



RACIST VIOLENCE RECORDING NETWORK 2016 ANNUAL REPORT¹

Introduction

The year 2016 was marked by the EU-Turkey Statement of March 18th. The change in the welcoming attitude to refugees started to show when parts of the humanitarian corridor were closed and the political discourse on the refugee crisis became acute. Terms, such as “migration” and “migrants”, instead of “refugees,” reappeared in the terminology used by political leaders and other influential actors, with a dual negative effect: on one hand, it was suggested that all the people entering EU were migrants and hence the EU Member States do not bear the same legal obligations as for refugees. Furthermore, this point strengthened a position according to which States do not have any obligations towards irregular migrants. This theory degrades a series of rights and obligations arising from international conventions, while it deepens the relative “isolation” in which migrants legally residing in Greece were found due to the shift of the authorities’ attention, as well as civil society, in the management of refugee and migrants flows. In any case, persons of foreign origin («ξένοι») increasingly monopolize discussions with negative content, while certain EU leaders use extremist language, and some others are tough in negotiations and aim to host as few refugees as possible. People receive the message that the refugee issue is a huge problem with only negative consequences.

The public discourse on providing temporary accommodation facilities for refugees in Greece triggered the first reactions. For example, the incident related to a pig’s head in the camp of Skydra, the arson of a warehouse holding humanitarian material for refugees in Kastelorizo, another pig’s head in the yard of the Museum of Greek Refugees in Kavala, the raid on an old army site in Larissa to dismantle tents that were set up for refugees². At the same time, the tensions were on the rise on islands where thousands of persons started to realise bit by bit that they were about to be “trapped”, while local communities started to note the gaps in the management of the situation and the impact on their daily life and on tourism. At the instigation of people with xenophobic opinions, every extraordinary incident in the accommodation sites (i.e. any refugees’ protest related to their living conditions) is being exploited by “fanatic” locals resulting thus in reigniting older extremist practices. Racist violence on the islands start to be reported on, while at the end of the tourism season and the

¹ This report is a translation of the original Greek report.

² The use of pig’s heads has, *inter alia*, anti-Islamic connotation, as for Islam this animal is “impure” and its consumption is not allowed.

beginning of autumn, demonstrations were growing against the accommodation of refugees on Samos and on Chios. During this period, the press reported attacks on Lesbos and Chios against journalists covering the refugee situation. The authorities tried to avoid further escalation and some seemed reluctant to condemn racist incidents.

When the new school year started and the Ministry of Education presented plans to integrate refugee children in the education system, a few parents and guardians' associations, and to a lesser extent teachers, expressed concern and these were rapidly exploited by extremist political groups, starting with Oraiokastro. The vaccination of children, an argument also known to human rights defenders from the respective reactions to the integration of Roma children, influences the public debate on the access of children to the right to education.

Along with the signs of a changing attitude, an important part of Greek society continues to stand by refugees and other vulnerable people. The right of refugee children to education unites many people and is a symbol of zero tolerance towards racism against children. The Racist Violence Recording Network (RVRN) welcomes the role and the contribution of teachers, parents, other groups, as well as the efforts of the Ministry of Education and its staff on the integration of refugee children in schools. On the other hand, the RVRN does not share the view that there is no racism among a section of Greek society.

The RVRN is constantly seeking to expand its activities and tries to respond effectively to challenges in recording racist violence. With a view to record any increase of incidents of racist violence, the RVRN expanded the training of its members on its methodology and started to share its knowledge on racism and racist crimes with other humanitarian actors, international and national. At the same time, the RVRN held targeted visits on areas and spots in which the tension escalated.

In 2016, recordings of attacks have decreased in comparison to those of 2015. It is a multifactorial effect based on the following points: *a)* projects devoted to recording of racist crimes and implemented by RVRN members were completed at the beginning of 2016, thereby weakening the support services and the awareness raising campaigns among the targeted groups, *b)* most RVRN members have expanded their activities and staff but as they are in the first line of support of refugees, they often prioritise the most urgent needs of the population, *c)* the RVRN members that used to support most of the victims of racist violence consider that the support and housing of a part of the refugee population in decent conditions had a preventative and protecting impact on victims. The RVRN organisations reach this conclusion because in previous years, most of the victims were people without shelter and protection.

The trends depicted in the RVRN recordings show a tendency towards the recurrence of organised or informal groups and the rise in serious attacks with racist motivation, but this trend remains less dominant.

The following findings based on the RVRN recordings briefly describe the quantitative and qualitative data for 2016.

1. Despite the decrease in recorded racist incidents against refugees and migrants in comparison to 2015, the RVRN recorded incidents reflecting the new trends related to the management of refugees. In the clear majority of incidents against refugees and migrants, the victims suffered physical injuries as well as insults, threats, and property

damage. Fewer incidents of verbal abuse were recorded in 2016 as they are unfortunately considered by victims as routine, that they deemed there was no reason to be reported when not accompanied by physical violence. Nonetheless, the fall in racially motivated verbal abuse is also due to the absence of specific projects that were implemented in 2015.

Among the recordings, incidents with similar characteristics of previous years are included as well as trends that have emerged in the context created by the concentration of refugees and migrants on the islands – first entry points, and the consequential pressure on local communities. In the first group of incidents, we must distinguish those that substantiated the non-elimination of organised violence against refugees and migrants. In the second group, the following trends must be mentioned: attacks by groups against small groups of refugees on the islands aiming at intimidating them, the ill-treatment of unaccompanied minors in places of detention, sporadic attacks against a Syrian family or Syrian minors by staff members of KTEL (intercity buses), as well as attacks against humanitarian staff and accommodation site.

2. Recordings of attacks against LGBTQI+ persons have decreased in comparison to those of 2015, but they remain quite high. In 2016, several incidents were recorded. These included attacks by unknown assailants as well as by friends or family. The reports reveal also insults committed by acts that express the contempt of the perpetrator, as well as in conjunction with property damage. The RVRN recorded an incident against a person targeted due to his relationship with a trans-gender person.

3. There are fewer incidents involving law enforcement officials, mostly maltreating unaccompanied minors. These incidents were recorded thanks to accompanying services offered by RVRN organisations to unaccompanied minors.

4. Incidents perpetrated by civil servants remain alarming. The RVRN recorded serious verbal abuse against unaccompanied minors by a doctor in a large hospital, as well as the mistreatment of a LGBTQI+ person during his military service.

5. The number of anti-Semitic incidents, involving mostly desecration of monuments and sacred places, remains steady.

6. Finally, it is true that the response of authorities to racist crimes has progressively improved. Nonetheless, many steps remain to be taken to ensure that racist crime will not be treated as a “common” crime and no victim of racist violence will experience secondary victimisation.

I. Working Methods of the Racist Violence Recording Network

The present section aims to provide, for reasons of transparency and awareness raising, a concise and up-to-date overview of the working methods of the Racist Violence Recording Network.

A. Institutional Remarks

The report is the sixth published by the Network. Ever since October 2011, the RVRN's activity has been constantly growing. It is to be noted that the initiative for the establishment of the Racist Violence Recording Network was taken in mid-2011 by the Greek National Commission for Human Rights (GNCHR) and the Office of the UN High Commissioner for Refugees in Greece (UNHCR) following two major findings: a) the absence of an official and effective data collection system and b) the need for coordination among organizations which recorded, on their own initiative, incidents of racist violence against people who seek recourse to their services.

For the RVRN, incidents of racist violence are considered criminal acts, or violent activities, or behaviour against people targeted because of national or ethnic origin, colour, religion, sexual orientation, gender identity, or disability. There are also recorded criminal acts, or violent activities, or behaviours against *human rights defenders*, namely people who promote and protect human rights and are targeted because of that capacity.

The RVRN is comprised of actors offering medical, social and legal services or/and come in direct contact with victims of racist violence or victims of other hate-motivated violent attacks as well as of organizations established by members of the groups usually targeted by racist violence. To join the RVRN a necessary precondition is respect for human rights, diversity, multiculturalism, and freedom of religion as well as action in tackling discrimination and intolerance. Apart from the coordinators, the UNHCR and the GNCHR, the RVRN is comprised of 37 Non-Governmental Organizations and civil society actors, as well as the Greek Ombudsman and the Migrants' Integration Council of the Municipality of Athens as observers³. The

³ RVRN Membership during 2016: Act Up Hellas, Aitima, Amnesty International, Antigoni - Information and Documentation Centre on Racism, Arsis, Asante, Association of Afghans United In Greece, Association of Social Workers of Greece, "Babel" Day Center, Caritas Hellas, Center for the Support of Repatriated and Migrants - Ecumenical Refugee Program, Colour Youth - LGBTQ Youth Community of Athens, Doctors of the World (MdM), Forum of Migrants in Crete, Generation 2.0 Red, Greek Association of Social Workers, Greek Council for Refugees, Greek Forum of Migrants, Greek Forum of Refugees, Greek Helsinki Monitor, Greek Transgender Support Association, Group of Lawyers for the Rights of Refugees and Migrants, Group of Lawyers for the Support of Refugee and Migrant Rights (Thessaloniki), Hellenic Action for Human Rights - Pleiades, Hellenic League for Human Rights, Hellenic Red Cross, Homosexual and Lesbian Community of Greece, Human Rights Commission of the Bar Association of Rhodes, Initiative for the Rights of Prisoners, LATHRA? - Solidarity Committee for Chios refugees, Medical Intervention, METAction, Action for Migration and Development, Network for the Support of Refugee and Migrant Rights (Patras), Network for the Social Support of Refugees and Migrants, Positive Voice, PRAKSIS, Rainbow Families, Solidarity Now, World Without War and Violence.

participating actors acknowledge and jointly pursue combating racist violence as well as all racially motivated acts on the grounds of race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, and disability.

In pursuit of the common goal, the RVRN: i) formulates recommendations to the Greek authorities in compliance with Greek and international law in human rights protection, ii) promotes the public information and awareness raising on combating racist violence, iii) undertakes consultation with various actors on issues concerning racist violence, iv) strengthens collaboration with other actors in pursuit of combating racist violence, v) organizes and participates in training programs held by civil society and other competent institutional bodies regarding issues that refer to the identification, recording, and combating of hate crimes.

B. Methodology

Due to the strict methodology of the RVRN, under which cases are based exclusively on the victim's testimony, the quantity of recordings depends on the victims' wish to share their experience. All members of the RVRN have adopted the consolidated recording form of the RVRN. Each RVRN organisation member appoints focal points to record the incidents, i.e. social scientists, lawyers, or other professionals or volunteers, who are trained by the RVRN. The completion of the recording form is anonymous and used solely and exclusively by the RVRN.

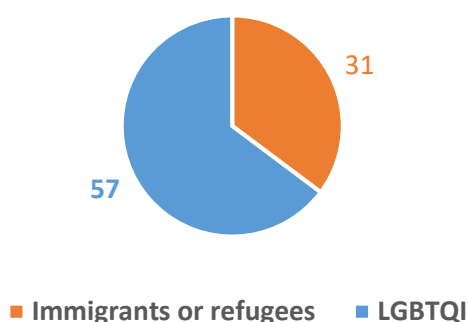
The documentation of racist violence in Greece by the RVRN led some institutions to fund special programs to reinforce the recordings. As a result, several members of the RVRN implement a number of programs, aiming at supporting the recordings or other supporting services to the victims of racist violence. Thus, while the RVRN remains a collective initiative with common operational rules and common goals, the individual activities of its members have a complementary and mutually empowering impact.

II. Analysis of the findings

This section analyses the general characteristics of the incidents reported in 2016 (A). It follows a specific analysis per targeted group, namely refugees and migrants (B) and LGBTQI+ persons (C) as well as anti-Semitic attacks (D). As in previous reports, specific reference is made to incidents involving law enforcement officials and civil servants (E). Finally, an analysis of the role of witnesses is attempted (F).

A. General findings of the recorded attacks

Motivation of the attack according to victims



During the period January-December 2016, the RVRN documented, through interviews with victims, **95 incidents** of racist violence with more than 130 victims. In **31 incidents migrants or refugees** were targeted due to their national or ethnic origin, religion or colour and in **1 incident** in which the staff of humanitarian organizations and the building intended to host refugees were targeted. **One incident** against a **journalist** targeted for covering the refugee crisis was recorded. In **57 incidents, LGBTQI+ persons** or people linked to them were targeted. In **5 incidents sacred or symbolic places and the Jewish community** were targeted. In **31 incidents** more than one victim was targeted, while in **54 cases** the attack was committed by a group (at least of 2 persons).

Geographical dispersion: 52 incidents took place in **Athens**, especially in city centre areas, but incidents were recorded also in areas such as Piraeus, Aspropyrgos, Acharnes (Amygdaleza), Agios Dimitrios, Nea Halkidona, Maroussi. In the rest of the country, 9 incidents were recorded in Thessaloniki, 6 incidents on Leros, 3 were recorded on Chios, 3 in Ioannina, 2 incidents on Samos, 2 incidents in Kilikis, 2 incidents in Euboea and 1 incident each in Alexandroupoli, in Evros, in Kozani, in Itea, in Rethymnon, in Larissa, in Xanthi, in Patras, in Sparta, in Filiatra, and in Chania.

Sites: 48 incidents occurred in a public space (street, square, park, beach), 14 incidents took place in the residence of the victim or the perpetrator, 5 cases in public transport and stations, 7 incidents in restaurants and bars, 2 cases in a police station of the Border Guard and 1 at the border, 1 in an accommodation site, 1 in a detention center for unaccompanied minors, 1 in a public hospital, 1 in the army, 2 in a synagogue, 2 in a school and 1 in a Technological Education Establishment, 1 in the workplace, 1 in a bank. 3 incidents occurred online and 1 by phone.

Characteristics of the attacks: A significant number of the attacks caused **personal injuries and other serious offenses**. 33 personal injuries or in combination with insults and threats, attempted sexual abuse, theft and property damages, 50 incidents of threats, verbal abuse and abuse by act, 1 incident of arson and threats, 4 incidents of desecration of monuments and sacred places, 6 incidents of verbal harassment or other type, 1 incident of property damage in conjunction with insult were documented.

Victims: In **62 incidents**, the victims who contacted the RVRN were men while in **22 incidents** the victims were women, from which **8 were trans-gender women**. In 2 incidents the victims defined themselves as **queer**. In 4 incidents the group of victims was **mixed**. In 16 incidents minors between 15-18 years old were targeted due to their

foreign origin or sexual orientation, while in **52 incidents** the victims belonged to the age group of **19-30 years old**. In 35 incidents, the victims were between **31-45 years old and in at least 11 incidents over 45 years old up to 62**. Apart from the incidents against individuals, **5 incidents** of vandalism were recorded that targeted **the Israeli community**.

Perpetrators: According to the testimony of the victims, in **65** incidents the perpetrators of the recorded attacks were **men**, in **12** incidents **women and in 11 incidents** the attack came from **mixed groups of men and women**. In the rest of the cases the perpetrators were not visible by the victims (e.g. case of desecration of sacred spaces). The recorded incidents involving minors are reduced. In **4 incidents** the perpetrators were **minors**, in **36 incidents** they belonged to the **19-30 years** age group. In **36 incidents** the perpetrators were between 31-50 years old, while **10** incidents with older perpetrators were recorded (up to 83 years old).

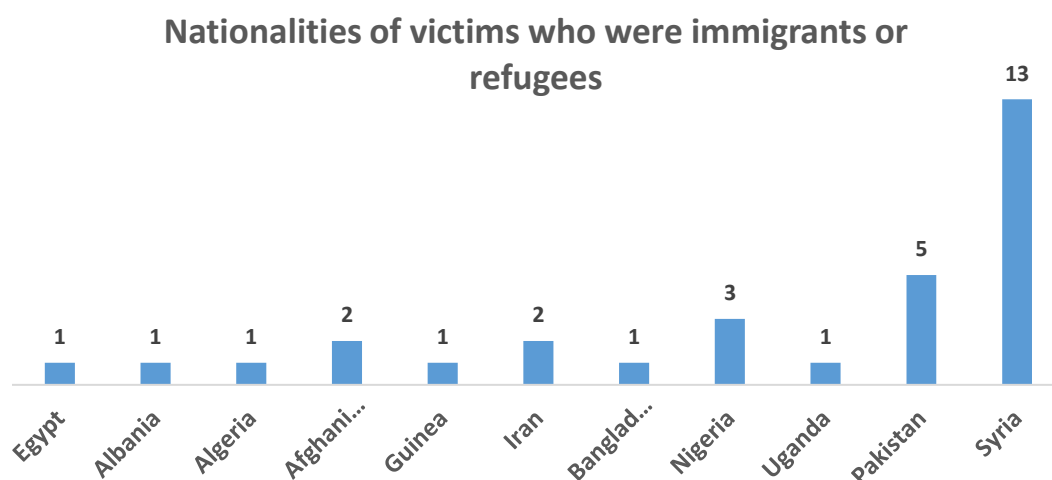
According to the victims, the perpetrators are **in the vast majority Greek citizens** (78 incidents). There were also 4 incidents registered in which the perpetrators were foreigners and 1 incident by mixed ethnic groups. In the majority of the attacks, more perpetrators were reported. **54** attacks were perpetrated **by groups of 2-10 people**, while in **38** attacks only one perpetrator was reported.

B. Attacks against refugees and migrants

The RVRN recorded fewer attacks against refugees and migrants which however are of a great concern on the basis of their qualitative characteristics. In this section serious attacks with elements of organized violence and attacks related to the management of the refugee crisis are outlined. However, the recorded attacks which, although numerically inferior and less violent, demonstrate the establishment of a stereotyped perception of these groups are not missing. The pattern of verbal attacks by homeowners, who at the first opportunity launch threats like, "I know people in the Golden Dawn" is repeated. In one incident, the victim asked the penetrator why she was talking to her like that to receive the answer: "Because you are black."

Despite the lack of relevant recordings, the RVRN knows that tensions rise among refugees in some accommodation sites that have led to incidents between groups of different national origin. Although this trend is not further analysed in the present report, the RVRN notes that the establishment of multi-speed access to processes and to fundamental rights is one of the reasons that encouraged or exacerbated these

tensions.



Victims: 26 incidents **against men** (in 11 the victims were 15-19 years old) and **5 against women** (33-54 years old), **1** incident against a mixed group of staff and a refugee accommodation building. The victims of the incidents recorded during 2016 come from Egypt (1), Albania (1), Algeria (1), Afghanistan (2), Guinea (1), Iran (2), Bangladesh (1), Nigeria (3) Uganda (1), Pakistan (5) and Syria (13). **Legal status of the victims:** 4 legal residents (of which 1 recognized refugee), 15 asylum seekers (mostly “newcomers”), 5 unaccompanied minors, 7 undocumented, from which 3 had expressed their wish to submit an asylum request.

Perpetrators: upon declaration of the victims, mainly Greek citizens (28 incidents) and men (29 incidents) (in 2 incidents the perpetrators were women). The perpetrators were in 14 incidents between 18-30 years old, in 5 incidents between 30-40 years old, in 3 incidents the perpetrators were between 40-50 years old, in 8 incidents over 50 years old. 21 attacks were made by more than one perpetrators and 9 attacks by one perpetrator. **Status of the perpetrators:** Civil servants (1), law enforcement officials (6), employers (1), members of extremist groups or with characteristics of organized group (5), civilians (18) (among which a bus employee, a victim’s landlady).

1. Attacks against migrants by groups with elements of organized violence

The RVRN has pointed out in previous reports the concrete decrease of recorded incidents by organized groups, especially after the prosecution of members of the Golden Dawn and the related trial. However, attacks with characteristics of extreme group violence against migrants and refugees are reported in the press and some of them are recorded by the RVRN. The description of the incidents recorded by the RVRN indicates that organized violence has not disappeared, even if the modus operandi and frequency have changed. Additional study of the phenomenon is required in order to draw safer conclusions for the activities of such groups and whether they operate permanently or occasionally. A common characteristic is the blind selection of the victims due to their foreign origin and the premeditated attack by the perpetrators.

Here are two examples in support of this trend:

In the first case, the victims, two Pakistani workers, undocumented and young, were attacked while going to work early in the morning by a group known to the neighborhood. Specifically, three young men passed by them, hit them in the head

from behind with an object, possibly plastic. The victims heard the word "Pakistani" and tried to protect themselves. For 10-15 minutes the victims stayed on the ground. The victims stated to the RVRN that this road is a small one and not far from the perpetrators' homes. The perpetrators know the victims' itinerary on their way to work. The victims, with the help of a friend who speaks Greek and their employer, reported the incident to the police. The same evening, a larger group of 10 to 15 individuals including the perpetrators of the morning attack, attacked other fellows of the victims in their residence, among whom was the friend who helped with filing the complaint. This incident highlights the effort of some groups to impose their own rules at the neighborhood level by intimidating third country nationals and by retaliating when a complaint is filed.

The RVRN recorded an incident in which the victim was attacked as he was exiting the metro station in Neos Kosmos by a group of 6 persons wearing black. The modus operandi is similar to the one recorded by the RVRN during the years 2011-2013. The perpetrators told the victim: "where are you from, eh?", "come here" and three of them grabbed him by the jacket. The other three started beating him on the head and on the back and kicking him in the legs. They were cursing because of his origin. Eventually the victim realized that one perpetrator was wearing brass knuckle dusters and was ready to use them. He slipped from his jacket and escaped. The three of them chased him but eventually he got away. He lost the money he had on him. Since then the victim is afraid and has changed his way home. He emphasized that normally there are private security or police officers at this station, who were not there the day of the attack.

These two incidents raise concern since two types of organized attacks are revealed: according to the first one, groups operate in neighborhoods as safeguarding and "defending" groups of the neighborhood from refugees and migrants. In these groups young people are involved, that do not necessarily always act together, but they are on hand if needed. According to the description of the second incident, the old modus operandi of groups recurs. An armed group (wearing brass knuckle dusters) asks the victim about their origin before launching a violent attack. They are not on a motorcycle, but wait outside the metro station.

Based on the above incidents, it is reasonable to ask the following question: if these practices are not eradicated in the Greek society, would it be possible under certain conditions to lead to the rise of racist violence of years 2011-2013? The following trends related to the management of the refugee crisis must be taken into account.

2. Attacks related to the management of the refugee crisis

In this section are mainly presented the trends developed within the special environment created by the concentration of large numbers of refugees and migrants on the islands or in other first entry points, and the consequent pressure on local communities. However, the incident that took place in Athens against a place intended to host refugees, targeting additionally the staff of humanitarian organizations, should not be overlooked.

The incidents (10) that took place on islands (Leros, Samos, Chios) reveal the following trends:

1. Intimidation and attacks by motorcycled groups against small groups of refugees, or by using wooden rods or by kicks. These incidents occurred on the road between the village and the refugees' accommodation site. The perpetrators are attempting to take the victims by surprise and to frighten them with shouts, derision and blows.

2. Elements of organized attack or attacks by a group operating under a common racial motive are present in incidents by groups which either follow or isolate the victims, exercise physical violence and threaten them. Into this category falls an incident against a Syrian, who was attacked by a group in the city's central square a few days after the incidents in Souda of Chios (see below). He lost consciousness due to the attack and was taken to the hospital. He suffered an arm fracture. He does not remember more details as the perpetrators surprised him by grabbing him from behind. According to the friend of the victim who was also an eyewitness, the group of perpetrators consisted of about 20 individuals. Some of them chased both him and the third person of the group when they tried to escape.

3. During 2016, in some cases tension escalated and in other cases refugees' accommodation facilities were attacked. In some cases, refugees were injured. The RVRN reported the case of an asylum seeker who, while trying to protect himself during the tensions of November in Souda, was injured on his head by a large stone. He entered a large tent to protect himself but had to abandon it when stones were thrown also against this tent. As he was not allowed by the police to leave the area, he returned to the tents, and as he was walking, he lost consciousness. He was taken to the hospital and later underwent a neurosurgery on Lesbos.

4. An emblematic incident, associated with a building prepared to host refugees under the accommodation scheme, was also recorded. The incident took place in different periods of time and qualitative phases. Initially, there were some reactions from the neighbors, which were resolved following discussions and dissemination of information by the humanitarian organizations involved in the project. Then, on a day-off when no one was in the building, the building entrance was set on fire. The fire brigade was called by a neighbor. During the following days, discussions were held between representatives of the residents and the organizations, the issues of safety and lack of information were addressed, but also stereotypical concerns on the impact of refugees residing in the area. The exchange of views smoothed previous disagreements and the organizations considered that it was safe to go back to work.

However, the next days and in different times, groups of 7-15 individuals entered the building and threatened the staff. The extremely serious threats were both of general and personalized character targeting directly each one of the employees, but also refugees in case they would eventually be transferred to the building. According to the targeted organizations, the groups threatening the employees and the refugees did not consist of neighbors any more, but of other people. It is worth mentioning that a protest against the accommodation of refugees in this building took place and a Parliamentary member of Golden Dawn had a leading role.

This incident is considered to be emblematic as it presents all the qualitative characteristics of other incidents against the accommodation of refugees, even of unaccompanied minors. In this case, the issue was particularly grave despite the fruitful exchange between the staff and the neighbors. To some extent it was exploited by extremist groups so as to establish their presence in the neighborhood and demonstrate their power.

The RVRN tried to monitor this dynamic trend, namely the appropriation of the citizens' concerns by groups trying either to trigger reactions or take the chance to attract more supporters. Based on the information collected, the RVRN concludes that the conditions and the circumstances leading to the rise in recordings of 2011-2013 could progressively reappear. Nevertheless, the solidarity movement deters this dynamic in several cases, such as the case of Oraiokastros motivated by the integration of refugee children in the school system. It is clear that any change in the dominant political discourse could destabilize the situation, especially in certain areas, and embolden the groups with extremist racist ideologies. The RVRN recordings support the view that the normal integration of refugees, especially the elimination of the image of an "unwelcome trapped individual" living in inadequate conditions, may prevent further strengthening stereotypes and increasing racist violence. In other words, as the problems related to the management of refugees and migrants stuck at the entry points increase – whether there are real problems or issues exploited by local extremist groups –, the risk of a rise in racism is increased.

5. Following the previous analysis, the incident against a journalist has to be analyzed. He was targeted and attacked while covering a citizens' protest concerning the refugee crisis outside the accommodation sites, in which members of the Golden Dawn spearheaded. At 20:00 p.m., without any reason or provocation, the perpetrator initially pushed the journalist and grabbed his left arm, beat him and hit the camera he was holding in his right arm with force. He caused it to drop and was yelling "so that you won't write what you are writing". The victim went afterwards to the hospital, where his injury was confirmed. The reason for the attack was the victim's articles concerning the migrant/refugee issue and his views.

C. Attacks against LGBTQI+ persons

As in 2015, the recordings of attacks against LGBTQI+ persons are more numerous compared to the rest. However, the decrease in recordings was mostly attributed to the fact that a project providing support to victims of racist crimes, implemented by several RVRN organisations, was completed in February 2016. Furthermore, it should be noted that in Greece only one such program supporting LGBTQI+ victims of hate crimes is being currently implemented, with limited geographical scope. It seems that the implementation of such projects not only makes further known the possibility of recording but also constitutes a further motive for the victim, given the fact that it is accompanied by other free supporting services. This analysis further strengthens the common acceptance in the international bibliography on the positive impact of supporting services for victims on reporting such crimes.

The recordings against LGBTQI+ persons include verbal attacks and personal injuries and depict patterns of every possible variation. In 2016, less incidents of domestic violence were recorded, while the recordings of violence against LGBTQI+ persons at school remain stable. It is indicative that even in a club of Athens, a couple was threatened and thrown out as "pervert".

1. Attacks due to sexual orientation

Out of the 56 incidents against LGBTQI+ persons, in 46 the victims were targeted due to their sexual orientation.

Victims: In 33 incidents men were targeted, in 8 cases women were targeted, in 4 cases mixed groups were targeted, while in 1 incident the victim defined itself as queer. **Age of the victims:** in 8 cases the victims were 15-19 years old, in 31 cases the victims were between 20 and 30 years old, in 1 case among the victims were persons between 33-45 years old and in 6 cases some of the victims were over 45.

Perpetrators: mainly men (29 cases), of which 4 cases with the participation of minors, 14 cases by perpetrators 20-35 years old and 10 cases by men 35-60 years old. In 9 cases, the perpetrators were women mainly 20-30 years old. Finally, 7 incidents were perpetrated by a mixed group with overrepresentation of men, mainly 35-83 years old.

Among the attacks, 7 incidents resulted in injuries. Each one of them indicates that the LGBTQI+ persons are often at risk in public spaces and public transportation. The RVRN recorded an incident against a couple perpetrated by football fans inside metro line 1, widely reported in the press. It is clear from the description that while, at first, many members of the group participated in the verbal attack against the gay couple when they saw them hugging, only one person vulgarly insulted the victims and punched one of them. It is interesting that the same persons who insulted the victims at the beginning had an appeasing role later and tried to calm the main perpetrator⁴.

The following incidents show a pattern which does not seem to reflect a rare behavior:

“The victims, arriving home after a night out, were insulted due to their sexual orientation by unknown young men, but they didn’t give much attention so as to avoid being involved in an incident of greater tension. Afterwards, two out of three perpetrators moved towards them and started punching them on the back and the head. When the victims called for help, the perpetrators went away spitting on them”.

When the LGBTQI+ persons get involved in any kind of conflict, they seem to be exposed to greater risks than a non-LGBTQI+ person. As the following incident demonstrates, the dispute between the perpetrators and the victim ended up as a homophobic attack against the latter:

“The victim went out of the perpetrators’ store (at the ground floor of the building where the victim lives) and requested the removal of their vehicle as it impeded the parking ramp. The perpetrators (4) went out and started swearing, commenting on his sexual orientation with sexual/homophobic innuendos. At the same time, they pushed the victim who was retreating, on an elevated corridor (2, 5 to 3 meters higher than the pavement), exposing him at the risk of falling and getting injured. In addition, they were threatening him whilst later, one of the perpetrators (female) spitted on him in front of the police station and in the presence of the police”.

2. Attacks due to gender identity and sex characteristics

In 10 incidents, the victims were targeted due to their gender identity or their connection to a transgender person. In one incident the victim was targeted due to sex characteristics.

Victims: mainly transgender women (in 8 incidents) 26-50 years old. In 3 cases the victims were men 19-24 years old.

⁴ For the role of eyewitnesses, see the relevant chapter below.

In 2016, the recordings of attacks resulting in personal injuries decreased. In particular, 2 incidents with personal injuries, in conjunction with theft (robbery), threats, insults and attempted sexual abuse were recorded.

In one of them, we come across a pattern already described in previous reports:

“The victim was offered to be accompanied by a man in a car. The victim accepted the kind request and entered the car. Afterwards, he brought her to a remote area next to the Macedonia intercity bus station. At first, he abused her verbally due to her gender identity, and afterwards he hit her in the face. The victim tried to defend herself and started calling for help. The perpetrator got a knife out of his pocket threatening to kill her if she did not stop. He asked for money and took 20 euros from her, her mobile phone and her wallet with her identity card. The victim managed to open the door of the vehicle and started running until she reached the main street. She asked two persons for help who called her a taxi to take her to a police station, where she filed a complaint”.

Except for the persons targeted due to gender identity or sex characteristics, the RVRN recorded two incidents in which men were targeted due to their connection to a transgender woman. At the former, the victim was attacked when he tried to defend his friend in a case of insult. At the latter, the victim was insulted due to his relationship with a transgender woman.

As already stressed by the RVRN, the legal recognition of gender identity will resolve many of the practical problems the transgender persons face in their daily life and will facilitate their access to justice. As the recordings demonstrate, simple daily transactions in the bank may expose the person to verbal attacks or inappropriate service with severe psychological impact.

D. Anti-Semitic attacks

In 2016, the RVRN recorded **5 anti-Semitic attacks**. In particular, 2 incidents of desecration of the synagogue of Ioannina and 2 incidents of desecration of the Holocaust memorial were recorded. The fifth recording was related to a graffiti with a slogan of anti-Semitic character.

In these incidents the perpetrators drew Nazi symbols or words and slogans referring to the Holocaust, thereby threatening the Jewish community as a whole.

E. Attacks with the involvement of law enforcement officials and civil servants

The RVRN analyses in a different section incidents involving law enforcement officials and civil servants due to their special demerits.

1. Police violence

The RVRN records incidents in which police violence is linked to racist violence, namely where there is concrete evidence (verbal abuse, threats, circumstances e.tc.) demonstrating racist motives during violent incidents perpetrated by law enforcement officials. In 2016, 6 incidents perpetrated by law enforcement officials were recorded

by the RVRN. In 4 cases the targets were unaccompanied minors and in 2 cases the victims were asylum seekers.

A pattern of a stereotyped violence against minors aged 15-17 years in detention facilities, where they are residing until they are transferred to accommodation centres derived from the descriptions of the victims. The shortcomings in managing similar matters are evident in the words of the perpetrators. In one case, the police officer hit the minor and yelled at him: "Why did you come to Greece since you want to go to Germany? Go there directly!"

Apart from the ill-treatment practices against unaccompanied minors during their detention, there is a pattern of humiliating treatment, during the check of the refugees' and migrants' legal documents. A victim describes that a law enforcement official at Victoria square checked his documents, returned them to him and then kicked him. The victim stated that he never understood why this incident happened and he is afraid of reporting it to the police.

The description of the following incident against women from Nigeria is quite embarrassing:

The victim states that a black vehicle approached them at fast speed intimidating them. One out of the three men who rode the car got out and started chasing her, while the other two still in the car started chasing the other two women who ran out of fear. The police officer who was chasing the victim, caught her and when he immobilized her, grabbed her head from the back and started punching her with great force in the face, all the while threatening her and swearing, using racist words. He punched her in the teeth, the face and the ribs, as she was yelling "leave me alone, what have I done to you" and "I have documents". He told her that he is a police officer and he would do whatever he wants and that she deserved that as she is a "w...e". He was swearing at her and telling her "(...) go back to where you came from". Afterwards, full of hatred, he threw her on the ground and started kicking her strongly everywhere. Meanwhile, the other two police officers had immobilized the other two women, had checked their identity and told the police officer who abused the victim "leave her alone (...), you will kill her". Afterwards, the victim was arrested and ended up in a cell at the police station, accompanied by two police officers, while the perpetrator had disappeared. The victim breathed with difficulty, she had injuries on the ribs and the face.

In 2016, no incidents perpetrated by law enforcement officials against LGBTIQ+ persons were recorded.

2. Attacks by civil servants

Regardless the undoubtable support by a big part of the medical personnel, the RVRN receives several complaints about the problematic treatment reserved to targeted groups due to rooted stereotypes or due to the lack of supporting services.

The RVRN recorded an alarming incident in a big general hospital in Athens:

The psychologist [of the organization] accompanied two minors (15 years old) hosted at the General Hospital of Athens (...) in order to obtain a certificate that would allow their participation in sports activities. From the beginning, it was obvious that the cardiologist had a negative attitude. He protested about the number of requested tests and referred the psychologist and the two children to another office. Another man in

a white uniform (maybe a doctor or a technician) shouted: "What is happening here? Have we turned the place into the kindergarten 'the pigeon'?" Afterwards, the cardiologist examined the first child. The other man asked him "what do the kids want" and the cardiologist answered sarcastically "to be part of the Greek national team!" Afterwards, the other man asked the second child "where are you from, dog?" The child understood and he replied that he was from Pakistan. The examination of the first kid was complete and the cardiologist took the second child in. He said pointing to the kid's mobile phone: "Do you have one of those? Because I don't". Also, during the examination the cardiologist kept telling that "if they were in Germany this examination would cost 70 euros and here there is one "a..." (swearing and adding his own last name) that does it for free". In the meantime, the second man asked the psychologist who accompanied the children: "what do you do?" and when she replied, he made a comment on her appearance.

H. Witnesses' role

In several incidents the description reveals the presence of witnesses. On many occasions, the witnesses are the perpetrator's colleagues, i.e. other law enforcement officials, who either remain indifferent or try to restrain the perpetrator, namely only after the attack. Apart from the law enforcement officials' case, which presents other aspects such as structural and systemic problems, the RVRN expresses its concern about the negative "solidarity" recorded in other places. It is revealing that two asylum seekers from Syria were attacked in an intercity bus during the tickets' check. An employee asked only them for their tickets and also requested their legal documents. The minor did not have any documents with him. The employee called two other men and they all shouted to the minor "you will get out", "police go now", "come out". They forced him to leave the bus, and then they hit him together with another person. The adult accompanying the minor got out to help him and he was attacked too. None of the eyewitnesses in the bus or the bus station reacted. Finally, the adult said that they would leave the station and the perpetrators left them alone. The incident was not reported to the police due to fear. This incident demonstrates the role of the silent eyewitnesses. The unlawful acts of these employees took place in front of many citizens who consented through their silence and in any case, they allowed them to happen.

In the incident of the gay couple in metro line 1, described above in the relevant section, the witnesses expressed their opposition to the attack. A young woman said to the perpetrator "leave the guys alone" and when the perpetrator answered "you lesbian (...), shut up", an older lady shouted "enough!" The young men who were mocking at the victims at the beginning tried to hold and calm the perpetrator, while other football fans in the same wagon showed their sympathy to the victims.

The RVRN analyses the role of witnesses in order to demonstrate the impact of violence on the society as a whole. As already stressed by the RVRN, the pacific intervention of eyewitnesses could act as a deterrent for the perpetrators, and help the victims. The incidents in which the witnesses show tolerance during the attacks and do not react to help the victims or at least show their disapproval depict a nearly inevitable familiarization with violence. Moreover, the perpetrators are strengthened by the silence of the witnesses. In the intercity bus incident above, some employees might have considered that they have the competence to check a minor's documents

and that the lack of such documents “legitimized” the use of violence. In other words, the distortion of legality was validated by the witnesses’ silence.

III. Complaints and authorities’ response

The RVRN monitors thoroughly the implementation of the legislation combatting racist crimes as well as the relevant practice of all actors involved. The RVRN aims to identify and point out the legal and practical obstacles in the victims’ access to justice. This section analyses the RVRN data on complaints (A) and on other information related to the police and judicial response to racist violence, including measures adopted by the Ministry of Justice, Transparency and Human Rights (B).

A. RVRN data on complaints

At the time of recording, 21 incidents out of 95 had been reported to the police. 11 complaints are related to attacks against refugees and migrants or the refugee crisis in general. In 6 reported complaints, LGBTQI+ persons were targeted. 4 complaints reported the desecrations of Jewish monuments and sacred places. In 8 incidents, the victims stated that they had not reported the incident to the police but intended to do so. In 50 incidents, the victims stated that they would not take further steps due to fear; or lack of trust in the authorities; or because they preferred “to leave the incident behind them”; or because they did not want their parents to discover their sexual orientation; or because they did not consider the incident serious enough to be involved in criminal proceedings.



For the first time, quantitative data show that more incidents against refugees and immigrants were reported to the police, even though their total number is less than the number of attacks against LGBTQI+ persons. In previous years, the increase in complaints was attributed to the rise of complaints filed by LGBTQI+ persons with Greek citizenship. It is noted, as a result, that complaints filed by LGBTQI+ persons have decreased, while complaints by refugees and migrants have increased. Following a closer examination of those incidents reported to the police, the RVRN observes that they are mostly attacks causing physical injuries and arson.

It should be reminded though that the basic obstacle in LGBTQI+ persons’ access to justice is previous negative experiences in their contact with the police, as well as the police attitude towards the victims. In the following section, this aspect is further examined.

B. Authorities' response to racist violence

The RVRN pursues constantly the best possible cooperation with police and judicial authorities. The Network often contacts the Department against Racist Violence in Athens in order to facilitate the victims or help in recognizing the problem faster. As previously stated, the cooperation between the civil society and the police has been appraised very positively, since besides supporting the victim it also covers some practical gaps on the part of the police, such as the psychological support of victims.

During 2016, the RVRN's intervention in cooperation with competent authorities has been decisive in several cases. Despite the RVRN's satisfaction over the authorities' response to its recommendations, it expresses its concern due to the gaps exposed in the recorded incidents, or through the victims' testimonies in other cases that did not reach the Network in time.

1. The role of the police

In this section, an evaluation of the police response to racist violence is presented, first, at institutional level, and secondly, in practice.

a) The institutional dimension

A number of positive steps have been taken at institutional level. The RVRN's cooperation with the Hellenic Police is important and generally effective at institutional level, such as in the framework of the National Council against Racism and Intolerance that operates under the auspices of the General Secretariat of Transparency and Human Rights of the Justice Ministry. As stated above, the response of competent and specialised officials of the Hellenic Police to racist violence is direct and oriented towards aiding victims.

The Hellenic Police supports all available platforms for reporting racist crimes and provides the Network and any other interested actors enriched statistical data. According to the data communicated to the RVRN by the Hellenic Police:

a) During the period 01.01.2016 till 31.12.2016, eight-four (84) potentially racially motivated incidents were recorded by the competent Hellenic Police Services. In sixty-eight (68) incident, case-files were formed by competent police services, while in sixteen (16) cases preliminary investigations were carried out following respective orders issued by the Prosecutor.

In detail, the police recorded:

- 51 incidents with the involvement of citizens.
- 7 incidents with the involvement of organized groups.
- 26 incidents with the involvement of unidentified perpetrators.

b) The investigation revealed:

- In 48 incidents the motive was related to the victim's origin-colour-race.
- In 24 incidents to the victim's religion.
- In 14 incidents to the victim's sexual orientation.
- In 1 incident to the victim's gender identity.
- In 5 incidents to the victim's disability.

c) During 2016, the "11414" call center received 603 phone calls, among which 21 calls were related to potentially racially motivated incidents that were investigated and resulted in ten (10) case-files. On the electronic form, available at www.astynomia.gr, in 2016, 11 complaints were recorded, among which 2 potentially racially motivated incidents for which case-files had already been formed *ex officio*.

One of the persistent recommendations of the RVRN and international and national human rights bodies is the need for continuous training and education of law enforcement officials with regard to racist crime. The RVRN recognises that the authorities are today more receptive towards training programs and allow the participation of law enforcement officials, at least when there are no additional costs. As a result, such programs involving law enforcement officials in Attica are implemented mostly by non-governmental organisations and other actors. The interaction between law enforcement officials and specialised professionals from the area of human rights protection has positive impact for all parties. Nonetheless, the RVRN wishes to note that all these efforts should be integrated in a broader educational program, so as not to remain fragmented.

On the other hand, it should be noted that despite the RVRN's efforts to facilitate the organisation of special trainings for law enforcement officials by international organisations with an expertise in hate crimes have not been successful yet.

b) The practice

Despite the above positive steps, the RVRN considers that a specific process for the reception, identification, response and investigation of a racist, homophobic and transphobic crimes has not been established. The identification and understanding of racist motivation presupposes in some cases the absence of stereotypes from the side of the law enforcement officials themselves. For this reason, the RVRN considers of particular importance the objective elements and criteria based on which, the law enforcement officials of the front line or the law enforcement official who will fill in the report on the incident or take the testimony of the victim or the perpetrator, should be obliged to investigate the racist motivation.

According to the 2014 circular order of the Hellenic Police⁵, the law enforcement official must verify whether the crime was racially motivated, in whole or in part, especially if: a. the alleged perpetrators confess it, b. the victims or witnesses of the crime invoke it, c. there are such indications based on the evidence according to the Code of Criminal Procedure, d. the alleged perpetrators and the victims of the crime declare or belong in different racial, religious or social communities. However, RVRN is concerned about cases which, according to available information, are qualified as non-racists without adequate justification, especially in view of the importance of collection of evidence in due time before the initiation of the judicial process.

Moreover, the RVRN expresses its concern with regard to the failure to comply in practice with the legislation on the protection of victims and substantial witnesses of crimes with racist characteristics. It has been reported to the RVRN – as well as in the press – cases of undocumented third country nationals, who although victims of racist crimes, are put under detention till the issuance of the related act by the Prosecutor. It should be reminded that for the period of time between the complaint and the act of the Prosecutor qualifying the persons as victim or substantial witness, the following provision applies:

“It is prohibited to return a third country national who is victim or substantive witness of a crime with racist characteristics or hate speech (Law 927/1979) and comes to file a complaint or to report the incident to competent police authorities (Article 41 Law 3907/2011)”.

⁵ Circular order, n° 7100/25/14-δ (8/11/2014).

In this regard, detention is unlawful, as not associated with the objective of return of the third country national.

Furthermore, the recordings demonstrate that the police response is not always appropriate or encouraging towards the victim to report the crime. For instance, a victim claimed that he was attacked in the presence of law enforcement officials and tried to file a complaint orally asking that measures related to the perpetrator were taken immediately. Nonetheless the response was that “it is not the right moment”. Another incident against a journalist who was intimidated and insulted by a crowd gathered, was also reported.

In a homophobic incident, the victim claimed that he called twice the police during the incident. The first time he described the facts and asked the police to come as soon as possible. The law enforcement officials allegedly replied sarcastically: “Yes, we’ll fly”. 10-15 minutes later, the victim called again to report that it was a homophobic incident. The law enforcement official that took the call replied disrespectfully: “We’ve had enough of you, we will not bother” (Με έχεις πρήξει στα τηλέφωνα, δεν θα ασχοληθούμε μαζί σου»). Nevertheless, a team of law enforcement officials arrived later. They stayed on their motorcycles and did not proceed to any action. The victim does not know when and under which circumstances the perpetrator left,

In the incident of Souda (Chios), where the victim was injured as a result of stones thrown in the camp, it was argued that although he showed his head injuries to the law enforcement officials who were present, they asked him to return to his tent. On his way to the tent, the victim collapsed and lost his senses.

In another homophobic incident, the victim was verbally insulted in front of law enforcement officials who, according to the victim, did not do anything to stop the perpetrators. The victim declared his wish to file a complaint. While he was giving his testimony, the perpetrators’ lawyer came in the office and tried to stop the testimony and threatened the victim and his partner to withdraw the complaint. Finally, the victim filed the complaint against the perpetrator as well as with the internal affairs of the Hellenic Police.

These incidents strengthen the view that in various cases and under different circumstances, the police did not fulfil their obligations. The RVRN understands that the Hellenic Police and some local police departments may follow policies to appease tensions and avoid non-serious complaints and cases. Possibly in some sensitive areas where the host community is under pressure, as well as refugees and immigrants, the police may avoid actions that would escalate tensions. Nevertheless, the RVRN reiterates that when criminal acts are perpetrated in the presence of the police, appeasement is not an appropriate approach, since it may encourage impunity. Law enforcement officials and other investigators must report without delay to the competent prosecutor any information they receive in any way related to an offence prosecuted ex officio (Article 37 par. 1 Criminal Procedure Code).

2. The response to racist crime by judicial authorities

The RVRN expresses its satisfaction for the appointment of Special Prosecutors on racist crimes in Thessaloniki, Patras and Heraklion, in addition to Athens and Piraeus. It has been proved a good practice and therefore, based on its recordings, the RVRN had recommended its expansion to these cities⁶.

⁶ RVRN, Annual Report, 2015, p. 27.

Nonetheless, the RVRN reiterates that it would be more effective if the Special Prosecutor was responsible exclusively for racist crimes or at least for racist crimes and for trafficking in human beings, so as to have the necessary time to delve into these specific crimes. Moreover, the appointment of Special Prosecutors mainly serves the purpose of adequate guidance and ensures that the evidence related to the racist motivation will be collected and maintained adequately. In addition, ensuring that Special Prosecutors timely take responsibility of relevant cases result in shortening time frames during which victims are at risk of secondary victimisation, either due to inadequate treatment or even detention.

The RVRN recalls that continuous training on new types of crimes, such as the crime with racist characteristics, is absolutely necessary for judicial authorities. The Network is aware of the efforts to establish a program with the cooperation of the School of Judges. This positive step is however not enough. Although judges and prosecutors become progressively more familiarised with the legislation on racist crimes as more cases reach their courts, more efforts should be put to ensure full and adequate information of all judicial authorities with regard to the application of Article 81A of the Criminal Code.

3. Judgments and Decisions

During 2016, the following Court's Judgments were published:

a) On 24.3.2016, the European Court of Human Rights (ECHR) published its judgment in the case of *Sakir v. Greece*. The ECHR found that Greece violated its obligation to conduct an effective investigation following the assault against the applicant. The Court held that the procedural aspect of Article 3 was violated, as the police and the prosecuting authorities failed to investigate the possible connection of the attack against Sakir with the pattern of incidents reported in the Human Rights Watch, Amnesty International, the Ombudsman and the RVRN reports, despite the increase of racist attacks by extremist groups in the area, and they treated it as an isolated incident. Furthermore, it should be noted that the Court concluded in a violation of Article 3 of the Convention due to the detention conditions in Agios Panteleimonas police station, where the applicant, although a victim of an attack, was detained after release from the hospital.

The facts of the case reinstate the circumstances of the attacks recorded by the RVRN: the victim, an undocumented third country national, was seriously attacked by an extremist group and he was then detained awaiting for his deportation in a police station while the authorities closed the case without investigating if there was a racial motivation. The eyewitness, also an undocumented third country national, initially identified the perpetrators, he was then also prosecuted awaiting for his deportation.

The Court found a number of shortcomings in the investigation of the attack. Although the authorities had sufficient time, given that the victim was detained in the police station, he was not asked to testify or/and to identify the individuals who had been indicated as the main perpetrators by the eyewitness or others who participated in similar attacks during that period. Furthermore, the police and the prosecution authorities did not try to examine in detail the nature and the cause of the injuries caused to the victim with the assistance of a forensic doctor, whose conclusions could enlighten the technical aspects of the attack and help to identify the perpetrators. The Court, moreover, took note of the vulnerability of the eyewitness because of his

residence status and expressed concerns as to the conduct of his interrogation. Finally, the Court stressed that the case is part of a general framework which has been described in reports of international NGOs, Human Rights Watch and Amnesty International as well as national bodies, the Ombudsman and the Racist Violence Recording Network. The reports of these bodies take note of serious shortcomings by the police, even in cases where the police was present in the attacks, but also with regard to the investigation of the incidents.

The ECHR states that the above reports converge on two main points: a clear increase in racist violence in the center of Athens since 2009. They also report a pattern of attacks against foreigners by extremist groups, which are often associated with the Golden Dawn Party. In addition, the ECHR noted that the majority of incidents occurred in certain districts, especially in Agios Panteleimonas and in the Attiki Square area. Following these observations, the Court emphasized that despite the signs of racist attack that the attack to the victim had, the police failed completely to put the case within this framework and faced it as an isolated case. The Court pointed out that neither the police nor the prosecution authorities took the necessary initiatives to investigate the possible connection between the incidents reported by international and national institutions and the attack against Sakir. Taking into consideration that the applicant did not seek compensation but requested a review of his case following the finding of violations, Greece is invited to choose how the judgment will be executed.

This judgment demonstrates the validity of the RVRN's positions concerning the protection of the victims and the substantive witnesses. However, it is stressed that the State should take special measures so that, on the one hand the victims have substantive access to justice, and on the other hand, the protection of the victims be also effective in practice. As long as the complaints are investigated thoroughly and the victims of racist violence, third country nationals, LGBTQI+, minorities, persons with disabilities, receive the appropriate treatment by the police and the prosecution authorities, their trust on them will be equally increased.

b) The judgment No 3054/2015 of the Third Felonies Court of Appeal of Athens concerning the racist attack that took place after the parade of 28th October 2011, against two women of Greek origin from N. Epirus by a group of 10 persons, imprisoned for several years, has been written and published. This case is the second one, following the case Sachzad Luckman, of those linked to the file of Golden Dawn, in which the perpetrators were sentenced with the aggravating circumstance of racial motivation, either of Article 79 par. 3 or 81A Criminal Code. Based on the reasoning of the judgment, albeit the lack of reference by the prosecutor, during the trial, the aggravating circumstances for the racist crime was applied as "the defendants and their accomplices demonstrated special cruelty, brutality and heartlessness, total lack of emotions, moral or mental barriers, against the two middle-aged women, unknown to them, exclusively motivated by racial motivation, targeted them [the women] due to their origin as unwanted foreigners, and therefore their legal interests such as dignity, their limited property even their personal integrity did not have any value for the perpetrators who showed their power and supremacy against everyone, since they perpetrated the aforementioned criminal offences, during the day, in the middle of the road in a highly populated area of Athens. They must therefore be declared as guilty of the aforementioned crimes and as referred to in the operative part, with the aggravating circumstance of the Article 81A Criminal Code". The abovementioned reasoning of the judgment illustrates the term known in international theory and

practice as “hate crime”. Despite the fact that the aforementioned acts were not introduced to the penal trial as racist offences, the application of the aggravating circumstance of the Article 81A Criminal Code fully incorporates all evidence that was proved at the hearing.

c) On 28.11.2016, the Piraeus five-member Court of Appeal delivered a judgment in the case of Walid Taleb. The Court endorsed in essence the penalties imposed by the Court of first instance and the accused expressed no repentance for their actions. The Prosecutor confirmed that the perpetrators had racist motives. She based her assessment on the facts of the case, namely the preparatory acts of the crimes and the particularly humiliating and degrading *modus operandi*. However, she argued that Article 81A CC, which provides for the crime with racist characteristics, is not applicable, as it was not in force at the time the crimes were committed. The RVRN will express its position on the issue of the applicable provision in more detail following the publication of the decision.

The RVRN argued from the very beginning before the courts that the perpetrators had racist motivation. The vulnerability of the victim, on the basis of his national origin and his legal status in Greece, constituted the decisive factor for the perpetrators to commit the crimes against him in the cruelest manner expressing the absolute contempt for the victim's dignity.

The RVRN supports the view that the examination of the potential racial motivation of a crime should always be examined by the courts, irrespective of the impact it may have on the punishment. In other words, the examination of the motive constitutes an absolutely essential element when investigating the circumstances, under which, a criminal offence was committed.

4. The National Council against Racism and Intolerance

During 2016, the RVRN participated with two representatives in the National Council against Racism and Intolerance and had the opportunity to contribute effectively in its activities, especially through its appointment as coordinator of the Working Group on racist crime. In this context, the RVRN promoted the preparation of a special handbook on racist crime for the police and the prosecutor authorities, as well as guidelines for the public administration. Moreover, the RVRN participated in a sub-working group on the preparation of a TV spot related to the integration of refugee children in the educational system.

The RVRN would like to underline that the cooperation of members comprising the National Council against Racism and Intolerance has been very fruitful. The General Secretariat of Transparency and Human Rights provides for the conditions promoting the cooperation between the authorities and civil society. Nonetheless, the National Council could be strengthened and further supported in long term if its operation was governed by clear procedural rules and if sufficient human resources were allocated to its efforts. The establishment of the National Council has a certain symbolic value and may indeed facilitate in practice the partnerships among different actors against racism. However, every institution needs to ensure sustainability for its operation.

In the context of the recommendations addressed to the authorities by international bodies on the adoption of a national strategy against racism and intolerance, the RVRN

recalls that substantial and in-depth understanding of racism in society with a view to identifying and designing targeted policies cannot render possible without the availability of adequate resources.

Recommendations to the State

The Racist Violence Recording Network addresses the following recommendations to the State in order to combat racist crimes.

To the Ministry of Interior and Administrative Reconstruction

A. Combating racist crime

1. Adoption of a targeted operational plan to prevent and tackle hate crimes, with special provisions for the regional police directorates and departments.
2. Strengthening of the Police Departments Combating Racist Violence: adequate staffing, refraining from frequent rotation of Directors and staff, especially when such rotation takes place simultaneously for many staff.
3. Conduct of a training program, with the assistance of international and European organizations with expertise and experience in the training of law enforcements and judicial bodies, for the entire personnel of the Hellenic Police.
4. Guidance to police regarding their obligation to assist the victims, to intervene for their rescue and to make sure that they are brought before the competent services.
5. Appropriate dissemination within the Police of the Circular “Combating racism, xenophobia and discrimination in policing” (8.11.2014). Explicit reference to Director’s obligations to disseminate the content of the circular within their Police Station.
6. Appropriate dissemination of the provision regarding protection against return of a third country national who is victim or substantive witness of a crime with racist characteristics or hate speech (Law 927/1979) and files a complaint or reports the incident to competent police authorities (Article 41 Law 3907/2011)”.
7. Cooperation of **all** police departments with governmental and non-governmental bodies and immigrant communities in order to provide medical and social assistance, legal assistance and interpretation to facilitate the victims’ access to the police.
8. Adoption of a special circular on the appropriate treatment of LGBTQI+ persons aiming at providing law enforcement officials with clear guidance and avoiding secondary victimisation.
9. Protection of human rights defenders, namely all individuals and organisations promoting and protecting human rights.

B. Combating racially motivated police violence

1. Introduction of a provision for a specific procedure in the framework of disciplinary control within Hellenic Police for faster processing of racially motivated arbitrary acts.

To the Ministry of Justice, Transparency and Human Rights

1. Training of active prosecuting and judicial authorities with regard to racist crime.
2. Targeting competence of Special Prosecutors to relevant crimes only and ensuring a specialised treatment of the case from the preliminary investigation until the decision.
3. Adoption of a legislative provision for the protection of human rights defenders.
4. Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence⁷.
5. Ratification of the Council of Europe Convention on cybercrime and the Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.
6. Legal recognition of gender identity, given the fact that the lack of recognition contributes significantly to stereotypes and prevents victims from reporting racist crimes.

To the Ministry of Culture, Education and Religious Affairs

1. Preparation of a handbook for the school community on understanding and addressing bias motivated incidents of violence.
2. Strengthening the framework of combating school hate-motivated violence with the active participation of teachers, students and parents' associations.
3. Promoting an intercultural and inter-religion dialogue in order to address stereotypes and prejudice.

To the Ministry of Infrastructures, Transports and Networks

1. Drafting of guidance for staff working in public transport (including buses) on obligations to respect all passengers regardless of race, colour, ethnic or ethnopic origin, descent, religion, disability, sexual orientation, gender identity or sex characteristics.
2. Provision of special clauses related to the above obligations in contracts of concession.

⁷ Recommendation addressed jointly to the Ministry of Interior and Administrative Reconstruction.

To the Ministry of Migration Policy

Initiatives and measures which can contribute (in addition to other beneficial effects) to reducing tensions among refugees/immigrants as well as pressures on local communities (especially on islands- entry points), and hence to the prevention or limiting social tensions, which in turn create fertile ground for xenophobic reactions and racist behaviours. Such measures are:

1. Significant improvement of reception conditions and adequate measures for vulnerable persons, as well as provision of conditions of greater security in all reception centres which must be maintained as open facilities.
2. Accelerating registration and processing of asylum claims of all nationalities.
3. Significant increase of the number of persons transferred to the mainland in appropriate living conditions.

To the Minister of State - General Secretariat of Information and Communication

1. Training and awareness of management and journalists, editors and newscasters of electronic, paper and television media, with regard to the coverage of racist crimes and to the elimination of negative stereotypes against certain groups, through special training activities and guidelines.

The RVRN stresses that the above recommendations for the effective response to racist violence, must be combined with studies on the conditions shaping expressions of racism in Greece, as well as policies aiming to improve security; to protect human rights; to combat human trafficking, drug trafficking, prostitution and criminal networks; and, finally, targeted measures addressing and relieving the population as a whole.