant children in Greek pre-school, primary and secondary general and technical education.

The University of Ioannina (“Roma Children Education Programme”), entrusted with the Roma children school integration project since 1997, published extensive statistics on Roma children participation and dropout levels since the project’s start. The results show a roughly twenty five per cent decrease in the percentage of children dropping out of school.

Furthermore, during 2004 the University of Athens, entrusted with the Muslim children education programme since 1997, also published data and evaluation on the project.

As regards Roma housing programmess, the Interior Ministry provided the Greek NFP ANTIGONE with data on state housing policy and its impact for the years 1997-2004.

The Interior Ministry has provided analytical data on residence permit applications submitted until August 2004. Other relevant statistics and data on employment and integration have been made available through the publishing of as series of researches, surveys and publications, mentioned in the report text.

4. Analysis of the five main areas

I. Employment

A. What is the publicly available evidence of racism and discrimination in employment during 2004?

1. Statistics

In Greece specific official data on discrimination and exclusion in employment are not available and any assumptions have to be based on general employment and migration statistics, as well as surveys and focused research. However, while the basis for official statistics is not sufficient, it is currently growing.

During the past years a number of official statistics have been produced on the presence of immigrants in the country, as well as on residence permits, social security, presence in the labour market etc. While for almost a decade (1990s) statistical figures in Greece were absent or were the product of estimates and assumptions, the legalisation programs, along with the national 2001 Census and the computerisation of the main social security agencies offered a whole new grounds for official statistics, rendering possible to some extent a certain degree of comparative analysis.

Although a considerable number of immigrants remain undocumented in the country, their visible number is gradually increasing through repeated waves of regularization procedures. As a result, until the end of August 2004¹², at least 601,755 residence permit applications had been submitted to the competent authorities, of which 90% for employment reasons (Statistical Annex - Chart n.4). In this way, the number of residence permits is approaching the number of foreign nationals recorded by the 2001 Population Census 2001 (about 797,000).

However, what the statistics also show is a disproportion of the total number of permits issued and valid until year 2004 (228,401 on January 2004¹³) in relation to the initial number of application for legalisation (371,641 in 1998¹⁴) and even more to the total number of applications submitted (601,755 on 30.08.2004¹⁵). The result is a large number of undocumented immigrants.

According to more recent data, the majority of third country nationals have submitted residence permit applications in order to regularise their status in the country (statistical annex – charts 2 and 3). For the majority of cases (76.35%) these migrants are employed as dependant workers (mostly Albanians and Bulgarians), 13.7% provide services (mostly Albanians, Romanians, Bulgarians, Moldovans) and a very small percentage (0.38%) has applied for self-employment work permits (mostly Nigerians, Syrians, Chinese and Egyptians) (chart 4).

2. Migrants and the labour market

Discrimination in employment for migrants is not a de jure state policy but it emerges as an indirect effect of the dysfunctional migration law and policy. After nine consecutive amendments of the migration law since 2001, inconsistencies and delays in regularising the status of immigrants and protecting their employment in Greece, it is a migration policy

¹² Interior Ministry, Social Integration Department, 30.08.2004, PUBGR0883

¹³ Mediterranean Migration Observatory, Migration Statistics, PUBGR0884

¹⁴ Mediterranean Migration Observatory, Migration Statistics, PUBGR0884

¹⁵ Interior Ministry, Social Integration Department, 30.08.2004, PUBGR0883

which has a collateral impact, on the position of migrants in the labour market: by perpetuating their insecurity and denying them durable regularity and protection in employment, it keeps them in a subaltern position in work relations which also affects their salary and work conditions.

Some researchers advocate that this seems to be the reason why migration legislation is not applied in practice. Legalising migrants would mean providing them with rights comparable to those of Greek workers. Such a policy would result in their ceasing to be a source of low-cost labour¹⁶.

Moreover, the image depicted by the Greek Ombudsman is that of an administration incapable of responding to the needs of a changing environment by completing the legalisation procedure it started three years ago. Thus, new regulations are enacted constantly, causing malfunctions and unfairness¹⁷.

2.1. "Gate keepers and migration managers" - Surveys

An EQUAL survey¹⁸ carried out by the Panteion Athens of University argues that the disadvantaged position of immigrants in the labour market is due to discriminatory treatment by the "gate keepers", i.e. the public employees who are key actors ("migration managers") in the day to day implementation of migration law and policy. The research undertaken through fieldwork brought to the fore mentalities which lead to discrimination or racism¹⁹. According to the main conclusion of the survey on "gate keepers" in the areas of vocational training, social security and access to the labour market:

- Public employees believe that immigrants in Greece are "too many".
- There are negative stereotypes based on immigrants' "uncontrolled" and illegal entry, their impact on criminality and unemployment and the fear of "alteration" of the Greek cultural model.
- Paradoxically some positive opinions were registered concerning immigrants' rights to preserve their language, to frequent Greek schools and to have access to special support by the Greek state: to equal rights in general.
- Negative opinions concern specific ethnic groups, which coincide with the most numerous today in Greece, most of all the Albanians (for more information on this issue see chapter V Racial Violence section A).
- Employees in the migration bureaus of the prefectures believe that the law regulating the entrance and stay of foreigners in Greece should be stricter.
- These negative opinions are stronger when the workload is bigger and the lack of infrastructures and personnel more intense, leading to xenophobic attitudes and problems in the behaviour of employees towards immigrants.

2.2. Increased effective participation of immigrants in the labour market

Another issue that has come more to light is the increased participation of migrants in the labour market, and therefore their visibility. This is due to the increased numbers of legalised working immigrants. However, a large number remains undocumented. The legalisation procedures have been largely based on the purchase by migrant workers of their social security contribution (of stamps called "ensima"). This practice, which also implies a

¹⁶ Vasileiou, M. (2004) "Sklires systaseis apo OASA" (Tough recommendation by the OECD), in: *To Vima*, 25.04.2004, PUBGR0863

¹⁷ The Greek Ombudsman, Annual Report 2003, PUBGR0849

¹⁸ Getimis, P., Petrinioti, X. (2003) *Erevna gia ta provlimata pou antimetopizoun stelechi tou dimosiou stin exypiretisi ton metanaston-palinnostounton-prosfygon* (Research on the problems faced by public administration officers in dealing with immigrants-repatriated-refugees), Athens: Institute for Urban Environment and Human Resources, PUBGR0886

¹⁹ Psimmenos, I., Kassimati, K. (2003) "Immigration control pathways: organizational culture and work values of Greek welfare officers, PUBGR0275

general tacit amnesty for employers who fail to register their employees, fails to address the structural deficiencies of the Greek labour market system, thus perpetuating discrimination and inequality in the labour market. Statistics for the preceding year obtained by the main social security organisation, IKA, record 505,036 migrants, representing more than 25 percent of the total number of people insured.

While irregular entries in the territory of Greece have remained steady in the past years, there are minimal modifications in the migrants-refugees' ethnic composition. Therefore, there is no explicit evidence that the repeated legalisation programs have constituted a pull factor for increased migration. Instead, the refugees' ethnic composition indicates a clandestine migration caused by Arab wars. (Cfr. Statistical Annex, Chart 1).

2.3. Discrimination between regular immigrants on the basis of ethnic origin

Extensive integration and support programs funded by the European Union's EQUAL funding instrument have taken place in the past years and terminated during 2004, mostly aimed to empower and assist their beneficiaries as a remedy to the lack of effective official integration measures. Discrimination on the basis of ethnic origin is also a factor in the success of such integration programs: while some (fewer) immigrants enjoy a more favourable integration legislative framework and policies, others face either the lack of provisions for them or concrete obstacles to their participation.

ECRI in its third report for Greece notes that "a programme for the social integration of persons belonging to vulnerable groups, introduced by the Labour Ministry, is aimed specifically at 'repatriated persons of Greek origin', Roma and Greek Muslims", while "no explicit mention is made, in this and other programmes, to immigrants not of Greek origin"²⁰. ECRI in its recommendations indicates "that the creation of an intermediate 'non-citizen of Greek origin' status between that of Greek citizen and non-citizen not of Greek origin might cause discrimination based on ethnic origin"²¹.

2.4. Olympic works and immigrants

The intensity with which Olympic venues were prepared came with a cost to safety measures and working conditions, especially for immigrants who constituted a large part of the workers (especially in construction). The finalising of the works was marked by fourteen dead workers, among them eight immigrants.²² Issues of bad or precarious working conditions have also been dealt with in a survey performed by Athens Labour Centre²³.

3. Roma employment

The Roma minority seems to be a labour market segment in competition with migrants, especially irregular ones, because of the low-cost labour the latter provide. According to relevant data, the economically active Roma population is about 40% of the total Roma population.

While vocational training programs for the Roma are insufficient to improve their skill profile, mainly because of the extremely low percentage of trainees (according to the Interior Ministry 1,800 Roma community members for the period 1997-2001²⁴), the National

²⁰ ECRI, Third report on Greece, adopted December 2003, published June 2004, p. 19, PUBGR0836

²¹ ECRI, Third report on Greece, adopted December 2003, published June 2004, p. 19, PUBGR0836

²² Morfonios, N. (2004) "Rekor tis Olympiadas sta ergatika atychimata" (Record number of work accidents during the Olympic Games' preparation), in: *Avgi*, PUBGR0820

²³ Athens Labour Centre, EQUAL Survey Report on Construction Migrant Workers, PUBGR0864

²⁴ Interior Ministry, Directorate of Development programs, Letter addressed to Greek NFP, Ref. No. 44317/13.09.2004

Commitment for Human Rights (NCHR) advanced an interesting proposal in its 2003 report: to reserve a specific percentage of positions in the public sector for Roma employees²⁵.

4. Surveys

Surveys published during 2004 provide interesting information and significant indications on discrimination and xenophobia, as well as on the effective participation of immigrants and public opinion trends and contradictions.

4.1. Olympic venues preparation fever and immigrant construction workers' rights

A survey performed by the Athens Labour Centre (published in June 2004) in the framework of an EQUAL project shows that immigrant construction workers in the Olympic venues are more afraid of being laid off than of work accidents (thirteen deaths in three years).²⁶ During research they hid from interviewers, thinking they were labour inspectors in search of undeclared workers.

Among other main conclusions research demonstrated that the main problems of low wages and uninsured labour of foreign workers based on discrimination were more intense in the building construction sector and sub-contracting businesses and less in the Olympic venues and construction enterprises.

The Olympic Games' construction workers live in Greece for an average of more than eight years, while almost half of this period (more than three years) was spent in irregular status. About 73% are Albanians and 20% are university or other post-secondary school graduates, while less than 1% has not completed obligatory education. The average working day salary is about equal to the minimum daily wage stipulated by Greek law (39 €), while one of the biggest issues-problems for their immigrant status is the search for social security contributions stamps ("ensima") which are necessary in the bureaucracy labyrinth for the renewal of work permits. Almost 23% of the workers are not regularly and fully insured, therefore do not benefit from the insurance contributions which correspond to their working time. As IKA (the main social security foundation in Greece) statistics also present the daily wages of both Greek and immigrant construction workers, a gap of about 20% between the two categories (52 – 43 €)²⁷ can be seen.

The fact that in a significant percentage of work accidents in the Olympic works immigrant workers were involved is attributed to the civil engineering contractors' choice to employ unskilled and irregular workers under high intensity working conditions in order to fulfill the tight deadlines for the delivery of Olympic venues.

However, the vast majority (90 to 98%) of foreign construction workers claims that their relations with Greek colleagues were very good or excellent and that racist episodes are extremely marginal and attributed to nationalism or antagonism around the issue of high unemployment rates.

4.2 Research shows discrimination in employment – Contradictory trends in public opinion

Various attitude (interviews, opinion polls, economic analysis) surveys and research published in 2004 repeat a public opinion pattern centered on the need for low immigrant labour costs, the perception of foreign workers as a source of unemployment, problems in the labour market and in society (crime). At the same time, research has shown²⁸ that the presence

²⁵ Greek National Commission for Human Rights, Report 2003, PUBGR0233

²⁶ Athens Labour Centre, EQUAL Survey Report on Construction Migrant Workers, PUBGR0864

²⁷ Social Insurance Foundation IKA (NFPGR0248), Monthly Employment Bulletin, p.45, PUBGR0567

²⁸ Lianos, Th. (2003) "Sygchroni metanastefsi stin Ellada: Oikonomiki Dierevnsi" (Contemporary immigration in Greece: Economic Research), in: *Meletes*, Vol.51, Athens: KEPE, p.125, PUBGR0149

of immigrants has not affected the participation of Greek workers in employment; while (Greek) women have become more active in the labour market because of migration (employers tend to prefer them to immigrants). Migrants are lower paid, while they suffer from higher unemployment rates than Greeks in the whole country with the exception of Attica.

On the other hand, according to opinion surveys, more than half of the employers questioned consider the presence of immigrants in Greece negative²⁹, while more than 75% in Thessalonica (Northern Greece, with high unemployment rates) consider immigrants responsible for unemployment³⁰. It is interesting to note that the more negative opinions come from those who do not employ immigrants.

Recent surveys³¹ on migrants' working conditions show that they are overworked and underpaid. More than half of the immigrants work forty one to sixty or more hours per week, while they earn an average of 600 euros per month (only one out of four immigrants earn more than 750 euros per month).

It is clear that discrimination and xenophobia in the labour market originates mainly from working relations and is expressed mainly by employers, while constituting a "common sense" repertoire in public discourse, even if the stereotype assumptions ("immigrants steal jobs") do not correspond to reality.

However, opinion polls and surveys regarding the future of immigrants in Greece and rights to be given or not to them show contradictory results. Enhanced visibility and effective social participation of immigrants and acknowledgement of their valuable contribution in Greece's economic development are the keys with which contradictory attitudes of the Greek public may be interpreted.

An EKEME (Greek Centre of European Studies-Foreign Affairs Ministry) opinion survey³² showed a 50-50% division on conceding political rights to immigrants, from a maximum of about 65% who agree to concede Greek citizenship (after 1, 5, 10, or 20 years of regular stay), to a minimum who agree that they should be elected in public seats (42%) or as members of parliament (37%). The survey was conducted by EKEME on a sample of 1,018 persons, via telephone interviews. According to the results of the attitudes survey, Greeks see the social integration of immigrants in a positive light, while on the other hand many believe that aliens are to blame for the high criminality rates of the past years. Again, in the opposite direction, most believe that immigrants should participate in the political processes.

4.3. Effective integration and immigrant success stories

In contrast or despite a negatively depicted situation of discrimination, xenophobia and exploitation, a number of surveys, social research and findings suggest that relating to employment and social integration signs of a new situation emerge in Greece, at least for the majority of immigrants.

According to these surveys, Albanian immigrants working in major cities who have lived for a long time in an irregular situation, have finally managed to "organize their lives increasingly successfully in terms of work, residence and interpersonal relationships", as well as to "obtain legal status, learn the language and get used to the culture and way of life of the host society, while their children go to Greek schools"³³.

²⁹ Research performed by the Athens University - Department of Mass Media, reported in: "Arnitiki eikona echoun oi ergodotes gia tous xenous ergates" (Employers have a negative image of foreign workers), in: *Eleftherotypia*, 27.09.2004, PUBGR0865

³⁰ Survey by Kappa Research (NFPGR0199), reported in: "Oi metanastes ypefthinoi gia tin anergia" (Immigrants are to blame for criminality), in: *Macedonian Press Agency*, 13.09.2004, PUBGR0866

³¹ A National Employment Observatory (NFPGR0234) commissioned survey, reported in: Tzilivakis. K. (2004) "Long hours, little pay", in: *Athens News*, 24.09.2004, PUBGR0867

³² EKEME (2003) *Ratzismos kai Xenofobia* (Racism and Xenophobia), PUBGR0837

³³ Hatziprokopiou, P. (2004) "Albanian immigrants in Thessaloniki, Greece: processes of economic and social incorporation", in: *Journal of ethnic and migration studies*, 29/6, pp. 1033-1057, Carfax Publishing, PUBGR0476. This paper addresses the complex issue of Albanian migrants' economic and social incorporation in the Greek city of Thessalonica. The empirical base of the research is 30 in-depth interviews with Albanian migrants. Similar conclusions about the ascending course of Albanian migrants' social mobility can be found in the book of

According to a 2003 bank survey, the number of migrants in Greece has been calculated to be 800,000-1,000,000, with an average annual family income of 12,000 euros. Results of this survey showed an increased degree of consolidation in Greek society: Albanian families possess some 250,000 accounts in Greek banks, with an average deposit of 10,000-15,000 euros. According to the same study, all migrant households have a television and 75 percent have telephones³⁴.

Following up on this success trend, the bank system has started in the past years to provide special services for immigrants mainly for money transfers and remittances³⁵.

B. Is there any process for receiving, recording and processing complaints of racism or discrimination in employment?

Today the major complaint procedure regarding rights' offences by the public sector is to petition the Greek Ombudsman, a well consolidated and broadly accepted independent public authority operating in Greece since 1998. Especially as concerns immigrants, the Greek Ombudsman has often issued reports, findings, as well as legislative and organisational proposals in order to improve the procedures and the state policies in the areas of migration, residence permits and access to the employment system.

The complaints submitted by foreigners to the Greek Ombudsman in 2003 (Annual Report 2003, published on March 2004) on human rights issues, concerned their residence and work permit regime, while a smaller percentage concerned asylum procedures³⁶.

In its 2003 Annual Report (published on March 2004) the Greek Ombudsman emphasises that maladministration phenomena often conceal or put in evidence the administration's effort to reserve access to the labour market to specific groups. The malfunctions of the system of recognition of academic and professional qualifications are indicated as the major problem underpinning this inequality³⁷.

As far as labour market control goes, the special Labour Inspection Body is the main instrument for monitoring the application of labour law and for imposing sanctions for law infringements. ECRI and the NCHR have recommended that this body should be strengthened in order to face the challenge of a deregulated labour market. Issues that have to be dealt with are: increasing the number of LIB specialised personnel, guaranteeing its independence, providing it with effective powers and providing appropriate remuneration for the inspectors. Particularly in cases of discrimination in employment, for example during recruitment, ECRI "draws attention to the need to ensure that the labour inspectorate which deals with all infringements of the labour law is adequately equipped and specialised to intervene effectively in aid of victims of discrimination"³⁸.

However, it is worth noting that in the National Action Plan for Social Inclusion 2003-2005, the Greek authorities express their sincere conviction that the undeclared and unregulated work problem may be resolved through the regularisation of immigrants. Through the official legalisation procedure, which forces them to regularise their situation vis-à-vis social security institutions by their own means (by buying "ensima"), immigrants have been contributing to the survival of Greek social insurance system. Thus, the problem of undeclared work as framed by the Greek state exclusively concerns foreign workers, not employers. Excerpts: "*While undeclared employment does admittedly create temporary areas of flexibility in the labour market, it entails inadequate protection and limited social entitlements for the worker involved, as well as unfair competition with the majority of law-abiding workers. (...) Efforts against undeclared employment is already benefiting from two*

Labrianidis L. and Lyberaki A., (2001), *Alvanoï metanastes sti Thessaloniki* (Albanian Immigrants in Thessaloniki), Thessalonica: Paratiritis, PUBGR0335

³⁴ "Fifty percent", in: *Kathimerini English Edition*, 14.09.2004, PUBGR0880

³⁵ Tzilivakis, K. (2004), "Doing more than moving money for migrants", in: *Athens News*, 17.09.2004, PUBGR0881

³⁶ The Greek Ombudsman, 2003 Annual Report, p.87, PUBGR0849

³⁷ The Greek Ombudsman, 2003 Annual Report, p.72, PUBGR0849

³⁸ ECRI, Third report on Greece, adopted December 2003, published June 2004, p. 14, PUBGR0836

*initiatives: First, the increasing computerization of the Institution of Social Insurance (IKA), which is now able to monitor the flow of contributions in real time and thereby limit contribution avoidance. Second, the legalization of immigrants. IKA figures show that already this year 505,000 foreigners have been contributing. Third, the upgrading of the Labour Inspectorate (SEPE), which can now carry out more systematic inspections to ensure compliance with regulations on pay, working conditions and workers' rights."*³⁹

C. What initiatives/good practices against racism and discrimination in employment have taken place during 2004?

In 2004 a number of EU funded EQUAL projects reached their final implementation and evaluation phase. These projects aimed to combat racism and xenophobia in the labour market, therefore the social exclusion and discrimination of immigrants and minorities, particularly as regards their access to employment.

In the framework of such projects a considerable number of interventions have been realised with the aim of combating racist and xenophobic phenomena and promoting best practices in dealing with migration and refugee social integration issues.

The three main project consortia implementing EQUAL projects for migrants' access to the labour market are⁴⁰:

- a. "FORUM for Social Cohesion" – Development Consortium for Equality and Social Cohesion – coordinator: Athens News Agency – intervention area: North Aegean, Thessalia
- b. "DREAM- Fighting racism and xenophobia in the media" – Coordinator: Dimitra Information and Formation Centre SA – intervention area: Athens, Thessalonica, selected periphery areas
- c. "Centre for Post-information for migrant, repatriated, refugees" – Coordinator: International Migration Organization-Greece – intervention area: Attica, Xanthi and other regions

The first two projects mainly focused on the role of the media and the improvement of the situation as regards discriminatory practices and public stereotypes against immigrants. The third focused on job matching, vocational training certification and improvement, as well as on the resources and the services provided to third country nationals for their integration under better conditions in the labour market. All three projects developed structures for the support of immigrants as individuals and in their relations with the state, and disseminated information on the legal framework governing immigration. In addition to these activities, they organised a number of public initiatives and conferences in order to promote best practices and synergies in combating racism and xenophobia.

In the framework of the National Action Plan for Social Inclusion 2003-2005:⁴¹

- The objective is set of upgrading the position of immigrants in the labour market, through the recognition of their contribution to the economy: *"Economic migrants, especially those from neighbouring countries, have played an important role in the country's growth over the last decade. Their involvement, and a drawing of attention to the qualitative aspects of their employment, should be more closely linked with prospects for further development, so that they do not continue to be seen merely as a pool of cheap labour."*⁴²

- For the period 2003-2006 it is planned to implement an "operational programme for immigrants, for their smooth integration in society, which will manage resources of 260 million euro"⁴³, including among others: information, advisory and support services for immigrants, development and promotion of opportunities for their integration into the labour market.

³⁹ National Action Plan for Social Inclusion 2001-2003, p.26, PUBGR0729

⁴⁰ Information provided by the Labour Ministry, Ref. No. 232122/07.10.2004

⁴¹ National Action Plan for Social Inclusion 2003-2005, PUBGR0814

⁴² National Action Plan for Social Inclusion 2001-2003, p.17, PUBGR0729

⁴³ National Action Plan for Social Inclusion 2001-2003, p. 40, PUBGR0729

- The Joint Ministerial Committee coordinated by the Ministry of the Interior, Public Administration and Decentralisation for Roma has pledged to provide services in the areas of training – promotion of employment of Roma community members.

In the framework of the National Action Plan for Employment 2003:

- The Interior Ministry has launched an operational program for the integration of migrants covering the period 2003-2006 with resources which amount to 260 million euro. The plan provides for measures for the promotion of migrant employment, improvement of education and health services provided to them, as well as temporary accommodation and reception infrastructures.

- The Greek National Statistics Agency is set to improve the validity and reliability of the Quarterly Labour Force Survey concerning immigrant workers.

D. Describe any issues or developments concerning undocumented migrant workers, which came to notice in 2004.

New legislation (Law 3242/2004) passed in parliament by the four-month-old government gave more than 100,000 immigrants in Greece a chance to renew permits that had expired last year through payment of a certain amount for social security contributions. The amendment stated that residence permits that expired on June 30 2003 (based on Article 23 of Law 3103/2003) were automatically extended to June 30 2004. The extension also applied to immigrants whose residence permit had expired after 30 June 2003 and up to May 24 (the date Law 3242 came into force)⁴⁴.

Furthermore, a new law on the entry and stay of third country nationals is under elaboration by the Interior Ministry according to information provided in a letter⁴⁵ addressed to the Greek NFP. New provisions are expected to improve the conditions for the integration of immigrant in Greek society. The projected measures include: introductory language and cultural courses, professional orientation, exercise of their civil rights, initiatives to combat discrimination and codes of conduct for the social participation of immigrants on a local level.

⁴⁴ For further information, cfr. Section III of this report, concerning Legislation

⁴⁵ Ref. No. 13228/2004

II. Education

A. What is the publicly available evidence of racism and discrimination in education during 2004?

The 2003-2004 school year was characterized by increased participation of second generation immigrant children in education and a series of both institutional and isolated incidents and attempts of exclusion and discrimination against them.

It was also a year in which the Roma and Muslim children projects completed certain phases of activity and presented their results. Moreover, the material and activities for vulnerable groups in education increased and reached a certain critical mass in public and academic discourse.

In fact, it's worth noting that the National Action Plan for Social Inclusion 2003-2005, in contrast with the previous one (2001-2003), contains specific policy directives for integrating vulnerable groups such as Roma, Muslim minority and immigrants (although with a clear focus on repatriated ethnic Greek immigrants) in education.

However, the effective situation in education depicted by the data is still marked by inequality, illustrated by different rates of attainment, higher dropout levels and lower participation rates for minority groups.

Intolerance of the other non in-group members, xenophobia and prejudice are indicators of a deeply ethnocentric socialising national education system aiming at the creation of a solid national-religious identity. This type of educational system has not stemmed from a nationalist or xenophobic attitude towards migrants or the massive presence of non-Greeks in the Greek educational system, but is the direct consequence of the role the educational system has always played since the creation of the modern Greek nation-state⁴⁶. It can therefore be plausibly assumed that this is the reason for which programmatic declarations of multiculturalism and anti-racist policies have not been effective: in reality, they do not attempt to challenge the structural and systemic role of the educational system in Greek society, which is based on exclusion, rather than inclusion.

The Ombudsman for children rights

There are currently no specific legal provisions for the prevention or monitoring of racial, ethnic, cultural or religious harassment and discrimination in education.

The main sources of information on discrimination, exclusion and nationalist tension in schools are the media and the NGOs.

The newly founded department for the rights of the child of the Greek Ombudsman is an independent agency, which deals with violations of children's rights in general and in particular in education, irrespective of the perpetrator (public or private bodies and individuals). The Greek Ombudsman's department for children's rights is based on the European Child Ombudsman institutions model, and is a member of the European Network of Ombudsman for Children. During its first year of operation, half of the maladministration/children' rights violation cases concerned the area of education⁴⁷ and in particular the access and the attendance of children from vulnerable groups in education⁴⁸. In fact one of the most important cases the new Ombudsman department dealt with was the (temporary) prohibition to register undocumented migrants' children in public schools.

⁴⁶ For a further analysis of the educational system's role in socialising children through the formation of a specific positively-valued hermetically closed national identity, see the Greek NFP's Analytical Report on Education 2002.

⁴⁷ The Greek Ombudsman, Annual Report, 2003, PUBGR0849

⁴⁸ The Greek Ombudsman, Annual Report, 2003, p.183, PUBGR0849

1. Cases of discrimination in education

1. In the beginning of the school year 2003-2004 a circular issued by the Interior Ministry suggested that children of undocumented immigrants should not be accepted in public schools. Following the intervention of the Greek Ombudsman and the issuing of a relevant circular from the competent Ministry of Education, which instead guaranteed their access to education in accordance with the Convention on the Rights of the Child, the prohibition has been practically lifted, although the Interior Ministry never withdrew its circular, with the argument that access of undocumented immigrants in education infringes on the migration law. Nevertheless, a number of children may have had problems in registering in schools throughout Greece, as denounced by immigrant support organisations.

2. A year later, in the beginning of the school year 2004-2005 the police irrupted in a higher secondary education night school seizing the school archives and arresting a Ukrainian woman, aged 30, who was registered in the night school but never attended classes, for she was employed as a dancer in a night club. The possibility that she had used the student residence permit, issued for her to study in a higher secondary technical education institute, as a cover up for another type of presence in the country, caused further disturbances between the two ministries. In this case a gap or inefficiency in the residence permit system compromised the openness of the educational system, incriminated for lack of control.

3. During the school year 2003-2004, the number of introductory courses for immigrants was further reduced. This trend was verified already in 2002-2003 when the reception courses were cut from 500 to 426 and the supplementary coaching courses from 701 to 231. According to the Ministry of Education and Religions, this decrease is due to the diminishing needs of schools for supplementary support for the immigrant children⁴⁹. However, as the attainment rates show and as civil society organizations stress, this decrease is a further limitation of the already insufficient state provisions⁵⁰.

2. School national parades and the issue of the Greek flag

The issue of aliens holding the national flag during school parades surfaced again in October 2003⁵¹. Reactions by Greek parents and Greek students to the holding of the flag by top scoring Albanian student Odysseas Cenaj have focused again the public's attention to the parade and flag problem of a de facto multicultural school (at least as far as its ethnic composition goes). Similar cases were documented throughout the country⁵², although elsewhere in a large number of similar cases of foreign pupils holding the Greek flag no reactions whatsoever were recorded. The majority of the media reported and focused on such occasions on the positive examples of multiculturalism or/and assimilation-integration of immigrants.

During summer 2004, past tensions which had caused Greek parents to object to Cenai holding the Greek flag were forgotten: Cenai not only succeeded in the admission examinations for the Greek university, but was awarded a scholarship by the renowned

⁴⁹ According to the Ministers' Decision Φ10/20/Γ1/708/7-9-99, the necessary condition for the creation and function of Reception and Support Classes in the framework of intercultural education aiming at the regular and balanced integration of repatriated and alien students in the hellenic educational system with intensive programmes for the preparation and learning of the hellenic language as a secondary language, is: a) the smallest number of students in order to create a Reception Class is 9 and the biggest one is 17; b) the smallest number of students in order to create a Support Class is 3 and the biggest one is 8. Therefore, the possible reasons for the Reception and Support Classes not to function in certain cases may be the insufficient number of students.

⁵⁰ Cfr. the Greek NFP's Analytical Report on Education 2002

⁵¹ "Greek flag divides school children once again", in: *Athens News* (28.03.2001), PUB/GR/0061

⁵² Nodaros, M. (2003), "To vilaeti ton aganaktismenon" (The land of the "despaired"), in: *Eleftherotypia* (22.03.2003), PUBGR0055; Nodaros, M. (2003), "Xanahtypian oi Ellinares" (The "real Greeks" are back), in: *Eleftherotypia* (26.03.2003), PUBGR0056

Boston university, MIT, and departed for the USA among claims by the same Greek parents that they were proud of him and felt him as their own!⁵³. Moreover, the Minister of National Education stated in the Committee of the Parliament on Cultural Cases at the beginning of the school year 2004-05: "I'm explicit: the flag honors the person who holds it and not the opposite. Therefore, any alien who accepts to hold the Hellenic flag, given that he is first in the class, is entitled to do so. My position is specific and has repeatedly been supported before my career as a Minister, always in conformity with the Universal Declaration of Human Rights". It is equally necessary to make a reference to the circular 117509/Γ2/20-10-04 of the Ministry of National Education, where it is specified that "in the procedure of the selection of the person to hold the flag as well as the persons responsible to lay a wreath, the best in class participate, independently of his/ her national origin and nationality".

However, despite the firm public condemnation of such practices, no disciplinary action or of any other kind has been undertaken for those cases, in which immigrant students were forced not to carry the flag in violation of the relevant legislation.

3. Survey: Teachers as "gate keepers" and pivotal migrant integration managers

According to an EQUAL funded survey⁵⁴, primary and pre-school education teachers have a crucial role to play for the integration of migrant children as "gate keepers" for education and culture. This is another research revealing a double faced attitude towards immigrants. On the one side prevails a negative and xenophobic general and dominant majority view; on the other side emerges a clear recognition of their social and cultural rights and the need for them to be integrated in Greek society. According to the survey's findings:

- Teachers dispose of very limited information about the real dimensions of the migration phenomenon in Greece and tend to overestimate the numbers.
- They usually adopt the media stereotypes and express xenophobic ideas.
- Their attitude is different towards different ethnic groups and they are negative toward the largest groups of migrants in Greece (Albanians and Balkan country citizens).
- However, they believe that the education services they offer are not adequate to meet the educational needs of immigrants.
- Most believe that migrant children have the right to be taught their mother tongue in Greek school.
- They stress that there is a total lack of adequate educational material and books and specialized programs for the integration of immigrant children into the Greek school.

4. "Excessive" number of Roma children in schools

An illustrative case of the problems in Roma education was recorded in June 2004 when parents occupied a primary school in a village in the Peloponnesese (Sagheika Achaias)⁵⁵ in order to prevent the area's Roma children from registering in the school for the upcoming school year. The non-Roma parents argued that their "excessive" number (70 pupils out of 120 are Roma) in the classroom was causing dysfunctions in the school and in the quality of the education provided to their own children. The local mayor justified the parents. In the following days the municipal council issued a decision encouraging the

⁵³ "Yperiganoi gia ton Tsenai dilonoun tora sti Michaniona" (Now they say they are proud of Cenai in Michaniona), in: *Eleftherotypia* (31.08.2004), PUBGR0828

⁵⁴ From the survey of Getimis, P., Petrinioti, X. (2003), *Erevna gia ta provlimata pou antimetopizoun stelechi tou dimosiou stin exypiretisi ton metanaston-palinnostounton-prosfygon* (Research on the problems faced by public administration officers in dealing with immigrants-repatriated-refugees), Athens: Institute for Urban Environment and Human Resources, PUBGR0886

⁵⁵ "Katelavan to scholio gia na min graftoun ta Tsigganopoula" (They seized the school to stop Gypsy children from registering), in: *Ta Nea* (03.06.2004), PUBGR0879. Many other similar cases are reported by the media e.g. Nodaros, M. (2004), "Den theloun ta Tsigganopoula" (They do not want Roma children), in: *Eleftherotypia* (04.06.2004), PUBGR0834

educational authorities to establish special preparatory classes and a regular special school for Roma children inside the Roma settlement, in order to avoid problems in the regular school activity. In the special school, as in other similar schools, the special Roma children education program is actively implemented, yet the acceptance of Roma children and the efficient operation of the school leave much to be desired. Moreover, such violent actions discourage Roma children from attending school and lead to the abandoning of the education system in its very early stages.

B. What evidence is there for inequalities in educational performance and attainment by migrant/minority groups in primary, secondary – general and vocational – and further/higher education?

1. Migrants in education

The relevant official analysis published by the Institute for Greek Diaspora Education and Intercultural Studies contain data on migrant children's school attainment, distinguishing between alien and ethnic Greeks. The main conclusion is that the increased number of immigrants in the classroom does not affect overall performance. School attainment is improved for those students living in Greece for many years⁵⁶. However no comparison is included in the data with the total of Greek students in secondary education. Migrant children generally present an increased dropout rate, especially after lower secondary and before higher secondary education, mainly because they tend to enter the labour market sooner than Greek students. The dropout rate is worse for non ethnic Greek third country nationals, slightly worse for Albanian ethnic Greeks⁵⁷ and better for repatriated ethnic Greeks, creating a continuum which reflects the success of their family's integration into Greek society. This continuum also reflects the different degree and extent of public policies and initiatives dedicated to education for each ethnic group.

2. Roma education

Existing data concerning Roma enrolment in Greece in the past years have not been reliable: Roma pupils are not recorded systematically in school registers and some schools have reported that they enrol simply in order to collect a 300 euro annual education benefit available to those with a declared annual income of less than 3,000, euro, but do not actually attend classes. Although, for many years there were no official statistical data on attendance and dropout rates, the Education Ministry repeatedly stated that the implementation of the "Roma Children Education" project reduced the dropout rate from 75 percent to 24 percent⁵⁸. Interim statistics and data provided in the past years by the project implementers showed significant inconsistencies, thus they were not sufficient to provide a reliable picture of the situation.

The statistical improvement of indicators throughout Greece was confirmed in 2004 by the Department of Pedagogy of the University of Ioannina, which published a set of data elaborated throughout the project activities (not official statistical data issued by the education authorities). According to the University of Ioannina, the project achieved to raise Roma enrolment in the educational system at primary school level from 25 percent to 75 percent and reduced the dropout rate. Yet, critics point out that the actual participation of Roma children in the Greek educational system is still low and that the data provided are not reliable and do

⁵⁶ Gotovos, A., Markou, G. (2003), Repatriated and foreign students in Greek education, Athens: Institute for Greek Diaspora Education and Intercultural Studies, p.124, PUBGR0560

⁵⁷ Pavlou, M. (2003), "Alvanoï Ellines stin Ellada" (Albanian Greeks in Greece), in: Tsitselikis, K., Christopoulos, D. (eds.) (2003), *I elliniki meionotita stin Albania* (The Greek minority of Albania), Athens: Kritiki, PUBGR0872

⁵⁸ Stamelos G. (ed), (2002), *To elliniko ekpaideutiko systima* (The Greek educational system), Centre for Educational Research, Ministry of National Education and Religious Affairs, Athens, p. 238, PUBGR0783

not reflect reality, while the statistical depth of the analysis is only to the level of municipalities and prefectures (instead of an analysis per school or complexes of schools).

Media publications on the Roma education problem and the persistence of the non-attendance problem have not ceased to be numerous and certainly are in contrast with the low dropout rates claimed by the project implementation evaluation. The persisting housing problem and employment and social protection problem of the Roma appear to constitute the most crucial factors for improving the situation in education. Despite efforts there have been incidents of Roma exclusion from education, while the state has taken no action against such racist attitudes and exclusion of children from education, often incited or tolerated by local administration officials (see above: Sagheika case). A typical case of the inertia of state educational authorities in guaranteeing the access of Roma children to schools is a case reported by the Greek Ombudsman. In this case, the intervention of the Ombudsman, in coordination with the University project manager, was necessary in order that a third public body (Service for the rehabilitation of earthquake victims, YAS) provide prefabricated classrooms to an elementary school in the Peloponnese. Until then, Roma children were excluded from the school with the argument that the building facilities were insufficient⁵⁹.

3. Muslim minority – improvement of dropout indicators

While a considerable number of Thrace Muslim minority children still stop school after completing elementary education (1 out of 5) and only 44 percent of those who do continue to lower secondary school make it to higher secondary education, a notable improvement has taken place concerning the total number of minority children entering secondary education. According to research performed in the context of the Muslim children education project in Thrace⁶⁰, the 46 percent rate of students dropping out after elementary school in the late nineties (1997-98) has become 22 percent in the period 2001-2002, while from the number of 750 pupils attending school in 1990-1991 during the last school year (2003-2004) the total number of Muslim pupils in lower secondary education is 3,000⁶¹.

Today 95 percent of Thrace Muslim minority children attend elementary education. 75 percent of the elementary schools have less than 30 pupils. The main problems they face are insufficient infrastructure and school premises in bad conditions⁶².

While Muslim minority leaders agree that the situation has improved of late⁶³, there remains a lot to be done. The Muslim minority education system, based on the treaty of Lausanne, has been built up through the bilateral cultural protocol and agreement signed, respectively in 1968 and 2001. It must be noted that the Agreement on Cultural Cooperation, signed in 2001 between Greece and Turkey, which replaced that of 1951. One of the issues which have become evident in the past decade, thanks to the recording and data elaboration performed in the framework of the education intervention project, is the extensive brain-drain suffered by the Muslim minority through immigration caused by the high unemployment and slow economic development of the area.

C. What initiatives/good practices against racism and discrimination in education, or in favour of multiculturalism and diversity have taken place during 2004?

Various seminars and training programs have been held in 2004, mainly in the framework of EU-funded projects, focusing on socially vulnerable groups, such as the Roma,

⁵⁹ The Greek Ombudsman, Annual Report, 2003, p.186, PUBGR0849

⁶⁰ ACTGR0329

⁶¹ University of Athens, ACTGR0329; Press release - Evaluation of "Muslim children education" project, 2004, PUBGR0869

⁶² University of Athens, ACTGR0329; Press release - Evaluation of "Muslim children education" project, Statistical data, 2004, PUBGR0869

⁶³ "Synentefxi me ton Moustafa Moustafa" (Interview with Moustafa Moustafa), in: *Epochi* (16.05.2004), PUBGR0870

the Muslim minority and immigrants. For teachers working in schools with high percentages of migrant children, there have been programmes of further education, as well as programmes for the psycho-social support of migrant students⁶⁴. For Roma minority and Muslim minority school teachers, the main seminar activities were those performed by the University of Ioannina and the University of Athens projects respectively.

What seems to significantly differentiate these two types of cultural minority-focused projects is their distinct methodology and aims. The choice of using and preserving the mother tongue (Turkish) of the Thrace Muslim minority has led to a bilingual and bi-/multicultural educational program content (also on the basis of international treaty provisions). However, the Roma mother tongue has been left outside the school, as the project's educational content aimed mainly at assimilation and mainstreaming of Roma education.

Both projects have developed appropriate curricula, syllabi and educational material under this distinct philosophy of preserving or integrating-transforming the minority cultural background. In the first case specifically designed curricula has been elaborated for the Muslim children with an extended series of textbooks, while in the second case the educational material aims at supporting the Roma children in joining the education designed for the rest of Greek children and assisting the teacher in this process (mainly handbooks and introductory material).

As far as Roma education is concerned, according the Interior Ministry data for Roma targeted actions, in the period 1998-2001 a general training program was implemented for 3,000 teachers, while for the period 1997-2001 100 vocational training programs for adult Roma were held and 1,800 Roma community members were trained.

Many other initiatives also took place during 2004, among them conferences and seminars for teachers and public officials. For example, the University of Athens – Centre for Intercultural education (KEDA) has produced a notable number (72) of publications for preschool, elementary and lower secondary education material oriented mainly towards foreign pupils (especially of Albanian and Russian mother tongue), aiming to integrate them in mainstream education.

The Greek Ombudsman (Department for Children's Rights) issued a press release in the beginning of the 2004-2005 school year with a view to promoting and guaranteeing the free access to education and inclusion through positive support measures of vulnerable groups such as the Roma and undocumented migrants.

D. Describe briefly the main state provisions for minority education in your country

1. Foreign nationals' education

Since 1996 and according to Law 2413⁶⁵ pupils whose mother tongue is not Greek may be assisted through the implementation of intercultural education methods to facilitate their integration into the education system. Such methods are reception and tutorial classes operating in mainstream schools and the establishment of intercultural schools.

A Greek public school is designated by law⁶⁶ as "intercultural" when the number of pupils with foreign nationality "reaches or exceeds 45 percent of the total number of pupils". In practice, however, although most inner city schools in the main urban centres of Athens and Thessalonica have by far exceeded this ratio they have not been designated as

⁶⁴ An example of this is the initiative of the prefecture of Macedonia, Pr. Xochellis, as member of the scientific committee of the prefecture of Macedonia, addressed to the Directors and Teachers' Associations' of the area's schools, PUBGR0808

⁶⁵ Greece, N. 2413/1996 (FEK 124A/17.06.1996), PUBGR0468

⁶⁶ According to Law 2413/1996 - Greece, N. 2413/1996 (FEK 124A/17.06.1996), PUBGR0468

intercultural to avoid the increased operational costs, despite protests by both parents and educators.

During the school year 2002-2003 26 intercultural schools (13 primary schools, 9 lower secondary and 4 higher secondary) operated, mostly concentrated in the urban centres of Athens and Thessalonica catering for the needs of returning Greek emigrants, ethnic Greek immigrants from Albania and the NIS and immigrants of other nationalities. In fact, according to official statistics on foreign pupils in primary and secondary education, in 2003 there were at least 244 schools with over 40 percent foreign pupils⁶⁷, while their average age was 10,7 years old⁶⁸.

Intercultural schools must contain a “balanced mixture of majority and minority pupils” and follow the state curriculum with additional hours devoted mainly to (Greek) language tuition. In many of these schools other activities (such as health or environmental education) may also be organised by teachers on an ad hoc basis.

There is no provision for the teaching of the immigrant’s mother tongue, history or culture. In this way the designation “intercultural” is merely based on the pupils’ multi-ethnic composition, while as far as the content and the curriculum go, extra educational attention is only focused on integration in the Greek cultural paradigm (through additional language and other courses). Therefore, it is a type of education aiming at integration through assimilation.

2. Roma education

Special legal provisions for the education of Roma children are still deficient, although a rather ambitious set of projects has been promoted in the past years for this purpose. The departure point for these projects has been the “intercultural” education schools, and their ultimate aim, acknowledged by the projects’ head researchers, is the assimilation of the Roma minority. The main legislative provision for Roma education established by the Education Ministry⁶⁹ is an annual benefit of 300 euro for every child enrolled in primary education, provided to families with a declared income of less than 3,000 annually euro (mainly Roma families⁷⁰).

Moreover, the Roma education program introduced a “Roma Pupil Identity Card”, an official document that allows itinerant Roma to enrol and follow classes in any school in the area in which they temporarily reside for any amount of time. This provides them with the desired flexibility to continue their way of life and receive the benefit of state education. In practice this card also allows permanently settled Roma to avoid various bureaucratic formalities when enrolling their children. In addition, induction classes are also to be noticed. These classes operate during school hours, where Roma students are taught in case they cannot attend regular classes. During the year 2001-2002 there were 110 such primary school classes with 1.972 pupils attending. The total number of Roma students in primary education in 2001-2002 was 6.304 while 5.060 attended primary school classes in 1997.

According to the Education Ministry and the University of Ioannina, the project achieved to raise Roma enrolment in the educational system at primary school level from 25 per cent to 75 per cent and reduced the drop out rate. However, critics point out that the actual participation of Roma children in the Greek educational system is still low and numbers do not reflect reality, while the persisting housing problem and employment and social protection problem of the Roma are crucial factors for improving the situation in education. Despite the

⁶⁷ Gotovos, A.; Markou, G., (2003), *Palinnostountes kai allodapoi mathites stin elliniki ekpaideusi* (Repatriated and foreign students in Greek education), Athens: Institute for Greek Diaspora Education and Intercultural Studies, p.3, PUBGR0560

⁶⁸ Gotovos, A.; Markou, G., (2003), *Palinnostountes kai allodapoi mathites stin elliniki ekpaideusi* (Repatriated and foreign students in Greek education), Athens: Institute for Greek Diaspora Education and Intercultural Studies, p.75, PUBGR0560

⁶⁹ Greece, Ministerial Decision 2/37645/0020/08.07.2002, PUBGR0145

⁷⁰ On October 8, 2002 Vice minister of Finance Mr. Florides in Ministerial statement No 2/54424 in reply to the coordinator of Muslim minority education stated that Muslim minority and registered migrant parents are also entitled to the 300 Euro benefit.

efforts of the project organisers there have been incidents of Roma exclusion from education, while the state has taken no action against such incidents, often incited or tolerated by local administration officials.

3. Jewish community education

The educational needs of the Jewish community were acknowledged through Law 1623 of 1882. Today there are only 3 Jewish primary schools operating in Thessalonica, Larissa and Athens connected to the Jewish Communities (public bodies).

4. Muslim minority education

The Treaty of Lausanne ratified by Greece in 1923⁷¹ constitutes the legal basis of the minority education system. Two Koranic schools operate in Komotini and in Echinos, which are recognised as equivalent to the Religious Lyceums of the country. Articles 40 and 41 give the minority the right to establish private and public schools but in practice this division between public and private schooling is not implemented. Actually, the legal status of minority schools combines elements of private and public education. In effect, minority schools are registered as private schools, but are under the direct control of the state, while a complex system of legal provisions governs their establishment and operation. Furthermore, the Greek-Turkish Cultural Protocol of 1968 and the respective agreement of 2001 regulate the co-operation between the two states for the technical assistance of their mutual minority education. Further binding legal instruments concerning education in the minority mother tongue are also provided for by international human rights treaties, such as the International Covenant on Civil and Political Rights (article 27), ratified in 1997 and the Convention on the Rights of the Child (article 30), ratified in 1992⁷².

Finally, Law 2341 of 1995⁷³ instituted a pioneering system of affirmative action for the Muslim minority: 0.5 percent of all higher education places (or at least one per department) are reserved for Muslim minority students, with the result that 178 Muslim minority students enrolled in 2002-2003.

E. Briefly present how the issue of religious symbols in schools is addressed (headscarves, crosses etc.)

In Greek schools the Christian Orthodox cross is present in every classroom. Moreover, every school year starts with the Orthodox holy water rite of blessing and every school day starts with Christian Orthodox morning prayer in the school yard. The privileged status of Orthodox Christianity in Greek education (being the dominant religion according to the preamble to the Constitution) has not yet been seriously challenged. As a consequence, the controversial issue of non-Orthodox Christian religious symbols has not surfaced in Greece yet.

It is worth noting that the Ministry responsible for education is also responsible for religious matters (Ministry of National Education and Religions⁷⁴). Christian Orthodox religious instruction in schools is a compulsory course for Orthodox Christians and is subject

⁷¹ Convention Concerning the Exchange of Greek and Turkish Populations (Appendix A, Article 2), Lausanne January 30, 1923 between the Government of the Grand National Assembly of Turkey and the Greek Government. English text available at <http://www.hri.org/docs/lausanne/> (09.09.2004), PUBGR0465

⁷² For an extensive analysis of the legal aspects of minority education refer to Baltiotis L. and Tsitselikis, K. (2001) *I meionotiki ekpaideusi tis Thrakis* (The education of the minority in Western Thrace), Athens-Komotini: A.N. Sakkoulas, PUBGR0362

⁷³ Greece, N. 2341/1995 (FEK 208A/06.10.1995)

⁷⁴ Please refer to the Greek NFP's Analytical Study on Education for more information on this subject.

to examinations. Believers in other faiths may request in writing their exemption from religious instruction.

The influence of the Church in the educational system is in many cases excessive. During 2004 a local Education Directorate (of Piraeus, which is the third most populous municipality in the country) undertook a “pupils’ referendum” on a controversy between the Greek Orthodox Church and the Istanbul-based Ecumenical Orthodox Patriarchate, which was cancelled by the Ministry of Education after the document in question reached the schools⁷⁵.

⁷⁵ “Apesyran to dimopsifisma gia tin ekklesiastiki kontra” (They withdrew the referendum on the ecclesiastic controversy), in: *Ta Nea* (07.05.2004), PUBGR0871

III. Legislation

A. Describe any new legal provisions or developments concerning the transposition of Directives 2000/43/EC and 2000/78/EC, especially regarding the development or creation of a specialised body

1. The transposition of Directives 2000/43/EC and 2000/78/EC

Year 2004 was marked by legal action taken by the European Commission against Greece and five other member states for failing to transpose the two anti-discrimination directives (2000/43/EC and 2000/78/EC). On July 19 2004, one year after the deadline for transposing the Racial Equality directive (2000/43/EC) and almost seven months after the deadline for transposing the Employment Framework directive (2000/78/EC) expired, the EU decided to go to the European Court of Justice in order to enforce the EU law.

The previous Greek government prepared and tabled in Parliament a draft law for the directives' transposition in February 2004 (a law proposal drafted by the Ministries of Justice, Health and Labour), the discussion of which was interrupted by the national parliamentary elections held on 07.03.2004.

The final draft law, entitled "Implementation of the principle of equal treatment irrespective of racial or national origin, religious or other beliefs, disability, age or sexual orientation", also provided for the establishment of a number of public bodies for the promotion of equal treatment and the implementation of a complaints' procedure. The initial 2003 draft provided that the Greek Ombudsman, through an amendment of the Law establishing the Greek Ombudsman's Office, would be assigned the task of promoting the principle of equal treatment without discrimination on the grounds of racial or ethnic origin and would deal with cases of violations involving private and legal persons. However, the Greek Ombudsman, dealing almost exclusively with state maladministration, never having been consulted on the issue and lacking the necessary resources for this extension of its mandate, refused. The resulting delay during 2003 led to a new formulation, which divided the equality body mandate between the Greek Ombudsman, for the protection of the equal treatment principle in regard to public authorities, and the to-be-founded Commission for Equal Treatment (composed of independent academics appointed by ministerial decision of the Minister of Justice). The Commission, supervised directly by the Minister of Justice and assisted by an Equal Treatment Service belonging to the same ministry, would deal with issues concerning the equal treatment principle and discrimination violation by all other private and legal entities.

The draft bill was the object of severe criticism for failing to efficiently transpose the directives into the Greek legal order.

As described by independent reports⁷⁶, there are today two procedures for dealing with discrimination complaints in Greece. The first concerns the Greek Ombudsman, who deals with rights' violations and discrimination by state authorities. The second concerns criminal courts, which are competent to enforce Law 927/1979 on racist offences. While the Greek Ombudsman's opinions are not legally binding, though the administration usually complies with its recommendations, there are also many problems with the court procedure, notably the lack of a shift of the burden of proof. "Courts have never effectively applied anti-racism Law 927/1979. A series of recent criminal proceedings targeting the publication of anti-Semitic, xenophobic/racist texts in the press, brought before Greek criminal courts by an NGO (Greek Helsinki Monitor), have not had any effect, mainly due to misinterpretation by Greek courts of the above statute."⁷⁷

⁷⁶ Sitaropoulos N. (2003), Executive summary on race equality directive. State of play in Greece, PUBGR0832

⁷⁷ Sitaropoulos N. (2003), Executive summary on race equality directive. State of play in Greece, PUBGR0832

In the meantime, a new department of the Greek Ombudsman established through Law 3094/2003 has become active in the protection and promotion of the rights of children, irrespective of the public or private status of the perpetrator. As far as Children's Rights are concerned, the Ombudsman's mandate has thus been extended to private and legal entities.

ECRI in its third report for Greece has stressed that any anti-discrimination body must "absolutely have independence on a par with the Ombudsman and be granted the capacities necessary to assist victims of racism and racial discrimination in an effective manner."

In November 2004 a bill was submitted to Parliament by the Ministries of Justice and Employment. This bill sets forth the guidelines concerning the incorporation of the Equal treatment principle in national law. Three agencies were envisaged:

- a) the Greek Ombudsman, which keeps its mandate for discrimination acts and omissions by the public administration on the grounds of racial or ethnic origin, for what concerns respect of the equal treatment principle by public authorities.
- b) the Commission for Equal Treatment (to-be-founded), a body annexed directly to the Justice Minister, assisted by a special Equal Treatment Service in the same ministry. It will deal with the rest of the mandate, regarding all private persons and legal entities. The Equal Treatment Service shall deal with equal treatment principle and discrimination violation by private and legal entities.
- c) the Labour Inspectorate Body shall be assigned the role of monitoring and controlling discrimination cases in employment assisted by the Equal Opportunities Department of the Directorate for Social Protection of the Labour Ministry. Additionally, the Economic and Social Committee (under par.2, art.82 of the Greek Constitution, and the Law n.2232/1994) will perform duties of the reporting body about implementation of anti-discrimination law, issuing also the annual report to be submitted to the European Commission.

2. 'Second chance' program for legalisation of immigrants

During summer 2004 the administration undertook the implementation of the residence permit application procedure provided for by Law 3242/2004 (24.05.2004)⁷⁸, which provided among others two positive adjustments. Article 25 offered migrants whose permits expired in the preceding year and who did not manage to renew them a "second chance" to do so before 30.06.2004. This was the fourth time the term "second chance" is used to describe legalisation programs and their extensions (1997, 2001, 2002, 2004). Besides, Article 25 of Law 3242/2004 gives third country nationals the possibility of buying the insurance stamps required for the issue of a work permit (stamps corresponding to 150 days).

According to the Law's provisions residence permits which expired on 30.06.2003 (based on Article 23 in Law 3103/2003) were automatically extended to 30.06.2004. The extension also applied to immigrants whose residence permit expired after 30.06.2003 and until 24.05.2004 (the date the new law came into force). It also applied to foreigners who registered in the summer of 2001, when the legalisation process began, but never managed to apply for work and residence permits.

The final deadline was set for 07.07.2004 after local immigrant communities called for a further extension of the June deadline. There was a lot of confusion in the implementation phase and staff at municipalities (handling applications for residence permits) and prefectures (handling applications for work permits), as well as the state social security foundation IKA (issuing social insurance stamps for immigrants in order to declare legal employment). In fact the main social insurance agency (IKA) was unprepared, initially

⁷⁸ Greece, N. 3242/2004 (FEK 102A/24.05.2004), PUBGR0352

demanding conflicting numbers of insurance time (150 to 300 working days), until a ministerial circular set the exact rules for implementing the new law provision.

B. Describe any other relevant legal provisions or jurisprudence established in 2004.

Ministerial Decision 4865/2004 (30.4.2004)⁷⁹ in application of L.3207/03, provided for a special set of procedures and rules for foreign workers employed in the Olympic Games. This decision provided for accelerated and flexible procedures for entry visa and residence/work permits for specialised personnel in the Olympic Games (ticketing, IT, telecommunication, medical care, sportscasters, interpreters, marketing, timing services etc.) for a maximum of 7900 foreign workers.

The issuing of temporary residence permits to victims of trafficking has already been provided for by Circular 36/9932 (22.06.2004)⁸⁰ of the Interior Ministry, which implements the provisions of Presidential Decree 233/2003⁸¹. NGOs have complained of delays and lack of information⁸² regarding the issuing of residence permits to recognized victims who have already applied for them.

Greece has followed the path of other member states in not granting full freedom of movement to the citizens of new EU member states, with the exception of Cyprus and Malta. Citizens of the eight remaining new member states arriving in Greece after 1st May 2004 are entitled to a residence permit but not to a work permit at least for the next two years. Citizens already in Greece before May 2004 are entitled to a five year residence and work permit, providing that they are fully insured and can prove a minimum of social security contributions, specifically that they have been employed legally for at least 12 months in the country, before 1/5/2004 following application of the Accession Agreements.

Finally, a welcome amendment is under way (October 2004) in the main migration law concerning family reunification provisions (in order to fully comply with the relevant EC Directive), allowing the entry of a couple's parents and of adult dependent children up to the age of 21. Furthermore, according to the proposed amendment, a regular 6 months residence permit is to be issued to the victims of sexual exploitation if they denounce the perpetrators and help judicial investigation of sexual exploitation crimes⁸³. At the time this report was finalised, these new provisions had not been voted by the Parliament.

However, a discriminatory new regulation⁸⁴ has been introduced through ministerial circular, setting unjustified limitations to the right to family reunification. It should be noted that circulars are a familiar way for Greek authorities to legislate outside Parliament. According to the Circular in question, issued by the Interior Ministry for the interpretation of the legal requirement of "sufficient means for the first issue of the family reunification permit", immigrants must demonstrate an annual 15 percent increase in their income to be eligible to receive their spouse and a 10 percent annual increase for each child. And this while Greek workers' income is not increasing by more than 3-4% per year and immigrants are paid below or around the minimum wage (see section I on Employment).

As far as religious groups in the country are concerned, the mosque planned to cover the religious needs of the athletes and the Olympic missions was not ready before the Olympics. However, the Greek government has pledged to table in parliament in early October a regulation according to which the Finance Ministry will be able to form a consortium with the Saudi Arabia Embassy which will fund the building of the Mosque and an Islamic cultural centre. The authorities attribute the delay to bureaucratic obstacles and

⁷⁹ Greece, Ministerial Decision 4865/2004 (FEK 636/B/30.04.2004), PUBGR0838

⁸⁰ Tzilivakis, K. (2004) "At last justice for trafficking victims.", in: *Athens News* (11.06.2004), PUBGR0840

⁸¹ Greece, Presidential Decree 233/2003 (FEK 187A/18.07.2003), PUBGR0841

⁸² Greek Helsinki Monitor (2004) "Den ekdidontai adeies paramonis kai ergasias sta thymata emporias gynaikon pros katanagkastiki porneis" (No residence permits are issued to trafficking victims), 08.09.2004, PUBGR0839

⁸³ Up to now only one ministry circular provided for the issuing of such permits, creating implementation problems with decentralized regional services which refused to issue them.

⁸⁴ Interior Ministry Circular No. 42/July 2004, reported in: Tzilivakis, K. (2004), "Family reunion rules divide", in: *Athens News* (24.09.2004), PUBGR0868

refuse that this delay may be linked to the negative reactions and protests by the area's inhabitants.

C. Present any important examples of court cases concerning racism and discrimination in 2004.

1. Greek court rulings on the self-determination of minority groups

1.1. A new "judicial error" occurred in December 2003 regarding the rejection for the second time of the registration application of an association on the basis of the minority identity of its members. The first such rejection concerned the registering of the association "Shelter of Macedonian Culture" and the subsequent ruling of the European Court of Human Rights condemning Greece. The case has been extensively presented by the Greek NFP in its 2002 Analytical Report on Legislation. The second case occurred when the First Instance Court of Florina (decision 243/2003, 19.12.2003) adduced the presumed "confusion about the association's activity" in order to reject the demand and suppress the freedom of association on the basis of the linguistic minority character of its members. As civil society organisations have repeatedly noted⁸⁵ this court decision contradicts the 1998 judgement of the European Court for Human Rights (case Sidiropoulos et al vs Greece, 10.07.1998) according to which "the freedom of association cannot be restricted preventively on the basis of the argument that a minority identity is or may constitute a danger for national security and order". Following that decision the Greek government had reassured the Council of Europe that such "judicial errors" would not occur again.

1.2. The Public Prosecutor of the Greek Supreme Court proposed in late September 2004 that the "Turkish Union of Xanthi" should be dissolved because the association's objective is "illegal and against public order", since it constitutes "an attempt to affirm the presence of a Turkish minority in Greece, while international Lausanne treaties recognise only the existence of Muslim religious minority in Thrace, therefore it aims to promote on Greek territory the interests of a foreign state". According to the Greek authorities, that have been criticized about disallowing the registration of associations under the name of Turkish, once again and despite relevant cases judged in breach with art.11 of the ECHR by the European Court for Human Rights of Strasbourg, the competent authorities of the State may impose lawful restrictions, like the above mentioned ones, in line with the provisions of Article 11, par.2 ECHR.

ECRI in its second and its third report has encouraged the authorities "to ensure that all groups in Greece, Macedonians and Turks included, can exercise their rights to freedom of association and freedom of expression in accordance with international legal standards" and to allow the registration of associations whose title includes the adjective "Turkish"⁸⁶.

2. Greek court rulings on the social rights of immigrants

2.1. An important court sentence⁸⁷ concerning the social rights of citizens was recently issued by the Council of State (supreme court of cassation-appeal in Greece). The case involved the right to indemnity of a deceased illegal Albanian worker's family (wife and children). The man died in a car accident. The court judged that the deceased third country national's lack of a legal work permit does not lead to the confutation of the right of his wife and children to alimony. Therefore, the indemnity to be provided to the Albanian worker's family from the

⁸⁵ Hellenic League for Human Rights, Press Release "Ena akoma 'dikastiko lathos': i mi anagnorisi tis Stegis Makedonikou Politismou" (One more 'judicial error': the non-recognition of the Shelter of Macedonian Culture), 13.02.2004, PUBGR0843

⁸⁶ ECRI, Third report on Greece, adopted December 2003, published June 2004, PUBGR0836

⁸⁷ Greece, Council of State, 3/2004, 08.01.2004, PUBGR0844

person responsible for the car accident amounts to a monthly alimony for the wife and children for four consecutive years, which is the expected duration of the man's employment. The court has recognized the Albanian worker's family right to alimony and their legitimate claim to indemnity irrespective of his irregular residence status.

2.2. Another similar case is the adjudication of indemnity for unjust accusation and detaining of an Albanian worker in the region of Peloponnesus by the Patras court of appeal. The court decided that the Police had detained the man for 134 days in 2002 without justification and sufficient evidence of the crime he was accused of (drug trafficking). As a consequence of this decision, the court adjudicated 2,680 euro for missed wages⁸⁸.

D. Describe any strategies or initiatives for further developing legal provisions of any kind against racism, discrimination, or against anti-Semitic or Islamophobic acts, by committees, enquiries, interest groups etc.

The main initiatives and recommendations proposed during the period covered by this report were formulated by the Greek National Commission for Human Rights (NCHR), the Greek Ombudsman, and the ECRI report for Greece.

The Greek Ombudsman in its 2003 Annual Report⁸⁹, published in March 2004, acknowledges that a number of its legislative proposals formulated in the past years on the issue of immigrants' legalisation procedure have been adopted by the administration openly or tacitly, therefore improving the problematic field of implementation of Greek immigration policy. Complaints submitted to the Ombudsman by immigrants mostly concern fundamental human rights issues and implementation of the immigration law.

Since ECRI's second report on Greece was published in June 2000, progress has been made in a number of areas covered by the report. For example, the Ombudsman and the National Committee of Human Rights have contributed to the fight against racism and intolerance in Greece. Measures have been taken to combat the trafficking of human beings. Greek authorities have taken a stance against racism and for a multicultural society, particularly by reinforcing the network of intercultural schools. Progress is noted in the exercise of the religious freedom of minority religious groups. An integrated action programme aims to better the day-to-day life of the Roma. Equal opportunities programmes regarding access to education and employment have been planned for the Muslim minority in Western Thrace. Lastly, the situation of immigrants in Greece has been the focus of two legalisation procedures. The European Commission against Racism and Intolerance strongly recommended that Greek authorities simplify procedures for the issuing of residence and work permits.⁹⁰

A number of comments and recommendations have been formulated by independent national and international agencies urging Greek authorities to make legislative changes on issues of citizenship, asylum status, immigration law and the transposition of the anti-discrimination directives.

1. On the issue of the loss of Greek nationality by approx. 60,000 Greek citizens mainly of Muslim minority of Thrace who left Greece supposedly "with no intention to return"⁹¹, the

⁸⁸ Nodaros, M. (2004) "2860 evro se Alvano gia adiki fylakisi (2860 euro to Albanian for unfair imprisonment), in: *Eleftherotyia* (25.09.2004), PUBGR0847

⁸⁹ The Greek Ombudsman, Annual Report 2003, p.73, PUBGR0849

⁹⁰ ECRI, Third report on Greece, adopted December 2003, published June 2004, PUBGR0836

⁹¹ Article 19 of the Greek Citizenship Code stipulated that "a person of non-Greek ethnic origin who has left Greece with no intention to return, may be declared as having lost the Greek citizenship. This also applies to an allogenis born and domiciled abroad. His minor children living abroad may be declared as having lost their Greek citizenship if both their parents and their surviving parent have lost it as well. Decision on these matters is reached by the Interior Minister, with the concurring opinion of the Citizenship Council". This provision has been only lately abolished but its legal and pragmatic results are still present: A few hundred persons have been deprived of

NCHR stated on October 30 2003 that the Greek state, which has yet to establish a procedure for the reacquisition of Greek nationality, should do so as soon as possible. In addition, Greece should accede to the 1961 Convention on the reduction of Statelessness⁹².

The Greek Ombudsman issued its findings and recommendations⁹³ (02.02.2004) on the same issue in a report directed to the Interior Minister, presenting cases of maladministration in the reception and rejection of applications of reacquisition of Greek citizenship.

It should be reminded here that ECRI in its second report also recommended that Greek authorities do more to facilitate restoration of citizenship. In its third report (June 2004)⁹⁴ ECRI recommends that Greek authorities rectify any consequences arising from deprivation of citizenship and urges them to facilitate the necessary procedures and remove any obstacles.

2. In commenting the first report of the Hellenic Republic on the International Convention on Civil and Political Rights the NCHR expressed its concern regarding the administration's (Ministry of Public Order) refusal to renew the residence permits of humanitarian refugees.

An issue that is put in evidence by this practice is the de facto informal complementarity of the asylum and immigration law systems: the ungenerous policy of the Greek state in conceding asylum protection leads the rejected asylum seekers, who may not return to their country of origin but are not given a residence permit on "humanitarian" grounds and are therefore in search of a path back into legality, to the immigration system.

3. As regards the transposition of Directives 2000/43/EC and 2000/78/EC the NCHR proposed amendments to the provisions included in the bill, which has not yet been passed by Parliament, enabling all NGOs with a legitimate interest to provide legal support to/on behalf of the complainants and relating to the burden of proof and the harmonisation of the new law with the existing anti-racism Law 927/1979.

their citizenship and are still stateless. For more information please refer to Tsitselikis, K. (2003), "Dual Citizenship, Governance and Education: a challenge to the European nation-state, Country report Greece", available online at <http://www.antigone.gr/ProjectDeliverables.html> (20.09.2004), PUBGR0893

⁹² Greek National Commission for Human Rights, Report 2003, PUBGR0233

⁹³ The Greek Ombudsman, Conclusions 7547.03.2.2 on the application for the acquisition of Greek citizenship of a stateless person, 02.02.2004, PUBGR0848

⁹⁴ ECRI, Third report on Greece, adopted December 2003, published June 2004, p.9, PUBGR0836

IV. Housing

A. What is the publicly available evidence of racism and discrimination in the housing sector during 2004?

No official data reveal any manifest case of discrimination against a specific social group in the housing sector. Statistical data, although too generic, not analytical, rarely consistent and of doubtful reliability, as well as policy provisions concerning housing programs for vulnerable groups, such as the Roma, immigrants and refugees, show intense activity in the housing sector directed towards the fulfilment of the housing needs of vulnerable groups.

However, according to reports by the media and human rights organisations, such activity is not always the rule, especially regarding certain Roma settlements and refugee reception centres.

As far as regular housing policy benefiting Greek citizens (such as the Roma) and documented immigrants (aliens and ethnic Greeks) goes, certain issues were raised regarding equality of treatment and policy effectiveness.

1. Regular immigrants' access to housing policy

In principle, regular immigrants enjoy equal treatment with Greek citizens as far as their formal access to social rights derived by their social security rights goes, therefore on the basis of their participation in the work insurance system and the payment of the relevant contributions. Immigrants who are insured as dependant employees contribute a certain sum each month to the public Workers' Housing Organisation (Organismos Ergatikis Katikias, OEK). In virtue of this monthly contribution they are entitled to the same set of rights as Greek workers in housing and loan policy. No discrimination is made on the basis of ethnic origin⁹⁵.

However, media reporting of public statements of the Labour Minister according to which the percentage of immigrants entitled to OEK provisions⁹⁶ is 10% of the total number of OEK beneficiaries has not been verified by the NFP (answer of the competent Greek authorities pending). Other media publications indicate that according to official information 12% of the 17,500 applications for acquisition of an apartment in the Olympic village complex through OEK lottery were submitted by immigrants. During the lottery, through which the new apartments were granted to the beneficiaries, occasional protests were made by Greek beneficiaries who claimed that priority should have been given to Greek citizens⁹⁷.

Concerning low or free-interest loans, there is discrimination between foreign nationals in favour of immigrants of Greek ethnic origin⁹⁸. Special housing programs are reserved for "repatriated" ("palinnostountes") immigrants, members of kin minorities in ex-USSR countries. They consist in:

- a) A 35,000 euro interest-free loans program (up to 60,000 euro) for purchasing a main residence. Since 1999 and until September 2004, of a total of 32,187 applications 20,000 loans had been granted.
- b) The granting of public land (implementation of Law 2790/2000).

⁹⁵ Letter from the Workers' Housing Organisation (OEK, NFPGR0227) to the Greek NFP, Ref. No. 30798/6224/09.09.2004 sent after a written request for clarifications on the reported participation rate of immigrants in the Olympic Village apartment lottery.

⁹⁶ Georgakis, H. (2004) "Enas stous epta kerdizei spiti sto Olimpiako chorio" (One in seven wins an apartment in the Olympic Village), in: *Ta Nea* (14.09.2004), PUBGR0852

⁹⁷ "Diamartiries stin klirosi ton spition tou Olympiakou choriou" (Protests during the lottery of Olympic village houses), in: *Macedonian News Agency* (10.10.2004), PUBGR0874

⁹⁸ Interior Ministry, Directorate for Foreigners and Migration, Letter addressed to the Greek, Ref. No. 13228/09.09.2004

In a period marked by the intensification of housing policy for vulnerable groups, it seems that the already favourable state provisions for foreigners of Greek ethnic origin have been increased and developed further, maintaining the distinct privileged position of ethnic Greeks vis-à-vis other immigrant social groups. However, there is an additional layer of discrimination inside this category (“omoghenis”), this time between “palinnostountes” and “omoghenis” from Albania, who are not entitled to the favourable provisions reserved to the former by Law 2790/2000) and other special policies.

2. The Roma housing issue

The 1999 DEPOS study⁹⁹ indicates that there are approximately 63,000 settled Roma and 10,570 nomadic Roma in Greece. Other studies indicate that their number is 150,000¹⁰⁰ – 300,000¹⁰¹ loosely organised in “tribes” that are distinguished by features not always identifiable by the non-Roma.

According to the National Action Plan Social Inclusion 2001-2003 “*the objective is that all Greek Gypsies should have access to permanent housing. It is anticipated that by the end of 2005 no Greek Rom family will be living in tents or makeshift accommodation*”¹⁰². In the past years a number of actions undertaken for the housing of the Roma community have resulted, according to the Interior Ministry – Direction for Development programmes, to specific quantitative results. In particular:

a) *Period 1997 to 2004:*

- 1712 prefabricated houses have been provided to 6,000 Roma settlers
- 4 prefabricated settlements (Didimoticho, Sofades, Seres, Menemeni) have been created in 53 municipalities, while 28.2 million euro have been spent for infrastructure projects and 6 million euro for support actions.
- In the last two years 2003-2004 (September), 241 prefabricated houses have been installed
- 9,000 60,000 euro housing loans have been made available for Roma community members. Untill 2005, 15,944 applications have been submitted, 50% of these have been examined while 5.111 have been approved.

b) Concerning health protection-control and sanitary conditions, according to official data in a three years’ period (2002 – September 2004) 2 mobile sanitary units visited Roma settlements in 53 municipalities and performed medical exams on 3,936 children and 370 adults, as well as 16,580 vaccinations.

It seems though that this is not part of the development of permanent and viable sanitary services and infrastructures, but a humanitarian emergency scheme.

The above mentioned official data on housing do not provide details by municipality or by year, nor do they analyse the integration of the new settlements in the urban and suburban complex (e.g. electricity, water supply, transportation and distance from main health, school and other public facilities). On the other hand media reports and field work by the NFP show that the housing program through loans stumbles upon the rigidly negative reaction of local authorities and communities.

⁹⁹ DEPOS/MRC (1999) Synthikes kai taseis tis agoras katoikias sti mitropolitiki periochi Athinon (Condition and Trends in the Housing Market in the Greater Athens Area), Athens (unpublished available from DEPOS), PUBGR0694

¹⁰⁰ Komis, K. (1998) Tsigganoi: Istoría, Dimografia, Politismos (Gypsies: History, Demography, Culture), Athens: Editions Ellinika Grammata, PUBGR0577

¹⁰¹ EETAA (2001) Olokliromeno Programma Drasis gia tous Ellines Tsigganous (Integrated Action Plan for the Greek Roma), Athens: EETAA, p.45, PUBGR0578

¹⁰² National Action Plan for Social Inclusion 2001-2003, p.41, PUBGR0729

According to additional data provided by the Municipality of Athens, 81 housing loan applications have been filed by Roma inhabitants of the municipality and only 1 of has been approved (14.09.2004)¹⁰³.

It is already obvious from these numbers that the housing through loans program as well as the emergency medical support mobile units project have not yet proved to be sufficient to meet the Roma minority's housing and health needs. This is also the view of the UN Committee on Economic, Social and Cultural Rights. While it expresses its satisfaction at the adoption of the Integrated Action Plan for the Social Integration of Greek Roma (2001-2008), which aimed at the improvement of the housing situation of the Greek Roma and their enhanced access to basic health services, it also stresses that "*While acknowledging the State party's efforts to promote the social integration of Greek Roma, the Committee remained deeply concerned about the persistent discrimination against Roma people in the fields of housing, health and education*"¹⁰⁴.

In October 2004, the Greek government was invited by the European Council Committee for Social Rights to a special hearing in Strasbourg, in order to explain the Roma housing and living conditions in Greece. The hearing was the result of a collective petition of the European Roma Rights Centre; the visit of international organisations' representatives to Roma settlements around Greece; and complaints and denouncements by NGOs, such as the Greek Helsinki Monitor and the Centre for Housing Rights and Evictions¹⁰⁵.

2.1. Olympic evictions

Roma settlements around Athens have continued to face evictions and problems deriving from their obligatory moving from sites near the Olympic venues in view of the 2004 Athens Olympics.

The UN Committee on Economic, Social and Cultural Rights also expressed its "grave concern about numerous reports on the extrajudicial demolition of dwellings and forced evictions of Roma from their settlements by municipal authorities, often under the pretext of construction projects for the 2004 Olympic Games, and frequently without payment of adequate compensation or provision of alternative housing"¹⁰⁶.

A characteristic case is the eviction of a Roma community to make way for the Athens 2004 Olympic facilities in the municipality of Maroussi, which has led to an impasse situation where the contract for rent subsidy has not been honoured by the municipality of Maroussi, due also to the fact that the regional and central administration have refrained from reaching a more permanent solution as planned and promised¹⁰⁷.

Serious problems are also encountered in the settlements of Aspropyrgos, Spata and Zefyri in the periphery of Athens. They constitute illustrative cases of the Roma housing issue in Greece and the solutions ventured so far by the administration.

Spata is the case of a settlement moved to a supposedly preferable new site with prefabricated houses, away from the urban centre, where problems of electricity and water supply and transportation still persist. It was only after the mediating intervention of the Greek Ombudsman and the prime minister's office that bus transportation to the local school located seven kilometres away was guaranteed, although with great delays and incoherence from the local administration. Furthermore the chosen site was previously a dump and the subsoil quality a few centimetres underground is unhygienic, to say the least.

¹⁰³ Municipality of Athens, Office of the Vice-Mayor, Letter addressed to the Greek NFP, Ref. No. 122846/15.09.2004

¹⁰⁴ UN Committee on Economic, Social and Cultural Rights, Final Conclusions on the Initial Report of Greece (14.05.2004), PUBGR0817

¹⁰⁵ <http://www.cohre.org/> (13.10.2004)

¹⁰⁶ UN Committee on Economic, Social and Cultural Rights, Final Conclusions on the Initial Report of Greece (14.05.2004), PUBGR0817

¹⁰⁷ Greek Helsinki Monitor, Press release "International Roma Day: Uprooted – Award-winning documentary on evicted Athens Olympic Stadium Roma now available online" (08.04.2004), PUBGR0857

As GHM¹⁰⁸ and other organisations (such as SOS Ratsismos) report, the government's response to the Roma, who often live in substandard housing, has been a series of broken promises. The Roma families were initially moved off the land where they had settled in order to make way for the Olympic venues under the agreement to be provided housing in three successive stages: rent subsidy, prefabricated houses and permanent accommodation through interest-free loans. In areas such as Spata the prefabricated settlement is becoming a permanent but problematic solution, while in Maroussi the process is stuck in phase 1 of the rent subsidies¹⁰⁹.

In Aspropyrgos the sporadic Roma improvised dwellings are situated in and around an industrial garbage dump. More than a hundred Roma still live in the the area under unacceptable conditions, many evicted in the past from other municipalities such as Ano Liosia and the Olympic Stadium area¹¹⁰.

2.2. Housing through the loans program

Even in cases where a number of applications have been approved and loans have been granted, NGOs and the media report intolerance reactions by local municipalities where Roma are supposed to buy land property and houses.

This is the case for Zefyri, where a historically large number of permanently settled Roma were granted loans (at least 159) under the government program, but are discouraged or face obstacles to buy property, while they are openly invited to leave. In April 2004 the Municipal Council decided to suspend construction activity in the area of Roma settlement practically cancelling their possibility to build on the land of their property or to buy property on the land they live on.¹¹¹

Various agencies and researchers (Labour Ministry, ROM network, NCHR in its 2003 report) emphasise that a decisive factor for Roma social exclusion is their non-registration in the Municipalities they live in. Due to the stigma of their itinerant life municipal authorities refuse or do not facilitate the official recording of Roma as community members, in order to achieve their departure-expulsion-eviction.

In other municipalities around Greece (central Greece-Karditsa¹¹², Thrace-Komotini¹¹³) the granting of loans is accompanied by solutions such as the construction of special settlements in specifically chosen areas, in some cases previously destined only for agriculture.

3. The refugee reception centres

A negative picture of the refugee reception centres, especially in the Greek Aegean Sea islands such as Samos, is depicted by the United Nations High Commission for Refugees (UNHCR) as well as by other NGOs and the Greek Ombudsman. According to the United Nations High Commission for Refugees (UNHCR), on a visit to the local reception center of Samos, the temporary accommodation being provided to illegal immigrants intercepted in Greece is far from adequate. The officer responsible for the centre called for its transfer to

¹⁰⁸ Greek Helsinki Monitor, Press release "NY Newsday, Agence Press and Voice of America report on Roma around Athens" (28.04.2004), PUBGR0859

¹⁰⁹ Amnesty International - Greek Section, Press release "Oi Olympiakoi agones den prepei na odigisoun se apempolisi anthropinon dikaiomaton gia chari tis asfaleias" (The Olympic Games must not lead to the non-protection of human rights in the name of security" (12.07.2004), PUBGR0862

¹¹⁰ "Piso apo ti vitrina oi oikismoi tis ntropis" (Behind the façade the settlements of shame), in: *Apogematini* (19.08.2004), PUBGR0856

¹¹¹ Gianniri, N, Skordili, A. (2004) "Katageloun diogmo ton Tsigganon" (Denounce the eviction of Gypsies), in: *Eleftherotypia* (24.05.2004), PUBGR0858

¹¹² "Prochora i stegastiki apokatastasi ton Tsigganon" (Progress in the housing rehabilitation of the Roma), in: *Neos Agon Karditsas* (06.05.2004), PUBGR0860

¹¹³ "Amesa metra gia tous Tsigganous tis Rodopis anakoinose o ypourgos Esoterikon" (The minister of the Interior announced immediate measures for the Gypsies of Rodopi), <http://www.in.gr> (24.06.2004), PUBGR0861

more spacious premises where women and men can have more privacy.¹¹⁴ In another September 2004 visit, the prefect, accompanied by civil society representatives of the island, witnessed conditions of extreme overcrowding - 221 people, mostly Afghans and Iraqis, in a building of a 100-person capacity (men and women together and among them 4 children) - and unacceptable hygiene and infrastructure conditions¹¹⁵.

The press has also published reports of the Greek Police preventing Red Cross staff from entering into the camp, over technicalities¹¹⁶.

Apart from the unacceptable living conditions (accommodation, food, hygiene and sanitary conditions) refugees are not interviewed properly during the asylum procedure. A number of asylum seekers' reception centres are operated by NGOs and only few of them are government funded.

The situation, similar to that of police detention centres for irregular immigrants-refugees under deportation, is far from the standards set by the recent relevant EU directive for the reception of asylum seekers, as well as from the minimum health and dignity standards. The main problems are lack of infrastructures and funding.

However, the National Action Plan for Social Inclusion 2003-2005¹¹⁷ provides for the implementation of policies aiming to cover the existing needs in humanly dignified accommodation and living conditions. Public officials have also made declarations in the same direction¹¹⁸.

B. How are cases of discrimination in housing handled?

There is no public or other independent authority / agency with the direct mandate to deal with cases of discrimination in housing, while no such case has reached the courts.

The only public and independent authority dealing with maladministration connected to discrimination in housing conditions and policy is the Greek Ombudsman established by Law 2477/1997¹¹⁹. Several of the complaints submitted to the Ombudsman concern housing issues particularly regarding Roma and the conditions of detention and reception centres for asylum seekers. The main role of the Ombudsman is to mediate in order to remedy maladministration, as well as to propose legislative and administrative measures through its annual report.

In its Annual Reports the National Commission for Human Rights, an independent public authority established by Law 2667/1998¹²⁰ with a consultative status to the government on human rights issues, examines the living and housing conditions of the Roma and particularly the nomadic Roma as well as the illegal activities of local authorities.

NGOs such as Arsis¹²¹, specialising in the social support of youth and the protection of youth rights, and the Greek Helsinki Monitor, report on the infringement of the human and social rights of socially vulnerable groups and perform evaluations of the housing situation of socially excluded groups. GHM has appealed to the Athens Misdemeanours Prosecutor to launch a still on-going investigation on the issue of the eviction of the Roma from the area of the Olympic Stadium¹²².

¹¹⁴ "Refugee housing", in: *Kathimerini English Edition* (09.09.2004), PUBGR0853

¹¹⁵ "Kolastirio to kentro... filoxenias prosfygon" (Hell at the centre for the accommodation of refugees), in: *Eleftherotypia* (17.09.2004), PUBGR0877

¹¹⁶ The Samos police chief told the Red Cross aid team that they were not allowed into the center due its being designated as a "detention" rather than "reception" center. Reported in: "Red Cross denied immigrant access over technicality", in: *Kathimerini English Edition* (23.09.2004), PUBGR0875

¹¹⁷ National Action Plan for Social Inclusion 2003-2005, PUBGR0814

¹¹⁸ "New reception centre for asylum-seekers", in: *Athens News* (10.09.2004), PUBGR0876

¹¹⁹ Greece, N. 2477/1977 (FEK 59A/18.04.1997), PUBGR0462

¹²⁰ Greece N. 2667/1998 (FEK 281A/18.12.1998), PUBGR0601

¹²¹ More information available at: <http://www.arsis.gr> (20/09/2003), NFPGR0206

¹²² Greek Helsinki Monitor, Press release "International Roma Day: Uprooted – Award-winning documentary on evicted Athens Olympic Stadium Roma now available online" (08.04.2004), PUBGR0857

C. What initiatives / good practices against racism and discrimination in housing or against housing segregation regarding migrant/minority groups, have taken place during 2004?

1. Regular immigrants enjoy full access to social security benefits, therefore also to housing, through the Workers' Housing Organisation programs. Among OEK benefits (usually low-interest rate house loans, rent support programs) was the granting of a number of apartments in the Olympic Village through a lottery held in Athens in early October 2004. In this lottery foreigners participated as equal beneficiaries with Greek workers. A number of protests were made by a small number of Greek beneficiaries for not introducing into the procedure a principle of priority for Greek citizens.

A favourable loans program is available to immigrants of Greek ethnic origin (ex-USSR countries).

Furthermore, in the framework of the National Action Plan for Employment 2003¹²³, the Interior Ministry announced a migrant integration programme covering the period 2003-2006 with resources which amount to 260 million euro. The plan provides, among others, for temporary accommodation and reception infrastructures.

2. The Roma housing program has registered a further increase in the number of interest-free loans granted to beneficiaries, while a number of more permanent housing solutions have been promoted in the Greek periphery¹²⁴. Although not yet sufficient to cover the Roma community's housing needs and encountering the fierce reaction of local communities, it is a significant step forward.

(For further info on the above cfr. previous section A).

¹²³ National Action Plan for Employment 2003, PUBGR0812

¹²⁴ "Themeliosi spition Roma sto N.Larissas" (Housing development in Larissa prefecture), in: *Macedonian Press Agency* (06.10.2004), PUBGR0878

V. Racial violence

A. What is the publicly available evidence of racist violence and crimes during 2004?

Racist violence is an area where there is not only lack of official data but also of focused research and studies. The reasons for this situation can be found in a specific set of data problems described in the Greek NFP's Analytical Report on Racist Violence – 2002. However, a considerable availability of qualitative data and incident reports provide a sufficient basis for an overview of the situation.

1. Racist violence against immigrants

1.1. "Albania vs Greece 2-1": Violence against Albanian immigrants and one murder

A soccer game between the two national teams and the war-like climate created because of the Greek team's defeat, led to a number of violent clashes between Greek extreme right-wing groups and Albanian immigrants in various parts of Greece, and violence against Albanians in general. In one of these incidents, a Greek citizen stabbed to death an Albanian young man in the island of Zakynthos. All the incidents and the underlying ideology were condemned by almost all political parties and actors.

A high number of less serious incidents took place in Athens, as well as in other regions and towns throughout Greece. According to a press release by the Albanian Forum of Migrants, the most important cases were those of Zakynthos (with one Albanian worker dead), Paros, Ioannina, Volos, Rhodes, Rethymno, Thessalonica. In all these cases violent aggressions were recorded against Albanian immigrants and 70 of them were hospitalised (a number of whom were stabbed). However, only Albanian immigrants (reportedly 8 persons) were arrested by the police¹²⁵.

However, what caused wider perplexity and long public and private discussions in the following days were a) the generalised climate of intolerance of Albanians celebrating the victory of their national team over the Greek one and the legitimising of aggression and violence and b) the police practice of tolerance towards extreme right-wing groups attacking Albanians, reported by many sources (political parties and movements, Albanian migrants forum¹²⁶ etc.).

1.2. Politicians and civil society response

The reaction of civil society and the political class, with some isolated exceptions (such as the Prefect of Thessalonica who blamed the previous government for inheriting an "open wound" and "for bringing all those immigrants to Greece"), reacted strongly against the irruption of racist violence. The representatives of the political parties and the government categorically condemned the incidents and pledged to take the necessary measures to prosecute those legally responsible.

After the Northern Greece-Thessalonica prefect P. Psomiadis's declarations, Thessalonica citizens (about 50) disrupted a prefectural council meeting to protest against his anti-immigrant statements. Psomiadis claimed that such attacks against him only increase his popularity among the majority of the people who agree with him.

¹²⁵ Series of articles in *Eleftherotypia* 06.9.2004.

¹²⁶ The Albanian Migrants Forum in its press release has clearly stated its opposition to fanaticism and nationalism on both sides.

Some days later around 3,000 anti-racist campaigners and immigrants took to Athens's streets to protest against the violent clashes involving right-wing groups which followed the Greek football team's defeat by Albania on Saturday.

1.3. Greek extreme right-wing and racist violence

2004 has been a year both for general and European Parliament elections. It has been also the year when for the first time an independent political extreme right-wing party managed to elect a European parliament member, and only failed the election to the national parliament by a close margin.

According to the results of the 2004 elections the main Greek extreme right-wing xenophobic party in the recent elections, L.A.O.S. (Greek Orthodox Alarm, the acronym in Greek is pronounced as "laos" which means "people" or "volk") achieved:

- a) 2.19 percent in the general elections (no MPs elected)
- b) 4.15 percent in the European Parliament Elections (elected one MEP, the party's president G.Karatzafaris).

Moreover, extreme right-wing, openly nationalist and fascist organizations seem to have intensified their activities in the period after the Euro 2004 Greek victory. Police sources confirmed that a group calling itself "Blue Army," which has a website portraying itself as the Greek national team's official fan club, has links to the neo-Nazi organization "Chryssi Avgi". Authorities estimate that the "Blue Army" has over 150 members and tries to recruit members through its website¹²⁷. Members of the "Blue Army" and "Chryssi Avgi" participated in July 2004 in the terrorising and beating of Albanians and other immigrants, African and Asians, who tried to celebrate together with the Greeks the victory of the Greek national football team. An eloquent and emblematic slogan shouted on this occasion, as an immediate negative response to the claim for immigrants' participation in Greek society, is the following: "You will never become a Greek, oh you Albanian".

As the case of the Prefect Psomiadis shows, there are politicians inside the main political parties who share these extreme xenophobic and often ignorant or ideologically driven views, which do have some impact on a wide range of Greek citizens, taught as they are through the educational system and the dominant political discourse to see immigrants as a source of various social ills. Karatzafaris, the LAOS leader, was until recently an MP of the governing centre-right party (Nea Dimokratia, New Democracy).

Many extreme right-wing nationalist groups operate in the periphery, as recent violent incidents and openly racist propaganda activities have shown¹²⁸. Copying from a media report: "As it was stated after the assassination of the 20 years old Albanian the police authorities have taken special measures in many areas of Zakynthos in order to discourage vendetta actions by Albanian workers, who number roughly 10,000 on the island". Zakynthos is an Ionian island in which various police and racist violence incidents have been reported in the past year(s). It is also the region of Greece with the highest percentage (13.54 percent according to Census 2001 data) of foreign citizens (even higher than Athens), among them a considerable number of Albanians. It is also the island that has received and is receiving the highest number of refugees, to whom very often the inhabitants have provided in the past years humanitarian help and assistance. However, lately we can witness an intensification of a number of extreme-right wing group activities on the island.

1.3 Migrants and Crime

An argument often used against immigrants (especially Albanians) to legitimise fear and negative and intolerant reactions is that they contribute to the increase in crime rates.

¹²⁷ "Oi akrodexioi psareuoun filathlous sto diadiktyo" (The extreme right-wing fishes fans in the internet), in: *Eleftherotypia* (09.09.2004), PUBGR0889

¹²⁸ "To avgo tou fidiou kai stin Korintho" (The snake's egg also in Corinth), in: *Eleftherotypia*, 09.09.2004, PUBGR0890

Recent research on the criminality of foreigners performed by Th.Lianos and Th.Benos (KEPE, 2003) has shown, under the light of new data on the real numbers of immigrants in Greece (provided by the 2001 Population Census), that foreigners' crime rates are relatively inferior to those of Greeks. One of the most interesting findings is that Albanians are one of the groups with the lowest crime rates in relation to other migrant groups¹²⁹, a conclusion that is in net contrast with the dominant negative stereotype of the dangerous Albanian criminal.

1.4 Interpretations of the legitimisation of racist violence against Albanians in Greek public discourse

The violent events and one murder following the Albania-Greece soccer match shocked part of Greek society and provoked extensive soul-searching discussions. Most sides agree that the extent of the episodes was such that it cannot be attributed to a few nationalist and fascist groups nor to provocation by the Albanians themselves, who disrupted the playing of the Greek national hymn in Tirana before the match, or who celebrated their national team's victory on "losers' territory". Certain media reports are very eloquent, and it is worth citing a few excerpts:

1. *"In some neighborhoods of Athens and the provinces, anti-Albanian pogroms were carried out. Yet the Greek police, who managed to prevent a single nose from being bloodied during the Olympic Games, could not prevent the incidents or arrest any culprits in the many attacks on Albanians.(...) The violence was the outcome of a peculiar form of 'nationalist doping' that Greece had been fed over the preceding months. But that is not all. Overt and covert racism toward Albanians has permeated much of Greek society. Albanians are treated scornfully, as inferiors. It is not by chance that one hears such statements as 'not even an Albanian would do this job'. To a large extent, the racism of September 5 was the 'racism of the bosses' who cannot accept being beaten by 'their workers', as former PAOK soccer player Achilleas Aslanidis put it..."*¹³⁰

2. *"A large number of Greeks treat migrants from Albania as people worthy only of contempt who should demonstrate their gratitude at being able to make a living in the country where they arrived. This mainstream view can be heard in coffee shops, taxis, and in conversations among youth or old men. This perception is so widespread in our country that it renders its exploitation, as it were, by a small group of racists, ultra-nationalists and an even greater number of fuming soccer fans only a detail in the broader picture"*¹³¹.

As pointed out by the Hellenic League for Human Rights, what should cause more apprehension is the fact that the nationalist hatred against Albanians find fertile ground and are accepted by a wide political and social spectrum in Greece, under the protection and tolerance of the police. Usually such behaviours are forgiven or hidden in order not to spoil the country's "international image"¹³².

In interpreting the generalised form of such racist behaviours and legitimised violence, the role of the media, which offered the floor to extreme right-wing politicians and movement representatives with marginal or minimal political presence, has been crucial. It seem that such forces, while "politically incorrect" and racist and therefore banned from the main political arena, are called upon in times of "national crisis" to express their concerns as if they alone constitute the genuine patriots the nation has to turn to. As a result, through the populist and direct marketing calculations of the main media, the extreme right-wing simplistic racist discourse obtains an enhanced profile of credibility and increases its impact on public opinion. Under this light it is not surprising that xenophobic ideas and perceptions permeate or are tolerated/legitimised achieving through a vicious circle an even greater degree of visibility and participation in the public sphere.

¹²⁹ Lianos, Th. and Benos, Th. (2003) "I egglimatikotita ton metanaston" (Foreigners' criminality), Athens: KEPE reported in: Evaggelodimos, D., "The Albanians are innocent", in: *Oikonomikos Tachydromos*, pp. 21-22, PUBGR0151

¹³⁰ Elafros, Y. (2004) "Ordeals of Albanian immigrants", in: *Kathimerini English Edition* (09.14.2004), PUBGR0888

¹³¹ Angelopoulos, K. (2004) "Between the lines", in: *Kathimerini English Edition* (09.09.2004), PUBGR0882

¹³² Hellenic League for Human Rights, Press release "O ethnikismos paraviazeti ta dikaiomata" (Nationalism violates Human Rights) (09.09.2004), PUBGR0891

2. Protection the victims of trafficking

In the past two years, more than a hundred women have reportedly denounced the traffickers exploiting them to the police. Of these only ten are still in Greece awaiting their trial, while only two succeeded in obtaining a residence permit after the intervention of civil society organizations. Although there is a clause in the relevant law preventing the deportation of trafficked women until their case is tried, *“most fear for their lives as they are given insufficient protection, and are forced to return to their home country, which will anyway happen after their case is tried, since they are in Greece illegally”* (Greek Helsinki Monitor).

Case study: Several days after denouncing her unfortunate adventure, a victim of trafficking was notified that the Aegean Appellate Prosecutor decided to postpone her deportation until her case came to trial. However, she was refused a regular residence and work permit. A few days later, when the woman went to a police department to notarize her signature, she was arrested for “illegal entry into the country”. The deportation procedures which started immediately were cancelled only after a third person notified the police of the woman’s particular “not-to-be-deported” status.

What still remains to be legislated is a specific framework for underage trafficking victims, which will address their particular needs.

3. Police violence and impunity

The Greek Ombudsman recently (July 2004) issued a special report¹³³ describing its five-year experience in the investigation of offences against citizens’ constitutional rights by the police: police violence on the one hand and police impunity on the other. According to the Ombudsman’s conclusions, only in a very small and insignificant number of cases did the internal investigations of police violence lead to disciplinary measures, while the absolute majority of cases were judged to be unfounded on the mere denial of the facts by the accused police officers. The report contains a detailed list of denounced incidents and the subsequent internal investigation procedures, as well as the Ombudsman findings regarding the outcome, problems, legal and procedural errors and infringement of the relevant legal provisions. In issuing this report, the Greek Ombudsman aims to assist the Greek Police in modernising and leaving behind mentalities and attitudes inherited by its authoritarian past. In a particular reference, the Greek Ombudsman stresses that certain population groups, such as foreigners, feel too insecure to submit a complaint, fearing the treatment of police authorities. This fear even extends to petitioning the Ombudsman on issues of police violence, fearing retaliatory actions by the police.

On the positive side, disciplinary sanctions were imposed by the leadership of the Greek Police to police officers in the Police Directorate of Achaia (city of Patras) who addressed an overtly racist written suggestion to the city’s professionals not to proceed to any transactions with “Gypsies” during the annual Carnival celebrations¹³⁴.

B. Antisemitism

While anti-Semitism is usually expressed in Greece through graffiti, vandalism - desecration and oral “common sayings”, the main issue is that it forms part of the mainstream

¹³³ The Greek Ombudsman, Human Rights Department (2004) “Peitharchiki, Dioikitiki Diereunisi kataggelion se varos astynomikon ipallilon” (Disciplinary and Administrative investigation of complaints against police officers), PUBGR0894

¹³⁴ Nodaros, M. (2004) “EL.AS. Kampana gia ti ratsistiki anakoinosi” (Greek Police: Alarm after racist announcement), in: *Eleftherotipia* (03.05.2004), PUBGR0895

discourse. In some cases, well-known anti-Semitic extreme right-wing politicians are even rewarded by prestigious institutions, such as the Greek Orthodox Church, for what is taken by many to be a patriotic attitude striving to preserve the nation's values.

However, it should be noted that this hardly tolerant climate, which also finds fertile ground in the criticism against the Israeli government's actions in Palestine, has not led to physical violence and serious crimes and has not dramatically affected the lives of Greek Jews, as is the case with other ethnic-cultural minorities.

Before the Olympic Games, tension was caused due to anti-Israeli government publications and statements for its policy in Palestine.

1. Main recorded incidents of graffiti vandalism against Jewish monuments

11 April 2004 – Drama, Macedonia - desecration with graffiti of the town's Holocaust Memorial¹³⁵

12 May 2004 – Drama, Macedonia - desecration with graffiti of the town's second Holocaust Memorial¹³⁶

25 August 2004 - Komotini, Thrace - desecration with graffiti of the town's Holocaust Memorial¹³⁷

A common practice in Greece is also the reported painting of anti-Semitic and racist graffiti on main national highways, such as the Athens – Peloponnesus¹³⁸.

References to Nazi concentration camps are often made in cartoons depicting Israeli soldiers as Nazi soldiers. In public discourse and in the media terms such as “genocide” and “Holocaust” are used often to refer to current Israeli policies, creating an anti-Israeli climate which may legitimise anti-Semitic practices. However, such mainstreaming of anti-Semitism has not led to generalised or violent anti-Semitic practices, despite the fact that Greece has traditionally been an Arab-friendly country.

2. Olympic anti-semitism tensions

In a number of occasions the Simon Wiesenthal Center (SWC) complained of anti-Semitic practices and the government's inertia and abstention from public intervention. In a letter addressed to the newly elected Prime Minister in April 2004 the Simon Wiesenthal Center (SWC) protested against the promotion by the Greek National Tourist Organization of the Easter ritual of “burning [the effigy] of Judas” as a tourist attraction. According to the

¹³⁵ In his 17 April 2004 weekly human rights column in the daily *Avghi*, Dionysis Gousetis published a picture from Easter Sunday 11.04.2004 in Drama.

¹³⁶ Pictures of the vandalism available on the internet at:

http://athens.indymedia.org/front.php3?lang=el&article_id=259534

http://www.greekhelsinki.gr/bhr/greek/articles_2004/11_4_2004_drama_antisemitism.jpg

<http://photos.groups.yahoo.com/group/greekhr/vwp?.dir=/&.src=gr&.dnm=desecration+@+drama+11-4-04.jpg&.view=t&.done=http%3a//photos.groups.yahoo.com/group/greekhr/lst%3f%26.dir=%26.src=gr%26.view=t>

http://www.greekhelsinki.gr/bhr/greek/articles_2004/25_8_2004_komotini_antisemitism.jpg

<http://photos.groups.yahoo.com/group/greekhr/vwp?.dir=/&.src=gr&.dnm=desecration+@+komotini+25-8-04.jpg&.view=t&.done=http%3a//photos.groups.yahoo.com/group/greekhr/lst%3f%26.dir=%26.src=gr%26.view=t> (20.09.2004)

¹³⁷ The Komotini-based daily *Paratiritis tis Thrakis* reported on 25.08. 2004 and condemned, in Stamatis Sakellion's daily column, the desecration of the town's Holocaust Memorial inaugurated on the 30th of May 2004.

¹³⁸ Especially at the 63rd, 74th and 81st kilometres of the National Highway Athens – Korinthos. Photos available on the internet by the Greek Helsinki Monitor:

http://www.greekhelsinki.gr/bhr/english/articles/exo_oi_evraioi_74km_athens-patras.JPG

http://www.greekhelsinki.gr/bhr/english/articles/exo_oi_evraioi_81km_athens-patras_a.JPG

http://www.greekhelsinki.gr/bhr/english/articles/exo_oi_evraioi_81km_athens-patras_b.JPG (20.09.2004)

SWC in hundreds of local ceremonies this ritual is sometimes described as the “Burning of the Jew¹³⁹”.

The same letter also protested that Greece had dedicated the musical score of the 2004 Olympics to the well known composer, Mikis Theodorakis. Earlier this year, Theodorakis reportedly stated that the Jews today are “the root of all evil”. Mr. Theodorakis later explained that he had no intention of identifying the Israeli people and the Jews in general with their Prime Minister, to whom the accusation was addressed. The controversy led the USA-based centre to issue a Travel Advisory against Greece, which it later lifted.

According to the USA State Department’s “Greece Country Report on Human Rights Practices” (25.02.2004), anti-Semitism continues to exist in Greece, particularly in the press, and vandalism of Jewish monuments continues to be a problem, although the Government strongly criticises the acts.

Criticism and satiric comments of Ariel Sharon policy is often marked as anti-Semitic by Jewish representatives. However, what seems to be at stake here is the risk that such, in principle legitimate, political or satiric criticism, when indiscriminate and generalised may provide fertile ground for the development of negative attitudes and racist practices against Jews and the Jewish community in general.

C. Islamophobia

1. The Olympic policing-racial profiling of Muslims

For the sake of security measures taken in view of the August 2004 Olympic Games in Athens a number of suspect ethnic groups passed under heavy policing and screening, performed on the basis of their country of origin and faith, a practice known as “profiling”. Police checks and controls of foreigners were performed in Athens’ makeshift mosques, where the targeted population congregates to pray, occasionally, interrupting prayer sessions¹⁴⁰.

This high level of surveillance by Greek and foreign intelligence services became more intense in the months leading up to the August Olympic Games, due to concern over another Islamist strike in Europe following the Madrid blasts in April 2004.

However, while complaining of the treatment of Muslims by the Greek police, some Muslims seem to consider Greece safe from terrorism, due to its historic link with the Arab world¹⁴¹.

Case study: On August 10 2004, the police arrested ten foreigners who they suspected to have contacts with Islamic fanatic organisations and detained them under preventive isolation in order to avoid an eventual terrorist attack during the first days of the Olympic Games. According to media reports, the suspects were detained due to the fact that they were nationals of countries with terrorist links¹⁴². No penal prosecution followed their “preventive” detention.

2. The new Athens mosque

¹³⁹ SWC to New Greek Prime Minister: "Greek Anti-Semitism Justifies Continuation Center's Travel Advisory", Simon Wiesenthal Center (15.03.2004)

¹⁴⁰ Derek, G. (2004) “Olympic Security puts Athens ‘mosques’ under scrutiny”, in: *Kathimerini English Edition* (24/03/2004), PUBGR0896

¹⁴¹ Vradelis, S. (2004) “Eimaste ypoptoi choris na ftaima” (We are suspects without being responsible), in: *Ta Nea* (17/03/2004), PUBGR0897

¹⁴² “Proliptikes syllipsei allodapon logo Olympiakon” (Preventive arrests of aliens due to the Olympic Games), in: Macedonian News Agency (10.09.2004), PUBGR0898

The first mosque in Athens after 186 years was to be constructed before the August 2004 Olympic Games, through Saudi Arabia government funding, in Paiania, outside the main city and near the airport. It was to be part of an Islamic cultural centre.

The area's inhabitants, as well as the Greek Orthodox Church objected to the erection of the temple in that location, concerned by the image that would be conveyed to foreigners visiting Greece by the sight of a high minaret at the city's outskirts and near the new airport. Church leaders insist that they do not object to the building of a mosque as such¹⁴³ but to the building of the Islamic cultural center (Archibishop Christodoulos statements).

Muslim residents of Athens have also been reported objecting to the building of the Mosque in Paiania, because of its relatively long distance from the centre of Athens, where the majority of them reside. Today 65 unofficial improvised mosques operate in Athens, in small apartments, underground spaces and garages in Athens covering the needs mostly of Asian and African immigrants. Due to the lack of officially recognized places of worship, Muslims in Athens congregate in makeshift temples. There are reported to be over 20 such temples in the area of Athens and another 30 in the rest of Greece¹⁴⁴.

To this day, plans to finally erect a Muslim temple (initially in view of the Olympic Games) remain unfulfilled, thus making Athens the only European capital without a mosque. However, in Thrace there are more than 400 Muslim places of worship, officiated by around 270 Muslim clerics and headed by the Muftis.

3. "Muslim marriages"

A decision by deputy interior minister L. Papadimas in February 2004 caused the reaction of human rights and minority organisations. According to decision F 97920/20138/31.10.2003 Muslim marriages are considered void if they have been performed by the Mufti (official Muslim religious leader in Thrace, officially appointed by the Greek government with judicial authority on family law) and concern marriage between:

- a. a Muslim and a non-Muslim;
- b. a Greek citizen and a foreign national;
- c. Muslims who do not reside in Thrace.

According to this decision, all Muslim marriages outside the area of Thrace are impossible, since no official Mufti is present outside Thrace. It is considered that this decision violates the right to private life and religious freedom of Muslim persons, since no similar restrictions apply to marriages performed by other religions. In addition to this, the provision provokes confusion of the status of Muslim marriages performed outside Greece¹⁴⁵.

Following strong reactions not only from the Muslim minority, but also from the Greek Human Rights League, Interior Minister N. Alivizatos revoked this decision just before the March 2004 elections.

4. Too few asylum recognitions

Linked to the 2004 Olympic Games is also the important decrease in the number of asylum seekers accepted in 2003¹⁴⁶. According to reports by Amnesty International quoted in newspaper articles, potential asylum seekers are screened at arrival and either prevented from applying for asylum, or rejected¹⁴⁷. To offer a concrete example of the results of such

¹⁴³ Wilkinson, T. (2004) "Promise of Mosque Unfulfilled in Athens", in: *LA Times* (17/03/2004), PUBGR0899

¹⁴⁴ Derek, G. (2004) "Olympic Security puts Athens 'mosques' under scrutiny", in: *Kathimerini English Edition* (24/03/2004), PUBGR0896

¹⁴⁵ Hellenic League for Human Rights, Press Release "Apagorevetai o thryskeutikos gamos gia Mousoulmanous pou den katoikoun stin Thraki" (Religious marriage denied to Muslims living outside Thrace), 24/02/2004, PUBGR0900

¹⁴⁶ 3 Asylum seekers were granted refugee status in 2003.

¹⁴⁷ "Olympics hurt asylum seekers", in: *Kathimerini English edition* (27/01/2004), PUBGR0901

screening it suffices to mention the number of Iraqis living in Greece as refugees and the equivalent number in the UK: 620 in Greece, 12,000 in the UK¹⁴⁸. The issue of the high percentage of asylum applications rejected also has a negative effect on migration policy, since those rejected who cannot return to their country of origin fall into illegality or turn to the migration system to obtain legalisation¹⁴⁹.

5. Political Elections - assaults against Muslim candidates

During the 2004 election campaign period, a number of incidents were reported in the northern region of Thrace, where the Muslim minority elects its representatives to the Greek Parliament. It should be noted, though it is not possible to enter into a lengthy analysis here, that although these incidents target the Muslim minority, it is our view that they are better explained by reference to Greek nationalism than by reference to Islamophobia.

5.1. A fire that occurred in a Turkish mosque in the village of Toxotes caused suspicions of sabotage¹⁵⁰. Other problems involved shortage of vote ballots, some cases of vote ballots failing to reach their destination, and issues related to the late arrival of returning officers¹⁵¹.

5.2. An attack was registered against the office of PASOK minority candidate Bourhan Baran on March 1st 2004, during which he and his family were assaulted. The attack was carried out by 5 people, one of which was arrested, and subsequently released due to alleged heart problems. He apparently belonged to an extreme group which is known for having assailed minority members in the past¹⁵².

(For information on article 19 of the Code of Greek Citizenship, please refer to the relevant Legislation section of this report.)

D. Identify social groups most vulnerable to racist violence and crimes in 2004.

Recorded incidents of racial violence and crimes in 2004 show that the social groups most vulnerable to racist violence were immigrants, and in particular Albanian immigrants, trafficking victims, asylum seekers and Roma; Jewish religious sites are often the object of vandalism, usually desecration of monuments. Anti-Semitic attacks are not infrequent in the press and in popular saying. Year 2004 was also characterised by an increase in state and police Islamophobia, due to precautions taken against terrorist attacks during the Olympic Games, which targeted citizens of Arab and Muslim states.

¹⁴⁸ Lynardou, G.(2004) "Kleinei to elliniko asylo" (Greek asylum is closing up), in: *Eleftherotypia* (21/03/2004), PUBGR0902

¹⁴⁹ See section Legislation of this report. Also Cfr: Skordas, A., Sitaropoulos, N. (2004), Why Greece is not a safe country for refugees, Oxford: Oxford University Press, PUBGR0831. This paper questions whether the Greek law and procedure on asylum renders Greece a safe country for refugees. It is argued that the deficiencies of the Greek asylum system have to do with its archaism, its calculated ambivalence towards the legal situation of the non-state agents, the lack of effective remedies and, last but not least, the absence of adequate social protection of refugees and asylum seekers.

¹⁵⁰ Sakellion, S. (2004) "Dyo asimantes leptomeieies" (Two 'insignificant' details), in: *Paratiritis tis Thrakis* (19/03/2004), PUBGR0903; "I symvouleutiki epitropi mousoulmanikis meionotitas gia tin pyrkagia sto temenos Toxoton" (The consultation commission of the Muslim minority on the fire at the mosque of Toxotes), in: *O Chronos* (16/03/2004), PUBGR0904; "Pyrkagia se temenos mousoulmanon stous Toxotes (Fire at a Muslim mosque in Toxotes), in: *O Chronos* (08/03/2004), PUBGR0905

¹⁵¹ Adem Yavuz Arslan, Haci Hasan, Mehmet Sar "Good-bye Yorgo, Hello Kostas", in: *ZARAN* (03/08/2004), PUBGR0906

¹⁵² "Epithesi se grafeio mousoulmanou ipospifiou tou PASOK" (Attack on the office of a PASOK Muslim candidate), in: *Macedonian Press Agency* (02/03/2004), PUBGR0907

E. Describe any important cases (incidents/court cases) during 2004

1. Old and new crimes against migrants and refugees

2004 has been a year when numerous violent actions and crimes against immigrants came to light, making it evident that racist violence incidents are not a rare exception and do frequently occur around the country.

1.1. A case that shocked Greek society was the murder and robbery of 3 young Albanian workers by a Greek citizen, their employer, assisted by friends and relatives, in the period 1995-1996 in the rural periphery of Thessalonica. This was the period marked as the beginning of the fear of the Albanians as criminals. The court case for these crimes, revealed after the assassination of a Greek relative and the testimonies against the murderer, started in Thessalonica in October 2004¹⁵³.

1.2. In another court case of systematic violence in Serres (Northern Greece) during 2000, the accused were condemned to 7 to 21 month imprisonments for misdemeanours (the original accusations were felonies, but no accusation testimony was made in court). The group of so-called “Unscrupulous executors” had been terrorising immigrant workers living in Serres through bomb attacks, to protest against their unemployment.

1.3. On an uninhabited eastern Aegean islet east of Patmos in the Dodecanese, Farmakonisi, army commandos violently abused a group of illegal immigrants (10 Palestinian and Afghan men) who arrived there in early September 2004. They videotaped the abuse in order to show it to regular infantry conscripts in the Farmakonissi garrison. Their colleagues were disgusted and made the story public. Following a report by the media, the Ministry of Defence dispatched a major-general and a team of military doctors to the island to investigate the complaints. According to the official statement “the investigation showed that violent abuse had indeed taken place,” and “The army chief of staff ordered the immediate replacement of the Farmakonissi garrison, as well as an official investigation into whether administrative or criminal offences were committed¹⁵⁴”.

1.4. Trial and conviction of a Greek citizen for shooting an Albanian immigrant on the Greek-Albanian border in 2002. An ex-soldier was condemned to three years probation by a military court under a suspended sentence¹⁵⁵ of one year imprisonment for shooting with his service gun and seriously injuring an Albanian irregular immigrant aged 67, on the Greek-Albanian border in 2002.

According to the accusation, the Albanian man was arrested by the military patrol, was beaten and shot with a military rifle, then abandoned for some time without help. The immigrant underwent surgery and lost his kidney and part of his liver. In court the event was claimed to be incidental. Judges accepted the former conscript’s version of the event, according to which his rifle went off accidentally when the Albanian man stumbled onto the weapon during his arrest. Both former conscripts were cleared of abuse charges, mainly on the basis of testimony from a forensic specialist who examined photos — taken twenty days after the incident — of cuts and bruises on the man’s body, and opined that they need not

¹⁵³ “Sto edolio gia tis dolofonies ton Alvanon” (Charged with the Albanians’ murder), in: *Eleftherotypia* (28.09.2004), PUBGR0908

¹⁵⁴ Various publications on 14.09.2004, eg. in *Ta Nea, Kathimerini*

¹⁵⁵ “Sto stratodikeio giati pyrovolisan kai kakopoiisan Alvano” (Tried by court martial for shooting and aggressing an Albanian), in: *Eleftherotypia* (16.09.2004), PUBGR0845; “Poini se stratioti gia travmatismo lathrometanasti” (Soldier sentenced for assaulting illegal immigrant), available on the internet at:

http://www.skairadio.gr/4dcgi/_w_articles_skaigreece_103143_16/09/2004_108518 (16.09.2004), PUBGR0846

have been caused by a beating. The sentence was based on the crime of “corporal damage caused by negligence”¹⁵⁶.

This is not the first time that offenders have been acquitted or the discrimination motivation not been proved in court. In its third report for Greece, ECRI recommended that the Greek authorities introduce a provision into criminal law expressly stipulating that for all ordinary offences, racist motivation constitutes an aggravating circumstance¹⁵⁷.

2. Rape trials dismissed

2.1. At least two immigrant women’s rape trials have been abandoned on the victims’ request during 2004. In one case the victim stated that she did not wish the trial to go through despite the fact that the group rape had been confirmed, videotaped and photographed by the accused Greeks. The request was not initially judged as sincere, but in court its repetition led to the dismissal of the case and the acquittal of the three rapists¹⁵⁸.

2.2. Penal action was ordered by the Court of Appeal-Prosecutor of Patras in September 2004 against two probation officers for delivering to an unknown address an order to appear in court addressed to a trafficked female victim. In the first instance court judging the case of her rape by a police officer the woman was not able to appear and the accused was acquitted. Later (November 2003), the Supreme Court appealed the case. The first instance dismissal had provoked the criticism of the local press, but also the reaction of the Prosecutors National Association against those critical comments. In fact, the Association encouraged the probation officers to start action against the foreign woman-victim!

F. What initiatives/good practices against racist violence and crimes have taken place during 2004?

1. The NCHR translated into Greek, published and distributed the Pocket Book on Human Rights for the Police entitled “International Human Rights Standards for Law Enforcement” (United Nations High Commissioner for Human Rights, UNHCHR).

2. In July 2004 the Greek Ombudsman police published jointly with the Ministry of Public Order a practical guide/handbook for the police officers’ contact with citizens during the Olympic Games. The guide has been based on national and international law provisions and conventions on citizen and human rights. The thirty-one-page booklet includes a chapter on how to deal with immigrants, especially foreigners who do not speak Greek.

3. A new nationwide toll-free emergency hotline (197) has been launched for victims of sex trade. The 24-hour service is addressed to trafficking victims and brings them in touch with the police and social workers.

4. Another hotline for women victims of human trafficking in Greece is the SOS hotline (800 1114400 and 210-770-4574) recently launched by the European Network of Women and supported by the Ministry for Foreign Affairs.

5. A new reception centre has been created in Thessalonica to assist and provide health and social care to foreign women and minors, trafficking victims. The building was conceded

¹⁵⁶ “Court sees no border beating”, in: *Kathimerini English edition* (17.06.2004), PUBGR0851; Greek Helsinki Monitor Watch, Press Release “One conviction for injury and two acquittals for abuse of albanian at Greek-Albanian border crossing in 2002” (18.09.2004), PUBGR0850.

¹⁵⁷ ECRI, Third report on Greece, adopted December 2003, published June 2004, p.9, PUBGR0836

¹⁵⁸ “Eleftheroi gia ton omadiko viasmo” (Acquitted of the group rape), in: *Macedonain News Agency* (18.05.2004), PUBGR0909

by the Ministry of Macedonia and Thrace to the NGOs ARSIS and Centre for the Rehabilitation of Torture Victims who also run the centre.

6. Article 1 of Law 3218/2004 (27.01.2004) designates the 27th of January as the day for the commemoration of Greek Jew Holocaust Martyrs. According to the law, the character, the content, the organiser and the organisation method for the commemorating events are to be defined through presidential decree issued by the Interior Minister based on the consultation of the most recognised Jewish associations and organisations in the country.

7. Cooperation between human rights and other civil society organisations on matters of racist violence, discrimination and human rights was furthered during 2004 through the joint organisation of conferences and initiatives, press releases and public interventions. The number and quality of the activities indicate that civil society organisations in Greece have reached a critical mass allowing them to influence the public agenda towards anti-discrimination and human rights. NGOs are also in forefront of specialised assistance for victims of trafficking, racist violence and discrimination.

8. Last but not least, self-help migrant organisations in Greece have strengthened their position and widened their activities through the creation of an umbrella organisation, the Greek Migrant Forum.

Update of the Report

October – December 2004

1. Employment

Good practices – EQUAL project results

During the last months of 2004 an increased number of EQUAL project consortiums have presented the outcome of their work, much of which represent Good Practices, in dealing with discrimination, xenophobia and racist attitudes, mostly in employment and the media. The material produced under the EQUAL funding tool, is mainly composed by manuals, low-scale surveys, databases, promotion of best practices as well as information booklets and guidebooks, often translated in different immigrants' languages.¹⁵⁹

However, while some of these products do represent good practices, not in all cases do results seem to be substantial. A number of surveys or promotion material lack depth and give the impression of superficial bibliographic compilations of questionable quality. Products relating to discrimination almost exclusively focus on improving the understanding and respect of the multicultural "different" / "other". An approach, which has been proved to be inefficient towards that kind of discrimination against immigrants, which mostly originates from unequal social positions, exclusion and exploitation structures in host society and economy, rather than from cultural gaps.

Nevertheless, in December a notable number of conferences, seminars and other similar events took place, mainly focusing on the immigrants' integration in employment, as well as on racism and discrimination in mass media and society¹⁶⁰.

This intense activity, besides the conclusion of the EQUAL project's phase, shows the increased interest about migration and discrimination issues in public discourse during the last years.

¹⁵⁹ KE.M.ME.PA.P. – IFAISTOS, Guide for Migrants and Refugees, NFPGR0049, NFPGR0326, PUBGR0903 | European Profiles S.A., Local action for employment - manual of good practices, NFPGR0316, PUBGR0904 | KE.M.ME.PA.P. – IFAISTOS, Model for intercultural orientation for operators (handdebook), NFPGR0049, NFPGR0326, PUBGR0905 | EKA, Guide for the labor rights of the workers, NFPGR0322, NFPGR0327, PUBGR0906 | Guide of good practices for integration of refugees and immigrants in employment, NFPGR0203, NFPGR0323, PUBGR0907 | DOKPY -DREAM, The image of immigrants from Albania in local mass media (Volos), NFPGR0324, NFPGR0323, PUBGR0908 | DREAM: Consortium for combating racism and xenophobia in mass media, Manual for Journalist- Racism xenophobia & mass media in Greece and Europe, NFPGR0323, PUBGR0909 | DREAM, Study on the area of mass media workers about their attitudes towards homogenis, Immigrants, refugees, NFPGR0323, PUBGR0910 | Code of professional ethics of employers and workers for acceptance and smooth integration of foreigners in the Greek labor market, NFPGR0203, PUBGR0911 | KE.M.ME.PA.P. – IFAISTOS, 'Let's expose the alibis...' Guide for Journalists on Migration issues, NFPGR0049, PUBGR0912 | Media & Communication Dept of the University of Athens, All different all equal - Multimedia production, NFPGR0203, PUBGR0913 | DOKPY, 'DESMOI' project, Cases of discrimination, NFPGR0324, PUBGR0914.

¹⁶⁰ KE.M.ME.PA.P. – IFAISTOS, International conference for the certification of professional skills of immigrants in Greece, NFPGR0316, NFPGR0326, (ACTGR0501) | EQUAL project consortiums, 4 Intercultural festivals for combating discrimination, NFPGR0326, NFPGR0325, NFPGR0323, NFPGR0327, (ACTGR0502), EQUAL project consortiums, Conference - Racism, Xenophobia and mass media, NFPGR0203, NFPGR0323, NFPGR0049, NFPGR0325, (ACTGR0503) | INE-GSEE-Migrants Forum, Conference: The problems of the greek migraiton policy and perspectives for improvement, NFPGR0189, NFPGR0196, (ACTGR0504) | 'Anadrasi Istos' EQUAL project consortium, Conference: 'ΚΟΙΝΩΝΙΚΗ ΕΝΤΑΣΗ ΑΙΤΟΥΝΤΩΝ ΑΣΥΛΟ ΣΤΗΝ ΕΛΛΑΔΑ- ΜΙΑ ΑΤΕΛΗΣ ΑΠΟΠΕΙΡΑ;', NFPGR0325, (ACTGR0505) | Municipality of Athens, Β' ΚΥΚΛΟΣ ΣΕΜΙΝΑΡΙΩΝ ΕΥΑΙΣΘΗΤΟΠΟΙΗΣΗΣ ΣΤΕΛΕΧΩΝ ΤΟΠΙΚΗΣ ΑΥΤΟΔΙΟΙΚΗΣΗΣ ΣΕ ΘΕΜΑΤΑ ΜΕΤΑΝΑΣΤΩΝ ΚΑΙ ΠΡΟΣΦΥΓΩΝ, NFPGR0203, (ACTGR0506), Hellenic League for Human Rights-Research Centre for Minority Groups (KEMO), European Migration Dialogue, NFPGR0002, NFPGR0069, (ACTGR0508).

In this landscape, some surveys offer the opportunity for a more thorough and solid examination of the immigrants' condition in Greek economy and society.

Surveys

A number of surveys and projects' results related to immigrants' condition and exclusion-xenophobia in employment have been published. Among them the data produced by the recently established and operational Institute for Migration Policy (IMEPO) provide an updated statistical overview of migration in Greece.

According to such findings and estimates, the undocumented immigrants as well as those waiting for the renewal of their permits still represent the major immigrants' groups (almost 62%) out of a million of third country nationals present in the territory marking the failure up to now of the migration management system to regularize their active presence in economy and society (Stat.annex, chart 1).

Legislative initiatives for migration law - employment

The Interior Minister has confirmed intentions about revising during 2005 the entire system for legal entry and stay for employment purposes in Greece. (See more details in the Legislation section below.)

2. Education

Surveys

A survey conducted by the Secondary Education Teachers' Organisation (NFPGR0007) and presented in December 2004 indicates that one in every three persons living in Greece is illiterate. The general dropout rate from education (abandoning school during secondary education) is 6%, while the highest rates affect immigrants and minorities. The number and proportion of foreign students in secondary education continues to rise (3,2 % - 6,9%)¹⁶¹.

Muslim minority of Thrace: claim for participation in educational design¹⁶²

The representatives of Muslim minority in Thrace claim that they intend not to participate in the next phase of the special education program for Muslim children without prior consultation about their educational needs. During a special meeting in view of the next program phase, the Muslim minority representatives criticized the project and blamed the education ministry representatives for inefficiency and for the limited impact of the project in improving the minority school programs.

The "flag issue"

The "flag issue" – that is immigrant students carrying the Greek flag in school parades – has been once more widely discussed and caused a notable divergence of positions in political and public discourse. Behind this apparently only (?) school issue, lays the question of immigrants' integration, especially the second generation

¹⁶¹ Survey by KEMETE/OLME (NFPGR0007), In: Flash.gr, Αναλφάβητοι ένας στους τρεις Έλληνες, PUBGR0892, 16.12.2004.

¹⁶² Παρατηρητής Θράκης, "Θέλουμε λόγο για την εκπαίδευσή μας", PUBGR0893, 15.12.2004.

and so forth, as well as the media-guided tensions' issue. More details, in Racist Violence section below.

3. Legislation

New (old) draft law transposing discrimination directives

The draft law¹⁶³ for the transposition of the anti-discrimination Directives has made once more its way to the parliament (it's tabled for discussion in the parliament on January 11, 2005). After a long period of consultation, and a number of different schemes for equality bodies and jurisdiction distribution between them, the draft submitted to the parliament – to be approved in 2005 – is very close to the original draft prepared by the previous government in early 2004.

Different versions for the mandated body had been discussed in the meantime, among which, the idea to found an independent authority (Commissioner) for discrimination faithful to the model provided by the institutional profile of the Greek Ombudsman. Finally, the latter has conserved its mandate for discrimination acts and omissions by the public administration on the grounds of racial or ethnic origin, for what concerns respect of the equal treatment principle by public authorities. The rest of the mandate, regarding all private persons and legal entities is assigned to the Commission for Equal Treatment (to-be-founded), a body annexed directly to the Justice Minister, assisted by a special Equal Treatment Service in the same ministry. The latter shall deal with equal treatment principle and discrimination violation by private and legal entities. Complementarily, the Labour Inspectorate Body shall be assigned the role of monitoring and controlling discrimination cases in employment assisted by the Equal Opportunities Department of the Directorate for Social Protection of the Labour Ministry. Additionally, the Economic and Social Committee (under par.2, art.82 of the Greek Constitution, and the Law n.2232/1994) will perform duties of the reporting body about implementation of anti-discrimination law, issuing also the annual report to be submitted to the European Commission.

According to this law a system of different complementary bodies will be established, each of them performing also a monitoring and reporting role, which inevitably may interfere with the rest similar bodies' area of interest (e.g. the Ombudsman's report and the Economic and Social Committee report about discrimination in public sector). Furthermore, the offices assigned with segments of the mandate for preserving and promoting equal treatment vary considerably, concerning their legal status, as well as the range of available resources in order to accomplish their mission.

While some bodies are adequately equipped, institutionally strong and independent (e.g. the Ombudsman), others risk to be less powerful and independent (e.g. the Equal Treatment Committee referring directly to the Justice Minister) or poorly staffed and precariously organised (e.g. the case of the equal opportunities dept of the labour ministry which, according the law draft, will be equipped by "administrative/finances" staff for the "scientific support" of the Labour Inspection Body or the case of Equal Treatment Service of the Justice Ministry which is composed by senior expert scientific staff, though headed by an Administrative level director).

On the other hand, there has been scepticism about the idea of assigning this role to unique already well-established institution (explicit refusal for the Ombudsman to assume tasks of mediation between private persons/entities) or a new one with competence either in private and public sector (therefore conflicting with the existing mandate of the Ombudsman for the public sector).

In the scheme below, follows the proposed distribution of tasks between new equal treatment bodies:

¹⁶³ PUBGR0896.

Table 1 - Division of working areas-tasks between anti-discrimination bodies in Greece

Law transposing anti-discrimination directives in Greece	Reporting	Promoting equal treatment body	Complaint handling / mediation	Discrimination by public bodies	Discrimination by private persons / legal entities	Discrimination in employment	Monitoring Law implementation	Promoting Social Dialogue	Raise awareness
The Greek Ombudsman									
Commission for Equal Treatment (Ministry of Justice) Equal Treatment Service (Ministry of Justice)			Supporting service						
Labour Inspection Body Equal Opportunities Department (Labour Ministry)			Supporting service						
Economic and Social Committee						special focus	Report to the EC		

Table based on the 01.11.2005 draft law (tabled to the parliament)

In autumn 2004 a couple of new laws approved by the Parliament concerned migration issues:

- New Citizenship code

The new law n.3284/2004¹⁶⁴ codifies all existing legislation and provisions regarding citizenship under one and only legal text. No major or minor changes in citizenship law have been attempted.

- Filling gaps of the migration law and the regularization procedure - Special temporary work-stay permit for trafficking victims

The new law n.3274/2004¹⁶⁵ regulates issues concerning stay permit and expulsion of immigrants, filling gaps of the migration law (n.2910/2004) and of the labyrinthine regularization procedure of the past years.

Among the new provisions, the law provides for an expulsion reprieve for victims of sexual trafficking and exploitation, who have denounced such crimes. It also provides for the time necessary for the accusations to lead to a trial or not and have a final sentence on the case. An important innovation is that, at the same time, the victims are entitled to a renewable six-month stay and work permit. Such provisions are not followed by special social protection and support measures linked with the further stay of the victims in the country. As mentioned in the 2004 Raxen report, a set of protection measures has been announced but not yet realized under law and implemented on a coordinated basis.

Finally, a range of initiatives concerning migration legislation has been announced. A third blanket amnesty has been planned, while a new (restrictive?) framework for legal entry for employment reasons and a nationwide registry for legal immigrants are the priorities on the interior ministry agenda.¹⁶⁶

The most concrete measures announced¹⁶⁷ are the introduction of one and only residence-work permit by combining them into one administrative act and implementation of concentrated administration contact points/ "one-stop shops" for stay permit applications. Both, proposals put forward in the past years by the Ombudsman, as well as by operators, academics and NGOs. Another much needed initiative announced to be implemented in 2005 is the computerisation of the permit

¹⁶⁴ PUBGR0895.

¹⁶⁵ PUBGR0894

¹⁶⁶ Interior Minister declarations about planning a nationwide "registry" of immigrants in the country during the first annual international conference on immigration organised by the Hellenic Migration Policy Institute (IMEPO) in Athens, Athens News, 'Immigrant 'registration' by June, 24.11.2004, PUBGR0898.

¹⁶⁷ TA NEA, Unified permit, PUBGR0897, 20.12.2004.

application-issuing system, the lack of which during the past years has contributed to the collapse of administrative procedures-deadlines¹⁶⁸.

4. Housing

Concerning the housing program for the Roma an overview is possible thanks to additional data provided to NFP "Antigone" by the Interior Ministry in late October 2004. According to analytical and cumulative data, the development of the twofold housing initiatives for the Roma community in Greece (loans, pre-fab houses) varies throughout the regions of the country, while some municipalities register a record of delays and missing/low percentage of loan approvals.

Loans approved by the municipalities up to 10.26.2004 reached 4.797 in a total of 14.154 applications. Meanwhile, in the same period, 1694 prefabricated and 187 permanent houses were constructed and delivered. These numbers, although far from fulfilling and satisfying the housing needs of the Greek Roma citizens, as assessed during the past years, constitute a significant step forward. Nevertheless, a more in-depth examination of the statistics shows variations concerning the percentage of approvals, among different municipalities and areas as the relevant statistical chart demonstrates (Stat.annex, chart 2).

Major municipalities, such as the City of Athens, Chalandri (Attica main urban cluster), Kordelio (western Thessaloniki area), the City of Rhodes and others present an extremely low percentage of approvals of requested loans (starting from 1,43% for the City of Athens), while other municipalities show no approvals at all. On this list (see annex chart n.3) one may notice those areas, where problems and tensions relating to the Roma presence and condition have emerged during the past years (Aspropyrgos, Marousi, Chalandri, Pyrgos, Meligala, Movri, Spata etc.).

Those data confirm in a eloquent manner the double-sided view of the Roma issue today in Greece: a notable central effort for housing policy hand in hand with a considerable resistance to accomplishing a more permanent settlement in local communities, especially the urban ones. The chart n.4 of the annex shows the distribution per regions of constructed permanent and prefabricated habitations for Roma in the period 1997-2004.

The case of Riganokampos open settlement (Patras area, Peloponnesus) stands out among Roma emergency housing cases, according to media publications and NGOs. The extreme winter conditions urged for emergency intervention of civil society organizations, local hospitals and the ministry for health¹⁶⁹.

The available data about Roma housing, show that the housing needs identified in the DEPOS survey - proposal (late 90s)¹⁷⁰ are far from satisfying.

¹⁶⁸ ATHENS NEWS , Putting immigrants online, PUBGR0919, 10.12.2004.

¹⁶⁹ PUBGR0900, PUBGR0901, PUBGR0902.

¹⁷⁰ DEPOS/MRC (1999) Condition and Trends in the Housing Market in the Greater Athens Area, Athens (unpublished available from DEPOS), PUBGR0694. The estimates of such survey are considered moderate (approx. 63000 settled and 11000 nomadic Roma). Other approaches estimate triple and quadruple numbers.

5. Racist violence and crime

Racist discourse

A media “crime wave” and the subsequent hysteria, caused especially by the electronic media, have marked the ending of 2004. An incident of a bus hijacking by a couple of Albanian citizens – who presented themselves as Russians/Chechens in order to avoid identification and negative (?) – resolved then without use of violence has obscured the landscape.¹⁷¹

Media hysteria led to indiscriminate fear and negative public discourse against Albanians. This trend was heavily influenced and strengthened by the fact that almost all major electronic TV media organizing discussions about the crime-emergency gave floor, providing extensive TV time for public speech to extreme right-wing politicians with no representation in the parliament.

The fact that, on the bus, three Albanian immigrants were also held hostages and assisted in resolving peacefully the hostage situation, has been largely ignored by the media.

Ironically, the accentuated and biased public discourse about immigrants and crime of the year-end coincided with the publication and promotion of various products by EQUAL project operators, especially concerning media and racism, guidebooks and surveys about discrimination for journalists, often produced through partnerships with journalist and media organizations. This paradox comments eloquently the questionable impact of the results produced in the name of anti-discrimination efforts in the framework of EU-funded initiatives.

Court cases

In December 2004 two important court cases related to the rape of minors were concluded.

In the first case, in September 2004, penal action was ordered by the Prosecutor of the Court of Appeal in Patras against two probation officers, for delivering an order to appear in court for a trafficked woman victim at an unknown address. In the first instance court the woman wasn't able to assist for a rape by a police officer and the latter had been acquitted. Later (November 2003), the Supreme Court had appealed the case. The first instance dismissal had provoked the criticism of civil society and offered high publicity to the case.¹⁷²

The final decision by the court of appeals of Patras, acquitted once more the accused policeman for rape, while condemned him for violation of office duties, causing tension in the auditory, composed by representatives of human rights activists and civil society.

In the second case, the Court of Appeal in Patras issued a condemning decision for the immigrants' rape (minor at the time), five years after the offence had taken place.

Refugees minors – detention centre - police violence

¹⁷¹ BBC, Greek Albanians' woes fester, PUBGR0921, 16.12.2004.

Press release of the Albanian Immigrants; Forum, PUBGR0935, 17.12.2004.

¹⁷² publications in newspapers, press releases from human rights and feminist organizations, PUBGR0927, PUBGR0926, PUBGR0934.

About 186 unaccompanied minors are held under inhumane conditions in a North Aegean detention centre on the island of Lesbos as part of a large wave of irregular migration during autumn 2004.¹⁷³ This situation puts in evidence the lack of state policy and specialized structures focused on the needs of minors arriving irregularly in the country and treated as clandestine immigrants (detained together with adults and deported). Often, the deportation is not realistic option, e.g. for origin countries such as Afghanistan, therefore the minors, after the maximum term of imprisonment are set free, just like adult irregular immigrants.

This has been also the case also for some afghan minors who suffered sever maltreatment and denounced tortures by police officers in the very centre of Athens.¹⁷⁴ The case gained publicity and has caused reactions from the civil society and human rights organisations, as well as tensions, some of which violent ones¹⁷⁵.

Conclusions and Recommendations of the Committee against Torture

In November 2004 the UN Committee against Torture published its conclusions and Recommendations about situation in Greece. Among others, the UN CAT emphasized as 'subjects of Concern' about the following issue:

- procedures related to the expulsion of foreigners.
- the low percentage of persons that are being granted refugee status.
- the training provided to public officials, which may be inadequate to provide an appropriate response to the numerous challenges they are faced with, including undocumented migrants and asylum seekers and victims of trafficking,
- continuing allegations of excessive use of force and firearms, including cases of killings and reports of sexual abuse, by the police
- continued overcrowding and poor conditions prevailing in prisons and other detention facilities,
- occurrences of ill-treatment of the Roma by public officials in situations of forced evictions or relocation.
- inadequate measures taken to offer protection to children picked-up by the Security Police and taken into State care during the period 1998 2003.

In relation to police violence and ill-treatment by public officials in general, the CAT recommended to the Greek state to 'strengthen existing efforts to reduce occurrence of ill-treatment, including that which is racially motivated, by police and other public officials' and to 'ensure that all personnel involved in the custody, detention, interrogation and treatment of detainees are trained with regard to the prohibition of torture and ill-treatment'.¹⁷⁶

6. Conclusions

The main conclusions of the annual report are further confirmed and reinforced from the facts and findings of the year ending.

- The state is committed to combating racism and discrimination. The law transposing the EC directives has been the first to table and vote through a large majority and wide consensus-support in Parliament in 2005 (11/1/2005).

¹⁷³ Eleftherotyria, Υπό κράτηση 186 παιδιά! , PUBGR0932, 22.12.2004.

¹⁷⁴ TA NEA , «Σοκ και δέος» για Αφγανούς μετανάστες. Πογκρόμ αστυνομικών με μαζικούς ξυλοδαρμούς κατά μεταναστών , PUBGR0928, 20.12.2004.

No Border network, Καμία ανοχή σε ρατσιστικές επιθέσεις εναντίων μεταναστών, PUBGR0929, 3.12.2004.

¹⁷⁵ Aggression and damages from a group of head hooded persons against the local police department.

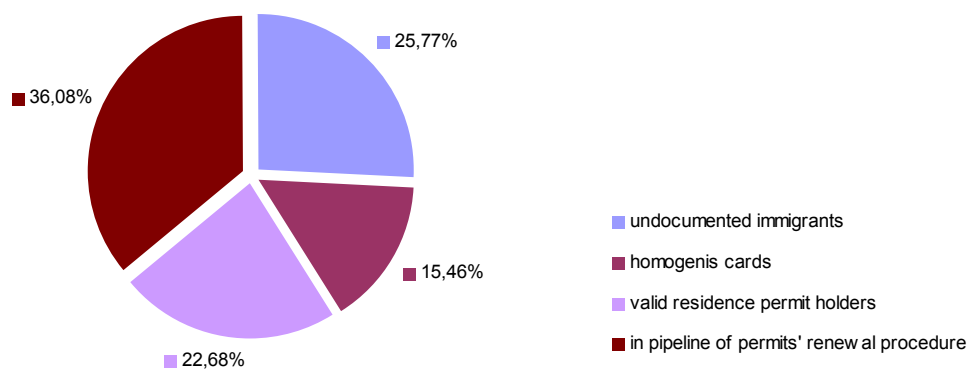
¹⁷⁶ United nations, COMMITTEE AGAINST TORTURE , Recommendations of the CAT, PUBGR0930, 26.11.2004.

- Declared policies combating social exclusion and discrimination often are not effectively and efficiently implemented. This goes for housing of Roma, as well as for reception conditions for refugees and protection of minors or the migrants regularisation and integration.
- Despite campaigns and intense anti-discrimination activity, negative stereotypes against minority groups and legitimizing of racial violence prove to be hard-to-die and often are promptly promoted by the electronic media. Any incidental event (a football game or a bus hijacking parody) is readily used to fire racist tension against the major immigrant group (Albanians).

STATISTICAL ANNEX

to RAXEN5 - RAPID RESPONSE No 2 - Update of the National Report

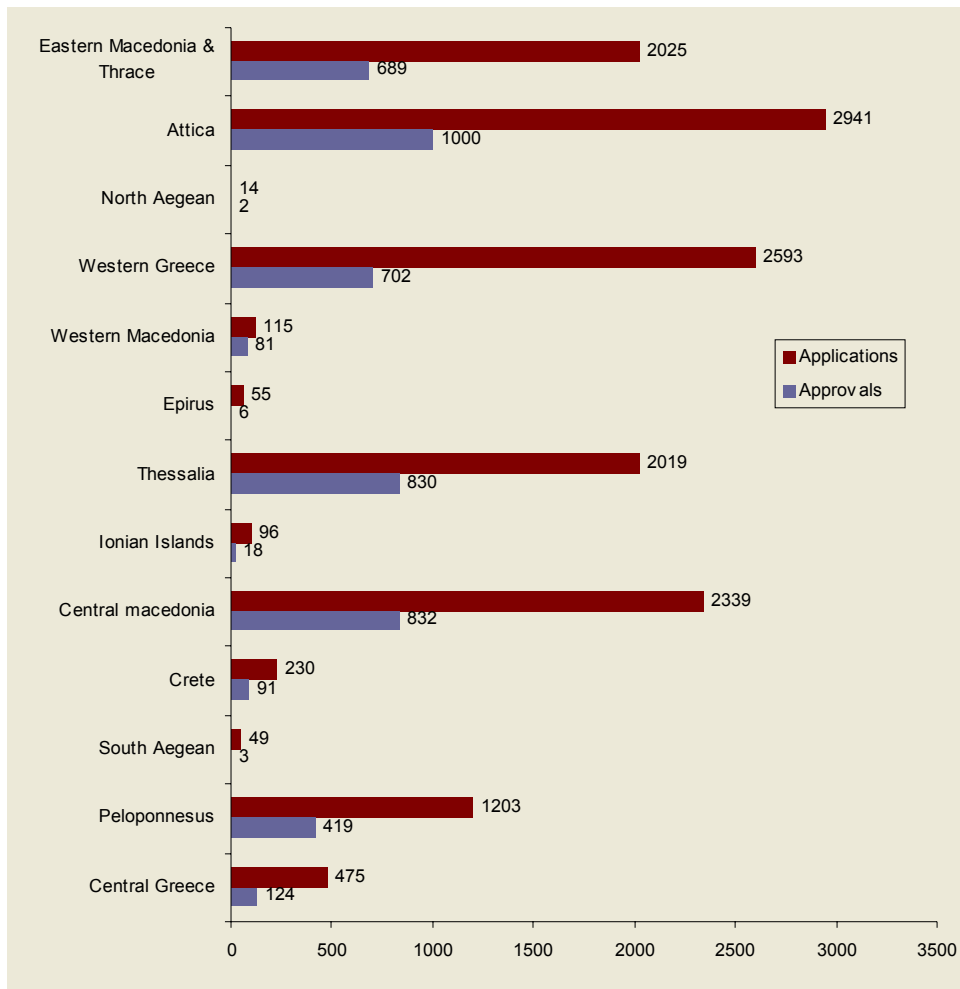
Chart 1- Third Country nationals – distribution per residence status



Source: Elaboration of IMEPO publicly announced data, press conference 13.11.2004¹⁷⁷ (based on survey produced by MMO-Mediterranean Migration Observatory)

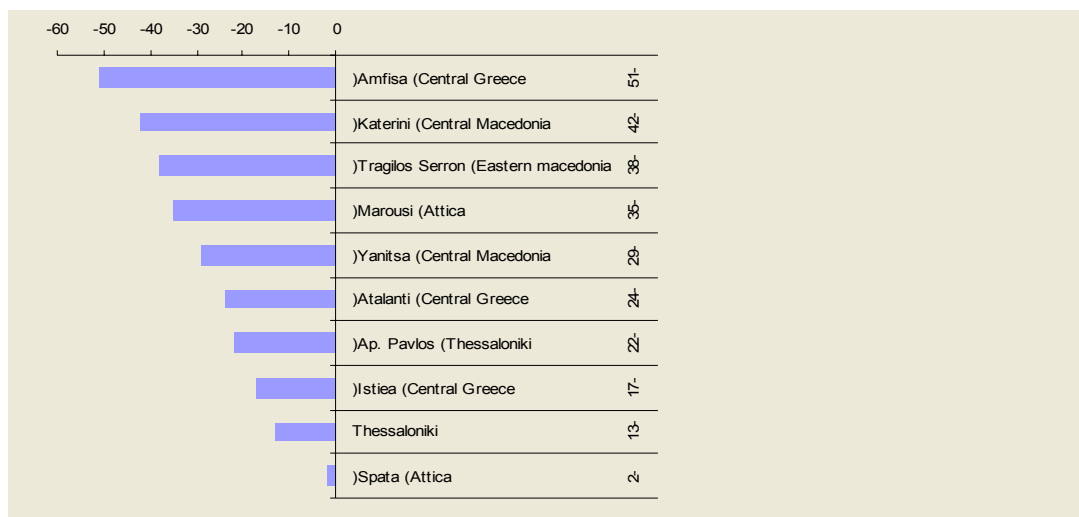
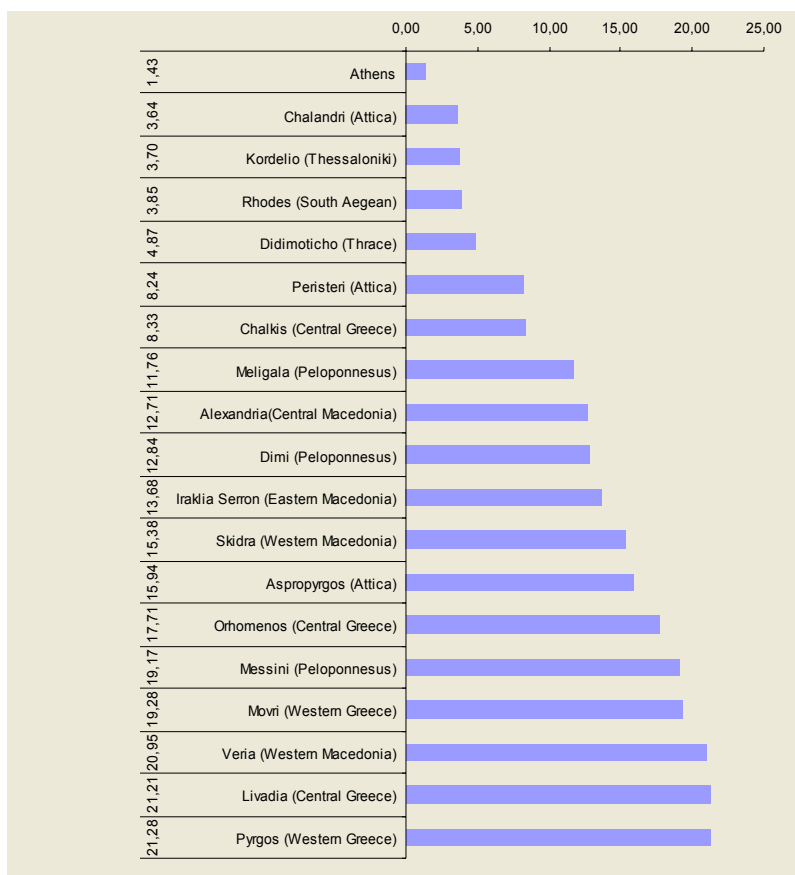
Chart 2. Roma housing loans programs - applications and approvals per region (1997-2004)

¹⁷⁷ PUBGR0916, PUBGR0917.



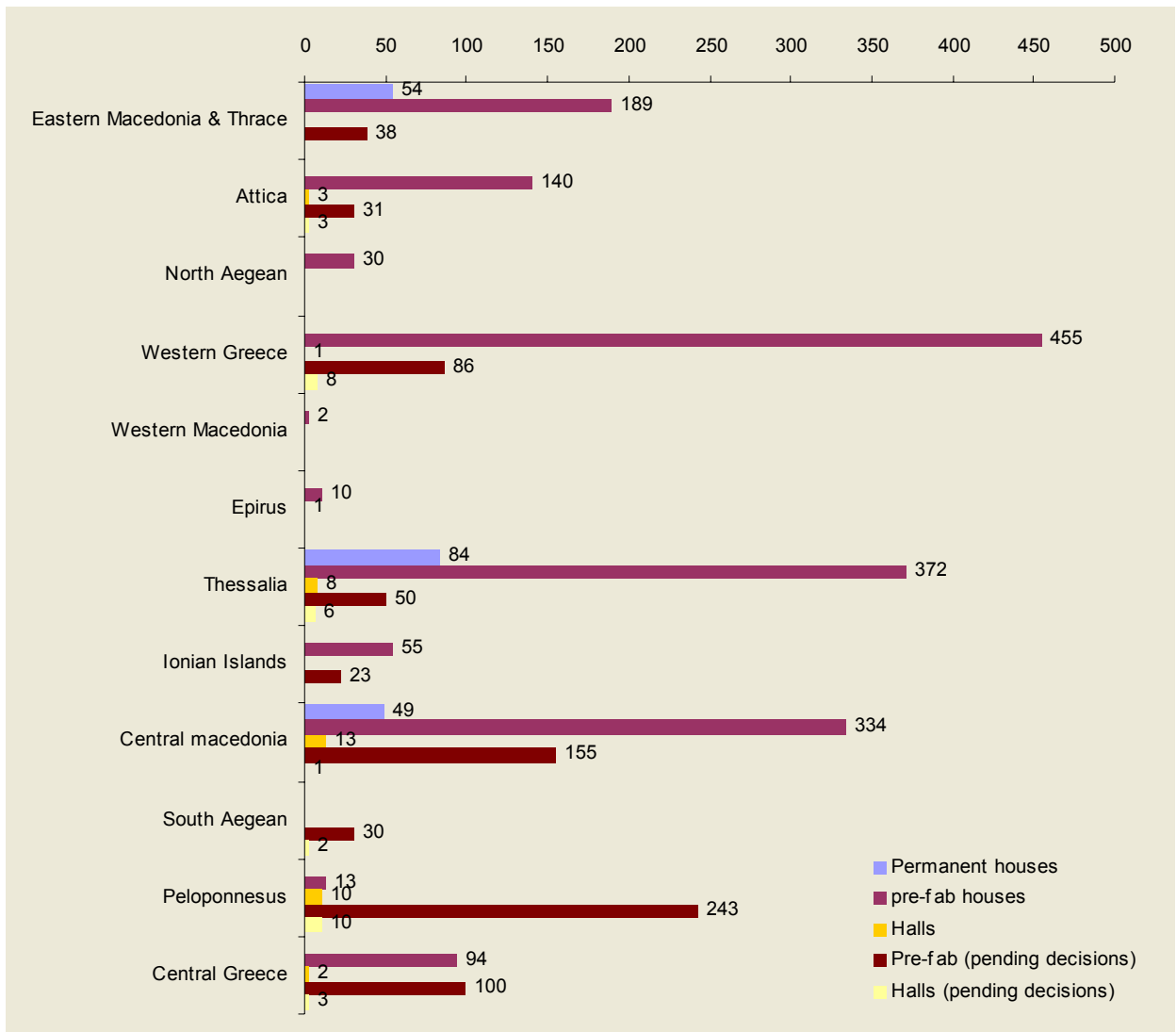
Source: Interior Ministry - Directorate for Development programs, 26.10.2004

Chart 3. Roma housing loans programs – approval/application rate, unanswered applications per selected municipalities (1997-2004)



Source: Interior Ministry - Directorate for Development programs, 26.10.2004

Chart 4. Roma housing programs – Permanent and prefab houses – constructed & pending decisions per region (1997-2004)



Source: Interior Ministry - Directorate for Development programs, 26.10.2004