



Violence against Women in Greece

*Report prepared
for the Committee
on the Elimination
of Discrimination
against Women*

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OMCT
OPERATING THE **800-TORTURE** NETWORK

The World Organisation Against Torture (OMCT) operating the SOS-TORTURE NETWORK

The World Organisation Against Torture (OMCT), based in Geneva, is today the largest international coalition of non-governmental organisations fighting against torture, summary executions, forced disappearances and all other forms of cruel, inhuman or degrading treatment or punishment.

OMCT coordinates a network – SOS-Torture – of more than 260 national, regional and international organisations in 85 countries. The urgent appeals issued by the network on behalf of victims or potential victims of violence reach more than 90,000 governmental institutions, non-governmental organisations, associations and interest groups.

OMCT has, since its inception, worked towards reinforcing and supporting the actions of organisations in the field, while avoiding substituting itself for them. The structure of the SOS-Torture network has enabled OMCT to reinforce local activity while favouring the access of national NGOs to international institutions.

OMCT provides support to victims or potential victims of torture through urgent campaigns (notably in favour of children, women and human rights defenders), through the provision of urgent legal, social and/or medical assistance to victims and by way of the submission of alternative country reports to the various United Nations treaty monitoring bodies.

Geneva, November 2002

The Greek Helsinki Monitor

Greek Helsinki Monitor (GHM) was founded in 1992 by members of Minority Rights Group - Greece, an affiliated of Minority Rights Group - International. GHM is member of the International Helsinki Federation, the International Freedom of Expression Exchange, the Euro-Mediterranean Human Rights Network, the Southeast Europe Media Organization, the OneWorld.Net, and the World Organization Against Torture. GHM monitors, publishes and lobbies on human rights issues in Greece and, occasionally, in the Balkans. It has prepared (usually with other NGOs) detailed annual reports; parallel reports to UN Treaty Bodies; and specialized reports on media hate speech, ill-treatment, as well as ethnolinguistic, ethnolinguistic, religious and immigrant communities, in Greece. It has co-published "Hate Speech' in the Balkans" (1998) and "Greece Against its Macedonian Minority: the Rainbow Trial" (1998). Since 1997, in cooperation with the European Roma Rights Center, it runs a Roma Project for Greece. In 1998, GHM was a co-founder of the Center of Documentation and Information on Minorities in Europe - Southeast Europe (CEDIME-SE) which operates a web site (<http://www.greekhelsinki.gr>) and two web lists covering human rights issues and comprehensive and comparable presentations of minorities in the region. In 2000, CEDIME-SE was one of the co-founders of the Consortium of Minority Resources. ,



**Greek Helsinki Monitor and the World
Organisation Against Torture (OMCT)**

**Report submitted to the
Committee on the Elimination of
Discrimination against Women**

**at its
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**Implementation of the Convention
on the Elimination of All Forms
of Discrimination against Women
by Greece**

■ ■ ■

The United Nations Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979. In 1981, the Convention entered into force and the Committee on the Elimination of Discrimination against Women was formally established. The major task of the Committee is to review the reports submitted by the States parties in order to oversee the implementation of the Convention.

The issue of gender-based violence is not specifically addressed in the Convention, but it is however essential to its most fundamental provisions. In the general recommendation No. 19 adopted at its eleventh session in 1992, the Committee on the Elimination of Discrimination against Women formally extended the general prohibition on gender-based discrimination to include gender-based violence. The Committee affirmed that violence against women constitutes a violation of their internationally recognised human rights, regardless of whether the perpetrator is a public official or a private person.

One becomes inevitably aware of the fact that the States present reports that show only a one-sided image of reality, which is frequently incomplete. The case being, the effectiveness of this supervision and control depends on the quality of information available to the members of the various committees. Recent information, verified by reliable sources, is consequently indispensable.

In submitting alternative reports to the Committee on the Elimination of Discrimination against Women (CEDAW), OMCT seeks to provide de facto information concerning violence against women, including torture, in a specific country as well as analyse national legislation that fosters violence against women.

OMCT's reports highlight the legal provisions, both penal and civil, of the States concerned, which discriminate against women or which, without being discriminatory as such, become so through their application. Unequal power relations between men and women have led to the domination of and discrimination against women, which in turn leads to violence against women.

Furthermore, the reports draw attention to the lack of ways for the victims of violence to obtain reparation and identify the mechanisms guaranteeing the impunity of torturers.

The reports include recommendations for reform of de facto practices and legislation aimed at reducing the incidence of violence against women in the country in question.

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I

Preliminary Remarks

Greece ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1983, entering no reservations, and it ratified the Optional Protocol to the Convention in January 2002.

Greece is also party to other international instruments relating to human rights: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms Racial Discrimination. Greece has also ratified both Optional Protocols to the International Covenant on Civil and Political Rights.

At the regional level, Greece has been a member of the Council of Europe since 1949. In 1981, Greece was incorporated into the European Economic Community (EEC) as its 10th member and is currently one of the fifteen partner countries of the European Union (EU). Greece has been a participating State in the Organisation for Security and Co-operation in Europe (OSCE) since the Organisation's creation.

The Greek Constitution of 1975 explicitly declares the superiority of international law over domestic law. Initial direct reference to international law is found in Article 2 paragraph 2 of the Constitution:

“Greece, adhering to the generally recognised rules of international law, pursues the strengthening of peace and of justice, and the fostering of friendly relations between peoples and States.”¹

The term “generally recognized rules of international law” is elaborated in Article 28, paragraph 1 of the Constitution, which governs the relationship between international and domestic law:

“The generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. The rules of international

1 – http://confinder.richmond.edu/greek_2001.html.

law and of international conventions shall be applicable to aliens only under the condition of reciprocity.”²

Article 36 paragraph 2 of the Greek Constitution establishes a further typical requirement for the implementation of a category of international treaties in the Greek legal order:

“Conventions on trade, taxation, economic cooperation and participation in international organizations or unions and all others containing concessions for which, according to other provisions of this Constitution, no provision can be made without a statute, or which may burden the Greeks individually, shall not be operative without ratification by a statute voted by the Parliament.”³

In practice, all international obligations signed by the Greek government are submitted to Parliament for ratification and made part of Greek law. The ratifying clause in any statute ratifying international law into national law is as follows: “Ratified and having the effect provided for in article 28, paragraph 1 of the Constitution...”, and usually a full translation of the international law in Greek follows.⁴

Law 1342/1983 implements the Convention on the Elimination of All Forms of Discrimination against Women into Greek law and contains a full translation of the Convention in Greek. It should be noted that Law 1342/1983 has never been invoked by a Greek court.

The regulations of the EU have, under certain conditions, direct effect in the Greek legal order and can be invoked before Greek courts without requiring ratification by Parliament or transformation into national law.

Many of the internationally recognized human rights standards are vested in the Greek Constitution.

Article 2 paragraph 1 of the Greek Constitution states:

“Respect and protection of the value of the human being constitute the primary obligations of the State.”⁵

2 – http://confinder.richmond.edu/greek_2001.html.

3 – http://confinder.richmond.edu/greek_2001.html

4 – K. Ioannou, K. Oikonomidis, Ch. Rozakis, A. Fatouros, *Public International Law, Relationship of National and International Law*, Sakkoulas 1990, pp. 163-175).

5 – http://confinder.richmond.edu/greek_2001.html

Article 25 of the Greek Constitution states:

“1. The rights of man as an individual and as a member of the society and the principle of the constitutional welfare state are guaranteed by the State. All agents of the State shall be obliged to ensure the unhindered and effective exercise thereof. These principles also apply to relations between private individuals to which they pertain. Restrictions of any kind which, according to the Constitution, may be imposed upon these rights, should be provided either directly by the Constitution or by the law, in case a reservation exists in the latter’s favour, and should respect the principle of proportionality. 2. The recognition and protection of the fundamental and inalienable rights of man by the State aims at the achievement of social progress in freedom and justice.”⁶

The above constitutional provisions are interpreted as obliging the State to take appropriate legislative and administrative measures in order to guarantee the unhindered exercise of individual rights, including the protection of such rights from acts of private individuals against one another.⁷ Thus, the State is obliged to adopt relevant legal and administrative measures to regulate the exercise and protection of such rights within society.

Greek Helsinki Monitor (GHM) and the World Organisation Against Torture (OMCT) would like to recall that the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), in its General Recommendation No.19, (Eleventh session, 1992), recommended that States parties describe in their reports the extent of violence against women in their countries, the measures taken to prevent and punish violence, and the effectiveness of such measures. Specifically, the Committee recommended the compilation of statistics and research on the extent, causes and effects of violence, namely reporting on all forms of gender-based violence. State reports should include all available data on the incidence of each form of violence and on the effects of such violence on the women who are victims.⁸

6 – http://confinder.richmond.edu/greek_2001.html. Please note that in Greek the text reads “the right of human” (anthropos) rather than “the right of man.”

7 – P.D. Dagtoglou, *Constitutional Law, Individual Rights, vol. 1*, Sakkoulas 1991, p. 101, 199.

8 – UN Doc. HRI/GEN/1Rev.2.

While GHM and OMCT welcome the fourth and fifth national report of Greece to the Committee on the Elimination of Discrimination Against Women, covering the period 1994-2000, they regret its failure to address violence against women in a comprehensive manner. The report lacks data on the different forms of violence suffered by women in Greece, despite the fact that research into the subject of violence against women was a priority for the Greek General Secretariat for Equality for the period 1997-2000. In addition, the government report does not address the issue of violence faced by women in detention, and does not give adequate information on the effectiveness of measures taken to protect women engaged in prostitution or those who have been victims of trafficking for the purposes of sexual exploitation. Moreover, the lack of information on gender-based violence is particularly acute in relation to women who are members of minority groups or isolated communities, as in the case of Roma and Muslim women, or refugee and immigrant women.

Given the government's lack of attention to many forms of violence against women, the circumstances and consequences of this violence as well as the access of women to reparations and other remedies, this alternative report will, after a brief overview of the status of women in Greece, including the specific case of minority women such as Roma and Muslim women, focus on domestic violence, violence against women in the community, and violence against women perpetrated by State officials and prison conditions, from both a *de jure* and from a *de facto* point of view. The report ends with a series of conclusions and recommendations.


 III

General Observations on the Status of Women in Greece

The Constitution of Greece contains the following guarantees concerning the equality of women and men.

Article 4 paragraph 2 of the Greek Constitution provides for equality between Greek men and women, declaring:

“Greek men and women have equal rights and equal obligations.”⁹

Moreover, Article 22 paragraph 1 of the Constitution provides:

“All workers, irrespective of sex or other distinctions, shall be entitled to equal pay for work of equal value.”¹⁰

In 2001, several provisions of the Greek Constitution were revised, including article 116 paragraph 2, which now allows for positive measures to be taken for the implementation of the principle of equality. However, in reality, little has been done to ensure that the principle is implemented in practice (see Greek Helsinki Monitor and Minority Rights Group – Greece “Parallel Report on Greece’s Compliance with the UN Convention on the Elimination of All Forms of Discrimination Against Women”).

Discrimination against women is understood as a violation of the principle of equality under article 4 paragraph 2 of the Greek Constitution. Apart from Law 1342/1983, which implements the Convention on the Elimination of All Forms of Discrimination Against Women, the definition of discrimination as laid out in Article 1 of the Convention is not explicitly reproduced in any Greek legal text.¹¹

9 – http://confinder.richmond.edu/greek_2001.html

10 – http://confinder.richmond.edu/greek_2001.html

11 – Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women: “For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”, available at <http://www.un.org/womenwatch/daw/cedaw>

The conceptual flaw that undermines the notion of equal rights and obligations contained in Article 4 paragraph 2 of the Greek Constitution and which has subsequently been taken up by the Greek legislative and administrative system, is not easy to understand. The definition of equality in the Constitution assumes that the disadvantages suffered by women can be compartmentalized and redressed through the application of the principle of equal treatment. It fails to acknowledge underlying power differentials based on gender or to provide for equality of outcome and, as a result, does not effectively remedy those forms of systemic gender discrimination most commonly experienced by women.

The General Secretariat for Equality and the Research Centre for Equality Matters (KETHI) have been established to promote the advancement and development of women. However, both these institutions lack human and financial resources.

In 1983, precisely eight years after equal rights for Greek men and women were established by the Constitution of 1975, Greek family law was revised accordingly. The patriarchal family was abolished on paper as was the dowry system, and equal rights and obligations were given to the two spouses regarding all aspects of family life. However, discriminatory legal norms still exist and discriminatory practices are not effectively addressed through recourse to public institutions and national tribunals. For example, the concept of dowry continues to exist in practice and polygamous marriage is still occasionally practiced by the Muslim community of Greece with the tolerance of the Greek State (see below).

Patriarchal social norms are still very strong in Greek society, over-emphasising the role of women as mothers and the role of men as breadwinners. As a result, many women either do not enter the labour force or stop working to provide care for dependent family members. Also, they find it extremely difficult to enter and remain in the labour force because of the inflexibility of the labor market, the lack of vocational training and the lack of welfare services for the reconciliation of family and working life. Moreover, the existing sexual division of labour produces generally unfavorable attitudes towards the hiring of women, their pay scales, and their professional development.¹² Although women have been entering the

12 – M. Magdalinos and H. Symeonidou, 1989, 'Modeling the Fertility-Employment Relationship: Simultaneity and Misspecification Testing', *European Journal of Populations*, 5, 119-143. H. Symeonidou, G. Mitsopoulos, K. Vezirgianni, 2000, *Expected and Actual Family Size. Life-Cycle Events: A Follow-Up Study: 1983-1997*, Athens, National Center for Social Research (EKKE).

labour force in increasing numbers in recent years, they are usually employed in jobs involving little power or responsibility and are less well remunerated than men.

In February 2002, the Greek National Center for Social Research (EKKE) completed its research on the division of paid and unpaid work, as part of the European Network on Policies and the Division of Unpaid and Paid Work. From the whole analysis, a general observation emerges: the traditional division of gender roles is still quite prevalent in Greece. Men continue to be the main breadwinners, while women have the role of housewives: 88% of men in the sample were in employment at the time of the survey, while the relevant percentage of women was equal to 45% only. Men spend on average 9 hours per week on household chores and 8 hours on childcare, while women's time on these duties is 34 hours and 15 hours respectively.

According to the Minister for Labour and Social Security, Dimitris Reppas, speaking at the conference for the 3rd Community Framework Program, in 2002, Greek women represented 32.6% of the workforce, while the percentage of unemployed women reached 12.9% - men's unemployment reached 4.7%. Particularly alarming was the percentage of young unemployed women (42%), which is almost the double that of unemployed young men (22.8%). The Minister stated that this inequality is due to the problems women face with reconciling work and family life. He went on to admit that women continue to experience discrimination regarding their professional advancement, especially in the private sector, and usually occupy positions of low prestige and responsibility. The Minister set the goal to achieve a percentage of women's employment in the following years that is closer to that of other European Union countries, aiming at reaching 60% by the year 2010. European Commissioner Anna Diamantopoulou mentioned the gender pay gap in Greece, stating that Greek women receive only 70% of the salary Greek men receive.¹³

With regard to women in political and public life, the participation of women amounts to approximately 10%. The year 2002 is the first year in which a quota system will be implemented in the elections for local government, obliging political parties to ensure that at least 30% of their candidates are women. Although local administrative elections are scheduled for October 2002, to date no training seminars to prepare

13 – Various daily newspapers, 1/2/02.

women for participation in the elections have been held, nor have there been any programmes aimed at preparing Greek society for adaptation to the quota system. As a result, many local administrative divisions have been unable to identify adequate numbers of female candidates.¹⁴

For more information on women in the family, employment and political opportunities, see : Greek Helsinki Monitor and Minority Rights Group – Greece “Parallel Report on Greece’s Compliance with the UN Convention on the Elimination of All Forms of Discrimination Against Women.”

The Status of Minority Women in Greece



Some minority communities in Greece prevent women and girls from enjoying the principle of equality granted to them under international law, the Greek constitution, and domestic law, in the name of culture or religion.

3.1 Muslim Women

On the basis of its interpretation of the Treaty of Lausanne, Greece tolerates the application of Sharia (Islamic law) by state-appointed muftis, who are also recognized as judges in family law matters. It has recently been reported that polygamy is still allowed in Muslim communities, even though it is a crime punishable under article 356 of the Greek Penal Code. A 55-year old Muslim man wanted to marry his wife’s 15-year-old niece: he had the support of his wife, the mufti, and apparently the region’s (Thrace) Appeals Court. “*Marriage is an institution that comes under their religion which should solve whatever problems emerge,*” ... a prosecutor of

14 – Dora Tsikridani, attorney, speaking at SYN conference “Feminism at the age of Globalism”, March 2002.

the Appeals Court of Thrace reportedly stated in an interview with the daily *Ethnos*¹⁵. In a related story, it was reported that a state pension agency (TEVE), on the instructions of the mufti of Komotini, divided the pension between the two widows of a deceased Muslim. The mufti's spokesperson insisted that Greece must respect Islamic law in matters related to religion such as family law.

P. Naskou-Perraki, Professor of Public International Law at the University of Macedonia, recalls in her “The Legal Framework of Religious Freedom in Greece” that Law 1920/1991 obliges the muftis to take decisions in accordance with the Constitution and this means that Islamic Law provisions on marriage, divorce, and custody of children of divorced parents – which often discriminate against women and may fail to systematically take children's best interests into account – are contrary to the principle of equality (article 4 paragraph 2 of the Constitution), as well as to many of the international instruments that Greece has ratified.¹⁶

However, there are also some leading Greek academics who argue that there is no conflict between Greek or international law and the application of Sharia law in matters relating to the family. Professor of Penal Law at the University of Salonica, John Manoledakis states that: “since Islamic law allows bigamy, the unjust –for us- character of the act is cancelled.”¹⁷

Sharia law is applied to the Muslim women of Thrace. With the application of Sharia law by the mufti, Muslim women are entitled to only half of their husband's inheritance; may see their husband take another wife as long as they “agree”, since polygamy is allowed; divorces are only issued by husbands against their wives, usually without the women even being summoned; they receive alimony only for 100 days and may have custody of their children until the age of seven (boys) or nine (girls), which then passes automatically to the father or grandfather – if not granted to them from the beginning.

The National Committee for Human Rights recommended last year the following:

“In reality, it is at least bizarre that in 21st century Greece Sharia law continues to be applied in deviation to provisions of the Greek

15 – *Ethnos*, 23/12/01.

16 – A. Sakoullas, 2000, pp. 50-7.

17 – *Ethnos*, 23/12/01.

civil code, when such a thing does not exist neither in Turkey nor in various other Muslim countries. The abolishment of the judicial and administrative responsibilities of the Mufti and the restriction of his responsibilities to religious ones, is, in our opinion, an imperative measure for the modernization of the institution, in view of the binding terms of article 20 of the Greek Constitution (right to legal protection) and article 6 of the ECHR (right to a lawful trial). The awareness of political judges is suggested...as to the contrast of the practice of judicial responsibilities by the Mufti, with the Constitution and the ECHR, with whatever means the leadership of the Supreme Court finds appropriate.”¹⁸

The UN Committee on the Rights of the Child has expressed its concern that:

“with regard to the separation of some Muslim parents, custody of children below a certain age is systematically awarded to mothers and custody of children above a certain age is systematically awarded to fathers, without due regard to the best interest and opinion of the child.”¹⁹

The dialogue between the expert of the UN Committee on the Rights of the Child with a representative of the Ministry of Foreign Affairs, on 16/1/2002 in Geneva, is characteristic (translation from GHM):

Ghalia Mohd Bin Hamad Al-Thani: “... How often is the opinion of the child taken into consideration whether he wants to be placed or displaced from his family environment or institution? In relation to this issue, there is also the minority of the Muslim community that follows that Sharia law where it comes to family matters. And I understand that when the parents are separated, the mother has the custody of the child, if it is a boy till the age of seven and if it’s a girl till the age of nine and then it automatically goes to the father. I want to know if this is regardless of the best interest of the child? Is it regardless of the opinion of the child? Because it is very important that these things are not strict rules. And it really does

18 – http://www.greekhelsinki.gr/bhr/greek/articles_2002/pr_2002_01_22_01.doc

19 – Concluding Observations of the Committee on the Rights of the Child: Greece U.N. Doc. CRC/C/15/Add.170, paragraph 52.
[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.170.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.170.En?OpenDocument)

not have much to do with religion, it has more to do with custom. And is there a way that you protect the interest of the child under these circumstances?”

Mr. Kastanas: “... Not being a specialist on this matter, I would confine myself to underline that the spiritual leaders of the Muslim minority in Thrace, the Muftis, are vested with traditional powers on disputes between Muslims of their district concerning family and inheritance matters. In passing its judgements, the Mufti relies on Islamic law. In order, however, to reconcile the Islamic law with the Greek public order and the international obligations of Greece, there are legislative documents, a law of 1991, which provides that the courts shall not enforce decisions of the Muftis, which are contrary to the Greek Constitution and, of course, to international treaties.”

In November 2000, the Court of First Instance in Thiva, Greece, declared itself competent to adjudicate a case of two Greek Muslims, without referring the case to the Mufti, and found that in the instance of contradiction between religious law and individual rights, Greek Muslim citizens have the freedom of choice to decide which judicial system they wish to follow.²⁰

With regard to educational opportunities, although Article 16 of the Greek Constitution states that: “The number of years of compulsory education shall be no less than nine”, the number of Muslim women that complete such an education is small. Almost no Muslim women pursue higher education: an indication of this is the fact that the first Muslim woman accepted to the Special Teachers College of Salonica, from which graduate teachers are specifically trained for the minority schools of Thrace, entered the college in 1991.²¹ A main reason of the high drop-out rate among the Muslim minority is the absence of education in their native language which is Turkish.

Moreover, the consumption rate of psychotropic drugs among the Muslim women of Thrace is very alarming. Pharmacists and doctors of the region attest to the extremely high percentage of Muslim women who use prescription drugs.²²

20 – Case decision 405/2000 of the First Instance Court of Thiva.

21 – Angelos Syrigos, *The Miserable Muslim Woman of Thrace*, p. 2.

22 – *Ibid.*, page 3.

3.2 Roma Women

Roma women confront multiple grounds of discrimination: they face discrimination as women in Greece, as members of the Roma minority in Greece, and as women within their community with its own discriminatory patriarchy traditions and practices. The intersection of gender and ethnicity has resulted in Roma women being specifically marginalized group. Racism, patriarchy and economical disadvantages contribute to create layers of inequality and disempowerment. Unfortunately, the gender dimension of the discriminations Roma women face is often underplayed or not noticed, due to a racial perception of the discrimination Roma face in general, which is more obvious.

The equal rights and equal obligations approach of the Greek legal system treats identities as fixed and maintains a background norm against which differences are categorized. This background norm consists of characteristics associated with the dominant social group, namely Greek Orthodox white males and females. Roma women's racial experiences encounter intersecting forms of oppression that are not addressed by the Greek legal, administrative, and welfare system.

Roma women are usually married while they are still adolescents, and virginity is considered a prerequisite. Knowledge and/or use of contraceptives are extremely rare. The illiteracy rate among Roma women is extremely high, since they are the first to leave school at marriage. Roma women's access to health care is currently under study. Preliminarily, however, one may observe that Roma women face racial discrimination in their encounters with all public authorities, including public hospitals. No data exists on the extent of violence that Roma women suffer within their community.

IV

General Comments on Violence Against Women in Greece

Violence against women is 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. On the contrary, one might say that most images in the media reinforce the stereotype of men exulting power by being violent, and women exulting femininity and submission by accepting violence and acknowledging its necessity. To the Greek mentality, a slap in the face is a form of emotional communication for both sexes; and the Mediterranean temperament excuses such gestures as an indication of passion.

The Greek Research Center on Equality Matters (KETHI) issued an informative booklet on violence against women in 2000, where it stressed that violence against women is not caused by poverty and unemployment. Rather, the cause for violence against women is the fact that Greek society does not recognize substantial equality between men and women in every day life. The relationships amongst the two sexes are relationships of power and subordination, not of companionship and respect. Thus, violence against women is easily excused, at least more than any other form of violence is excused, and many times the victim is accused of provoking such violence. Men learn that it is their right to control the mind, heart and life of their women, and learn to feel security when their companion is dependent and submitted. A completely independent female companion breeds insecurity since it is not her priority to make a man happy. Women themselves learn to be submissive, to be patient with violence, to remain silent and not demanding. As a result, there is a lack of solidarity among women who experience violence that reinforces inactivity against violence.²³

23 – Research Center on Equality Matters (KETHI), *Break the Silence*, booklet, 2000.

Violence against Women in the Family



5.1 Domestic Violence

There is no adequate, comprehensive data on the extent of domestic violence suffered by Greek women. It has been estimated, however, that 83% of Greek women have suffered from some form of domestic abuse, either psychological or physical; 16% of these women have experienced psychological, physical and sexual violence together.²⁴

The Reception Center for Abused Women of the General Secretariat of Equality in Athens, has received more than 3000 cases since it began functioning in 1989, and in 2001 alone, 5278 women have called the Center asking for help. Most of the women accessing the Center have experienced long-term domestic abuse that ranges from 15 to 45 years and belong to an age group of 30 to 70 years old. Younger women, aged 25 to 35, access the Center after 5 to 15 years of domestic abuse.

Since 1993, a shelter for abused women has been functioning under the auspice of the Municipality of Athens and the General Secretariat of Equality. Between 1993-1999 the shelter accommodated approximately 200 women with 250 children. The women's ages ranged between 16-75 years and the children's between 1 month-19 years; 80% of these women reported physical violence combined with sexual abuse, 20% had experienced sexual harassment while adolescents, and 15% of these women returned to their abusive husbands.

A survey carried out on a sample of 100 women seeking help between 1998-2001 revealed that 55% of the women were aged 31-50 years and had experienced long-term abuse; 36% had university education; 56% had experienced abuse within a marriage, 12% before marriage, and 22% had experienced abuse during pregnancy.²⁵ Moreover, 31% of the male perpetrators of abuse have university education and most of them had experienced an abusive family environment while growing up.

24 – "To Vima" 3 March 2002.

25 – Conference proceedings : "Breaking the Silence – Violence in the Family. A Crime Behind Closed Windows", June 2000, Athens, organized by the Research Center on Equality Matters (KETHI), the General Secretariat of Equality, and the European Union – Campaign Against Domestic Violence.

According to academic research, a Greek woman will report domestic violence to the police for the first time, after experiencing on average 35 incidents of violence. This figure is an indication of the situation: 90%-95% of the women incarcerated in Greek prisons for killing their husbands, committed the crime due to suffering long-term violence from their spouses.

Although domestic violence is fairly recognized in Greece as a social problem, it is noted with concern that there is no legislation that specifically protects women against domestic violence, which would take into account the special relationship and the inter-dependence that exist between the victim and the perpetrator of domestic violence.

An Inter-Ministerial Committee was established in 1999 by the General Secretariat of Equality, with the mandate to design and implement law and policy repressing violence against women; it is comprised by one political and one staff official of the jointly responsible Ministry of Public Order and Ministry of Health and Welfare, representatives of the Research Center on Equality Matters, plus experts from the academic community and the women's movement. A draft law on domestic violence is expected to be released soon by the Inter-Ministerial Committee. The long delay is attributed to lack of political commitment by the various ministries involved, and the division of competencies between them that makes coordination on issues difficult.

Domestic Violence is currently generally addressed by the general provisions of Civil and Criminal Law and by other special laws. Domestic violence may be prosecuted if the woman victim chooses to press charges for physical injury, regulated by articles 308, 308A, 309, 310 of the Greek Penal Code. The crime of physical injury is not prosecuted *ex officio*.

If the victim chooses to press charges against her spouse or to file for a divorce according to the general provisions of Civil Law, then she may ask the Court for protection orders against her violent spouse. The judge is not obliged to issue protection orders; this is why in practice, attorneys of abused women try to obtain a medical report as proof of the necessity for protection orders.

Most Greek women suffering from abuse do not press charges against their abusive partners for the following various reasons. Apart from the heaviness of the judicial system regarding family violence (on average, a criminal case takes 3-5 years for complete adjudication), there is an extremely limited infrastructure for the empowerment and support of

victims of family violence. Subsequently, even if a woman chooses to take legal action against her violent spouse and press criminal charges, there is no welfare solution or alternative provided for her by the State, as in adequate support facilities that may provide help and protection to her and her children for the years she will be involved in judicial adventures. There are only two Reception Centers for Abused Women operated by the General Secretariat of Equality, in Athens and Pireas, that offer legal advice and psychological support, but no hospitality. There is only one Guest House available, operated by the General Secretariat of Equality and the Municipality of Athens, of limited capacity.

Another obstacle concerns the fact that incidents of domestic violence, when reported, are usually regarded by police officers and often judges, as private matters that fall outside of their mandate and in many cases the abused woman is encouraged to settle for an extra-judicial compromise. Without an attorney with her to demand the filing of a lawsuit by the police, a woman victim of domestic violence will probably be advised not to seek legal recourse. It is also often reported that when women victims of domestic violence seek medical help, doctors in hospitals reduce the importance of the incident and try to persuade the woman victim that what has happened to her is insignificant, compared to maintaining the family unity. In addition, doctors try to avoid characterizing such incidents as domestic violence, which would merit official reporting, because they are reluctant to find themselves involved in judicial proceedings as witnesses.

Also family members and friends try to convince a woman who has been or continues to be subjected to domestic violence not to press charges. In addition, the victim is usually afraid of the “social price” she will have to pay, namely what will people say when they find out. The Bar Association of Thessaloniki had in place a program of free legal aid for abused women; between September 1999 and May 2000, the program helped the cases of 31 abused women: the majority were married, aged 30-40 years, with one or two children, and had suffered long-term abuse. Of the 31 cases, 7 women asked for interim alimony, 8 asked for change of residency of the spouse, 12 demanded child custody, and 15 of these filed for divorce simultaneously. Only two of the abused women wanted to press charges against their spouse for physical injury and face the criminal justice system.

Academic research conducted on a sample of 551 people (213 men and 338 women), aged 18-24 years, and all were students of Greek

universities, revealed the following: questioned whether it is possible for a woman to be responsible for her abuse, the results are indicative of Greek mentality: 48% states that rarely a woman is responsible for the abuse against her, whereas 27,6% states that sometimes it is the woman who provokes the abuse. Moreover, 11,6% holds the woman completely responsible for the abuse she suffers since she herself provokes it, and 10% considers that women often provoke violence against them. It is worth noting that only 7,4% relieve women of any culpability regarding violence against them.

There is a lack of institutionalised training for law enforcement officials and members of the judiciary in relation to the investigation, prosecution and punishment of cases of family-based violence. The curriculum of Police Academies in Greece does include some education on family violence or violence against women, although mostly in the context of theoretical human rights topics and not specifically on how to aid such cases, as there is a lack of a legal framework to begin with.

Apart from an awareness campaign that included a conference, booklets and other awareness material such as stickers and leaflets sent by mail together with electricity bills, posters in public places, organized by the Research Center for Equality Matters and the General Secretariat for Equality approximately a year (1999-2000), there is no other widespread education of society with regard to domestic violence.

5.2 Marital Rape

Marital rape is not considered a crime under the Greek Penal Code. Article 336 of the Greek Penal Code prohibits rape as follows:

“1. Whoever with physical violence or with threat of grave and direct danger forces another to extra-matrimonial intercourse or to tolerance or action of an indecent act, is punished with incarceration.”

Article 338 of the Greek Penal Code prohibits indecent assault as follows:

“1. Those who take advantage of the insanity situation of a woman or her disability to resist in order to perform with her extra-matrimonial intercourse are punished with incarceration of at least ten years.

2. Those who take advantage of the above situations and perpetrate indecent acts with a man or a woman are punished with six months imprisonment at minimum.”

It is interesting to note that, in a draft law on trafficking tabled in parliament, article 338 underwent various proposed amendments. The Ministry of Public Order, proposed the following amendment:

“Article 338. Indecent assault: 1. Those who take advantage of the insanity situation of a person or his/her disability to resist sexual intercourse or sodomy are punished with imprisonment of more than five years. 2. Those who take advantage of the above situations and perpetrate indecent acts are punished with six months imprisonment at minimum.”

The Ministry of Public Order proposed the elimination of gender-specific terms. The Ministry of Justice however, re-amended the proposed amendment as follows:

“Article 338. Indecent assault: 1. Those who take advantage of the insanity situation of a person or his/her disability to resist extra-matrimonial sexual intercourse or sodomy are punished with imprisonment of more than five years. 2. Those who take advantage of the above situations and perpetrate indecent acts are punished with six months imprisonment at minimum.”[emphasis added]

If a husband uses “illegal violence”, resulting in physical injury, in order to force his wife to have sexual intercourse with him, a wife can press charges only on the basis of the physical injury provisions, which are punishable under Greek criminal law.

In Greece sexual gratification of the other spouse is considered a general obligation of marriage. Refusal to fulfill the other spouse’s sexual needs may be considered a reason for divorce and carries heavy social consequences: it is the wife’s fault if her husband seeks other female sexual companionship, since she refuses him. Consequently, marital rape remains a hidden form of violence against women in Greece.

OMCT and GHM are very concerned that rape as a criminal act is limited to extra-marital situations. The marital relationship figures as a cover for violence in the home. However, we believe that marriage may not, in any circumstances, relieve the husband of criminal responsibility, if he is the perpetrator of rape. The impunity enjoyed by the husband who forces his

wife to have sexual intercourse nullifies the enjoyment of women of their right to equality and heightens the risk of physical and psychological violence in the home.

5.3 Incest

Incest is a crime under article 345 of the Greek Penal Code. However, incest victims rarely press charges. In a sample of 230 rape cases that were reported in 1993 in all police stations of Greece, only two cases were reported as incest rapes. In a sample of 312 judicial decisions between 1980-1993 of Jury Courts of the prefecture of Athens, in the jurisdiction of which are rape cases, only 17 cases of incest rape were adjudicated. Cases of incest including rape in the context of incest are very rarely reported, since the perpetrator is a close relative of the victim, upon whom the victim is usually dependant; the cases that are mostly reported are the ones where the incest has resulted in pregnancy. In most incest cases, the victim is a minor.²⁶

The selectivity in prosecution of the Greek legal system is evident through the small number of incest cases that have reached Greek courts. Since less than 1% of the total of incest cases reach the Greek courts, according to criminologist A. Tsigris the major problem lies with the selection process applied by the police and eventually judicial officers in promoting which cases will be further investigated, prosecuted and indicted before a court of law. Incest cases are preferably not promoted.

26 – A. Tsigris, "Sexual Violence Against Women and Children: Greek Report", Athens 2002, p. 22-25.

Violence Against Women in the Community

VI

6.1 Rape and other forms of Sexual Violence

Since the last revision of the Greek Penal Code in 1984, rape is included in the category of “crimes against sexual freedom and economic exploitation of sexual life.” The fact that gender-specific forms of violence, such as rape, insult of sexual dignity, peculation for indecent act, etc. are categorized as “crimes against sexual freedom and crimes of economic exploitation of sexual life” and not as “crimes against personal freedom”, such as the crimes of slave-trading, abduction, kidnapping, illegal detention, illegal violence, is largely debated by women’s groups in Greece.

Victims of the acts described in the category “crimes against sexual freedom and economic exploitation of sexual life” are mostly women and girls. It is feared that even though almost all crimes of this category contain the element of violence, the acts are not considered as crimes against the personal freedom of women, but are recorded in the subordinated category of sexual crimes. Moreover, the category of sexual crimes entails lower punishments than the category of crimes against personal freedom.²⁷

Article 336 of the Greek Penal Code reads:

“1. Whoever with physical violence or with threat of grave and direct danger forces another to intercourse extra-matrimonial or to tolerance or action of an indecent act, is punished with incarceration.”

Rape is punished with incarceration, and gang rape is punished with incarceration of at least 10 years.

Case law has interpreted extra-matrimonial intercourse in article 336 of the Penal Code broadly, including various forced sexual acts in the

27 – For example, in the 18th Chapter of the Greek Penal Code, named crimes against personal freedom, article 323 prohibits slave-trading with punishment incarceration (which means 5-20 years unless otherwise specifically specified). In the 19th Chapter of the Greek Penal Code, named crimes against sexual freedom, etc., article 351 prohibits ‘white flesh’ trade with punishment imprisonment of 1-3 years and a fine.

definition of rape. As mentioned above, rape is punishable only if committed outside marriage.

The crime of rape is prosecuted *ex officio*. However, there is an exception laid down in article 344 of the Greek Penal Code. According to this article, the criminal prosecution of the perpetrator may end definitely if the victim, or her legal representative, submits that publicity from prosecution will result in a grave psychological trauma of the victim, despite evidence against the perpetrator. This particularity in the prosecution of the crime of rape has been severely criticized by women's rights advocates, because it allows for multiple discriminatory practices such as blackmails, corruption, bribery, defamation, to take place behind the scenes.

Relatively few cases of rape are actually reported to the police and fewer cases proceed to prosecution. As with other forms of violence against women, women who are the victims of rape in Greece are often unwilling to report the crime largely due to shame, fear, social attitudes and the lack of confidence in law enforcement response to rapes.

Research has shown that every year in Greece approximately 4500 rapes are committed, from which only 270 are reported to the police, only 183 result in the arrest of a suspect, only 40 reach court adjudication, only 20 end in a conviction, and finally less than 10 rapists are sentenced to more than five years imprisonment.²⁸ On the other hand, 60% of rape victims experience feelings of guilt, and 35% of rape victims respond that they could have avoided their rape if they had reacted differently.²⁹

The crime of rape has certain characteristics: it is almost always committed with no witnesses and more often than not it leaves no evidence. Although the testimony of a rape victim to the police is theoretically enough for prosecution to be initiated, without concrete evidence written in a forensic report the case is not considered strong enough for a conviction, except if there were witnesses to the crime willing to testify, which is rarely the case. The rape victim often finds her or himself as the as the object of the investigation instead of the perpetrator. Psychological violence (direct and indirect) is not considered an element of the crime of rape.³⁰

28 – A. Tsigris, *Sexual violence yesterday, today and tomorrow*, newspaper "Kathimerini", January 4, 2002.

29 – A. Tsigris, (2002), *Sexual Violence Against Women and Children: Greek Report* (in Greek), Kastaniotis ed., p. 14.

30 – Conference Proceedings, "Violence: Zero Tolerance", Athens, January 1999, organized by the NGO Democratic Women's Movement, as part of the European Union program DAPHNE.

Empirical research regarding the crime of rape in Greece has shown that there is a widespread stereotype related to the crime, the perpetrator, and the victim. This stereotype is as deeply rooted in the conscience of mainstream society as it is in the conscience of the official bearers of authority within the criminal justice system (i.e. police officers, prosecutors, and judges).³¹ According to the stereotype, rape is a sudden and violent sexual assault, by an unknown to the victim perpetrator, in a public and deserted area, which results in forced intercourse and injury of the victim due to her intense resistance, which can be proved. A rape that does not fit the above description (for example, date rape), is often not defined as such, even from the victim herself, who falls into the trap of self-recrimination and avoids reporting the crime. Due to the stereotypical image of rape and the myths related to the crime, the social environment and even official authorities regard the victim degradingly if rape occurred in other circumstances.³²

The police are, in general, inadequately trained to handle complaints from women and girls who allege that they have been the victims of rape and other forms of sexual violence considering the discriminatory attitudes of many police officers and the psychological state of the victim of much confusion and fear; further victimization of the victim may occur.

A medical doctor must examine the victim for evidence of the crime to be included in a forensic report. As mentioned above, without a forensic report, the case is not considered strong enough for a conviction. Forensic departments with medical examiners function during the working week and mostly during working hours. However, most rapes occur during the night and/or during the weekend. Therefore, the victim faces the dilemma of either remaining unclean, risking her health, both physical and psychological, until she sees a medical examiner, or taking care of herself and losing evidence and the chance to criminally prosecute her rapist.³³ In the case that a rape victim first goes to the hospital, she or he will face the same dilemma because regular medical documents do not have the same legal significance as forensic reports. In addition, medical doctors will eliminate existing evidence in the effort to examine and secure the victim's health – especially in order to prevent STDs and pregnancy.

31 – A. Tsigris, “Sexual Violence against Women and Children: Greek Report”, Athens 2002, p. 10.

32 – Ibid.

33 – Kaiti Kostavara, in conference proceedings “Violence: Zero Tolerance”, Athens, January 1999, organized by the NGO Democratic Women's Movement, as part of the European Union program DAPHNE.

Unfortunately in Greece there is very little training concerning post-rape treatment of a victim at all levels. If there is no obvious physical injury or bruises, what is further accepted as a presumption of rape is the presence of semen. Most rape cases however do not result in the ejaculation of the perpetrator, so the semen presumption remains a theoretical one.³⁴

In rape trials, no one usually examines the past of the perpetrator, except if used as a mitigating argument, i.e. he suffers from psychiatric problems or is an addict of drugs or alcohol and was not conscious of his actions. The past of the victim, however, is painstakingly scrutinized, and seems to be the object of trial; the victim's clothing when raped or her intoxication are decisive factors as well. Greek laws do not prohibit analyzing the victim's previous sexual relationships or behaviour. It is not considered unconstitutional to degrade the victim of rape and insult her dignity, when her rapist is on trial. Questions like: "What were you doing at 4:00 am passing through that area? Didn't you know it is dangerous?" and "Why were you dressed like that" are considered routine. Moreover, it is commonplace for the defense to use a witness who declares that the victim is promiscuous and was "asking for it."³⁵

In view of the above, due to the discriminatory attitudes of members of the police and the judiciary, women generally do not believe that they will find justice if they report rape and/or other forms of sexual violence against women leading to the subsequent under-reporting and prevailing impunity for these crimes.

6.1.1 Sexual Violence against Girls

Sexual abuse of children is also a serious problem in Greece, despite the threat of criminal prosecution. According to article 339 of the Greek Penal Code, the age of statutory rape in Greece is 15 years old.

With a background of sexual abuse remaining a high taboo and being underreported, a study done by the Institute of Child's Health on a sample of 743 students, found that 17% of girls and 7% of boys had been sexually abused. The average age for the start of the abuse is 11.5 years, usually by someone at least five years older.³⁶ In addition, therapy is not offered as an

34 – E. Leontidou, conference proceedings, *ibid.*

35 – *Ibid.*

36 – E. Agathanos-Georgopoulou and Maria Tsangari, *Guide to the Rights of the Child*, Institute of Children's Health, Athens, 1999, p. 92.

alternative to a penal sentence to juvenile sexual offenders, thus limiting the possibilities of rehabilitation.

Greek Helsinki Monitor has highlighted the published findings of the organization “The Child’s Smile” and of criminologist Angelos Tsigris, which show an extremely low percentage of sexual abuse charges, to the United Nations Committee on the Rights of the Child. The reasons for the low percentage of sexual abuse charges are that the interrogating authorities (prosecutor and police) often try to dissuade the victim from pressing charges, and/or the fear of public abuse of the minor victim. The press and electronic media play a decisive role in public abuse, using sensationalist tactics that do not respect their obligation to protect the minor victim, and by irresponsibly making public cases and even interviews with the victims. The superimposition of an electronic “mosaic” over the victim’s face or using initials instead of a name, when the context makes it easy to identify the victim is inadequate if not hypocritical.

No charges or other sanctions have been imposed against the composition of the court of Drama, which publicly tried a 13-year-old female defendant, forced into prostitution by her mother, without a special juvenile court judge present. Nor have there been sanctions against the media, which, in November 2001, publicly covered this case and the case of a 13-year-old alleged victim of sexual abuse in interviews with the juvenile victims, and/or mentioned the names of the victims’ parents or the high-school principal accused of indecent assault, and his school -all of which resulted in making the victims’ identities obvious. Greek Helsinki Monitor’s related appeals to the Prosecutor of the Court of Cassation (PCC) and the National Radio and Television Council (ESR), the competent authorities to press related charges or to impose sanctions, did not even receive an acknowledgment. On the contrary, similar publicity was given later in November to the case of an alleged sexual abuse of a 13-year old by her teacher. The absence of sanctions makes the repetition of such phenomena likely and this is one reason why there is a prevailing impunity for the perpetrators of sexual abuse, as reported in a survey by criminologist Angelos Tsigris.³⁷

37 – Related press headlines “Impunity for Family Rape and Abuse” Ependytis, 17-18/11/01, and “Children’s Abuse. ‘He caressed her. So what?’ [‘Smile of the Child’ President] K. Yannopoulos denounces the authorities’ tolerance.” Eleftherotypia, 18/11/01.

6.2. Trafficking in Women

Greece is a country of destination and transit to Western Europe and the Middle East for trafficked persons. The trafficking in persons, in particular for forced prostitution into Greece, is a serious and increasing problem for the country.

Between 1990 and 2000, 80,000 women and children from Eastern and Europe and the Balkans were integrated into the domestic sex industry by means of physical or psychological coercion or deceit.³⁸ Since 1999 there has been an increase of 30-115% in the annual number of trafficked women into Greece.³⁹ According to scientific research and the experience of NGOs that deal with trafficking, there are more than 20,000 trafficked persons in Greece who are enslaved in forced sex labour.⁴⁰ Although the vast majority of them are women and girls, there are also boys in this group.⁴¹ The Macedonia-Thrace Minister George Paschalidis mentioned to a discussion group in Thessaloniki, that of “Most of the women forced into prostitution - an estimated 60 percent of all women prostitutes in Greece- are foreigners without a residence permit and often no more than 12-15 years old.”⁴²

Most of the trafficked women in Greece are from Albania, Belarus, Bulgaria, Georgia, Kazakhstan, Moldavia, Rumania, Russia and Ukraine. Also women from North Africa, Asia, the Middle East, Serbia, Bosnia Herzegovina and the Czech Republic are trafficked into Greece.

According to a research by the sociologist Gregory Lazos, many of the victims of trafficking interviewed were ignorant of the day, the month, the time of year, ignorant of the city or country they were in, had difficulties with describing their surroundings and were incapable of conducting simple exchanges of everyday life.⁴³

38 – Newspaper “To Vima”, (The countries of origin), March 10, 2002.

39 – Report of the Greek Ministry of Public Order for 1999, which was distributed in 2001, as described by G. Marnelos and K. Kyriakopoulos, *The X-ray of Horror*, newspaper “Eleytherotypia”, May 22 2001.

40 – Boufides, Medical Director, Rehabilitation Center for Victims of Torture and other Forms of Ill-treatment, Athens 2002.

41 – Boufides, Medical Director, Rehabilitation Center for Victims of Torture and other Forms of Ill-treatment, Athens 2002.

42 – Athens News, 14 December 2001.

43 – Newspaper “To Vima”, (the X-Ray of Horror), 10 March 2002.

In 1999, the Committee on the Elimination of Discrimination Against Women noted in its Concluding Observations on the Second and Third Periodic Reports of Greece that insufficient attention was given to the possible links between lack of law enforcement and trafficking in and migration of women. The Committee recommended that “compliance with the regulations governing prostitution be monitored effectively and adequate measures to address trafficking in women be introduced.”⁴⁴

Furthermore, in May 2001, the Committee against Torture (CAT) recommended that Greece should take steps “to prevent and punish trafficking of women and other forms of violence against women.”⁴⁵

The U.S. State Department report released June 2002 gave Greece the lowest rating possible -along with Afghanistan, Armenia, Bahrain, Belarus, Bosnia & Herzegovina, Burma, Cambodia, Indonesia, Iran, Kyrgyz Republic, Lebanon, Qatar, Russia, Saudi Arabia, Sudan, Tajikistan, Turkey, United Arab Emirates- for failing to combat trafficking and protect victims.⁴⁶ According to this report, Greece “does not fully comply with minimum standards for the elimination of trafficking and is not making significant efforts to do so.”⁴⁷

However, despite some anti-trafficking initiatives at the international and regional levels, the Greek government seems not ready to recognize the problem in its own country and has failed to address it adequately.⁴⁸ It is of

44 – U.N. Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) Concluding Observations on the Second and Third Periodic Reports of Greece, U. N. Doc. A/54/38, February 1999, paras. 197-198.

45 – U.N. Committee against Torture (CAT), “Conclusions and Recommendations: Greece,” U.N. Doc. CAT/C/XXVI/Concl.2/Rev.1, May 8, 2001, Section IV, para. 6(d).

46 – United States Department of State, “Trafficking in Persons Report,” June 2002, at <http://www.state.gov/g/tip/rls/tiprpt/2002/10678.htm>

47 – <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm#greece>

48 – Although Greece has incorporated the term “trafficking in human beings” in Law 2605/98 with which Greece has ratified the Europol agreement, the term has never been invoked officially before a Greek court of law. Greece is also a member of the SouthEastern European Cooperation Initiative (SECI), which has a task force on trafficking in human beings. One of the main objectives of the Stability Pact Task Force (SP TF), set up in the summer of 2000 under the auspices of OSCE/ODIHR, is to enhance and further strengthen regional co-operation among the various anti-trafficking actors in the Balkan region and among the governments of the countries in the region. Greece contributes 20% of SECI’s budget, but has no further involvement in the implementation of the task force.

particular concern that Greece currently has no legislation specifically criminalizing human trafficking. Subsequently there have been few prosecutions against suspected traffickers.

Prostitution is legal in Greece. However, due to the strict regulations many choose not to register as legal prostitutes, which has resulted in more illegal than legal brothels in Greece. Undocumented illegal women cannot register to be prostitutes. Article 349 of the Greek Penal Code prohibits “pimping” and “exploitation of a prostitute”. Article 351 of the Penal Code explicitly prohibits forced prostitution and mandates a fine and sentence of imprisonment for one to three years.

The Law on Immigration 2910/2001 became effective in June 2001, and is the basic law regulating the entrance, status, work, deportation, and other such issues of migrants and refugees. Law 2910 briefly addresses the issue of smuggling undocumented migrants and prohibits it if done for illegal profit. Law 2910 does not mention trafficking in women, and has no specific provisions regulating migrant women obtaining visas for legal employment in the entertainment sector. The absence of any mechanism for women to enter Greece for legal employment as dancers, barmaids, and other jobs in the entertainment sector, leaves migrant women extremely vulnerable to traffickers for their entry into Greece. The office of the Greek Ombudsman issued in December 2001 substantive proposals for the amendment of Law 2910, which is generally identified as problematic. Unfortunately, there was no proposal for amending the law to establish a visa regime for migrants in the entertainment industry, as a method of combating trafficking.

Law 2910 however constitutes an improvement of the former law: it contains provisions (article 44, para. 7) for the suspension, with a Prosecutor’s order, of the deportation of a victim of trafficking until the court trying the trafficker issues a decision against him. Thus, before victims of trafficking are deported or repatriated, they now have the right to testify against their traffickers in Greek courts. However, as is described below, trafficked women are in most cases too afraid to file a complaint with the Greek police or to testify in a criminal case.

Victims of trafficking in Greece continue to be treated like criminals. As individuals without papers, they are detained in prison pending deportation for working illegally in Greece. Housing trafficked women in prisons makes them particularly vulnerable to human rights abuses in detention(see chapter 8.3.1).

The Greek authorities routinely deport trafficked women by bus or by train, sending them alone unaccompanied and arranging no assistance at the point of destination.⁴⁹ This puts women at high risk of being trafficked again or of other forms of human rights violations. The lack of safety measures while returning persons to their country of origin and a thorough inquiry into the risk of torture that they may face upon their return, Greece, is violating the principle of *non-refoulement*, enshrined in article 3 of the Convention against Torture as well as in other instruments such as the 1951 Convention relating to the Status of Refugees. According to article 3 of the Convention against Torture, no State party shall expel, return (*refouler*) or extradite a person to another State where there are substantial grounds for believing that he/she would be in danger of being subjected to torture.

Moreover, there is an absence of government-sponsored services for all trafficked women, including shelter, medical care, psychological support, and assistance with other basic needs. There is also no adequate witness protection program to facilitate witness' participation in prosecutions.

Local police and immigration official corruption and the involvement of police officers in trafficking facilitate the trafficking of women into Greece. It should be noted that the low number of prosecutions under the existing criminal laws combined with the absence of comprehensive anti-trafficking legislation in Greece make it difficult to determine how many police officers have been complicit in trafficking of women for forced prostitution or when the allegations against them involve other crimes, such as complicity in prostitution rings, complicity in sexual assault and provisions of fraudulent documents. The report issued in 2001 by Internal Affairs Bureau of the U.S. recorded 146 charges against 74 police officers. Approximately one-half of the charges involved police complicity in activities related to migrants with no papers.⁵⁰

Since there is no comprehensive anti-trafficking legislation, since trafficked women risk detention, forced deportation and further human rights abuses at the hands of their traffickers, pimps, or other people involved, including state officials, since there are there is no service for trafficked women and no effective witness protection programme, trafficked women and girls are afraid to file a complaint with the Greek authorities or to testify in criminal cases. Consequently, trafficked women

49 – http://www.hrw.org/backgroundunder/eca/greece/greece_memo_greece.htm

50 – http://www.hrw.org/backgroundunder/eca/greece/greece_memo_greece.htm

remain trapped in an abusive situation and the human rights abuses committed against them often go unpunished.

The following case is indicative of the desperation trafficking victims experience, and the conclusion of the story manifests the inadequacy of the current Greek legal system.

Irina Penkina was only twenty years old in 1998 when she committed suicide, hanging herself from her pantyhose in the bathroom of the small apartment where she was held prisoner, in Thessaloniki. Her body was found by her three roommates, who along with Irina were kept locked in the apartment and forced to prostitute themselves daily to tens of men. Irina was from Moldova; her mother had died recently and her father had vanished. She had arrived a year ago in Greece, in hope of finding a job and a better future. She was trapped by a circuit of Greek traffickers, and kept as a slave. Until she could not stand the degradation any longer.

Her trafficker was tried in the courts of Thessaloniki and found innocent by the majority of Greek judges at first instance. The head prosecutor however filed an appeal on behalf of the law against him. At the appeal's trial, there were no witnesses to testify against the trafficker, since the three roommates of Irina had long been deported. The trafficker was released because of lack of evidence. Irina was buried with public funds because nobody claimed her dead body. No one is guilty for Irina...⁵¹

6.2.1 Draft Law on Trafficking

The Ministry of Justice has drafted anti-trafficking legislation. In March 2002, Human Rights Watch released a commentary on Greece's draft anti-trafficking legislation, urging members of the Greek parliament to strengthen the draft law on human trafficking to protect victims and punish corrupt public officials complicit in the trade. The National Committee for Human Rights has also released a commentary of the draft law with similar remarks.

The main claims of Greek non-governmental organizations (NGOs) working on the subject of trafficking, regarding the draft law, are the following:

1. Recognition that trafficking victims have experienced violation of their personal freedom and reproductive rights.

51 – Newspaper “Eleytherotipia”, 07/06/00, newspaper “Ta Nea” 21/10/1998.

2. Article 12, concerning services provision to trafficking victims, provides for the issuance of a Presidential Decree in the future, which will deal with the details of implementing the services provision. This is inappropriate. It is necessary to ensure that detailed provisions on the implementation of services provision to trafficking victims are provided for in the law - not in a promise of some future presidential decree, namely:

- The creation and operation of secure shelters for trafficking victims, with adequate medical and legal support.
- The government of Greece should provide funding to NGOs and intergovernmental bodies with expertise in the field to assist in the provision of these services to trafficking victims. The creation of a special Fund for Trafficking Victims is proposed.
- The government of Greece should provide witness protection to those trafficking victims who agree to participate in criminal proceedings. Human rights protections should be available to all victims, whether or not they agree to cooperate or testify.
- Trafficked persons should not be detained or imprisoned.
- Frozen assets of traffickers should be made available to victims, in accordance with due process protections, to settle financial claims for violations of their human and civil rights, or made available to the Fund for Trafficking Victims.
- Repatriation of trafficking victims to their countries of origin should only be undertaken with due regard for the safety and security of the trafficked person and should be voluntary.
- Criminalize complicity and corruption by state officials, law enforcement officials, and customs agents. Criminalize “customers” who use trafficking victims.
- Pimping of adults should not be de-criminalized (Article 349). Classified advertisements that promote illegal prostitution should be criminalized as well, and not only pornography of minors (Article 348).

6.3 Sexual Harassment

In the European Union, the problems of sexual harassment have been identified to a limited extent through soft law measures: a Council Resolution, a Commission Recommendation 92/131 in 1991, and a Code of Conduct. The definition of the Commission's recommendation 92/131 of in 1991 includes unwanted behaviour of a sexual nature or other conduct based on sex affecting the dignity of women and men at work (gender harassment). It distinguishes three types of sexual harassment: physical (from unsolicited physical contact to assault/rape), verbal (remarks about figure/look, sexual jokes, verbal sexual advances), and nonverbal ("staring and whistling") and is based on three conditions:

- a) unwanted, improper or offensive behaviour;
- b) refusal or acceptance of behaviour influences decisions concerning a job; and/or
- c) the behaviour in question creates a working climate that is intimidating, hostile or humiliating for the person.⁵²

Recently, the European Parliament adopted amendments to Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, where an amended definition of sexual harassment is included:

"1.(a) For the purposes of this Directive, the following definitions shall apply:

- direct discrimination: where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation;
- indirect discrimination: where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary;

52 – Sexual Harassment at the Workplace in the European Union, Employment & Social Affairs, European Commission, Office for Official Publications of the European Communities, 1999, p. 13.

- harassment: where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment;
- sexual harassment: where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment;”

The Commission’s definition of sexual harassment, although already conceived in 1991, is not known throughout Europe, especially not in southern Member States. Although, the problem of sexual harassment is common in both southern countries and northern countries, it seems that much less importance is attached to the issue of sexual harassment in southern countries and that the level of awareness is not very high. This is underlined particularly by the fact that fewer studies and surveys have been conducted in southern countries than northern countries over the last ten years. Indeed, in southern countries only very recently has the problem given rise to such surveys, which often are not entirely reliable.⁵³ Studies seem to indicate that the way female employees in the southern countries and northern countries perceive sexual harassment is different. Women in southern countries tend to consider that sexual harassment is something they have to put up with because it is part and parcel of being a woman. Such a feeling is in particular induced by the attitude of men who do not perceive their behaviour as constituting sexual harassment. In southern countries researchers have underlined the lack of visibility of the problem in most companies as well as the reluctance to put in place an information policy on the issue.⁵⁴

As Greece’s state report admits, specific legislation addressing sexual harassment does not exist in Greece and the issue is dealt with under general provisions of the Greek Civil and Penal and some particular labour laws. Laws that may be invoked include: Law 1414/1984 on equality which bans sex discrimination at work; Article 57 of the Civil Code which states that any person whose personal dignity has been affronted unlawfully can demand that such affronts cease and are not repeated in the future; Article 59 of the Civil Code which states that the court can

53 – Ibid., p. iv.

54 – Ibid., p. v.

condemn the guilty party to pay compensation for any non-material damages; Article 281 of the Civil Code which provides for penalties for any abuse of rights; Article 662 which provides that the employer guarantees the safety and health of employees at work; Article 932 which provides for compensation of an employee who has suffered damage to his or her health or mental well-being or has been deprived of his or her freedom; Article 337 of the Penal Code which provides penalties for criminal acts which are an affront to personal dignity with respect to a person's sex life; Article 343 of the Penal Code which provides for punishment of any State employee who sexually abuses a subordinate; and Article 361 of the Penal Code which provides punishment for insult by word or deed.

In addition to the lack of specific legislation, the existing Greek legal framework is inadequate to address the problem of sexual harassment. Judicial proceedings are not gender-sensitive, making sexual harassment very difficult to prove as an “insult to personality” (civil law violation), or an “insult to sexual dignity”, or “abusive behaviour” (criminal law violations). The crime of “indecent abuse of power”, which is probably closer to the notion of sexual harassment, is punishable only for employees in the public sector. Employees in the private sector do not have the protection of this provision.

The handful of surveys carried out in Greece are based on very low samples. What can be deduced, however, is that sexual harassment affects more than 70% of women, is generally perpetrated by superiors in the hierarchy, is not perceived as such by the harassers and is rarely denounced for fear of dismissal.⁵⁵ In the absence of a national survey on the issue, Greece carried out a study, under the auspice of the European Commission based on information collected from ten discussion groups. The results are presented by discussion topic:⁵⁶

1. Knowledge of the subject and, possibly, information on Community policy

None of the women had received any information at work. The majority had found it through the media. The women in Group 3 (banking) said that they were well informed, although they had not received any information. Some women knew that Community documents existed, but had not read them and the women in Group 9 (Thessalonika) were

55 – Ibid., p. 230.

56 – Responsible for research in Greece was Catherine Paparriga-Kostavara, attorney, current representative of the European Women's Lobby in Greece.

familiar with them. Only one woman admitted that she knew nothing about them.

2. *Knowledge of the term sexual harassment*

All the women knew what harassment was but some interpreted it as being restricted to action by a superior and often the term was defined by the effects of such behaviour on women (affront to personal dignity, violence, humiliation, etc.). The women in Group 3 (banking) did not think the term was suitable and said that was why women did not dare to make complaints. Some women said that it was due to “men’s sexual desire” but the majority said that it was a question of power. Group 7 (cosmetics) thought the term was confusing. They thought it was a question of individual relationships and hence did not understand why sexual harassment affected the working atmosphere. Group 9 (Thessalonika) accepted the EU definition.

3. *Behaviour of men – superiors, colleagues and subordinates – with regard to women*

The majority described behaviour of colleagues at work and superiors as being “typical” or “normal”. The women in Group 3 (banking) all reported types of harassment which they had had to put up with. The women in Group 7 (cosmetics) said that the atmosphere was friendly but that their colleagues did not like it when they were promoted (discrimination). The women in Group 9 (Thessalonika) said that their male colleagues were “protective” of them. Group 10 (tourism) say that they did not have male colleagues and that their superiors did not trust them.

4. *Knowledge of the existence of harassment*

All the women said that the phenomenon existed. Some said that it was especially rife in enterprises in the private sector. Others said that it went unremarked. The women in Group 3 (banking) all knew of cases and emphasized that it was a widespread problem, which was tolerated and that there were women who took advantage of it to obtain jobs. They quoted the case of a well-known director who harassed women systematically. The women in Group 10 (tourism) also knew only too well that sexual harassment existed.

5. *Knowledge of cases and whether they themselves had been victims. If so, how did they react?*

Apart from two groups where nobody had been sexually harassed, there

were women who admitted to having been victims. The women in Group 9 (Thessalonika) said that they were all victims, describing how their colleagues behaved and saying that, when challenged, the harassers replied that their feelings were paternal. The youngest in the group remembered the days when they were looking for work and when advances and propositions were clear: the outcome always depended on their attitude. If they did not accept the advances they didn't get the jobs. The women in Group 10 (tourism) found it difficult to acknowledge that they had been victims. Nevertheless, from their description of cases it was fairly clearly that they had encountered such situations. They reported all types of sexual harassment by superiors, customers, etc., taking the form of oblique and direct advances, humiliating compliments, even offers of money to spend the night together. They said that all they could do about it was resign. But that was a problem, because it was not easy to find work.

6. *Do women find it easy to talk about these matters? If not, what is the reason for their silence?*

The majority said that women did not talk about it and some added “especially if they were still working”. Others thought that it was easier to talk about it now. The reasons for their silence were: fear of prejudice (being considered the guilty party or having provoked the harassment), fear of losing their jobs and shame at what was happening to them. Other women added that, “they were afraid of becoming victimized again by other people's comments and innuendoes.” Finally, others said that “that they were afraid of being blamed by other employees who were jealous because their boss now fancied someone else.” The women in Group 10 (tourism) said that they had to remain silent.

7. *What would you do if you were unfortunate enough to be sexually harassed? Would you make a complaint and what else would you do?*

The majority opted in favour of an individual strategy. Many of the others said that they would approach the head of the enterprise and the trade union. Some women said that they would take legal action and would go to women's organizations. Group 3 (banking) said that it was difficult because there was no proper procedure and there was the threat of unemployment. They said that they could not leave a job in banking because they could not find as good a job elsewhere and there was a whole family depending on it.

8. *Discussion of the need for a law or legal clauses and other measures to combat sexual harassment.*

All the groups but two were in favour of a law or legal regulations. Some women said that the law should include severe penalties. Those who disagreed included the majority of Group 6 (insurance) who did not think a law was indispensable. However, everybody thought that information is needed and that this matter should also be dealt with at school. Group 10 (tourism) was not sure that a law would improve the situation but called for measures against violence to women. As regards measures to combat harassment, the majority called for information. Others were also in favour of a person who enjoyed women's confidence and had the ability to solve the problem being given responsibility for it. Others said that women should be helped to get rid of prejudices which did not allow them to react or defend themselves against harassment. Others called for psychological support and assistance to victims to help them make a complaint. Group 9 (Thessalonika) called for preventive measures to be taken with seminars being held to train people to be aware of their rights and responsibilities.

The results of the discussion groups show that sexual harassment is a major problem in Greece, particularly in banking and tourism. Banking is a sector which offers good employment opportunities for women but, according to the participants, the way to obtain such work is to put up with sexual harassment. In the tourism sector, however, job insecurity and the unemployment situation in the island of Crete make women more vulnerable in a sector where sexual harassment is the norm.

Since there is no organised protection or legislation, many women try to solve the problem by themselves or become resigned to it. What is more, prejudices about male sexuality and women who "provoke" men, prevent the person who is to blame from being identified and as a result women keep quiet about harassment because they are afraid of the reaction of those around them, even when they are women, because they feel guilty and shame for what is happening to them. This situation isolates the women and induces them to keep quiet. In order to cope with the situation, women think that they need legislation but also preventive measures such as information, training and support structures.

Other recent studies were carried out in certain towns or sectors of activity and supplied more information on the phenomenon of sexual harassment, despite the small samples.⁵⁷

a) *A survey carried out in the course of a thesis on harassment. Place: Patras. Sample: 123 persons (65 women and 58 men of over 17).*

When asked “What do you think sexual harassment is?”, 90% of the interviewees replied that it was when people had to bow to sexual demands to further their careers. When asked “Who might be the harassers?” they replied the superior (72%), colleagues (55%) and sometimes clients. The replies showed that 84% of the persons interviewed knew of cases of sexual harassment although the victims had not spoken about them. The reasons given for the victims’ silence were fear of dismissal or isolation at work and also the fact that there was no law penalizing harassment. As regards the psychological effects of sexual harassment, the replies indicated that 47% of the victims were furious and 22% felt insecure. The majority (78%) thought that sexual harassment affected working capacity.

b) *Survey carried out in the health sector*

Sample: 158 women of between 20 and 55 from various occupations in the health sector. Level of education: 2% elementary education, 35%, secondary education, 63% higher education. According to the survey, 73% of the women interviewed knew of cases of sexual harassment and 35% described it as widespread. In 47% of cases the harassers were superiors and in the remaining 53% of cases patients or customers. Of the women interviewed, 19% said that if there was someone who was responsible for this problem they would complain.

c) *A collection of testimonies*

In 1994 in Athens the NGO “Women’s Democratic Movement” organized a conference on sexual harassment. Over 150 women attended the congress, representing all the regions of the country and pooled their knowledge on this matter, either from their own experience or through written testimonies. There was also a round table of experts where they exchanged notes.

57 – Published in “Eleftherotypia” newspaper, April 4 2002. The research was carried out on a target group of men and women over 17 years old, 39% working in the public sector and 59,4% in the private sector, totaling 202 people, out of which 76 were men (37,6%) and 126 were women (62,4%).

The conclusions of the congress were as follows:

- Sexual harassment is fairly widespread in Greece;
- the victims are generally women (under the same circumstances, men are not exposed to similar conduct);
- the perpetrators are men (of all ages and all social strata);
- sexual harassment is an expression of the harasser's presumed social superiority, even if he does not occupy a higher position in the hierarchy. The act of harassment is used to keep women in their place and in their traditional role;
- men have problems understanding the problem. Exceptions are rare;
- employees do not complain about sexual harassment, mainly because of the lack of legal protection which makes them think that a complaint would be pointless or, worse, might cost them their job, make conditions at work more difficult or cause damaging remarks to be made about them at or outside work.

Case law is scarce, and limited to instances where the employee was fired because she did not succumb to the principal's advances, ruling the discharge abusive. Lawsuits pending under criminal proceedings with underlying sexual harassment claims, will on average take 2-5 years to be adjudicated, ending with a small compensation. In addition, it is most probable that the victim might be sued for defamation by the harasser.

In the women's bureau of the Greek Federation of Labor Unions, between 1995-1999, twenty sexual harassment claims had reached their attention; only two of these reached Court adjudication. Trade Union involvement in cases of sexual harassment is also a major problem in Greece, which deprives the trade unions of any credibility they may have had in combating this problem.⁵⁸

The General Secretariat for Equality, in the national report of Greece on the implementation of the Beijing Platform for Action, in 1999, recognized that Greek women are not adequately protected in cases of sexual harassment, particularly in the private sector. It had stated that by the end

58 – Sexual Harassment at the Workplace in the European Union, Employment & Social Affaires, European Commission, Office for Official Publications of the European Communities, 1999, p. 207.

of 1999, in cooperation with the Ministry of Justice, special provisions would have been drawn up to fill in the gaps in the legislative regulations regarding forms of violence against women. Despite the General Secretariat for Equality's best intentions, specific legislative regulations regarding forms of violence against women are not yet in place.

In March 2002, there were widely publicized incidents of sexual harassment of students by a Professor at the University of Crete. The General Secretariat of Equality sent a letter to the Ministry of Justice, the Ministry of Education, the Rector of the University of Crete and the media, briefly outlining the European Union approach to sexual harassment, pointing out that it is a form of violence against women prohibited by the United Nations, is contrary to the equal rights clause of the Constitution and its protection of human dignity, and stressed the importance of bringing forth such cases, declaring the General Secretariat's competence to collaborate with other authorities in combating the phenomenon of sexual harassment.

VII

Violence against Women Perpetrated by the State

7.1 General Observations on Torture and Ill-Treatment in Greece

Greek law enforcement officials are not unique in abusing the rights of citizens during arrests, interrogations, detention or imprisonment. In Greece, however, this behaviour is facilitated by the fact that courts almost never prosecute officials' criminal behaviour. If they do, cases --even the ones backed by extensive forensic evidence-- reach the court many years after the incident and very often courts acquit police officers despite the evidence against them.⁵⁹

59 – See Greek Helsinki Monitor/ Minority Rights Group-Greece Annual Report 2002, p 13 *et al.*

Article 7 paragraph 2 of the Greek Constitution prohibits torture and cruel, inhuman and degrading treatment by stating:

“Torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited and punished as provided by law.”⁶⁰

Since 1984 torture and ill-treatment have been prohibited also by Article 137A-137D of the Greek Penal Code (under Law No. 1500/1984). The definition of torture given by Article 137A states that torture is

“... any systematic infliction of acute physical pain, or of physical exhaustion endangering the health of a person, or of mental suffering capable of leading to severe psychological damage, as well as any illegal use of chemicals, drugs or other natural or artificial means with the aim of bending the victim’s will” when perpetrated by “an official or military whose duties include the prosecution, interrogation or investigation of criminal offences or breaches of discipline or the execution of punishments or the guarding or the custody of detainees...[on] a person who is in his power with the aim of a) extorting from this person or a third person a confession, testimony, information or statement, repudiation or acceptance of a political or other ideology; b) punishing c) intimidating the person or a third person.”

The prescribed penalty for torture is from three years to life imprisonment and the most serious cases (e.g. the use of the *falanga* or electric-shock equipment) are punished by a minimum of 10 years’ imprisonment - or life imprisonment if the victim dies (Article 137B).

Article 137 A recognizes as perpetrators of torture public employees or army officials, vested with the authority of carrying out investigations related to the prosecution of a crime or disciplinary proceedings, with the carrying out of judicial sentences or with the guarding of prisoners, and acting in an official capacity by himself or according to orders. Psychological pain is considered torture only when used for the degradation of the victim or for curbing the victim’s free will.

Paragraph 3 of article 137 A describes the acts that constitute an insult to human dignity: the use of truth detectors, prolonged isolation, and serious

60 – http://confinder.richmond.edu/greek_2001.html

offence of one's sexual dignity. Rape is considered a serious offence of sexual dignity.

Although in essence Article 137A does not restrict its application to cases in which the perpetrator is an investigating official who uses extreme physical coercion to extort confessions from a detainee, it seems that in practice this is the way it has been interpreted. In an October 2001 seminar on torture organized by AI Greece, Professor D. Spinellis pointed to the existence of a “tendency to create a tradition of the non-use of Article 137A”⁶¹ in several cases in which the defendant (a police officer) had not been convicted under Article 137A. The courts in those cases found that the policemen had not been acting in the capacity of an investigating official, or that he had been motivated by anger and the desire to punish, rather than the wish to extort a confession. Prof. Spinellis argued that the effect of this practice was to confuse the provisions of Article 137A with the more restrictive provisions of Article 239 (dealing with “Abuse of office”) - which is also a lighter offense.

As far as the rights of persons detained in police custody are concerned, they are guaranteed by numerous international treaties that Greece is a party to. For example, the right to be informed of the reason for arrest and detention is guaranteed in Article 9 (2) of ICCPR and Article 5 (2) of the European Convention. Under Articles 6 (1) and (2) of the Greek Constitution, a person may be arrested by the police only on the basis of a judicial warrant or in *flagrante delicto*.⁶² The police are required to act with courtesy and respect towards the person being arrested. Force is limited to cover only cases where it is absolutely necessary, and handcuffs may be used only if the person resists arrest or is likely to flee.⁶³

On paper, Greece has a relatively good system for addressing complaints of torture or maltreatment by the police. There are two distinct procedures through which torture perpetrators can be held accountable. There is the administrative procedure carried out by an internal police inquiry within the framework of disciplinary proceedings and the criminal procedure. The two procedures are independent of each other and the decisions they reach may be different too, even though the facts established by a final court decision are often taken into account in disciplinary proceedings. In

61 – Argyropoulos re: Decision 1091/1992, referred to in a report by Prof. D. Spinellis at a seminar held by AI Greece on torture in October 2001.

62 – Under Greek law this concept can be extended to up to 24 hours from the perpetration of the crime.

63 – Article 278 of the CPP.

practice victims appear reluctant to initiate either one of these protracted and expensive proceedings and are also scared of the harassment that they may be facing.

The administrative procedure is usually applied in the form of an internal police inquiry, i.e. a Sworn Administrative Inquiry.⁶⁴ The investigation is done by a single police officer, who must be superior in rank to the officer under investigation. Its proceedings are confidential and the officer under investigation may not be represented by a lawyer. Even though the Sworn Administrative Investigation procedure applies to disciplinary violations that do not affect the public directly (e.g. officer's drunkenness, disrespect towards his superiors, etc.) it is the usual procedure invoked in cases of alleged torture. This may be so, because the safeguards in that procedure seem to protect the accused officer, rather than the alleged victim.

The other way of dealing with cases of alleged torture is for the victim to report the case of maltreatment to the public prosecutor or police, or to lodge a criminal complaint with the competent public prosecutor against the officials concerned, citing the relevant article of the Greek Penal Code, for example, Article 137A (acts of torture and other offences against human dignity), and/or Articles 308- 310 (bodily injury). Once the case is fully investigated it is sent to a Judicial Council, a panel of judges whose hearings take place *in camera*, for a decision as to whether the accused should be referred to trial. If the case goes to trial, the complainant takes part in the proceedings as a witness, and as such does not have the right to appeal against the trial court's decision.

In order to get compensation for his/her suffering, the victim must file a separate suit, because procedures for compensation for material damages (e.g. medical expenses) and pecuniary satisfaction for moral damage (e.g. damage of reputation) are not initiated automatically.⁶⁵ Often such proceedings have failed to guarantee adequate rights to victims on the basis of complex legal rules that are difficult to comprehend by the victims.

Since most instances of torture occur without any witnesses, forensic evidence is crucial in the Greek legal system. At the same time such an examination can be obtained only by the investigating officials or a court, usually on the basis of a request by a victim who has filed a complaint of

64 – As set out in Article 27 and Presidential Decree 22/1996.

65 – Article 105 of the Introductory Law to the Civil Code makes the state jointly liable for torts committed by civil servants (including law enforcement officials).

ill-treatment, or a request of the public prosecutor. Even though in 1997 the European Committee on the Prevention of Torture (CPT), among others, criticized that restriction, the Greek government has been unwilling to eradicate it by saying that a person alleging torture has the right, without previously filing a complaint, to obtain independently a medical examination and report from a public hospital or private doctor.⁶⁶

It is worth quoting from the recent report of the Internal Affairs Office of the Greek Police that only 8 out of the 200 prosecutions for extortion that it initiated were brought before a court. And this is only because all 8 concerned flagrante procedures. This evidence simply confirms the general tendency on the part of the Greek state to cover-up illegal actions of the law enforcement authorities, a tendency which is apparently greater when the actions are related to “accidental firing of guns in cases of self-defense” or “impeccable and by the rules methods of arrest or inquiry.”⁶⁷

7.2. Torture and Ill-Treatment of Roma Women

The multiple above-mentioned inequalities Roma women experience render them more vulnerable to exploitation and violence, due to the multiple grounds of power difference Roma women encounter with the police. Because society and its police nurture a racist stance against the Roma people in general, the additional gender discrimination/vulnerability a Roma woman faces is underplayed. It is reported that police use particularly sexually degrading language when dealing with Roma women, not racially degrading language.

An incident of police brutality was recorded during a raid at a Romani settlement in January 2002. According to the information received, during the raid, the 21 year old Ms Yiannoula Tsakiri, who was two and a half months pregnant, was outside a shed when an officer discovered her and ordered her to lie on the ground. Before she was able to do so, the officer kicked her in the back to force her to the ground, causing her to bleed internally.

The severity of her situation was noticed by several associates of Greek Helsinki Monitor, who brought her to the Maternity Hospital Elena

66 – Response to CPT, 16 January 2001.

67 – GHM/MRG-G, Press Releases, Topic: Week against Racism. Widespread Attempts to Cover up Use of Violence by Policemen and Coast Guardsmen, 21 March 2002.

Venizelou, having met her at a court she was attending with relatives. Medical tests ascertained that the placenta of the 2,5-month fetus that Ms Tsakiri was carrying had been partially detached. Ms Tsakiri had a miscarriage on February 1, 2002.

Ms Tsakiri is an undocumented Greek resident, and therefore is unable to receive state benefits. The social services department of the hospital offered to help her in attaining the necessary documents in order to receive state aid by giving her a form which would inform her of the procedures, which in Ms Tsakiri's case is useless as she is illiterate. One of the social workers of the hospital remarked that "it is not our job to take them by the hand to make their documents". Upon GHM's inquiry with the Ministry of Health and Welfare about the responsibility of the State's social workers, the response was the same – no responsibility in personally helping out illiterate individuals to enforce legal rights they are entitled to.

On February 1, 2002, Ms Tsakiri filed a complaint against an unknown police officer who participated in the police operation in the Nea Zoe settlement at Aspropyrgos on January 28, 2002, for bodily injury.

7.3 Conditions in Detention

Conditions in detention for women in Greece are below international human rights standards. There is only one prison for women in Greece, the Closed Central Prison in Korydallos Prison Complex, Athens. Academic research⁶⁸ performed between 1995-2000 in the women's prison revealed overcrowding: two people per cell and over 20 people in each room. There are few public bathrooms, one for every twenty prisoners. Preventive medical care is non-existent and medical care is scarce. Diseases are spreading, hepatitis being the most common.

A large number of the women prisoners were reportedly addicted to prescription drugs, and the over-prescription of such drugs was explained officially as a method of controlling and maintaining prison order.

According to the research, the social profile of Greek women prisoners, according to the research, is as following: the average age is 37 years, the majority were born in urban centers, 38% are married, and 68% are mothers with an average of two children each.

68 – Center for Penal and Criminal research, University of Athens.

With regard to ill-treatment from guards, 25% of the total of women prisoners admitted that incidents of violence against prisoners and bribery of guards take place. Incidents of sexual harassment from male correctional officers were also reported. Many women prisoners had experienced violence from police officers while in custody, and reported being held in police stations, in the same detention area with male inmates.

In 2001, one sexual harassment incident was widely publicized in which charges were brought against a judicial officer (prosecutor) serving in Diavatou Correctional Center, located in northern Greece, after three women prisoners reported him for falling victims to his promise of favorable treatment in exchange for sex. One ex-prisoner declares that she had a sexual relationship with the prosecutor in hope of being released from prison. The Supreme Court of Greece ordered an investigation. However, the prosecutor denied all allegations quite shortly thereafter.⁶⁹

A main problem is the non-distinction of female prisoners in various categories because there is only one women's prison. Thus, under-age female prisoners cohabit with adult prisoners, as there is no special female juvenile prison. Also, there is no psychiatric clinic for women, so drug-addicts and/or women with psychiatric problems remain in the main prison.

The European Committee on the Prevention of Torture visited Greek detention facilities in 1993, 1997, and 1999. Below are excerpts from the findings in 1999:

“The detention facility located on the 7th floor of **Attica General Police Directorate** had been the subject of several recommendations of an urgent nature in the report on the 1997 visit. Regrettably, far from being improved, the situation in the facility in question had in fact deteriorated. At the time of the 1999 visit, 171 persons (97 men and 74 women) were being held in the facility, the official capacity of which was 80. The delegation was told that several days earlier the overcrowding had been even more severe: in the detainees' words, they had had "to fight to get a mattress". Over a third of the detainees slept in the detention area's corridors, which were so densely covered with mattresses, blankets and bags containing personal possessions that delegation members had problems accessing the cells. Some of the detainees were

69 – Newspaper “Eleftherotypia”, articles of 6/2/2001, 24/4/01.

obliged to sleep in close proximity to the sanitary facilities, which were in a poor state of repair, with water overflowing into the corridors; further, in the women's section, such detainees were exposed to the cold and draught coming through a broken window in the toilets. The supply of hot water was said to be erratic.

On the day of the visit, the detention facility for juveniles on the 3rd floor of Attica General Police Directorate was holding 7 foreign nationals (2 girls and 5 boys), the youngest of whom was 12 years old. As in 1997, material conditions in the facility's three cells were of an acceptable standard for short stays. However, one of the girls had already spent 45 days in custody, and one boy had been held there for 30 days. Throughout this time, their only means of distraction had been occasionally watching TV in the police officers' room.

No improvements were observed in the detention facilities at **Drapetzone Police Station**, which had been the subject of an immediate observation under Article 8, paragraph 5, of the Convention at the time of the 1997 visit; if anything, the situation had got worse. On the day of the visit, the establishment was holding 86 foreign nationals, as opposed to 31 in 1997. The establishment's official capacity had been fixed at 85 persons. Regardless of what the official capacity may be, the establishment was overcrowded, in particular the women's section. The cell set aside for detainees of Albanian origin had no access to natural light, and ventilation was poor. Further, the sanitary facilities were dirty, deprived of lighting and in a bad state of repair. Detainees complained - and the delegation ascertained by itself - that there was a shortage of hot water.

Glyfada Police Station had two cells (measuring some 7 m), each accommodating three foreign nationals on the day of the visit. However, the delegation was told that in the recent past as many as nine persons had been held in one cell. The cells were badly lit and stuffy, their walls were covered in graffiti, and detainees were sleeping on dirty mattresses. The adjacent toilet was in an appalling state of repair.

Material conditions in the detention area at **Kolonos Police Station**, located in the establishment's basement, were execrable. With an official capacity of 15, at the time of the visit the facility was holding 37 adult detainees and 5 children. One of the cells,

which was larger and had access to natural light, was used to hold the women and children. The delegation observed that 9 women and 5 children had to share five beds, two armchairs and a mattress placed on the floor. The overcrowding in the two cells for men was outrageous: e.g. up to 10 detainees in a cell which measured 11 m and contained three plinths. The latter cells were very poorly lit (deprived of natural light and with totally inadequate artificial lighting), unventilated and extremely dirty. In addition, some ten detainees were sleeping in the corridor on filthy, vermin-infested mattresses or piles of old rugs. The facility's single toilet (used by men, women and children alike) was totally unfit for use, and there were no washing facilities.

Omonia Police Station had six cells of varying size, as well as two “temporary holding” areas. On the day of the visit, 27 persons were in custody. Seven men were held in a cell measuring some 13 m; three of them slept on a plinth fixed to the wall, while the remaining four shared two mattresses placed on the floor. The delegation was told that the facility had been very overcrowded in the recent past, up to 15 detainees sharing a cell of some 20 m. The cells had no access to natural light, artificial lighting was poor and ventilation left much to be desired. The whole facility was very dirty, infested with parasites and dilapidated. Further, detainees complained that their requests to be allowed out of the cells in order to go to the sanitary facilities were usually subject to long delays (...).

Material conditions in the detention area at **Alexandroupolis Police Station** and Police Directorate - which was empty at the time of the visit - were once again of a very low standard. The two cells (6 m and 12 m) were poorly lit, dirty and dilapidated, and the adjacent toilet facility was filthy and in a bad state of repair.

In all of the above establishments, the mattresses supplied to detainees were usually dirty and torn, there was a shortage of blankets, and no pillows and sheets were provided. Further, there was a general lack of soap, detergents and other basic sanitary products (e.g. toilet paper, sanitary towels for women).

Detainees usually received two meals a day; however, the first one was normally not served before 3 p.m. The delegation was concerned to note that, at the time of its visit to Kolonos Police Station, the persons held there (amongst whom there were several young children) had not received food for the last 24 hours. The

delegation heard many complaints about the quality and quantity of the food provided. Further, some of the persons met in police custody alleged that they had not received any food on the first day following their apprehension.

As in 1997, none of the police establishments visited possessed the necessary facilities to enable detainees to take exercise in the open air. Further, despite the fact that foreign nationals can spend lengthy periods of time in police custody, no provision had been made to offer them any activities or means of distraction. This is all the more unsatisfactory in view of the fact that there were a number of young children and juveniles amongst the detainees seen by the delegation.

Finally, it should be noted that in all the police stations visited, there was a shortage of female police staff in the areas for women.”⁷⁰

Regarding the conditions in detention for women, the CPT recommended that the Greek authorities explore the possibility of assigning female officers to police detention facilities where women are held.⁷¹

In 2001, the United Nations Committee Against Torture also expressed concern about prisons in Greece by stating:

“although the domestic legislation provides a satisfactory framework for protecting human rights in general and of certain Convention rights in particular, difficulties in effective implementation remain, which may amount to a breach of the Convention:

(...) (b) the harsh conditions of detention in general and, in particular, the long-term detention of undocumented migrants and/or asylum-seekers awaiting deportation in police stations without adequate facilities;

(c) the severe overcrowding in prisons which aggravates the already sub-standard material conditions and which may contribute to inter-prisoner-violence; the lack of comprehensive training of medical personnel and law enforcement officers at all levels, on the provisions of the Convention.”⁷²

70 – At: <http://www.cpt.coe.int/en/reports/inf2001-18en2.pdf>

71 – Ibid.

72 – U.N. Doc. A/56/44 paras 83-88.

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.XXVI.Concl.2.Rev.1.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CAT.C.XXVI.Concl.2.Rev.1.En?OpenDocument)

The Committee issued the following recommendations in this regard:

- “(a) urgent measures be taken to improve conditions of detention in police stations and prisons and that undocumented migrants and/or asylum seekers who have not been convicted of a criminal offence not be held for long periods in such institutions;
- (b) such measures as are necessary to prevent overcrowding of prisons should be taken as well as continuing steps to find alternative penalties to imprisonment and to ensure their effective implementation;
- (c) such measures as are necessary, including training, be taken to ensure that in the treatment of vulnerable groups, in particular foreigners, ethnic and national minorities, law enforcement officers do not resort to discriminatory practices;
- (d) steps be taken to prevent and punish trafficking of women and other forms of violence against women;
- (e) that steps be taken to create detention facilities for undocumented migrants and/or asylum seekers separate from prison or police institutions and urges the State party to complete its proposed new building construction for aliens as a matter of urgency;”⁷³

7.3.1 Conditions of Foreign Women in Detention

On 4 and 6 June 2002, members of Greek Helsinki Monitor (GHM) visited the Amygdaleza detention centre for foreign women awaiting deportation. Access to inspect detention conditions was denied, despite the fact that it is an NGO right that Greek authorities have assured international fora is implemented in Greece, and despite GHM’s written request to the competent Police department beforehand.

There were approximately 65 women detained awaiting deportation, amongst them many under-age girls. On duty are always four male and three female police officers. GHM interviewed two Kurdish women from Iraq, submitted political asylum applications on their behalf, and then spoke with approximately fifteen other women. The women’s origins were mostly from ex-Soviet Union countries and Africa. Detained awaiting deportation were also 6 Afghan women refugees, along with 1 girl, and 2 boys. Their grandmother, Sidiki Anise, is aged 85 years old.

73 – *Ibid.*

Most of the detained women from ex-Soviet Union countries are trafficking victims, without knowing however that they are victims and thus refusing to talk about it and believe their bad experiences are their fault. A police officer reported that most of the women from ex-Soviet Union countries detained are in need of psychological support, and that two women have attempted suicide.

Elena Mochkova was married for 7 years with a Greek Russian and has an 11 year-old child in a Greek school. She is detained awaiting deportation but does not know the reason. She reported serious violence in the Salonika Police Department responsible for transferring detainees. While waiting to be transferred to Athens, she asked a young police officer to make a telephone call; he used degrading language; she answered; he punched her in the ear, which started to bleed. No one had suggested to her to see a doctor, and she was too afraid to ask. According to Elena, the police officer regularly kicks and punches women detainees.

The African women were more eager to speak with GHM. Most of them have fled Somalia. Obub Iuaubum, from Somalia, reported incidence of violence at Kos detention center where she was caught, by coast-guards who kicked her violently - a small scar on her toe is visible. She asked for a doctor at the time but was refused.

Frida, a girl born in 1981, left Nigeria when her village was burnt down and her family killed during tribal wars. She has come to Greece by land, with a Nigerian man, who demanded her to sleep with him when they reached Turkey. When she refused, he gang-raped her along with 3 other men. When they reached Salonika he abandoned her by saying “find your way”. She managed to reach Athens, and started to live with a Nigerian woman, who after a while told her “I feed you, board you, now you have to make some money”, and suggested she start selling herself through an agency that found her customers. One customer turned out to be a policeman, who arrested her and took her to the Police Directorate at Alexandra’s avenue. There, on the 11th floor, four Greek policemen/interrogators forced her to take off her clothes and questioned her in her underwear while making her stand, using degrading language. Because she was not responding, they took off her underwear by force and continued the questioning. Frida says she can identify the policemen who sexually harassed her, however she is frightened and does not want to report officially anything. Frida has applied for political asylum, and on June 6 she went through the first interview. She mentioned to the Committee the rape incident, but not the sexual harassment by the policemen.

VIII

Reproductive Rights of Women

In 1999, CEDAW expressed concern over the high rate of abortions in Greece and experts had stressed that women must be made aware of the physical and mental consequences of repeated abortions, and also that abortion was not another form of family planning.⁷⁴ The abortion rate in Greece is one of the highest in the world, with the annual number of terminated pregnancies exceeding 250,000 - more than double of that of births. According to recent medical data, 150,000 couples in Greece are not able to have children due to complications of a previous abortion; 40,000 abortions are performed annually on minors under 16 years of age; during the years 1980-1999, Greece presented a 41% decrease in its fertility rate; the decrease in fertility is partially explained by the reduction of marriages and increase of divorces, since 97%-98% of the children born in Greece are born within wedlock.⁷⁵ Although abortion is legally performed in hospitals and may be covered by social security, the vast majority of abortions are performed in private clinics. If the pregnant woman seeking abortion is a minor, the consent of one of the parents or a guardian is required.

A nationwide poll conducted by Metron Analysis for the Institute for Social and Preventative Medicine revealed that Greek women use abortion as a contraceptive.⁷⁶ One out of every four women asked, stated that she had had at least one personal experience with an unwanted pregnancy. According to the poll's evidence, there is an ignorance of birth control methods and family planning, particularly among young women. Seven out of ten teenagers learn about contraception, mostly from their friends. But they will be over 25 years old before they turn to their gynaecologist for information.

74 – Concluding Observations of the Committee on the Elimination of All Forms of Discrimination against Women: Greece. U.Doc. A754/38.

75 – data presented at the 17th Northern Greece Medical Conference, *Macedonian Press Agency*, (Greece First in Abortions), 12/04/2002, available at http://www.mpa.gr/article.html?doc_id=262403

76 – Translated by GHM from Greek original available at: <http://greece.flash.gr/soon/2001/11/21/13616id/>.

Professor Heleni Samaritaki, Department of Obstetrics, Technical Institute of Athens, and President of the Midwives' Association of Athens stated in this regard:

“The situation is so desperate that minor girls when they are ‘cutting’ school they may have an abortion as easy as they may go to the hairdresser’s. Only 14,000 out of 200,000 abortions are carried out in state hospitals; it is thus legitimate to wonder if the other ones are done correctly, without endangering the women’s health and life.”⁷⁷

According to Z. Papathanasiou, Scientific Director of the Greek Institute of Sexology: “When compared with the rest of Europe, Greek women show little interest for the pill, something that characterizes only our neighbour Turkey. They also show the same decline of interest in the last five years as that recorded in Turkey.”⁷⁸

In view of the above situation, the United Nations Committee on the Rights of Child included in its concluding observations to Greece in 2001 the following:

“The Committee is concerned that: (a)The existing plans for sex education in schools have not been fully implemented; (b) abortions are widely used as a method of birth control; (c) there are weaknesses with family planning assistance to adolescents, and that these are related to inadequacy of staffing and obtaining suitable premises and equipment, as indicated by the State party in its report. The Committee recommends that the State party: (a) ensure the provision of relevant health information to adolescents, including through the existing plans for sex education in schools and safe birth control practices; (b) Strengthen its provision of family planning counselling and assistance, with particular regard to reproductive health, and in addition ensure that adolescents have free and confidential access to such assistance.”⁷⁹

77 – Quote from newspaper *To Vima*, 5/12/01.

78 – Quote from newspaper *To Vima*, 5/12/01.

79 – Concluding Observations of the Committee on the Rights of the Child: Greece U.N. Doc. CRC/C/15/Add.170, para 60.
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.170.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.170.En?OpenDocument)

IX

Concluding Observations and Recommendations

Despite the fact that the Constitution and other legislation in force in Greece guarantee equality between men and women, in reality, gender inequalities continue to exist and women continue to experience gender-discrimination. Women have been particularly disadvantaged by *de facto* gender discrimination, but also by several laws that lack gender sensitivity.

GHM and OMCT believe that there is a particular need to address social and cultural attitudes that reinforce the subordinate position of women and leave them vulnerable to violence in the family, in the community and at the hands of State officials. To this end, GHM and OMCT would recommend that the government of Greece develop and implement a comprehensive strategy for the prevention and elimination of all forms of violence against women and that this strategy include training for those responsible for enforcing the law at all levels, such as law enforcement officials, judicial personnel, health care professionals and Muslim judges and priests, as well as a public education programme designed to change social and cultural attitudes which impair the fundamental rights and freedoms of women.

GHM and OMCT welcome the fact that the Greek family law was revised in 1983, the same year that Greece ratified the Convention on the Elimination of All Forms of Discrimination against Women. However, GHM and OMCT are gravely concerned about the fact that certain groups of minority women in Greece are prevented from enjoying the equal rights granted to them by international law, the Greek constitution and domestic law, particularly family law, in the name of culture or religion.

GHM and OMCT would like to emphasise that the state also has an obligation under international law to exercise due diligence to protect all women within their jurisdiction, including minority women, from discrimination. Non-intervention in cases of discrimination, including violence against women, cannot be justified on the grounds of cultural relativism.

GHM and OMCT note with concern the widespread use of abortion as a basic method of birth control. The main causes of this reliance on abortion

are the inadequacy of sexual and reproductive health education and weak family planning assistance. GHM and OMCT would recommend that the government take urgent measures to ensure the provision of education on sexual and reproductive health to adolescents and the elaboration of adequate family-planning programmes.

Domestic violence is a significant problem in Greece. GHM and OMCT note with serious concern that there is currently no legislation in place that specifically protects women from domestic violence, taking into account the specific relationship and the inter-dependence that exist between the victim and the perpetrator of domestic violence.

In addition to the fact that there is no effective legislation to deal with domestic violence, women subjected to domestic violence also often choose not to pursue criminal complaints due to social and familial pressure. In those rare instances when incidents of domestic violence are reported, the cases are usually regarded as private matters by the police and other law-enforcement officials and women are often encouraged to settle their cases extra-judicially. Another matter of serious concern is the fact that marital rape is not considered a crime under the Greek Penal Code.

GHM and OMCT would recommend that effective measures be taken with respect to the enactment of legislation on domestic violence along the lines of the guidelines submitted by the United Nations Special Rapporteur on violence against women to the fifty-second session of the United Nations Commission on Human Rights (U.N. doc. E/CN.4/1996/53, Add.2). The measures that the government should envisage incorporating within domestic violence legislation should include; the establishment of a system for the enforcement of ex-parte restraining and protective orders that would have the effect of ensuring that the perpetrator could not approach the victim or other witnesses and that the perpetrator be obliged to vacate the family home; as well as provisions on the rights of victims to receive appropriate legal, medical and other assistance including alternative shelter and reparations. The Penal Code should criminalise marital rape. Moreover, GHM and OMCT would insist on the necessity of training for law enforcement officials and members of the judiciary in relation to the investigation, prosecution and punishment of cases of violence occurring in the family. The government should also collect and maintain accurate statistics on the scope and nature of domestic violence and develop a broad-based public awareness campaign concerning domestic violence.

Law enforcement personnel in Greece are generally ill-equipped to handle complaints from women and girls alleging that they are victims of rape and other forms of sexual violence. The victim's sexual history is often scrutinised making the victim feel as if she herself is being put on trial. The discriminatory attitudes of members of the police and the judiciary have lead to a lack of confidence in the law enforcement responses to rape and other forms of sexual violence, and subsequently to an underreporting of these crimes.

GHM and OMCT would recommend that all law enforcement personnel are given appropriate gender-sensitive training in responding to cases of rape and other forms of sexual violence against women. Moreover, during the trial, the focus should be on the perpetrator and not on the (sexual) history of the victim. The law should be revised in such a manner that victims of rape and other forms of sexual violence cannot be put under pressure to stop the prosecution of the case.

GHM and OMCT would like to express their great concern about the increase in trafficking in women and girls into and through Greece, predominantly for the purposes of sexual exploitation. While the government has taken some legislative and policy measures to address the issue of trafficking, these efforts have thus far proved inadequate. There is no comprehensive legislation criminalizing the trafficking of human beings and the draft trafficking legislation does not adequately protect victims and punish corrupt public officials who are frequently complicit in trafficking. GHM and OMCT are also very concerned about the fact that trafficked persons continue to be prosecuted and detained. Consequently, victims of trafficking are afraid to file complaints with the Greek authorities, the victims therefore remain trapped in abusive situations and the human rights abuses committed against them go unpunished.

GHM and OMCT would suggest that Greece formulate and implement adequate policies to combat trafficking and forced prostitution which require the enactment of effective laws, the provision of services to victims in the form of social security, shelters, medical care and psychological support, granting (temporarily or permanently) residency permits in appropriate cases, and witness protection programmes as well as facilitating the access of women to viable employment and training opportunities. They would also recommend that the Greek government to ratify the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and children, supplementing the United Nations Convention against Transnational Organized Crime and to implement its provisions.

Sexual harassment of women in the workplace is reportedly a serious problem in Greece and GHM and OMCT are very concerned that the government has not yet devoted adequate attention to the prevention and punishment of this form of violence. GHM and OMCT would recommend the enactment of legislation to effectively address the problem of sexual harassment in both the public and private sectors, including protecting the victim from further victimization, and the development of a broad-based public awareness campaign concerning sexual harassment in the workplace.

GHM and OMCT are concerned by reports of violence against women by state officials, and it is feared that Roma women are particularly vulnerable to violence at the hands of state officials. GHM and OMCT would recommend that the government of Greece take steps to ensure that all allegations of torture and ill-treatment are promptly, thoroughly and impartially investigated. Those responsible should be identified, brought before a competent and impartial tribunal and the sanctions provided for by law should be applied.

GHM and OMCT express their concern at prison conditions for women in Greece. There is only one prison for women and this prison is overcrowded, bathrooms and diseases such as hepatitis are common, there is a lack of medical care, and many women are addicted to drugs. As there is only one prison for women, women and girls are being detained in the same prison. Moreover, women and men are held together in the same police establishments where women, men and children have to share the same facilities. In the areas where women are held, a shortage of female police personnel was noticed.

Many women in prison have reportedly been subjected to violence, including sexual assault, by male correctional officers. The prison conditions of women who are awaiting deportation after having been trafficked to Greece and the violence they are subjected to are of particular grave concern to GHM and OMCT.

GHM and OMCT would recommend that steps be taken to improve prison conditions and that in doing so account be taken of the United Nations Standard Minimum Rules for the Treatment of Prisoners, the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Basic Principles for the Treatment of Prisoners, as these principles establish fundamental rules and safeguards in order to protect detained persons from being subjected

to torture and other cruel, inhuman or degrading treatment or punishment. In order to prevent sexual violence against women in detention, male staff should not be allowed to supervise female inmates, to undertake body searches, and to be present where female inmates are naked and women, men and children should be separated. GHM and OMCT would also recommend that an amendment be made to article 137A of the Penal Code on torture to explicitly include rape and other forms of sexual violence as a form of torture.

Finally, OMCT would insist upon the need for the Government to fully implement all of the provisions of the Convention for the Elimination of All Forms of Discrimination Against Women, the Beijing Rules and Platform for Action and the Declaration on the Elimination of Violence Against Women as these instruments provide detailed protection for women against violence in the family, in the community and at the hands of State officials.

A black and white photograph of a woman in a white apron walking past a building with peeling plaster. The woman is in the lower-left foreground, walking towards the right. The building's facade is heavily deteriorated, with large sections of plaster missing, revealing the underlying structure. The overall tone is somber and documentary.

exceptional session
5-23 August 2002

**Concluding Observations of the
Committee on the Elimination of
Discrimination Against Women:
Greece**

(Advance unedited version)

Introduction by the State party

1. The Committee considered the combined fourth and fifth periodic reports of Greece (CEDAW/C/GRC/ 4-5) at its 585th meeting, on 19 August 2002 (see CEDAW/C/SR.585).

2. In introducing the fourth and fifth periodic reports, the Secretary - General of the General Secretariat for Gender Equality stated that gender equality was one of the State party's major goals and that its gender equality policy reflected the State party's political will which was based on democracy, economic and social integration, participation, non - discrimination, tolerance and social justice.

3. The representative noted that the General Secretariat for Gender Equality, which functioned as the government body responsible for women's rights and gender issues, had been established within the Ministry of Interior, Public Administration and Decentralization. Its six-year action plan for gender equality concentrated on four major areas of concern – women and politics, women and the economy, social rights and stereotypes.

4. Work in the area of gender equality had broadened to accommodate new and emerging issues brought about by globalization, such as trafficking in human beings, the new information technology and migration, as well as new strategies, such as gender mainstreaming.

5. Since presentation of its second and third periodic reports in 1999, the representative stated that the State party had taken measures to strengthen its legal and policy framework. It had been among the first twenty-three countries to sign the Optional Protocol to the Convention on December 10, 1999, which it ratified in 2001. Also, the amendment to article 20 (1) of the Convention had been accepted domestically and was awaiting action at the international level. Article 116, paragraph 2, of the Constitution had been revised to ensure fully the legal basis for positive measures and policies for the elimination of gender inequalities. The revised provision had been adopted by Parliament on 16 April 2001.

6. Taking note of the importance of women's participation in the decision-making process, the representative indicated that two laws had been adopted, in 2000 and 2001, which established that there shall be:

- a) the balanced participation of a percentage equal to at least 1/ 3 of

each sex in decision-making councils/committees of public administration, public organizations and local authorities and

b) the balanced participation of a percentage equal to at least 1/3 of each sex in the candidates' lists for municipal and prefectural elections.

7. In the education sector, the representative noted that in 2001, 61 per cent of the graduates from Greek Universities were women. The representative also noted that the General Secretariat, through its Research Center for Gender Equality and in collaboration with the Ministry of Education, had produced a large number of studies and pilot projects which were being used for the advancement of women in education and future gender mainstreaming policies.

8. The General Secretariat, in collaboration with non-governmental organizations, had been working on the issue of violence against women for many years. The representative informed the Committee that the General Secretariat had also been cooperating with the National Center for Public Administration on the design and implementation of new awareness-raising seminars on violence against women for police officers, judges, social workers, hospital doctors, and civil servants in the health and welfare areas.

9. Trafficking in persons was a complex problem that had been given high priority on the political agenda. In April 2001, a Special Committee Against Human Trafficking had been established to study, design and oversee the impact of specific anti-trafficking measures to combat the problem. The Special Committee consisted of high-ranking police officials, representatives from relevant Ministries, the academic community, the International Organization for Migration, and the General Secretariat for Equality. Its main objective had been to update the State party's anti-trafficking legislation to bring it in line with existing international legal instruments. Greece had signed the United Nations Convention on International Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and draft legislation on trafficking had also been submitted to Parliament in July 2002.

10. In concluding, the representative assured the Committee that the State party was making systematic efforts to promote gender equality and mainstream gender, generally, at all stages of the policy-making process, and in its policies.

Concluding comments of the Committee

Introduction

11. The Committee commends the Government of Greece on its combined fourth and fifth periodic reports. It also commends the State party for the written replies to the questions of the Committee's pre-session working group, and the oral presentation of the delegation that sought to clarify the current situation of women in Greece, and provided additional information on the implementation of the Convention.

12. The Committee commends the State party on its delegation headed by the Secretary-General of the General Secretariat for Equality. The Committee appreciates the frank and open dialogue that took place between the delegation and the members of the Committee.

Positive aspects

13. The Committee welcomes the 1999 revision of the Constitution, particularly the revision of article 116, paragraph 2, which legalizes the use of temporary special measures as provided by article 4, paragraph 1, of the Convention in order to achieve substantial equality between women and men.

14. The Committee appreciates the close links between the General Secretariat for Equality, other governmental bodies, civil society, and the Research Centre on Equality Matters.

15. The Committee welcomes the growing number of non-governmental organizations that play a prominent role in promoting women's empowerment in Greece.

16. The Committee notes with appreciation the numerous policies implemented through the six-year action plan in order to promote gender equality and the advancement of women. It particularly commends the State party for its successful policies in reducing the illiteracy rate generally and among women in particular.

17. The Committee also commends the State party for having ratified the Optional Protocol.

Principal areas of concern and recommendations

18. While noting initiatives to eliminate stereotypes, the Committee is concerned that deep -rooted patriarchal attitudes persist.

19. The Committee recommends that the State party intensify its efforts, inter alia by strengthening specific programmes targeting men and boys, to change stereotypical roles and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society.

20. The Committee expresses concern at the prevalence of violence against women, and at the lack of specific provisions on domestic violence and marital rape in the current legislation on violence. The Committee is also concerned that no comprehensive plans to address all forms of violence against women have been adopted by the State party.

21. The Committee requests the State party to place a high priority on the introduction and implementation of comprehensive and holistic measures to address violence against women and girls in the family and society in accordance with its general recommendation 19. It calls on the State party to include specific provisions on domestic violence, including marital rape, in the new draft legislation on violence against women and ensure its speedy enactment. The Committee recommends that the State party increases its awareness-raising measures, including zero-tolerance campaigns through the media and public education programmes, to ensure all forms of violence against women and girls, including domestic violence, are regarded as morally and socially unacceptable.

22. The Committee is concerned about the absence of specific legal provisions and measures to address sexual harassment, especially in the workplace.

23. The Committee urges the State party to take all necessary measures, including introducing specific legislation, in order to empower women to take action with regard to sexual harassment.

24. The Committee is concerned that the State party is increasingly becoming a country of transit and destination for trafficked women and girls, inter alia for purposes of sexual exploitation, and that the draft legislation on “the elimination of trafficking in human beings, of crimes against sexual freedom, of pornography against minors, and generally sexual exploitation and assistance to victims of these crimes” insufficiently protects the human rights of women and girls who have been trafficked.

25. The Committee urges the State party to design and implement a policy with a holistic approach to combat trafficking in women and girls. It urges the State party to review the draft legislation in order to strengthen the provisions on assistance and to ensure the protection of the human rights of trafficked women and girls. It also urges the State party to further strengthen provisions related to the sexual exploitation of trafficked women and girls.

26. The Committee is concerned about the legal limitations women face in gaining access to employment in the police and the fire brigade.

27. The Committee recommends that the law governing women's employment in police and the fire brigade be reviewed in order to eliminate discrimination against women.

28. While noting a major decline in unemployment during 1999-2001, especially among women, the Committee expresses concern that women, especially young women holding university degrees, still constitute the majority of the unemployed in the State party. It is also concerned about the persisting wage gap between women and men, and that women are paid lower salaries than men for the same work and work of equal value.

29. The Committee urges the State party to continue developing policies and adopting proactive measures to increase the employment rate of women, in particular young women, and accelerate the elimination of the wage gap between women and men. It also requests the State party to provide more information in its next periodic report on measures taken to eliminate the wage gap.

30. The Committee is concerned that fathers are not taking childcare leave and that this reinforces negative stereotypes regarding working matters.

31. The Committee requests that the State party introduce individualize paid paternal leave for childcare.

32. While noting the high rate of women acquiring degrees, the Committee is concerned about the underrepresentation of women in decision-making and political bodies, particularly in Parliament, the economic sector and academia.

33. The Committee recommends that the State party take measures, inter alia in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life and,

particularly, at high levels of decision-making. It also urges the State party to adopt proactive measures to encourage more qualified women to apply for high-ranking posts in academia and to implement temporary special measures, such as quotas, with goals and timetables, where necessary.

34. The Committee is concerned at the low number of women in the diplomatic service, particularly in postings abroad, and the fact that few Greek women work in international organizations.

35. The Committee recommends that the State party take measures, including in accordance with article 4, paragraph 1, of the Convention to encourage women to enter the diplomatic service and to provide opportunities to access the highest ranks of the diplomatic service. It also recommends the introduction of measures to provide information to women on options for employment in international organizations.

36. Noting that the rate of abortion has decreased by 30 per cent during the years 1994 through 2000, the Committee remains concerned that abortion is still perceived as a means of birth control. It also notes with concern that an unusually high percentage of women deliver through caesarean section.

37. The Committee recommends that the State party ensure the availability and accessibility of affordable contraceptive means for both women and men as part of a comprehensive health policy, including reproductive health. The Committee encourages the State party to promote programmes of sex education for both girls and boys. It calls on the State party to encourage responsible sexual behaviour and take all appropriate steps to eliminate the use of abortion as a means of birth control. The Committee also recommends that the State party implement awareness-raising programmes on the benefit of natural birth in order to decrease the number of deliveries through caesarean section.

38. The Committee expresses concern at the discrimination against minority women living in Greece, particularly Roma women, including with respect to access to education, who suffer from double discrimination based on both their sex and ethnic background, in society at large and within their communities.

39. The Committee urges the Government to take effective measures to eliminate discrimination against minority women. It urges the State party to respect and promote the human rights of women and to take effective and proactive measures, including awareness-raising programmes, to

sensitize public opinion at large, and particularly the police, on the issue of minority women. It also urges the State party to address the forms of discrimination, including with regard to access to education, by minority women through its legal, administrative and welfare systems.

40. The Committee is concerned about the marginalization of Muslim women with regard to education, employment, and by the non-application of the general law of Greece to the Muslim minority on matters of marriage and inheritance, resulting particularly in the practice of polygamy and repudiation. The Committee is concerned that this situation leads to discrimination against Muslim women and negatively impacts on the realization of their human rights as protected under the Greek Constitution and Convention.

41. The Committee urges the State party to accelerate its efforts aimed at improving Muslim women's education and employment opportunities. The Committee also urges the State party to increase the awareness of Muslim women of their rights and remedies and to ensure that they benefit from the provisions of Greek law.

42. The Committee urges the State party to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention on the Committee's meeting time.

43. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.

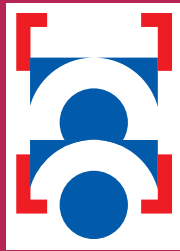
44. Taking into account the gender dimension of declarations, programmes and platforms of action adopted by relevant United Nations conferences, summits and special sessions of review (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the State party should include information on the implementation of those aspects of these documents relating to relevant articles of the Convention in the light of the subjects dealt with in these meetings.

45. The Committee requests the wide dissemination in Greece of the present concluding comments in order to make the people of Greece, and

particularly government administrators and politicians, aware of the steps that have been taken to ensure *de jure* and *de facto* equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twentythird special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

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Photographer: Nathalie Mivelaz

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