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Extract from the IHF report

*Human Rights in the OSCE Region: Europe, Central Asia and North America,
Report 2005 (Events of 2004)*

Greece¹

IHF FOCUS: torture, ill-treatment and police misconduct; conditions in prisons and detention facilities; conscientious objection; domestic violence; national and ethnic minorities; racism, intolerance and xenophobia; migrants, asylum seekers and refugees; trafficking in human beings.

The main human rights concerns in Greece remained largely the same as in previous years. Ill-treatment and other forms of misconduct by the police continued. The majority of the victims were immigrants, asylum seekers and members of ethnic minority groups. Most perpetrators went unpunished or only received lenient sentences due to widespread cover-ups and the lack of an independent mechanism to deal with such cases.

Prisons and detention centers were overcrowded and the conditions were frequently substandard.

Despite some progress made in the past few years, the provisions for alternative civilian service still did not comply with international standards.

The situation of ethnic minorities, immigrants and asylum seekers remained problematic. Greece still refused to recognize any national minorities. The 2004 Olympic Games in Athens brought the plight of the Roma minority in particular into the international spotlight. Many were evicted from their homes in order to make space for new infrastructure for the games and hardly any effective, adequate or timely compensation was given. Discrimination and resentment were commonly expressed toward members of ethnic minorities, immigrants or asylum seekers and anti-Semitism, which was still widely accepted in Greek society, remained a matter of great concern for human rights groups.

Greece was often criticized for its inactivity in effectively combatting trafficking in human beings. In this field, however, some progress was made in 2004 when the first official residence permits for victims of trafficking were issued. Nevertheless, trafficking – especially of young women – and forced prostitution remained a lucrative business.

¹ Based on information from Greek Helsinki Monitor (GHM).

Domestic violence, including corporal punishment of children, was still largely considered a “private issue” and there was a lack of legal provisions to make it a criminal offense. One of the main problems was that Greek society still did not recognize substantial equality between men and women in every day life, although some progress was made in 2004.

Torture, Ill-Treatment and Police Misconduct

During 2003 the prevailing climate of denial of human rights abuses, coupled with ineffective mechanisms of investigating human rights abuses (which resulted at times in attempts to cover up abusive police officers), led to widespread impunity for those public officials involved in acts of torture and inhuman or degrading treatment or punishment and to the consequent absence of a deterrent for other public officials to commit such violations.² Even the Greek ombudsman presented in his 12 October special report a scathing criticism of the manner in which the Greek police force dealt with complaints concerning police abuse. The report pointed, in particular, to various procedural defects, including the lack of an appropriate administrative inquiry into the selective use of evidence in order to drop disciplinary charges against police officers.³

On the positive side, a new law on legal aid was passed (Law 3226/2004), which stipulates that lawyers must be appointed to draw up and submit complaints on behalf of torture victims and victims of trafficking, and that prison prosecutors have the duty to offer legal counseling to detainees.⁴ The new law also facilitates NGO supported free legal counsel. The law is, however, scarcely applied and is not widely known about by potential victims. It also excludes non-EU residents who were victims of abuses in Greece and subsequently deported to benefit from free legal aid.

Article 7(2) of the Greek Constitution specifically prohibits the use of torture and ill-treatment. Since 1984, torture and ill-treatment have also been explicitly proscribed in the Greek Criminal Code by article 137. Article 137A(1) outlines punishments for public officials who resort to acts of torture with the aim of extorting a confession, testimony or other forms of statements, of punishing, or of intimidating a person or third persons.

The penalty laid down for torture and ill-treatment is three to twenty years imprisonment. More serious cases of torture, such as involving the use of electroshocks are prohibited by article 137B and are punishable by at least ten years imprisonment. In addition, persons convicted of torture are automatically deprived of their political rights and dismissed from their jobs. However, the courts have the possibility to impose a lower sentence when there are mitigating circumstances. The Criminal Code allows penalties for ill-treatment to be suspended or even converted to fines (if lower than three years), while, for example, it considers “resisting authority” as one of the crimes for which the penalty cannot be suspended nor converted to a fine.

² GHM, *State Violence in Greece – An Alternative Report to the UN Committee against Torture*, 27 October 2004, http://www.omct.org/pdf/procedures/2004/joint/s_violence_greece_10_2004.pdf.

³ The report *Disciplinary – Administrative investigations into allegations against police officers*, July 2004 (released October 2004), is available (in Greek) at <http://www.synigoros.gr/reports/astinomikoi.pdf>.

⁴ UN Committee against Torture, *Conclusions and Recommendations, Greece 10/12/2004, CAT/C/CR/33/2. (Concluding Observations/Comments)*, CAT/C/CR/33/2, 26 November 2004, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ad9b0339463e6b10c1256f78003c1a78?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ad9b0339463e6b10c1256f78003c1a78?Opendocument).

The UN Committee against Torture (CAT) considered the fourth periodic report of Greece in November. CAT welcomed particularly Greece's efforts to revise its legislation so as to strengthen protection against torture and ill-treatment but noted that many of the concerns it had expressed during the consideration of the previous report had not been adequately addressed. It pointed out, for example, that the training of public officials may be inadequate and the progress in adopting a code of ethics and other measures governing the conduct of police interrogations had been slow. Further, CAT pointed to the lack of an effective independent system to investigate allegations of torture and ill-treatment promptly and impartially, and noted that prosecutors appeared to be reluctant to institute criminal proceedings under article 137A of the criminal code. In addition, CAT expressed concern about continuing allegations of excessive use of force and firearms, including cases of killings and reports of sexual abuse, by the police and, in particular, border guards, and ill-treatment of Roma by public officials in situations of forced eviction or relocation.⁵

- On 15 October, the Naval Military Court of Hania imposed suspended sentences on five coast guards convicted under article 137A.3 for ill-treatment – including sexual abuse – of several asylum seekers. One of them received 30 months for offense to sexual dignity, another received one year for abetting the first one, and three others were given eighteen months for abuse.
- One of the most prominent cases, raising concerns about the impunity enjoyed by police officers and the independence of the judiciary in handling complaints against police officers, is the case of Olga B.⁶ On 23 May 2003, a Mixed Jury Felony Court of Patras acquitted a police officer who was accused of raping 19-year-old Ukrainian trafficking victim Olga B., in February 1998. At the trial – in the absence of Olga B. who had not received summons to the trial – the police officer was given only a two-year suspended sentence for breach of duty, not for rape. Following massive media attention, the prosecutor filed an appeal to the Supreme Court, which on 13 November 2003 overturned the first instance court acquittal for rape. As a consequence, Olga B. had to face two criminal trials in 2004: a retrial on the rape charges at first instance in March and another one at the appeals level regarding trafficking charges in June, postponed to December. In the retrial, the police officer was again acquitted in a split decision. Following an appeal by the prosecutor, the rape charges were tried on appeal along with the trafficking and policeman's breach of duty charges in December 2004. While the latter were confirmed, a new split decision acquitted again the police officer for the rape charges, with all the key witnesses of Olga B. absent from the court room. On the positive side, on 25 June 2004, Olga B. received the first ever official residence permit issued for trafficking victims in Greece, but following the Appeals Court ruling her permit cannot be renewed and she faces deportation in 2005.

⁵ Ibid.

⁶ For more details see Greek Helsinki Monitor, Sokrade, Centre for Research and Action for Peace (KEDE), Minority Rights Group-Greece, Organization Mondiale contre la Torture (OMCT), *State Violence in Greece: An alternative report to the United Nations Committee against Torture*, www.omct.org/pdf/procedures/2004/joint/s_violence_greece_10_2004.pdf; or IHF, Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2004 (Events of 2003), at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860.

Conditions in Prisons and Detention Facilities

Numerous reports indicated that the conditions in Greece's overcrowded prisons often amounted to inhuman and degrading treatment, including poor hygiene in cells, lack of access to fresh air and exercise facilities, and lack of prompt medical treatment. This was especially true for the main Athens prison at Korydallos and the main Thessaloniki prison. In the former, for instance, four inmates usually had to share a small cell that was built to accommodate one, at most two persons. If one of the inmates was standing or wished to walk about inside the cell, then the others had to remain seated on the beds. The latrine was located inside the cell, and it was only partially covered from exposure to public view.⁷

NGOs were usually denied access to prisons and detention facilities (although Greek authorities claimed otherwise), thus NGO based information concerning detention conditions was limited.⁸ Occasional press reports suggested that problems inside prisons were numerous and often led to various forms of protest. Thus, on 23 July, it was reported that foreign (mostly Albanian) inmates of three prisons in Greece refused to eat, in protest over the long sentences imposed upon them as well as the discrimination against them.⁹ According to other press reports, inmates of all nationalities in six prisons in Greece had gone on hunger strike, demanding that those arrested for drugs be released following completion of three fifths of their sentence. Moreover, the inmates demanded that the issue of overcrowding be addressed and that more short leaves from prisons be granted.¹⁰

Conscientious Objection

The right to conscientious objection to military service is recognized as a constitutional right under article 4(6) of the Greek Constitution. Law 2510/97 of 1998 introduced for the first time a provision for alternative civilian service. It states that conscientious objector status and civilian alternative service or unarmed military service are available to conscripts who declare that they oppose to the personal use of arms for fundamental reasons of conscience based on religious, philosophical, ideological or moral convictions (article 18.1-3).

However, in many aspects the law on conscientious objection still falls short of international standards and recommendations. Especially the discriminatory and punitive length of the alternative civilian service, which still lasts twice as long as military service, has often been criticized. Furthermore, according to article 24(2) of the law, the Ministry of Defense can decide not to allow for conscientious objection in time of war and article 18(4a) denies the right to conscientious objection to "those who have carried arms for any length of time in the Greek or foreign armed forces or in the security forces."¹¹

⁷ For more details, see the report by the National Commission for Human Rights on a visit to the men's prison facility of Korydallos, 21 May 2004, available in Greek at http://www.nchr.gr/media/word/nchr_visit_korydallos_prison.doc.

⁸ On 6 August 2004, Greek Helsinki Monitor (GHM) was denied access to the detention center of the Minors' Division in the Athens Police Directorate. On 30 September, GHM requested from the Office of the Minister of Justice permission to visit Greece's two main prisons in Korydallos. In mid-October 2004 permission was refused.

⁹ Macedonian Press Agency, 23 July 2004, in Greek at http://www.mpa.gr/article.html?doc_id=467750.

¹⁰ Skai Radio news, 24 July 2004, in Greek at http://www.skairadio.gr/4dcgi/w_articles_skaigreece_365924_24/07/2004_103004.

¹¹ Amnesty International, "Greece: to be in the Army or choosing not to be: The continues harassment of Conscientious Objectors," 1 June 2003, <http://web.amnesty.org/library/index/engneur250032003>.

- On 13 September, conscientious objector Giorgos Monastiriotis (24) was arrested and brought directly to the Naval Court of Piraeus for trial. Monastiriotis, who had joined the Greek Navy on a five year contract, had refused to follow his unit in May 2003 when the frigate "Navarino," on which he was serving, was sent to the Gulf as part of operation "Enduring Freedom." He cited conscientious reasons for his objection. He was sentenced to three years and four months imprisonment for desertion, and was taken immediately to prison in Corinth.¹²

National and Ethnic Minorities

Greece continued to recognize only one minority, the "Muslims" of Western Thrace, and there was *de jure* recognition of the Jewish minority. Turks (who dominate the "Muslim" minority), Macedonians, Roma and others were not officially recognized as minorities and continued to face serious discrimination. The UN CESCR expressed in its May concluding observations concern that there was only one officially recognized minority in Greece, whereas there were other ethnic groups seeking that status.¹³ Moreover, in June 2004, the European Committee against Racism and Intolerance (ECRI) called on Greece to recognize the Macedonian and Turkish minorities.¹⁴

The Macedonian Minority

The Macedonian minority was still deprived of recognition at the national, linguistic and social level in Greece in 2004. Macedonians were denied some basic human rights such as freedom of speech, cultural expression, and access to Macedonian-language education and media.

Several individual cases illustrated Greece's violation of EU standards. These included the non-recognition of the Home of Macedonian Culture (*Stegi Makedonikou Politismou* or *Dom za Makedoskata Kultura*) despite a July 1998 ruling of the European Court of Human Rights (ECtHR),¹⁵ and the closing of the radio station Macedonian Sound.¹⁶

- On 4 June, Greek police entered the premises of the private radio station, Makedonikos Ichos in Naoussa, which broadcasts in the Macedonian language. Transmitting equipment was seized and the owner, Aris Vottaris, was arrested. The official explanation for the raid was that the radio station did not have a license for local or regional transmissions,

¹² Amnesty International, "Professional soldier Giorgos Monastiriotis is a prisoner of conscience and must be released," 22 September 2004, <http://web.amnesty.org/library/Index/ENGEUR250112004?open&of=ENG-GRC>.

¹³ UN Committee on Economic, Social and Cultural Rights, *Concluding observations of the Committee on Economic, Social and Cultural Rights: Greece*. 14/05/2004, 14 May 2004, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/Ofcc2b5b27738e28c1256f430056245b?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/Ofcc2b5b27738e28c1256f430056245b?Opendocument).

¹⁴ European Commission against Racism and Intolerance (ECRI), *Third Report on Greece, Adopted on 5 December 2003*, 8 June 2004, http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/third_report_Greece-1.pdf.

¹⁵ *Case of Sidiropoulos and Others v. Greece* (57/1997/841/1047), <http://cmiskp.echr.coe.int/tpk197/viewhbk.asp?action=open&table=285953B33D3AF94893DC49EF6600CEBD49&key=31919&sessionId=497782&skin=hudoc-en&attachment=true>.

¹⁶ IHF, *OSCE Human Dimension Implementation Meeting, Interventions and Recommendations by the International Helsinki Federation for Human Rights, 4-15 October 2004*, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=&d_id=3971&print=1.

however, many Greek language radio stations in the same area were allowed to operate without a license.¹⁷

The Roma Minority

There were particular concerns over serious allegations of ill-treatment of and discrimination against members of the Roma minority, who were often racially profiled as likely criminal suspects.¹⁸ Roma – and members of other minority groups – faced various forms of ill-treatment and assault also by the police, ranging from racist insults to physical violence, inflicted either at the time of arrest or during custody. Police also carried out mass raids of Roma settlements citing the necessity to catch criminals.

Most Roma continued to live in poor conditions: 63% lived in tents or huts, heated by stoves that were dangerous for such dwellings; 59% had no electricity, 43% no toilets, and 41% no running water at home or nearby. The usual age of marriage was 15-20 for men and 13-18 for women – even though the minimum legal age of marriage in Greece is 18.¹⁹

The Greek government set up an inter-ministerial committee for the period 2003-2008 to improve the living conditions of Roma, and substantial funds have already been released for this purpose. The Roma settlement in Spata, near Athens has been described by authorities as a “model settlement,” however, in its June 2004 report, ECRI noted that it is situated on a giant waste site covered only by a layer of earth a few centimeters high. This poses serious health problems particularly for children. Additionally, though built in October 2000, neither electricity nor running water had been provided as of the end of 2004.²⁰

There were also disturbing signs that local governments throughout Greece openly flaunted their unwillingness to implement existing housing policies intended to improve housing conditions for Roma. The national government had repeatedly indicated that it would not act to challenge non-compliant local authorities who segregated Roma.²¹

Furthermore, attempted or actual forced evictions and resettlements took place in places in or around Athens in the run-up to the 2004 Olympic Games in Greece. Promised compensations – rent subsidies or permanent housing built for them – were provided consistently late or not at all.²²

The UN Committee on Economic, Social and Cultural Rights (CESCR) acknowledged the government’s efforts to promote the social integration of Greek Roma, but said that it remained

¹⁷ South East Europe Media Organization (SEEMO), “Police enters premises of private radio station, seize equipment, arrest and charge owner,” 9 June 2004.

¹⁸ Report of the Greek Ombudsman, released in October 2004.

¹⁹ GHM/Minority Rights Group-Greece, “Comments on Greece’s Replies to the UN CESCR List of Issues, April 2004, Introductory Note,” 26 April 2004.

²⁰ European Commission against Racism and Intolerance (ECRI), Third Report on Greece, Adopted on 5 December 2003, 8 June 2004, http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/third_report_Greece-1.pdf.

²¹ GHM, “Greece exposed on segregation of Roma,” 11 October 2004, http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_11_10_04.doc.

²² NY Newsday, “Outcasts of Greece and the Games,” 26 August 2004; World Organization against Torture, “Greece: A history of failed promises to the Roma,” 18 February 2004, <http://www.omct.org/base.cfm?page=article&num=4667&consol=close&kwrd=SCR&cfid=1134295&cftoken=79878202>.

deeply concerned about the persistent discrimination against Roma people in the fields of housing, health and education, police violence, sweeping arrests, and arbitrary raids of Roma settlements by the police.²³ ECRI also “noted with concern that since the adoption of its second report on Greece [in 1998], the situation of the Roma in Greece has remained fundamentally unchanged and that overall they face the same difficulties – including discrimination - in respect of housing, employment, education and access to public services.”²⁴

Racism, Intolerance and Xenophobia

ECRI noted in its June report on Greece that there remained stereotypes, prejudices and incidences of discrimination targeting members of minority groups, particularly the Roma community and minority religious groups, as well as against immigrants. It pointed out that criminal law had not been enforced to a sufficient extent to curb racist acts, and existing civil and administrative law provisions were insufficient to effectively prohibit discrimination. It added that this problem may not necessarily be the result of a deficiency in terms of criminal law provisions, but rather of an interpretation of the notion of racism by certain judicial authorities, leading to either no charges being brought, or charges being dropped in these cases. Moreover, it criticized the fact that the measures taken at national level to combat racism and intolerance were not always replicated at the local level.²⁵

Anti-Semitism in Greece is embedded in Greek mainstream society and is widely accepted. It manifests itself in religious contexts, education, the media and also through politically-motivated anti-Semitism in the major political parties. Jews are often not perceived as true Greeks, although many families have lived there since the pre-Christian times.

- Most characteristically, venerated composer Mikis Theodorakis, in an interview in *Haaretz* on 26 August 2004, clarified a previous statement of 4 November 2003 that “the root of evil is the Jewish people.” He maintained his position, explaining that in his view “the root of evil today is Bush’s policy” and adding, “I don’t understand how the Jewish people, who were the victims of Nazism, can support this fascist policy” – a statement that reduces the Jews to a single entity. Again confusing “Jew” and “Israeli,” he then said, “There isn’t a single people in the world that supports this policy except the people of Israel [...]. I’m afraid Sharon will lead the Jews – as Hitler led the Germans – to the root of evil”.

Throughout the year there were several incidents of desecration of Holocaust Memorials in Greece and anti-Semitic graffiti at other public places. The graffiti slogans included “Greece – Palastine, no Jew will be left alive” and “Judens raus! Hitler was right.” Despite the clearly neo-Nazi and anti-Semitic character of such writings, there was no public outrage, not even in the local media. Furthermore, the responsible authorities reacted indifferently and usually failed to erase the graffiti promptly.²⁶

²³ UN Committee on Economic, Social and Cultural Rights, *Concluding observations of the Committee on Economic, Social and Cultural Rights: Greece. 14/05/2004*, 14 May 2004, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/Ofcc2b5b27738e28c1256f430056245b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/Ofcc2b5b27738e28c1256f430056245b?Opendocument).

²⁴ European Commission against Racism and Intolerance (ECRI), *Third Report on Greece, Adopted on 5 December 2003*, 8 June 2004, http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/third_report_Greece-1.pdf

²⁵ *Ibid.*

²⁶ GHM, “Desecration of a Komotini Holocaust Memorial amidst the usual widespread indifference in Greece,” 28 August 2004,

- In the 2004 elections to the European Parliament the People's Orthodox Rally (LAOS), a three-year-old, far right, nationalistic, anti-Semitic and xenophobic party led by populist journalist Yiorgos Karatzaferis, won 4.1% of the vote in Greece and a seat in the European Parliament. The score marked one of the best results for a far-right party in a nationwide election in Greece since the reintroduction of democracy in 1974. Remarks such as “Zionists control the planet” or “Jews were behind the 9/11 attacks” and accusations against immigrants (notably from Albania) of stealing jobs from Greeks were characteristic for LAOS. Following an international Greek Helsinki Monitor campaign, the party was nevertheless expelled from the EP’s “Union of Europe of Nations” group and was forced to ally itself with other nationalist and racist parties.²⁷

Migrants, Asylum Seekers and Refugees

Human rights groups expressed grave concern over the situation of immigrants and asylum seekers in Greece. Racial profiling – especially of Muslim migrants in the course of the fight against terrorism and the Olympic Games related security measures²⁸ – harassment and, in some cases, even torture by the Hellenic Police as well as the chaotic situation of the detention centers were at the center of criticism.

ECRI voiced concern in its report published in June about the fact that the situation of immigrants was a long way from being completely legalized, and there was still no comprehensive, targeted integration policy on immigration.²⁹

In the illegal entrants (including asylum seekers) detention centers foreigners were crammed in wards of 100-200 persons with only one lavatory with running water. Men, women and children had access to the adjacent yard for only one hour per day. While hundreds of unaccompanied minors were detained alongside adults, their presence was not reported to the prosecutor for minors. The result was that many went missing once released after three months from the detention centers. Furthermore, there were widespread allegations of improper use of firearms by guards, sometimes resulting in severe injuries or even death.³⁰

- On 13 December, a group of Afghan asylum seekers was subject to interrogation techniques, which included torture of adults and minors. The police visited a house in the Agios Panteleimonas area of Athens, where between 40 and 60 Afghan asylum seekers and refugees were lodging. The officers wanted information about an Afghan national who had escaped from court where he had been taken on charges of staying illegally in the country. The police collected all those present in the house, including minors, in one

http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghmA_28_08_04.doc, and “Neo-Nazis’ Olympic welcome to Jews in Greece: ‘Juden raus! Hitler was right’,” 15 August 2004, http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_15_08_04.doc.

²⁷ GHM, “Greek anti-Semitic party allied with Sharon, Ahern kai other European Government Parties,” 7 June 2004, http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_07_06_04.doc.

²⁸ GHM, “Racial Profiling of Muslim Migrants by Hellenic Police,” 9 July 2004.

²⁹ European Commission against Racism and Intolerance (ECRI), *Third Report on Greece, Adopted on 5 December 2003*, 8 June 2004, http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/third_report_Greece-1.pdf.

³⁰ GHM, “Statement to the United Nations Committee against Torture on Impunity,” 19 November 2004, <http://groups.yahoo.com/group/balkanhr/message/7232>; GHM, *State Violence in Greece – An Alternative Report to the UN Committee against Torture*, 27 October 2004, http://www.omct.org/pdf/procedures/2004/joint/s_violence_greece_10_2004.pdf.

room and allegedly beat them. A 17 year-old boy was also reportedly tortured by the police. He said that they undressed him, forced him on to the ground, spread his legs and put a gun to his temple threatening to kill him. Reportedly, nearly all Afghans were beaten, but only 30 of them dared to complain. At least 17 of them were aged between 15 and 17.³¹

Violent incidents on the Greek-Albanian border continued in 2004. There were reports that Greek military guarding the border area intimidated Albanians, sometimes by firing shots, to deter them.

- In October, a military court in Thessaloniki handed down a 12-month suspended sentence to a young man who, during his military service on the northern border in March 2002, had shot and severely injured an elderly Albanian illegal immigrant, Ferhat Ceka. Ceka, who had to have one kidney and part of his liver removed as a result of the gunshot wound, had accused the soldier, along with another soldier, of beating him before shooting him in the side. However, the court ruled that the shooting was not intentional and therefore accepted the soldier's version of the event, according to which his rifle went off accidentally when Ceka stumbled onto the weapon during his arrest. The soldiers were acquitted for ill-treatment as the court thought this was not proven beyond reasonable doubt since, *inter alia*, there had been no forensic report at the time.³²

The CAT voiced concern at the low percentage (0.06%) of persons who were granted refugee status in 2003, which did not change in 2004. It noted that owing to its geographical location Greece had become an important passageway into Europe for many immigrants and asylum-seekers, the number of which had increased significantly in the past decade. It argued, therefore, that "the importance of providing an adequate response is [...] all the more pressing." Moreover, CAT was concerned that low income persons such as immigrants and their families may not have access to social services.³³

Domestic Violence

In Greece, domestic violence was still considered an issue that belonged to the "private sphere" of life. Due to the lack of legal provisions against it, police forces were slow to react in cases of domestic violence and courts were unwilling to impose appropriate penalties on perpetrators.³⁴

Both the CAT³⁵ and CESCR³⁶ expressed concern over the reluctance on the part of the authorities to, *inter alia*, adopt legislative measures to counter domestic violence and marital rape. It also

³¹ Amnesty international, "Greece: alleged torture of asylum seekers must be investigated," 22 December 2004, <http://web.amnesty.org/library/Index/ENGEUR250162004?open&of=ENG-GRC>.

³² *Kathimerini*, "Court sees no boarder beating," 17 September 2004, <http://www.ekathimerini.com/4dcgi/news/content.asp?aid=47394>.

³³ UN Committee against Torture, *Conclusions and Recommendations, Greece 10/12/2004, CAT/C/CR/33/2. (Concluding Observations/Comments)*, CAT/C/CR/33/2, 26 November 2004, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ad9b0339463e6b10c1256f78003c1a78?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ad9b0339463e6b10c1256f78003c1a78?Opendocument).

³⁴ GHM, *State Violence in Greece – An Alternative Report to the UN Committee against Torture*, 27 October 2004, http://www.omct.org/pdf/procedures/2004/joint/s_violence_greece_10_2004.pdf.

³⁵ UN Committee against Torture, *Conclusions and Recommendations, Greece 10/12/2004, CAT/C/CR/33/2. (Concluding Observations/Comments)*, CAT/C/CR/33/2, 26 November 2004, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ad9b0339463e6b10c1256f78003c1a78?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ad9b0339463e6b10c1256f78003c1a78?Opendocument).

pointed to the fact that marital rape often remained unreported due to cultural reasons and to the economic dependency of wives on their husbands.

The UN CESCR noted that the basic cause for violence against women was the fact that Greek society still did not recognize substantial equality between men and women in every day life. Violence against women was not generally portrayed in the media as a social problem, which violates human rights and should be addressed by policies for prevention, prosecution and protection.³⁷

Sexual harassment was a widespread phenomenon also in 2004, but women were discouraged from filing charges against perpetrators who were family members or co-workers for fear of social stigmatization and due to economic dependency of female spouses on their husbands. The absence of a clear legal ban of sexual harassment, which may be prosecuted only indirectly made the burden on the victims even greater.³⁸

Both the UN CESCR and the UN Committee on the Elimination of Discrimination against Women (August 2002)³⁹ recommended that Greece proceed with the adoption of legislation criminalizing domestic violence and marital rape and strengthen its assistance to victims of domestic violence and marital rape. However, a related draft law that has been under work for years had not been submitted to the parliament as of the end of 2004.

The situation of Roma women is particularly problematic. Young girls aged 13 to 16, in particular, easily become victims of domestic violence. They are often forced to get married so as to satisfy the financial needs and interests of their families who also use both psychological and physical violence in order to control them. Many have several children by the age of 18 or undergo a number of abortions during their lifetime as also this decision was considered to be the husband's right. Part of their conjugal duties is to learn how to tolerate violence from their husbands for "disciplinary" purposes. The husbands are often boys as young as 16. Many young women resort to sedatives and anti-depressants as the only "way out."⁴⁰

Not only women are subject to domestic violence. A recently released Panteion University research (2004) on child abuse showed that 60% of Greeks knew of an incident of child abuse, three quarters of which were cases of corporal punishment. Greek law does not contain any provisions explicitly prohibiting corporal punishment of children at home.⁴¹

³⁶ UN Committee on Economic, Social and Cultural Rights, *Concluding observations of the Committee on Economic, Social and Cultural Rights: Greece. 14/05/2004*, 14 May 2004, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/0fcc2b5b27738e28c1256f430056245b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/0fcc2b5b27738e28c1256f430056245b?Opendocument).

³⁷ Ibid.

³⁸ Ibid.

³⁹ UN Committee on the Elimination of Discrimination against Women, *Exceptional session 5-23 August 2002, Draft report, Rapporteur: Ms. Rosalyn Hazelle, Consideration of reports of States parties: Greece, Combined fourth and fifth periodic reports*, CEDAW/C/2002/EXC/CRP.3/Add.9/Rev.1, 23/08/2002, <http://www.un.org/womenwatch/daw/cedaw/cedawExsess/ConcComments/ConComGreece.PDF>.

⁴⁰ Centre for Research and Action on Peace (KEDE), Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE), Greek Helsinki Monitor (GHM), Minority Rights Group - Greece (MRG-G), Support Center for Children and Family - Social & Education Action, World Organisation Against Torture (OMCT) 19 November 2004, Statement to the UN Committee against Torture on Domestic Violence in Greece, 19 November 2004, <http://groups.yahoo.com/group/balkanhr/message/7235>.

⁴¹ GHM et al., "Statement to the United Nations Committee against Torture on Domestic Violence in Greece," 19 November 2004, <http://groups.yahoo.com/group/balkanhr/message/7235>.

Trafficking in Human Beings

An estimated 20,000 women and girls, sometimes as young as 12 years old, are being trafficked into Greece every year to be subjected to forced labor and sexual exploitation. These women and girls are lured in to Greece under false pretences (a better life, a job as a waitress or a maid) but are then held in debt by their traffickers, who take away their passports and sell and re-sell them to brothel owners, who force them to work as prostitutes.⁴²

This kind of “trade” was the third largest source of profits for organized crime in Greece in 2004, after drugs and guns. The majority of women trafficked to Greece for sexual exploitation were from the former socialist countries, many from Moldova, Europe's poorest country.⁴³

According to a 2002 law (Law 3064), victims may be allowed to remain in Greece until the case against their traffickers is tried in court. They are also given the opportunity to secure residence and work permits and to stay in shelters. Additionally, in 2003 a Presidential Decree (233/03) granted immediate assistance to victims. While over 20 of such permits were granted in 2004, many of the beneficiaries as well as other victims who were repatriated faced court charges for illegal entry in Greece and in some cases unlicensed prostitution.⁴⁴

The protection of trafficking victims remained insufficient. Many of them continued to be deported to their countries of origin, rather than being granted a residence permit. Traffickers were sometimes caught but released pending trial, only to be caught again a few months later. Only a handful were convicted in 2003 and 2004.⁴⁵

- In June, an 18-year-old woman from Lithuania suffered severe spinal injuries after jumping from the balcony of a hotel in northern Greece in order to escape a gang that had forced her into prostitution. Three suspected gang members, men of Greek origin, were arrested and charged with procuring and sex trafficking. However, they all were released on bail.⁴⁶ No trial had been scheduled by March 2005.⁴⁷
- In a very similar case, a young Ukrainian victim of trafficking jumped out of a window to escape traffickers and injured herself seriously. The suspects were not remanded in custody, but were arrested again for running another trafficking operation in November 2004.⁴⁸

⁴² GHM, “At last, justice for trafficking victims,” 15 June 2004, <http://groups.yahoo.com/group/balkanhr/message/6873>.

⁴³ Ibid.

⁴⁴ GHM, *State Violence in Greece – An Alternative Report to the UN Committee against Torture*, 27 October 2004, http://www.omct.org/pdf/procedures/2004/joint/s_violence_greece_10_2004.pdf.

⁴⁵ Ibid.

⁴⁶ GHM, “Greek Courts Set Free Traffickers of Minor,” 18 June 2004.

⁴⁷ GHM, “Greek Courts set free Traffickers of minor,” 18 June 2004, http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_18_06_04.doc.

⁴⁸ GHM, “Statement to the United Nations Committee Against Torture on Trafficking in Human Beings, 19 November 2004, <http://groups.yahoo.com/group/balkanhr/message/7237>.