

# Racist violence in Greece: mistakes of the past and challenges for the future

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## Introduction

Racist violence in Greece has been a long debated issue with many important and challenging parameters. During the last three decades, major historical, political and economic evolutions around the globe forced million of people to leave their home countries and move to others:

Since the early 2000s, Greece has become the major gateway into the European Union for undocumented migrants and asylum seekers from Asia and Africa. Years of mismanaged migration and asylum policies and, most recently, the deep economic crisis, have changed the demographic face of the capital city. The centre of Athens, in particular, has a large population of foreigners living in extreme poverty, occupying abandoned buildings, town squares and parks. Concerns about rising crime and urban degradation has become a dominant feature of everyday conversations as well as political discourse.<sup>1</sup>

Racism is not a new phenomenon in Greek reality. According to a survey made by the European Union Agency for Fundamental Rights

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<sup>1</sup> Human Rights Watch, *Hate on the Streets: Xenophobic violence in Greece*, 10 July 2012, available at: <http://www.refworld.org/docid/5257bf074.html>, p. 7.

in 2006 on average 9.9% of the respondents with an immigrant background had indicated that they or a member of their immediate family were the victim of hate crime.<sup>2</sup>The results of a study conducted by the Institute of Migration Policy in 2008 on the consequences of immigration showed that 48% of the sample believed that it is a phenomenon that threatens the Greek national identity, while 71% considered it to be the cause of increased criminality.<sup>3</sup>

Despite the rising number of racist incidents during the decade 2000-2010 and pressure from the European community on the Greek government to take effective measures and fulfill its obligations under international and European law, until 2008 state officials had shown a remarkable indifference to legally addressing the situation and protecting the victims. The law 927/1979 offered minimal space for prosecuting and punishing hate on the streets and was hardly ever used in practice by the judicial authorities. Meanwhile, official data depicting the volume and nature of the offences were almost inexistent at the same time that non-governmental organizations, civil society actors and the media abounded with stories of immigrants physically or verbally abused in their neighborhoods, and workplaces or inside police stations and detention centers.

In absence of an official and effective data collection system, in mid-2011, the Racist Violence Recording Network (RVRN), was created on an initiative of the Greek National Commission for Human Rights and the Office of the UN High Commissioner for Refugees in Greece. Apart from the coordinators, the UNHCR and the GNCHR, RVRN today comprises 36 Non-Governmental Organizations and civil society actors, as well as the Greek Ombudsman and the Migrants' Integration

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<sup>2</sup> European Union Agency for Fundamental Rights, *Report on Racism and Xenophobia in the Member States of the EU*, August 2007 (Fundamental Rights Agency, Vienna, 2007), available at: [http://fra.europa.eu/sites/default/files/fra\\_uploads/11-ar07p2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/11-ar07p2_en.pdf), p. 118.

<sup>3</sup> Adla Shashati for Greek Forum of Migrants, *Racist Violence in Greece*, available at: <http://cms.horus.be/files/99935/MediaArchive/Racist%20Violence%20Report%20Greece%20-%20online.pdf>, p. 5.

Council of the Municipality of Athens as observers. Since the beginning of its operation, it has published a pilot survey covering the last trimester of 2011 and four annual reports, corresponding to the period of the years 2011-2015, and has broadened its liaisons and activities in a number of ways. Nowadays, among professionals operating on the field, it is considered to be the most reliable data recording mechanism and information source regarding the quantitative and qualitative elements of the attacks.

This paper aims to provide a descriptive analysis of the phenomenon of racist violence in Greece during the past decade, to detect its underlying factors and capture its evolution across the years. Detailed references are made to the systematic deficiencies of the Greek criminal justice system to counter the problem, address the needs of the victims and promote justice and equality. The analysis, exclusively related to hate motivated offences against immigrants or asylum seekers on the basis of their ethnic origin and skin colour, is largely based on RVRN's findings, supplemented by the results of other field studies undertaken by various independent agencies during the last years.

### **Reasons for Non-acceptance of the 'Other'**

The rising levels of racist violence in Greece during the last decade are heavily influenced and strongly connected with major changes in the political scene of the country and its deteriorated financial condition. Citing Special Rapporteur's remarks on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, following his visit in May 2015,

starting from 2009, Greece has been facing its worst economic crisis in recent times. The structurally weak Greek economy and the sudden crisis in confidence among its lenders resulted in a government debt crisis. Under pressure from its creditors, Greece has seen the emergence of political tensions between the government, opposition political parties and trade unions, leading to an extremely volatile political climate in

which new extremist parties, including the violent neo-Nazi Golden Dawn have gained ground. Moreover, sharp reductions in public spending and public employment in combination with increases in value-added-tax rates and cuts in social benefits, have led to a rise in poverty and a permanent state of social unrest.<sup>4</sup>

Within this environment, in the course of last years, strong negative perceptions have been developed towards migrants, who are considered by a quite large part of the Greek society as invaders and job stealers undermining Greeks' capacity to find a job. In the meanwhile, due to the absolute lack of any social or financial state support, unprecedented concentrations of third country nationals in abandoned or rented buildings, situated in particular low income neighbourhoods of the city, triggered sentiments of frustration and fear among their residents who viewed them as potential criminals. Scapegoating immigrants under these grounds served as a fruitful propaganda base to Golden Dawn for the recruitment of youngsters and elder people of low economic status as new members in such vicinities near the centre of Athens.

A massive wave of attacks took place in May 2011, after the violent death of Manolis Kantaris in the area of Kipseli. According to HRW' s description of the facts:

on May 10, 2011 a 44-year-old Greek man, Manolis Kantaris, was fatally stabbed by assailants who stole his video camera as he prepared to take his wife to the hospital to give birth. Just hours later, and before any official announcements were made about the national origin of the attackers, protesters converged on the area where the attack took place shouting "Foreigners out" and "Greece is for Greeks". Over the next few days,

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<sup>4</sup> UN Human Rights Council, *Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance on His Mission to Greece*, 4 May 2016, A/HRC/32/50/Add.1, available at: <http://www.refworld.org/docid/575fad124.html>, pp 2-3

gangs of Greeks attacked migrants and asylum seekers indiscriminately in central Athens in apparent retaliation for the murder. They chased them through the streets, dragged them off buses, beat and stabbed them.<sup>5</sup> The worst of the violence took place on May, 12 the next day of the victim's death, when a 21 year-old Bangladeshi man was stabbed to death and at least twenty five people were hospitalized, according to news reports, with stab wounds or injuries sustained from severe beatings.

Strong anti-immigrant rhetoric used by the Greek government during the years 2011-2012, as a reaction to the rise of arrivals, was also a key factor in shaping and reinforcing racist perceptions among the population. In August 2012, the Minister of Public Order and Citizen protection, in the context of the "Xenion Zeus" operation which started in August 2012 and included racial profiling-based checks of the legal status of migrants by police on the streets, stated that: "Because of irregular migration, the country perishes. Ever since the Dorian's invasion 4.000 years ago, never before has the country been subjected to an invasion of these dimensions...This is a bomb on the foundations of the society and the state".

The term 'bomb' was also used in July 2012 by the same minister when referring to the centre of Athens, where many irregular migrants and asylum seekers often rent and live in overcrowded apartments characterized by substandard living conditions.<sup>6</sup>

In the aftermath of the general elections of May 2012 and Golden Dawn's entrance in the Parliament, hate speech in political and social fora, as well as in the media was enhanced. On 18-10-2012, during a plenary session, Ms Eleni Zaroulia, a party member of the Parliament, referred to migrants in Greece as sub-humans who have invaded our country with all kinds of diseases. No strong reaction was expressed to

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<sup>5</sup> Human Rights Watch, July 2012, p. 42.

<sup>6</sup> UN Human Rights Council, May 2016, p. 19.

this extreme example of hate speech which was widely reported in the Greek media. The Council of Europe Commissioner for Human Rights, following his visit to Greece in early 2013, called on the Greek political parties and the National Parliament to adopt self-regulatory measures to counter and sanction intolerant, xenophobic and racist speech used by politicians<sup>7</sup>. ECRI's delegation after its 2014 visit to Greece observed that hate speech was widespread in the media and on the internet and that it went largely unchecked and unpunished. The rise of Golden Dawn seems to have been facilitated by TV stations, broadcasting interviews with its leadership in a lifestyle show fashion, leading to trivialization rather than providing in depth information of its racist ideology and activities. Media also play a significant role in linking criminality and terrorism with immigration.<sup>8</sup>

Hate, however, was not only limited to words. Although, until today, Golden Dawn as a political party continues to deny any involvement of its members in racist attacks, numerous reports by state and independent agencies, as well as eye-witnesses and media accounts support the exact opposite, corroborating a direct relationship between the party's activities and the spark in incidents of racist violence in the capital during the last years. This is evident in RVRN's 2011, 2012 and 2013 reports, according to which in several cases victims or witnesses either clearly recognized persons belonging to the local branch of Golden Dawn or the perpetrators wore the party insignia. According to the Special Rapporteur, members of Parliament representing Golden Dawn participated personally on attacks against migrants, for example, by destroying open market stalls and verbally or physically abusing

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<sup>7</sup> Council of Europe: Commissioner for Human Rights, *Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following His Visit to Greece from 28 January to 1 February 2013*, 16 April 2013, CommDH(2013)6, available at: <http://www.refworld.org/docid/516e76bb4.html>, p. 2.

<sup>8</sup> Council of Europe: European Commission Against Racism and Intolerance (ECRI), *ECRI Report on Greece (fifth monitoring cycle) Adopted on 10 December 2014*, 24 February 2015, CRI(2015)1, available at: <http://www.refworld.org/docid/5512cfe74.html>, p. 21.

members of the public who objected to their actions. Such incidents were shown on major TV channels and issues of impunity were raised, as the police did not intervene.<sup>9</sup>

The first determined reaction of the Greek state to Golden Dawn's criminal actions was put forward in September 2013 after the fatal stabbing of Pavlos Fyssas, a 34 year old musician from Nikaia district, well known for his anti-fascist views. The crime, committed by a 43 year old man with allegedly strong connections with the Golden Dawn's leadership, took place in front of a police squad, which shortly, after the intervention of a victim's friend, arrested the perpetrator on the spot.<sup>10</sup> Within few days after the attack, 46 persons, among them leading members of the party, including its General Secretary and founder, Mr Nikolaos Michaloliakos, were arrested and subjected to pre-trial detention under the charge of creating and participating into a criminal organization, linked to a range of offences, including the fatal stabbing of Fyssas and several violent attacks on immigrants.<sup>11</sup> Their trial is on progress.

Another important factor that influences the expansion of racist crime in Greece is not only the state's unwillingness and inefficiency to appropriately monitor and tackle the phenomenon, but also its patent failure to properly address immigration and asylum related issues that the country has been facing for decades. In practice the police appear ill-equipped or ill-disposed to investigate attacks. There is no specialized practical training at the police academies, and there are no specialized officers tasked with pursuing or overseeing investigations into possible hate crimes<sup>12</sup>. The longstanding deficiencies of the reception and asylum national systems, as well as the systematic violations of leg-

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<sup>9</sup> UN Human Rights Council, May 2016, p. 14.

<sup>10</sup> Amnesty International, *Greece: Prevent further extremist violence after activist stabbed to death*, 18 September 2013, available at: <http://www.refworld.org/docid/523c0a624.html>

<sup>11</sup> Human Rights Watch, *Greece: focus bill on curbing racist attacks*, 9 October 2013, available at: <http://www.refworld.org/docid/5257be424.html>

<sup>12</sup> Human Rights Watch, July 2012, p. 12.

isolation regulating migrants' rights and access to basic services combined with the absence of effective procedures for their smooth inclusion into Greek society have exacerbated existing inequalities, enhanced a culture of intolerance and facilitated the commission of further violent acts. Exploitation in the workplace is the norm. Studies conducted on the field confirm that migrants are still highly discriminated regarding their legal access to labour market, insurance coverage and wage offers<sup>13</sup>. Impoverishment among the victims renders them more vulnerable and incapable of reacting against injustice and violence. As a consequence they suffer in silence.

#### **Extent of the Problem – Discrepancies Between Official and Unofficial Data**

Due to a variety of reasons, the majority of racist attacks are never reported; are reported but not recorded; or are recorded but not as racist attacks. The inaction and reluctance exhibited by police officers, the officers' refusal to arrest perpetrators or record incidents and, the victims' very own fear that they may be arrested or stigmatized, together with their conviction that they will not be vindicated, resemble communicating vessels. In any case, it is the classic case of invisible crime rate, largely induced by the stand and conduct exhibited by police officers and other state officials. (The Greek Ombudsman, September 2013).

Until the creation of the Racist Violence Recording Network in 2011 no official criminal justice data existed on racially motivated offences, since these were not systematically collected and analyzed. Data submitted in 2013 by the Greek Prosecutor's Office to the OSCE's Office for Democratic Institutions and Human Rights revealed that no new

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13 Nick Drydakakis & Minas Vlassis, 'Ethnic discrimination in the Greek labour market: occupational access, insurance coverage, and wage offers, *Experimental Economics*, available at <http://www.antigone.gr/files/en/library/selected-publications-on-migration-and-asylum/greece/070224.pdf>, p 19.



cases were reported in 2010 and 2011, one sentence was handed down for a racist crime in 2011 and only one racist crime was prosecuted in 2012.<sup>14</sup>

Hate on the streets, however, was prevalent. In June 2011 Doctors of the World Director Mr Nikitas Kanakis estimated that 300 victims of racist attacks had sought treatment at the organization's clinic in Athens in the first half of 2011. Mr Tzanetos Antipas, the head of the Greek NGO Praksis said at the same time that they had treated just over 200 victims in roughly the same period.<sup>15</sup> The Network in its first pilot study recorded 63 incidents between October and December 2011 in Athens and Patras.<sup>16</sup>

During the period Jan–Dec 2012, the Network documented through interviews with victims 154 incidents of racist violence, 107 of which occurred within the geographical area of the municipality of Athens and, particularly, in areas near the city centre, such as Aghios Panteleimonas, Attica Square, America Square and other areas around Omonia Square, while 23 incidents were recorded in the broader area of Attica Prefecture<sup>17</sup>. The majority of the victims did not possess legal documents of stay in the country. Only 24 of them filed official complaints.<sup>18</sup> The Greek Ombudsman in its 2013 report supported that police recorded fewer than 1/3 of the incidents (82 possibly race motivated incidents in 2012) that the Ombudsman had recorded and cross-checked as

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<sup>14</sup> Organization for Security and Co-operation in Europe (OSCE), *Hate Crimes in the OSCE Region: incidents and responses, Annual Report for 2012*, November 2013, available at: <http://www.refworld.org/docid/528a19084.html>, p. 27.

<sup>15</sup> The Greek Ombudsman, *The Phenomenon of Racist Violence in Greece and How It Is Combated*, September 2013, available at: [file:///C:/Users/user/Downloads/Greece\\_Greek%20OM\\_Special%20Report\\_Racist%20violence%20and%20how%20it%20is%20combated\\_Summary\\_2013\\_EN.pdf](file:///C:/Users/user/Downloads/Greece_Greek%20OM_Special%20Report_Racist%20violence%20and%20how%20it%20is%20combated_Summary_2013_EN.pdf), p. 2.

<sup>16</sup> Human Rights Watch, July 2012, p. 43.

<sup>17</sup> Racist Violence Recording Network, *2012 Annual Report*, available at: <https://www.unhcr.gr/fileadmin/Greece/News/2013/dt/ConclusionsNetwork2012TotalEN.pdf>, p. 1

<sup>18</sup> *Ibid*, p. 4.

having taken place (253 incidents)<sup>19</sup>.

Following Network's recordings, in 2013 the number of incidents rose sharply compared with the previous year. 166 incidents were reported with at least 320 victims, 143 of which committed against immigrants and refugees, while the other 22 against LGBT persons and one against a human rights defender. During the critical period after the murder of Pavlos Fyssas 18 incidents of racist violence were recorded.<sup>20</sup> The vast majority of the victims continued to be undocumented migrants and only 33 among them reported the crime to the authorities.<sup>21</sup> In April 2013 more than 30, mainly Bangladeshi, migrants working as strawberry pickers were shot in Manolada, Ilia by their formen when they protested for not having been payed for more than six months. As a result 8 migrants were seriously injured and required hospitalization.<sup>22</sup> Another case that attracted public attention during the year was the unprovoked murder of Shahzad Luqman, a 26-year Pakistani worker, who was fatally stabbed by two Greek men in the area of Petralona on January 17 2013. Hereunder decision 398/2014 of the Mixed Jury Court of Athens both defendants were convicted at first instance and their appeal trial is still pending.<sup>23</sup>

During the same period (January-December 2013) the competent

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<sup>19</sup> The Greek Ombudsman, September 2013, p. 2.

<sup>20</sup> Racist Violence Recording Network, *2013 Annual Report*, available at: [http://rvrn.org/wp-content/uploads/2014/04/Report2013\\_EN.pdf](http://rvrn.org/wp-content/uploads/2014/04/Report2013_EN.pdf), p. 5.

<sup>21</sup> *Ibid.*, pp. 6, 9.

<sup>22</sup> Amnesty International, *Greece: Despair pervades camps after 33 migrant workers shot in Manolada*, 22 April 2013, available at: <http://www.refworld.org/docid/518217644.html>

<sup>23</sup> The Court's reasoning underlined the qualitative elements and the special circumstances under which the crime was committed: "numerical superiority of perpetrators – at midnight- attack against an individual unknown to them, who was targeted as a Pakistani migrant, with the use of knives, in an area frequented by migrants and the identification of the victim was easier, without any provocation by the victim, repeated stabs, escape by removing the evidence and hiding the distinctive features of the vehicle, moving ahead without fear of being traced and arrested (...)".

authorities recorded nationwide 109 cases with suspected racist motive, in 43 of which charges were pressed under Law 927/1979.<sup>24</sup> ECRI's delegation on the other hand was informed that 15 cases had been investigated and nine prosecutions initiated under Law 927/1979 in 2013.<sup>25</sup>

A marked drop in incidents was noted in 2014, a year that coincided with Golden Dawn's members' arrest. 66 acts of racist violence were recorded by the Network, 46 of which against refugees and migrants. Once again the majority of the victims held no legal documents of stay. Twelve of them lodged a complaint and in five cases criminal proceedings had been initiated.<sup>26</sup>

The authorities, on the other hand, recorded a total of eighty potentially racially motivated offences investigated nationwide by the competent Hellenic Police services. Case-files for 57 incidents were formed and subsequently submitted to the local prosecuting authorities accordingly. Among those, 39 incidents were forwarded pursuant to Law 927/1979, as amended by Law 4285/2014.<sup>27</sup>

In 2015, the incidents rise up again. This might be connected with the refugee crisis that Greece has experienced during the year, as well as with the Network's enhanced recording capacity due to the expansion of its activities and establishing ad hoc contacts with actors operating at entry points of refugees. 273 incidents of racist violence were recorded, 75 of which against refugees and immigrants. 172 incidents in total took place in the city of Athens, whereas 99 in other cities and islands across the country. These figures corroborate the Network's long standing assumptions that hate crime is prevalent in other regions of

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24 Racist Violence Recording Network, *2013 Annual Report*, p. 10; see also table in *Organization's for Security and Cooperation in Europe Hate Crime Reporting Database*, available at: [www.hatecrime.osce.org/greece](http://www.hatecrime.osce.org/greece)

25 Council of Europe: European Commission Against Racism and Intolerance (ECRI), February 2015, p. 18

26 Racist Violence Recording Network, *2014 Annual Report*, available at: [http://mdmgreece.gr/app/uploads/2015/05/Report\\_2014eng.pdf](http://mdmgreece.gr/app/uploads/2015/05/Report_2014eng.pdf), p. 9.

27 *Ibid.*, p. 16.

the country as well, but due to lack of local recording mechanisms, little is known about the true situation outside Athens. Only 3 incidents were reported to the police according to victims' statements. However, the vast majority (47 cases) did not provide any specific information as to whether they had contacted the authorities.<sup>28</sup> As far as official data are concerned, during the course of 2015, eighty potentially racially motivated incidents were recorded and investigated nationwide by the competent authorities.<sup>29</sup>

Data do not verify a marked increase of incidents against newcomers (seven attacks). Amnesty International, however, reported that on September, 3 2015 a group of 15 to 25, allegedly members of the Golden Dawn, attacked refugees on Kos and threatened activists. Police took no action to stop the group from attacking the refugees and riot police only intervened after the physical attacks had started.<sup>30</sup>

#### **Characteristics of the Attacks – Profile and Modus Operandi of the Offenders**

All published to date reports measuring and describing acts of racist violence in Greece show a distinct pattern in the commission of the offences that seems to be continued in the passage of time. Most incidents involve physical attacks, while those resulting in verbal abuse (verbal abuse, threats, degrading behavior) are much less common. Hate is mainly expressed in a violent way ending up to serious or minor bodily injuries. The majority of offences take place during night or early morning hours rather than daytime. This is possibly connected with offenders' and victims' organization of daily routine activities, as well as existing opportunities for the commission of crimes (lower chance of being caught or witnessed in less crowded areas under their control).

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28 Racist Violence Recording Network, *2015 Annual Report*, available at: [http://rvrn.org/wp-content/uploads/2016/04/Report\\_2015eng.pdf](http://rvrn.org/wp-content/uploads/2016/04/Report_2015eng.pdf), p. 9.

29 *Ibid.*, p. 26.

30 Amnesty International, *Amnesty International Report 2015/16 – Greece*, 24 February 2016, available at: <http://www.refworld.org/docid/56d05b536.html>

Furthermore, recordings of the years 2011-2013 reveal that offenders tend to act **in groups and in an organized way**, many times multiple members against one sole victim. Out of the 154 incidents recorded by RVRN in 2012, in only six cases the perpetrator acted alone. Similarly in 2013, in 6 out of the 166 cases recorded there was only one offender, whilst in 2014 in 15 out of the 81 incidents in total. Most assaults were committed by groups of 2-10 persons.<sup>31</sup> As the Network points out:

The perpetrators are believed to act in an organized manner and in groups, moving either by motorcycle or on foot, often being accompanied by aggressive dogs. They are dressed in black and at times with military trousers, wearing helmets or having their faces covered. Motorcycle or foot 'patrol' by people dressed in black are described as the most common practice; they act as self-proclaimed vigilante groups who attack refugees and migrants in the streets, squares or public transportation stops. The victims spoke of areas in Athens which have become inaccessible to them due to the fear of being attacked.<sup>32</sup>

In many cases victims report the use of weapons during the attacks, such as clubs, clowbars, folding batons, chains, brass knuckles, spray, knives and broken bottles, while the use of large dogs has been repeatedly reported in the area of Aghios Panteleimonas and Attica Square.<sup>33</sup>

This pattern of organized and joint attacks seems to change in 2014 and 2015<sup>34</sup> after Golden Dawn's leading members' arrest and mobilization of the state and the media regarding the party's activities. Offenders continued to express their hate in groups at neighbourhoods of

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<sup>31</sup> Racist Violence Recording Network, *2013 Annual Report*, pp. 6, 7.

<sup>32</sup> Racist Violence Recording Network, *2012 Annual Report*, pp. 2-3, similar kind of testimonies emerge from the next reports.

<sup>33</sup> *Ibid.*, p. 3.

<sup>34</sup> In 23 out of the 46 attacks recorded against immigrants and refugees there was one single perpetrator. Fifty-nine (59) attacks were committed by groups of 2-10 persons.

their control, but became much more attentive in demonstrating their political identities and connections with specific organizations. As the Network supports:

Despite the absence in most of the cases of obvious distinctive elements that would tie the perpetrators with members of extremist groups or with the practice of security battalions, which was recorded in previous years, common feature of the attacks are the intense violence, the numerical superiority of the perpetrators to the victims and their explicit targeting because of their ethnic origin and/or skin colour. Therefore, while the perpetrators in their vast majority do not mention during the attack in some way (either expressly or by their clothes and the use of distinctive characteristics) the Golden Dawn or their participation in other organized groups, it turns out from the description of the facts that organized groups still operate.<sup>35</sup>

The majority of the victims are men, between the age of 25-35 years old on average. At this point it would be interesting to point out that higher risk for men than for women is not connected with feelings of compassion of the offenders towards the more vulnerable ones (a number of incidents have taken place against women), but with practical issues related to everyday activities and cultural distinctiveness of female communities, such as the fact that foreign women, both out of need, fear and belief, go out much less often than men, exposing themselves to lower levels of danger.

Location of the crimes can on the one hand be connected with high concentrations of migrants in areas where these type of incidents frequently occur and, on the other hand, with the increased operation activities that right-wing groups have developed there, trying to inflame residents' sentiments of dislike and fear towards foreigners, in parallel to presenting themselves as a solution for their safety. In this way, such areas, on average inhabited by people of low economic status, dispro-

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<sup>35</sup> Racist Violence Recording Network, *2014 Annual Report*, pp. 7-8.

portionately affected by the economic crisis and sick of sharing their neighbourhoods with impoverished immigrants, constitute a suitable terrain for such groups' settlement and rise of influence.

Correspondingly, it is this kind of influence and power that partly explains the publicity of the sites, in which racist violence takes place. The offenders are not obliged to search for a private space to express their hate; they feel totally secure that, even though they are about to commit crimes overtly in the middle of the street, they can go undetected and unpunished, under the protection of the rest of the group, as well as police officers. Acting in public may also seem more challenging and adventurous for young persons who participate in these groups, covering their need to exhibit their masculinity and power in front of the others (thrill seekers) or, in cases, it might be connected with a sense of duty that characterizes a number of assailants, who believe that they are under the mission of cleansing neighborhoods out of strangers (mission offenders).

Moreover, 2015 RVRN's report reveals a remarkable change regarding the age profile of the offenders. Even though in previous years the majority of assailants were estimated by the victims to be approximately at the age of 27 years old, in 2015 the age characteristics differ. Out of the 75 attacks that took place against immigrants and refugees during the year, 16 of them were committed by persons between the age of 18-30 years old, in 24 cases the perpetrator was between the age of 30-40 years old, in 19 cases between 40-50 years old and in 8 incidents over 50 years old.<sup>36</sup> This information is very alarming, as it might mean that racist violent ideologies and practices have penetrated to a wide range of the population, irrespectively of its age and self-control mechanisms, expected to grow as persons become older.

### **Official Response to Racist Attacks**

Until 2013 the efforts of the Greek state to combat racist crime within its territory and promote peace and security among its residents

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<sup>36</sup> Racist Violence Recording Network, *2015 Annual Report*, p. 9.

could at best be characterized as insufficient and ineffective. The wide discrepancies between official and unofficial data, the total absence of criminal investigations and convictions of the offenders, lack of any substantial support to the victims, along with various allegations regarding police's increased involvement in acts of racist violence are only some indicators of the situation that prevailed during the years 2008-2013.

As Human Rights Watch points out in its 2012 report, "in theory, appropriate legal tools and police guidelines were in place. In keeping with the European Union's Council Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia, by means of criminal law, Greece amended its criminal code in 2008 to make racist motivation an aggravating circumstance (article 79 par. 3 CC). A 2006 Ministry of Citizen Protection Circular to the Hellenic Police Force entitled 'Addressing racism, xenophobia, bigotry and intolerance through police actions' required the police to investigate possible racist motive in the commission of a crime when invoked by victims or witnesses, when this interpretation was substantiated by evidence, when admitted by the perpetrator, or when the alleged perpetrator and victim of the crime self-identify or belong to different racial, religious or social groups".<sup>37</sup>

Available data, however, draw a completely different picture regarding police officers' stance towards the victims. First of all, policemen were accused of being neutral observers of the attacks of right wing groups at best. At worst, they actually perpetrated racist violence. There was little evidence that they were pursuing a strategy to prevent violent attacks on immigrants, despite repeated attacks in certain areas of the city, and a pattern of intense retaliatory violence in the wake of crimes attributed to migrants.<sup>38</sup>

Furthermore, the police refused to investigate, even when there was ample evidence. Instead of dealing with complainants as potential vic-

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<sup>37</sup> Human Rights Watch, July 2012, p. 75.

<sup>38</sup> Human Rights Watch, July 2012, p. 77.



tims of a crime they often seemed to prioritize control of their residence status. Even in cases where the residence status of the victims was guaranteed (asylum seekers, recognized refugees or holders of residence permits) they were not protected them from being targeted. Even those who possessed legal documents faced danger of being arbitrarily arrested and detained, as well as being abused. As the Network points out, 'they are targeted because of stereotypes, shortcomings and distortions within the migration policy and because of their particular vulnerability, as the incidents often take place without the presence of witnesses or in detention facilities'.<sup>39</sup>

Police also discouraged victims from filing a complaint in the pretext that the latter won't be able to recognize the offenders or that it was pointless to intervene and the victims should defend themselves on their own or, even better, leave the country in order to avoid any risk. Numerous reports highlight the incapacity, unwillingness or even refusal on part of the police personnel to identify the bias element of the attacks, as well as the indifferent attitude that police officers frequently developed towards the victims. The serious shortcomings of the police response to the incidents, both in the stage of intervention at the time of the commission of the offences and in their subsequent investigations are mirrored in the European Court's for Human Rights judgment on the case *Sakir v Greece* (48475/09, 24-03-2016), where the Court accepted that Greece had violated the obligation to conduct an effective investigation following the assault against the applicant.<sup>40</sup>

Apart from these concerns, continued allegations of actual personal involvement of policemen in the commission of racist offences and their covert associations with organized right-wing groups have minimized victims' trust in the criminal justice system. Numerous studies reveal the level of cruelty and arbitrariness that characterizes a number of law enforcement officers when coming into contact with immi-

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<sup>39</sup> Racist Violence Recording Network, 2'014 Annual Report', p. 13.

<sup>40</sup> Eva Brems, *Sakir v Greece: Racist violence against an undocumented migrant*, 6 April 2016, available at: <https://strasbourgothers.com/2016/04/06/sakir-v-greece-racist-violence-against-an-undocumented-migrant/>

grants, especially during street operations, as well as in areas of administrative detention.<sup>41</sup> For years organizations and international bodies denounced the climate of impunity that prevailed within the police force, reinforced by the lack of an effective independent mechanism to investigate complaints of police brutality and arbitrariness. Law 3938/2011, as amended by Law 4249/2014 set up an office for arbitrary incidents within the Greek police to investigate cases of abuse of powers. However, this office never started its work and, in any case, it could not be considered as independent, as it remained part of the police force.

Since the beginning of its operation, the Network stated to collect data concerning racist acts committed by law enforcement agencies as a distinct category. In 2012 25 separate incidents were recorded, 7 of which occurred in areas of detention. The perpetrators were said to be officers on duty who resorted to illegal acts and violent practices when carrying out routine checks. There were also cases where victims reported that they were brought to police stations, were detained and ill-treated for a few hours, as well as reports of legal documents being destroyed during these operations.<sup>42</sup> In 2013, the number of incidents rose up to 44,<sup>43</sup> whilst in 2014 were reduced to 22.<sup>44</sup> The European Commission against Racism and Intolerance (ECRI) supports in its 2015 report on Greece that in 2013, 109 complaints about racist acts committed by police officers were lodged.<sup>45</sup> In 2015, 11 incidents were recorded in which the perpetrators were either only law enforcement officials or law enforcement officials along with either perpetrators. Eight inci-

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<sup>41</sup> Amnesty International, *Police Violence in Greece: Not just 'isolated incidents'*, 3 July 2012, EUR 25/005/2012, available at: <http://www.refworld.org/docid/4ff53e842.html>, p. 18-21, Amnesty International, 'A law unto themselves: a culture of abuse and impunity in the Greek police', 3 April 2014, EUR 25/005/2014, available at: <http://www.refworld.org/docid/533e67154.html>, pp. 17, 22.

<sup>42</sup> Racist Violence Recording Network, *2012 Annual Report*, p. 3.

<sup>43</sup> Racist Violence Recording Network. *2013 Annual Report*, p. 7.

<sup>44</sup> Racist Violence Recording Network, *2014 Annual Report*, p. 12.

<sup>45</sup> *Ibid.*, p. 12.

dents took place in public spaces, seven in detention areas and 1 in a metro station.<sup>46</sup>

Greek Ombudsman's 2013 report reveals the flaws of the followed procedures and the climate of impunity that characterizes the police force:

... The examination of the actual response of the police to complaints the Greek Ombudsman received in 2012 with regard to unbetting conduct of police officers driven by racist motive corroborates the picture of the delay in carrying out internal investigations, something which creates a sense of impunity. The superficial examination of incidents eventually reported to the police together with the cessation of the investigation as early as its preliminary stage constitutes a blow to the trustworthiness of disciplinary proceedings to such a degree that indeed any investigation ends up being considered something of a pretext by the victims as well as by a great deal of citizens and organizations...<sup>47</sup>

In late 2012, the Ministry of Public Order and Citizen Protection introduced special units within the police to tackle racist violence (p.d. 132/2012), whilst the first Public Prosecutor for racially motivated crimes was appointed later during the same year. The Units are mandated to carry out in-depth investigations into racist attacks. They can also open an investigation *ex officio* and receive anonymous complaints, including via a dedicated telephone hotline (11414). However, according to users the hotline has no interpreters available. Furthermore, callers did not receive any information about the reporting process or any assistance available, but were merely told to report to a police station.<sup>48</sup>

Police practice of arresting victims for lack of legal documents of

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<sup>46</sup> Racist Violence Recording Network, *2015 Annual Report*, p. 22.

<sup>47</sup> The Greek Ombudsman, September 2013, p. 3.

<sup>48</sup> Council of Europe: *European Commission Against Racism and Intolerance* (ECRI), February 2015, p. 27.

stay in the country, as well as attitudes of indifference and aggressiveness towards them are considered to be the two major obstacles for addressing to the authorities. The vast majority of the victims are, indeed, undocumented migrants who hesitate to report the crime to the police for fear of being arrested and deported, a fear well-founded and valid, observing the administration's approach. For years organizations and agencies working with victims exercised pressure on the authorities to adopt and disseminate a clear policy providing that undocumented migrants who are victims of crime will not be subject to detention.

Moreover, the provision of article 79 par. 3 of the Criminal Code, remaining unenforced by the Greek criminal courts, was considered to serve no use. The consideration of the racist motive only at the stage of the decision or the sentence had as a consequence not to be thoroughly and carefully investigated by law enforcement authorities from the stage of preliminary investigation. The full racist background and dimension of the attack was not properly taken into account during the collection of evidence, the investigation and the judicial proceedings. After continuous pressure by organizations and civil society actors, article 79 was abolished by Law 4285/2014, enacted on 09-09-2014, which introduced article 81 A to the Criminal Code rendering more severe the lowest sentences that can be imposed for hate motivated offences. Law 3304/2005 covers discrimination on the grounds of race, ethnic origin, religion, political or other beliefs, sex, disability, age or sexual orientation in the areas of employment, social protection, education and access to goods and services including housing. Additionally, article 1 par. 1b. of the Joint Ministerial Decision 30651/2014<sup>49</sup> provided for a suspension of detention and deportation decisions regarding victims and essential witnesses of racist crimes as well as the establishment of a special regime of residence permit for the period necessary for prosecuting and convicting perpetrators.

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<sup>49</sup> Available in Greek at: <http://www.refworld.org/cgi-bin/telex/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=54eb3f924>

Despite positive measures, victims reportedly continue to face major obstacles when approaching the authorities to file in their complaints. Structural deficiencies, such as lack of interpretation and provision of psycho-social services, undermine their capacity to share their experiences and receive help for the crimes committed against them. Moreover, the possibility of being accused and arrested for illegal entry continues to have a deterrent effect to their decision to contact law enforcement agencies. RVRN's 2014 annual report purports that despite the operation of departments and offices of the Hellenic Police for combating racist violence, it has not become common knowledge among victims that these organs constitute the competent authority they can address. This is especially the case of third country nationals living in conditions of extreme poverty and other without legal documents. Even though legislative amendments providing for the protection of victims and witnesses may have a positive effect on filing official complaints of criminal acts, practice has demonstrated the difficulties that victims face during this process, even in cases where competent authorities and services were willing to help.

The RVRN stresses out that the state owes to guarantee the victims substantive access to police and judicial authorities apart from the formal one. This would entail the need to address structural problems regarding the lack of interpretation at all stages of the process on the basis of operational planning. Therefore, the victim must have the explicit possibility to communicate with the authorities in his/her native language or in a language that he/she understands at the stage of medical report, complaint and deposition, forensic medical examination, as well as every time he/she comes in contact with the Hellenic Police and the prosecuting authorities<sup>50</sup>.

### **Concluding Remarks**

Combating racist crime in Greece has been proved a very difficult terrain in terms of protecting the victims and restoring justice and so-

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<sup>50</sup> Racist Violence Recording Network, *2014 Annual Report*, p. 16.

cial peace. Even though research data of the past decade clearly show a marked increase of incidents in the passage of time, as well as the cruelty of the attacks, no efficient official measures are taken in order to identify the culprits, help the victims and develop strategies of preventive or protective action. Despite positive legislative reforms of the recent past and the creation of special police units, it is a common place among professionals working on the field that the true extent of the problem exceeds by far the limits of their knowledge, while the majority of the victims remain unknown and totally unprotected.

The vulnerable situation of the victims, associated with their irregular status and long-term marginalization in the Greek society, as well as their lack of confidence in the Greek criminal justice system due to negative or traumatic past experiences prevents them from coming into contact with the authorities to report the crimes committed against them. The competent authorities, on the other hand, appear ill-disposed or ill-equipped to tackle the situation. No preventive action is taken in order to diminish the eventuality of attacks, especially in certain areas of the city, where the majority of offences are reported or during specific events. The state authorities do not exercise in practice their *ex officio* powers to investigate the crimes after their commission, while the courts have been reluctant in applying relevant provisions, even in cases where racist motive was evident. Investigations surrounding police officers' stance of indifference and inaction during the commission of the attacks, as well as cases of maltreatment of migrants and refugees in areas of detention are considered to be non transparent and of poor quality. Even in cases where the victims decide to overcome their hesitations and come into contact with the police or the special units operating within the Ministry of Interior and Administrative Reconstruction, lack of interpretation and psycho-social support services weakens their capacity to properly describe the offence and demand justice.

The current situation in Greece, marked by the consequences of the economic, political and refugee crises, poses great challenges for the future concerning human immigration and the ability of host environ-

ments to respect international law and adapt to new realities. Security bodies and judicial authorities must be urgently provided with expertise and constant training in order to fulfill their difficult task. To achieve this goal a more systematic co-operation with international, European and Greek organizations working on the field is needed., as well as the establishment of clear guidelines that would define an appropriate approach of all involved actors. In terms of prevention, police forces should concentrate their efforts in areas where the offences usually take place, by monitoring the situation and intervening immediately on the spot when needed. Approaching immigrant organized communities could also be a useful tool to gather information concerning the extent of the problem and the characteristics of the attacks and the offenders, as well as to acquire access to persons that could serve as interpreters or mediators for supplementing the victims. The top priority, however, of the Greek authorities should be to challenge definitions of ethnic and mono-cultural Greek identity, existing within Greek society, which often give rise to perceiving the 'other' as a threat to the country's well-being and to create the appropriate environment for the redefinition of the Greek identity in a multi-cultural context, characterized by respect for human rights, the rule of law and social peace.

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