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**Parallel Report on Greece's Compliance with the UN Convention on  
the Elimination of All Forms of Discrimination against Women**

July 2006

Report prepared for submission to the United Nations' **Committee on the Elimination of Discrimination Against Women** (CEDAW) considering in its August 2006 Pre-Session Greece's compliance with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women.

**Greek Helsinki Monitor** (GHM), founded in 1993, monitors, publishes, lobbies, and litigates on human and minority rights and anti-discrimination issues in Greece and, from time to time, in the Balkans. It also monitors Greek and, when opportunity arises, Balkan media for stereotypes and hate speech. It issues press releases and prepares (usually jointly with other NGOs) detailed annual reports; parallel reports to UN Treaty Bodies; and specialized reports on ill-treatment and on ethno-national, ethno-linguistic, religious and immigrant communities, in Greece and in other Balkan countries. It operates a web site (<http://cm.greekhelsinki.gr>) and two web lists covering human rights issues and comprehensive and comparable presentations of minorities in the Balkan region.

**Minority Rights Group - Greece** (MRG-G), founded in 1992, focuses on studies of minorities in Greece and in the Balkans. In 1998, MRG-G co-founded with GHM the Center of Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) which contributes to GHM's web site and two web lists with material on minorities in the region. It has prepared comprehensive reports on ethno-national, ethno-linguistic, and religious communities in Albania, Bulgaria, Greece, Macedonia, and Romania, available at <http://www.cedime.net>. In 1999-2002, MRG-G organized in Greece training and regional seminars for minorities as well as a mentoring program for tent-dwelling Roma. Out of the latter emerged, in 2001, the **Coordinated Organizations and Communities for Roma Human Rights in Greece** (SOKADRE), a network of 30 Roma communities and 5 Roma and non-Roma NGOs.

This report was prepared in the framework of a **Minority Rights Group International's** "*Southeast Europe: Diversity and Democracy Program.*" The program is financially supported by Charles Stewart Mott Foundation, Swedish International Development Agency, and UK department for International Development.

## Introduction

There is a notable discrepancy between declarations made in state report(s) addressing governmental and intergovernmental forums abroad and those made in Greece. In a recent interview Greece's Secretary General for Gender Equality, Evgenia Tsoumani, stated that: *"Primarily, the gender gap that exists in all domains is also due to the stereotypical conceptions that prevail in our society about the role of women."* She added that the actions taken to further access to employment by women require long-term processes that don't always provide immediate results. In addition, she explained that *"while women in the domain of education have a lead over men, nevertheless, there is a lag in their professional training. The planning and the implementation of women's professional training have not been done with specific objectives related to women's needs."* Ms. Tsoumani also emphasized the need to reconcile family and employment that constitutes the foundation for the reinforcement of women's employment. She explained, *"we are aware that the issue of harmonization between family and professional life is also related with the participation of fathers and it is a substantial issue; yet, at the same time, it is difficult in its implementation because it has to do with the promotion of changes in the mentality and the stereotypes which predominate in society, in businesses and in general in the professional world. We must convince society, the productive forces and the businesses that the combination of motherhood and employment is not an obstacle, as it is erroneously presented, but that it is an added value which is credited to the person and to society. We also must convince people that the cost of motherhood or, also, that of parental leaves, is a cost which must be neutralized and not be connected necessarily with working women."*<sup>1</sup> This very precise and eloquent concise description of the state of gender equality in Greece will not be found in the Greece's "6<sup>th</sup> National Report of Greece – 2001-2004 - to CEDAW" Therein, neither in Ms. Tsoumani's introduction nor anywhere else in the report, will one find any references to these critical points. The 6<sup>th</sup> Periodic Report was another attempt by Greece to whitewash reality without answering directly any of the recommendations made by CEDAW to Greece in August 2002.

The Greek National Commission for Human Rights (NCHR), when reviewing in February 2005 the draft 6<sup>th</sup> Periodic Report to CEDAW, noted: *"We do not consider that there is a comprehensive description of the real situation in Greece concerning the different aspects of the phenomenology of equality."*<sup>2</sup> This is a recurring pattern. In February 2004, the NCHR, when reviewing Greece's draft Initial Report to the Human Rights Committee noted: *"In quite a few cases, the National Commission has highlighted, in its previous opinions, instances where a great divergence is noted between the legal and social reality. The presentation [in the report] of exclusively of the legal reality, leads to the forming of an embellished picture of the situation in Greece, a picture that does not always correspond to reality."*<sup>3</sup> In both cases, Greece went on to submit the "beautification" reports ignoring the NCHR comments.

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<sup>1</sup> Interview in *Kathimerini*, 19 February 2006, [http://news.kathimerini.gr/4dcgi/\\_w\\_articles\\_ell\\_191329\\_19/02/2006\\_174462](http://news.kathimerini.gr/4dcgi/_w_articles_ell_191329_19/02/2006_174462)

<sup>2</sup> NCHR, *Report of 2004*, March 2005, p. 681 (in Greek) at [http://www.nchr.gr/media/zip/report\\_2004\\_gr.zip](http://www.nchr.gr/media/zip/report_2004_gr.zip)

<sup>3</sup> NCHR, *Observations on the Draft of the Initial Report of the Hellenic Republic under the International Covenant on Civil and Political Rights, February 2004*, (in Greek) at [http://www.nchr.gr/category.php?category\\_id=226](http://www.nchr.gr/category.php?category_id=226).

GHM and MRG-G would like to note that Greece's current family law structure formally has indeed eliminated the patriarchal family unit, abolished the dowry system, and granted equality to men and women in all aspects of family life. Yet, in no way did it address the effects of past discrimination against women. Essentially Greek lawmakers superimposed absolute legal equality on a predominately male dominated system without establishing structures to eliminate entrenched obstacles to women's advancement or to help change attitudes. While it is clear that Greek women enjoy significant legal equality with their male counterparts and equal opportunities to educate themselves, in reality they continue to be confronted with archaic patriarchal views of women's role in society and male dominated social and political structures which perpetuate discrimination against women in all spheres of public and many spheres of private life.

Illustrative of the problem is Greece's recurring wide ranking differential in the annual UNDP Human Development Report. In the latest 2005 one, Greece ranked 24<sup>th</sup> both on the basis of the Human Development Index (HDI) and on the basis of the Gender-related Development Index (GDI). However, Greece is ranked only 36<sup>th</sup> (+12) on the Gender-Empowerment Measure (GEM). The only other countries in the top-30 list according to their HDI who have such a discrepancy between their overall HDI ranking and their GEM ranking are Japan (+32), Italy (+19), Korea (+31), Cyprus (+10).<sup>4</sup>

In their report *Violence against Women in Greece*, submitted to CEDAW for its August 2002 review of Greece GHM and OMCT stated: “[We] regret [the] failure [of the 4<sup>th</sup> & 5<sup>th</sup> national report of Greece covering the period 1994-2000] 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 Gender 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 subject to trafficking and other forms of sexual exploitation. Moreover, a lack of information on gender-based violence is evident regarding women members of minority groups or isolated communities, as in the cases of Roma and Muslim women, or refugee and immigrant women.”<sup>5</sup> GHM and MRG-G believe that the comment is equally valid for the 6<sup>th</sup> periodic report of Greece. Although there is a list of actual or planned programs or actions, there is almost no impact assessment of any of the actions or the overall policy so as to see how and how many women's lives were actually affected.

Characteristically, in the preface to the 6<sup>th</sup> Report (p. 4) the following paragraph is included **only in the version of the report submitted to CEDAW**:

*“At an institutional level, we shall propose directly the formation, by a legislative provision, of a new national mechanism, the National Committee for the Equality between Men and Women. We conceive this Committee as a permanent tool for the dialogue between the Government, the chief*

<sup>4</sup> UNDP Human Development Report 2005: <http://hdr.undp.org/statistics/data/countries.cfm?c=GRC> and <http://hdr.undp.org/statistics/data/indicators.cfm?x=237&y=1&z=1>

<sup>5</sup> [http://www.greekhelsinki.gr/bhr/english/organizations/ghm\\_omct\\_cedaw.doc](http://www.greekhelsinki.gr/bhr/english/organizations/ghm_omct_cedaw.doc)

*organizations of the social partners and the representatives of women's non-governmental organizations; its task will be to design and monitor gender equality policies. At the same time, our set priority is strengthening the operation of existing institutional mechanisms for gender equality, as well as diffusion of gender equality policies and actions in the Regions of the country. As we have mentioned in the discussions which took place at the 49<sup>th</sup> U.N. Convention for the Status of Women (New York), the challenge for the governments is not to create mechanisms, but to ensure effective operation and cooperation of mechanisms, in order to be able to obtain measurable results useful as guidance in their future political actions.”*

In the English and Greek versions of the report published and distributed in Greece, dated June 2005 and with an additional foreword by the competent Minister, this paragraph is missing! Since these documents are nowhere to be found on the Gender Equality Secretariat or any other Greek websites, we provide in the next page a scan of the relevant page showing the paragraph is missing. GHM and MRG-G consider this symptomatic of the tendency to include promises that may please a UN Treaty Body which are however never followed through or abandoned after the UN Treaty Body's meeting.

For example, one would read in the February 2002 UN CRC Concluding Observations on Greece positive references to and related recommendations on a “National Observatory on the Rights of Children,” “*established by decree 2001/2909, article 4, as a public agency within the General Secretariat for Youth and the Ministry of Education to monitor implementation of the Convention on the Rights of the Child*” as the Greek delegation informed CRC.<sup>6</sup> The Observatory was indeed created soon after and dissolved by the end of the year 2002. No activity is mentioned after 2002 in its web page.<sup>7</sup>

Likewise the *National Committee for the Equality between Men and Women* mentioned in the 6<sup>th</sup> Report to CEDAW was an idea to impress the UN Committee that was not meant to be followed up in Greece. Hence, in the printed report distributed in Greece it was omitted.

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<sup>6</sup><http://www.unicef-icdc.org/bulletin/ConcludingObservations/download/IV/Greece/CRC-C-15-Add170.pdf> and

<http://www.unhchr.ch/tbs/doc.nsf/0/8465ede320bb5b2fc1256b4f0047e29e?Opendocument>

<sup>7</sup> [http://www.neagenia.gr/informationA2.asp?keimeno\\_id=39&UnionA\\_id=5](http://www.neagenia.gr/informationA2.asp?keimeno_id=39&UnionA_id=5)



Human Trafficking" promoted the change of the legislative framework and coordinated the information and sensitization of the public about the problem. In 2004, through an initiative of the Greek government, a high political level Interministerial Committee was formed, which prepared an integrated National Actions Plan against trafficking in human beings. This Programme is based on the coordination of the co-competent Ministries and covers the whole spectrum of actions related to trafficking, from locating, recognizing, fully supporting and offering shelter to the victim, immediate issuing of a temporary residence permit valid as a work permit as well, or granting voluntary repatriation according to case, to education and labour integration of the victims who remain in Greece, but also to sensitization of the population, and special training of the judiciary and the police force.

The year 2004 has also been a milestone for the emergence of the issue of all forms of violence against women as a predominant issue of social and political discussion. This emergence was accompanied by a wide information and sensitization campaign regarding domestic violence. A Working Committee, formed by initiative of the General Secretariat for Gender Equality of the Ministry of the Interior, Public Administration and Decentralization, its subject being the elaboration of a legislative framework for the elimination of domestic violence, will soon propose proper legislative measures for preventing and combating the phenomenon, both through penal and civic law and at the level of structures. Towards the attainment of this goal, there is also cooperation with the Ministry of Justice.

At a legislative level, the Committee of the Ministry of the Interior, Public Administration and Decentralization, in charge of revising the Code of Civil Servants (Law 2683/1999) has accepted proposals of the General Secretariat for Gender Equality concerning parental leaves for Civil Servants. The aforementioned proposals promote regulations directed towards the equal treatment of and the redistribution of responsibilities between women and men; additionally they express increased care for single parent families and large families.

A main axis of the actions promoted is the enhancement of the participation of women in employment and combating women's unemployment, through programmes of integrated intervention and promotion of women to work positions, reinforcing women's entrepreneurship as well as helping women to obtain work experience. The detection of equality deficits in employment creates the need for positive actions in the field of enterprises, with special care for the harmonization of family and working life.

GHM and MRG-G would like to stress that Greece remains a state with strong patriarchal attitudes that impregnate society at all levels and produce a remarkable tolerance towards stereotypes and discrimination against women. The continuing high

levels of violence and sexual harassment against women, both in the family and in society (see particularly Greek society's tolerance to sexual exploitation of trafficked women), implied also in the state's report, proves the failure of actions directed towards effectively impregnating society with a culture of women's rights and gender equality. Certainly, re-educating society is a long-term process. Indeed, some efforts may be made in the schools, although they apparently remain significantly limited. Nevertheless, all other levels of society – media, the state's Orthodox Church, political parties – continue to reproduce directly or indirectly through actions and words a culture of tolerance of discrimination, stereotyping and even violence against women contrary to the standards of a democratic European society. As the 6<sup>th</sup> periodic report shows, another important area that proves how actions failed their intentions is the significantly small number of women in decision making positions, in political bodies, in universities, along with the fact that women's unemployment is more than twice that of men's unemployment and significant inequality of salaries persists.

Finally, women from vulnerable groups, more particularly the Roma and the "Muslim" minority are ignored in the state report as they are in the state's *National Action Plan for Equality*. As it will be shown below, Roma and Muslims are confronted with very high levels of illiteracy and unemployment, are often subjected to norms incompatible with the constitution and the international standards –like marriages while still children and application of archaic sharia- and are generally the victims of multiple discriminations. However, the state report does not make any references to such problems. Most indicative, in page 72 there is a reference to the study "Family Legal Relations of Greek Muslims" (Thessaloniki, 2001), commissioned and published by the state's Research Center for Gender Equality (KETHI).<sup>8</sup> Its findings however, which converge with a most authoritative study published in July 2006, are not mentioned as they would have disturbed the uncritical approach of the state report.

This is a recurring problem in the state report. The study above is just one of the sixty studies commissioned and published by KETHI covering also women and employment, women in prisons, sexual harassment, psycho-social dimensions, education, domestic violence, salary inequalities, participation, social attitudes, trafficking, health, etc.<sup>9</sup> whose results quite accurately reflect the prevailing situation in Greece. Yet in the state report, many of these studies are listed but their results are almost all omitted. **GHM and MRG-G recommend that UN CEDAW asks Greece to provide translations in English of the existing summaries in Greek of these studies to help the Committee assess the situation.**

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<sup>8</sup> <http://www.kethi.gr/greek/meletes/Mousoulmanes/content.htm>

<sup>9</sup> All available at <http://www.kethi.gr/greek/ekdoseis/index.htm>

**Developments since August 2002  
in UN CEDAW's principal areas of concern and recommendations to Greece**

*GHM and MRG-G present information on the developments since the August 2002 UN CEDAW concluding document on Greece was issued by inserting comments – including relevant excerpts from other inter-governmental experts bodies- after reprinting each area in box and raster from the UN CEDAW text.*

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.**

According to the state report throughout 2001-2004 several actions took place to combat stereotyping against women in the Mass Media and to establish a code of ethics; also, actions by non-governmental organizations were funded to combat stereotypes in the mass media. The Greek State prepared a plan of coordinated actions to combat discriminations and to ensure equal rights for men and women during school training and life-long education, and it considers that the first results of these actions already appear in statistics (Annex D). However, Annex D (pp. 111ff.) presents statistically women's participation in education, where one can see at all levels a very high participation of the female population in education, which, however, does not correspond to a high participation of women in the upper positions of the educational ladder; on the contrary, we observe rather that women are absent from decision-making positions, both in society and in political bodies, as other annexes confirm.

The state report mentions studies carried by the Research Center for Gender Equality which only confirm the continuing stereotypes against women, both belonging to the dominant group but even more so to minority groups. A study carried out in 2001 states *“that the Greek Mass Media are still susceptible to stereotypic thinking based on gender inequality. In particular, the dominant social representation through the mass media has in its core the traditional models and roles of the sexes.”* Another such study *“into the experience of women in Greece (especially women belonging to minority groups, because of age, race, social class, religion, nationality or sexual orientation) as well as individuals with different, non-heterosexual sexual orientation (...) shows that stereotypic and preconceived ideas are still promoted. The domination of men in the Mass Media and, respectively, the limited representation of women –as employees- in them, contribute to hindering change in social standards.”*<sup>10</sup> These finding remain valid today.

While the report refers to several programs, most of them completed, which were aiming at combating stereotypes against women in the media and at promoting

<sup>10</sup> 6<sup>th</sup> National Report of Greece, Period 2001-2004, to the Committee o the Elimination of Discrimination against women, Athens June 2005, p. 26



equality in education, no impact assessment is provided that would permit to conclude that actually the men and women who participated in these programs have become more conscientious of gender equality issues. Nor any concrete examples are provided indicating how curricula and textbooks have now a significantly more balanced treatment of the sexes and the absence of stereotypes offensive to women.<sup>11</sup>

GHM and MRG-G will provide instead evidence that stereotypes and absence of gender sensitivity continue to prevail. A parliamentarian from PASOK and actress stated in an interview that in Greece there is an informal kind of racism towards women, in particular when they come from the realm of the artistic world.<sup>12</sup>

Greece's two major television stations (*Antenna TV* and *Mega Channel*) were fined (with a mere 50,000 euros each) by the National Council for Radio and Television for covering the story of two girls that were repeatedly raped by their father in such a way that they victims were identifiable in their small local community, which made their life unbearable.<sup>13</sup>

A study on woman's role today, carried out in 2003-2005 among university students, showed that most male students consider that the primary role of a woman is to raise a family. In a question as to whether equality has been achieved about 2/3 of the male and female population answer affirmatively. However, when asked whether they feel that women are capable of working in all kinds of jobs, 62% of the male population believes that they cannot vs. 69% of the women who feel they can. Finally, almost half of the male student population wants their future wife to dedicate herself to her family (47%).<sup>14</sup>

As Ms. Thalia Dragona, professor of social psychology at the University of Athens, chair of the Department of Education, remarked "*throughout the country all universities reproduce the traditional stereotype that attributes to men rational and abstract thought. Women concentrate around literary and humanist studies, while men around positive and technological ones. The share of teaching staff at the University of Athens is 65% men and 35% women; men have an overwhelmingly greater presence in the upper ranks while women are mostly present in the two lower ones, and even there they are fewer than the men. No woman has ever been a rector nor has even been a woman candidate for this position.*" Professor Dragonas was the first ever candidate for deputy rector but her list failed to win. She added, "*Women have very few upper rank positions of 'power' in the administration of the university. This phenomenon could be considered a result of the organization of Greek society, since education at all levels constitutes a privileged ground for the reproduction of unequal power relations. However, a more ambitious position would be that the university as a producer of knowledge should create types of manhood and*

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<sup>11</sup> *ibid.* p.70

<sup>12</sup> Angela Gerekou interview in *Eleftherotypia*, 29/10/2005  
[http://www.enet.gr/online/online\\_text/c=112,dt=29.10.2005,id=31895168](http://www.enet.gr/online/online_text/c=112,dt=29.10.2005,id=31895168)

<sup>13</sup> *Eleftherotypia*, 12/7/2006, [http://www.enet.gr/online/online\\_text/c=113,dt=12.07.2006,id=94522628](http://www.enet.gr/online/online_text/c=113,dt=12.07.2006,id=94522628)

<sup>14</sup> *Eleftherotypia*, 15/11/2005,  
[http://www.enet.gr/online/online\\_text/c=112,dt=15.11.2005,id=83644608](http://www.enet.gr/online/online_text/c=112,dt=15.11.2005,id=83644608)



womanhood other than those of the traditional division of labour between the two genders.”<sup>15</sup>

The state report mentions in page 20 that, by Presidential Decree 105/2003, the Greek legal order has adjusted to the provisions of directive 97/80/EC about the importance of proof in cases of differential treatment based on sex. Yet it provides no information as to what impact this had on court ruling. **GHM and MRG-G recommend to UN CEDAW to provide at least anecdotal if not comprehensive evidence on the implementation of this major change in Greek legislation.**

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.**

In the May 2004 *Concluding Observations on Greece* by the **UN Committee on Economic, Social and Cultural Rights**, the following related concern and recommendations were included:<sup>16</sup>

*“16. While noting that the State party has established a national observatory on the elimination of violence against women, as well as two reception centres for victims of domestic violence in Athens and Piraeus, the Committee expresses its concern about the high incidence of domestic violence and marital rape, which often remain unreported for cultural reasons and economic dependency of female spouses on their husbands. (...)*

*37. The Committee urges the State party to proceed with the adoption of its draft legislation criminalizing domestic violence and marital rape by introducing specific provisions into the criminal code, to strengthen its assistance to victims of domestic violence and marital rape, e.g. through the establishment of additional guest houses and reception centres, to sensitize*

<sup>15</sup> *Eleftherotypia* 16/5/2006 [http://www.enet.gr/online/online\\_text/c=112,dt=16.05.2006,id=89804748;](http://www.enet.gr/online/online_text/c=112,dt=16.05.2006,id=89804748;) & *Imeresia*, 29-30/4/2006 <http://www.imerisia.gr/article.asp?catid=4667&subid=2&pubid=234048>

<sup>16</sup> Committee on Economic, Social and Cultural Rights (CESCR), Thirty-second session, 26 April – 14 May 2004; Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece (E/C.12/1/Add.97), 14 May 2004, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.97.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.97.En?Opendocument)

*law enforcement and medical personnel, as well as the public at large, for the criminal nature of such acts, and to collect updated statistical data on the number of victims, perpetrators, convictions and the types of sanctions imposed, for inclusion in the State party's second periodic report.*

*38. The Committee recommends that the State party remedy the lack of social workers with a view to improving its assistance to children suffering from physical and sexual abuse, and include in its next report updated statistical data on the number of victims, perpetrators, convictions and the types of sanctions imposed."*

In the December 2004 *Conclusions and Recommendations on Greece* by the **UN Committee against Torture**, the following related concern and recommendation were included:<sup>17</sup>

*"C. Subjects of concern (...)*

*(k) The reported prevalence of violence against women and girls, including domestic violence, and the reluctance on the part of the authorities to, inter alia, adopt legislative measures to counter this phenomenon;*

*D. Recommendations (...)*

*(l) Adopt legislation and other measures to combat violence against women, within the framework of plans to take measures to prevent such violence, including domestic violence, and to investigate all allegations of ill-treatment and abuse;"*

In the April 2005 *Conclusions and Recommendations on Greece* by the **UN Human Rights Committee**, the following related concern and recommendation were included:<sup>18</sup>

*"7. Notwithstanding a variety of programmes intended to deal with domestic violence, the Committee regrets the prevalence of domestic violence against women and the lack of specific provisions on domestic violence, including marital rape, in the current criminal code. (articles 3 and 7)*

***The Committee recommends that the State party take measures to raise awareness of the problem of domestic violence and to protect the victims and include specific provisions on domestic violence in its penal legislation."***

When UN CEDAW was reviewing Greece in August 2002, at the time Gender Equality Secretary General Efi Bekou said that *"Regarding violence against women*

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<sup>17</sup> Committee Against Torture (CAT), Thirty-third session, 15 – 26 November 2004; Consideration of Reports Submitted by States Parties under Article 19 of the Convention. Conclusions and Recommendations of the Committee against Torture: Greece. (CAT/C/CR/33/2), 26 November 2004; available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.CR.33.2.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.33.2.En?OpenDocument)

<sup>18</sup> Human Rights Committee (HRC), Eighty-third session, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant. Concluding observations of the Human Rights Committee: Greece (CCPR/CO/83/GRC), 25 April 2005; available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.83.GRC.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.83.GRC.En?OpenDocument)

(...) *the Government had established an Interministerial Committee to elaborate relevant draft law.*” When probed by experts, Fotini Sianou, Adviser to the General Secretariat for Gender Equality, added that *“the new draft law was ready but it had not yet been submitted to Parliament.”*<sup>19</sup> Actually, that draft law never reached parliament until the then socialist government lost the elections in 2004. The successor conservative government, faced with continuing criticism by UN Treaty bodies (see above), appointed another Interministerial Committee, which announced a new draft bill in November 2005, which had not reached parliament by July 2006.

Both draft bills were generally considered steps in the right direction but were also criticized for their weaknesses. In reviewing the current draft law, the NCHR<sup>20</sup> first recalled that Greece has failed to meet the four deadlines of 22 March 2002, 22 March 2004, 22 March 2006, and 1 January 2006 to transpose the EU’s related framework regulations L82/1/22-3-2001 and directive 2004/80/EC. It then noted that the draft law does not address at all “violence against women,” a term not even used therein, presenting the problem of domestic violence as gender-neutral. Moreover, it is concerned that the exclusive burden to deal with such cases continues to fall upon prosecutors and police officers, without the addition of an institution of family social workers to empower them; yet the NCHR recalls that these law enforcement officials have shown to be rather inefficient or inappropriate to deal with cases of domestic violence to date. On this issue, NCHR praises the April 2005 police manual on how officers should deal with cases of domestic violence:<sup>21</sup> GHM and MRG-G would second this praise. Yet, NCHR notes that police stations do not have personnel trained if not with expertise on these issues, so as to implement the manual. GHM and MRG-G are aware of several cases where officers failed to adequately implement the manual and will report here on two such recent cases. Finally, the NCHR considers that the draft does not offer adequate protection to the witnesses nor authority to prosecutors to issue restraining orders, while the absence of adequate institutions to deal with the victims would weaken the law.

NGOs, like Amnesty International,<sup>22</sup> as well as GHM and MRG-G, are additionally concerned that the punishment of marital rape is potentially inadequate. Article 7 of the draft law calls for the punishment of an act of violence against a family member *“without the victim being obligated to it,”* instead of the internationally used *“without the consent of the victim.”* In Greece, though, the prevailing social attitude, as was recently recalled by a bishop of the official state Orthodox Church, is that, also according to the Scriptures, *“a woman has no right to refuse to engage in sex whenever her husband demands it.”*<sup>23</sup> The NGOs are also concerned with the first ever in Greece introduction of the institution of court arbitration to help deal with cases of domestic violence, which may give the impression that domestic violence, as the only area where this institution will be applied, is a less serious crime than all others where arbitration will not be applied. This concern is strengthened by the

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<sup>19</sup> <http://www.un.org/News/Press/docs/2002/WOM1361.doc.htm>

<sup>20</sup> “NCHR Comments on the Draft Bill ‘on combating domestic violence’” February 2006, included in “Report 2005” pp. 231-244, available at: [http://www.nchr.gr/media/zip/nchr\\_report\\_2005.zip](http://www.nchr.gr/media/zip/nchr_report_2005.zip)

<sup>21</sup> available at: [http://www.ydt.gr/main/Attachments/Attachment13518\\_egxeiridio.pdf](http://www.ydt.gr/main/Attachments/Attachment13518_egxeiridio.pdf)

<sup>22</sup> <http://www.amnesty.gr/news/2006-02-20-1.htm>

<sup>23</sup> “Sex lessons from a Bishop” *Espresso* 18 May 2006; there was no disclaimer by any church or secular authority of this position, made in an interview by Bishop of Lagada, that also included the Church’s known position against homosexuality. The interview is available at: <http://cm.greekhelsinki.gr/index.php?sec=192&cid=2195>

Minister of Justice's declarations that the aim of the draft law, rather than being to combat violence against women within the family, is "*to secure peace in the family (...) it does not intend to interfere in the private lives of the family members; hence it does not affect customs, values and principles as they have developed in Greek society.*"<sup>24</sup> NGOs recall that several of these traditional principles are indeed conducive to family violence.

**GHM and MRG-G recommend that UN CEDAW asks the Greek government to provide a translation in English of the draft law as well as explain why it has not been tabled in parliament.**

Moreover, GHM and MRG-G stress that it is not just the absence of adequate legislation that is preventing the full protection and assistance to victims of violence. Even existing mechanisms do not function effectively, as the two cases below indicate. It is indicative that the very informative data in Annex B of the Greek state report (pp. 107ff) on the "*activities of the Consultation Centers of Athens – Piraeus of the General Secretariat from Gender Equality*" include a long list of statistics on the profile of the victims and the perpetrators but no information on what follow up was given especially in the victims' efforts (if any) to press charges against the perpetrators with free legal support from these Centers, and the number of cases the Center's lawyers are litigating. Nor are there any similar data from the NGOs that are running state-funded shelters or programs of assistance to victims. This is very crucial as in the first of the two examples below, there was reported a refusal to offer such legal support by both the two state counseling centers and at least two state-funded NGO programs that are mentioned in the state report as offering legal support as well...

The first example is described in full in the following July 2006 letter from the victim to UN CEDAW, via Greek Helsinki Monitor:

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<sup>24</sup> Ios "Unnamed violence" comprehensive dossier in *Eleftherotypia* 12/2/2006 available at: [http://www.enet.gr/online/online\\_fpage\\_text/dt=12.02.2006,id=92702448,5279408,13308976,27426224,35308336](http://www.enet.gr/online/online_fpage_text/dt=12.02.2006,id=92702448,5279408,13308976,27426224,35308336)

Ms. Rosario G. Manalo  
Chairperson  
UN Committee on the Elimination of Discrimination against Women (CEDAW)

25 July 2006

Dear Ms. Manalo

I am addressing this letter to you and through you to all honorable members of CEDAW, in the hope that it will contribute to the dialogue your Committee will engage with Greece during the review of the latter's implementation of the Convention. For reasons that you will understand, I will provide below no specific information that may allow people to identify my two children –well below the age of 12- and me for the sake of our protection. In any case, the individual case need be handled by the competent Greek authorities and all necessary information is available to the NGO that is assisting me, Greek Helsinki Monitor, as well as to the court where my complaint has been filed.

My elder child and I –all citizens of a CIS state- have unfortunately been victims of domestic violence, in a Greek locality outside Athens. One year ago, my husband –a Greek citizen- started treating my children with verbal aggression and occasional physical violence causing injuries. Last fall, he started hitting me as well. After one grave incident that caused to me inter alia what I feel is continuing damage to my hearing from one ear, I reported it to the local police station. There I was told that I had to press charges or otherwise they could not do anything. Since my residence permit had not been issued yet, and not knowing where else to turn, I decided not to do that at the time or following another violent incident against me earlier this year. At that time, my husband had asked me to sign some papers for a financial transaction, which I refused.

Then, a caring person gave me the telephone number of a NGO that runs in Athens a state-funded shelter for women victims of domestic violence. When I called them, I was told that it would be better for me to go to the shelter only after my residence permit had been issued. In early spring 2006, as my husband threatened to throw us out if I refused to sign the papers, I called the competent state agency's counseling center in Athens and, since in the meantime I had obtained my residence permit, they referred me to a state-funded NGO shelter in Athens where I stayed for some three months: they offered a room, psychological support, but no food, which I had to seek on my own.

Knowing my rights, I wanted to press charges against my husband both to seek redress and to secure the protection of my children and myself. The NGO did not offer me any legal assistance, but upon my insistence they merely referred me to the local Athens police station. There I gave orally a statement recorded through the help of a NGO staff member who spoke English, which I speak moderately well, but not Russian which I speak fluently. The police station referred me to a forensic and he in turn to an ear specialist. To both however I had to speak in English; hence my examination was inadequate. My statement was sent to the prosecutor who ordered a preliminary investigation.

I then sought the assistance of a lawyer to help me handle the case. I have been to both state counseling centers in Athens and Piraeus, where lawyers noted my case but did not offer legal assistance to pursue it. I was also referred to another state-funded NGO legal advice center for migrants, where I was stood up. Finally I was referred to an individual lawyer who asked for a fee of 300 euros just to come with me to the police station where I had to make an additional statement, following questions asked by the prosecutor. I could not afford such money, and the NGO refused to help me directly or through the state agency. In the meantime, the climate at the NGO shelter was becoming hostile, while I was refused any help to seek some employment. So, I moved out and now rent a room in a hotel where we stay on our own.

Then, a couple of weeks ago, and with an appointment pending at the police station, through some acquaintances I turned to Greek Helsinki Monitor (GHM), whose legal advisor immediately took up the case. GHM told me that ideally the state agency or the other NGOs should have helped me file to the prosecutor a lawyer-drafted comprehensive complaint attaching all necessary documents; that procedure, I was told, is much more effective than an oral statement recorded at a police station. Moreover, I was told that the existing legislation called for law enforcement authorities to have immediately and ex officio taken up the case of the violence against my child since I first reported it last fall and certainly after my sworn statement this spring, seeking also his forensic and psychological examination.

Now I am finally advised as to how best handle the case as it is, but precious time has been lost. At the same time, I was also referred to a municipal employment agency that cooperates with GHM.

I hope that this story of mine, that will reach you through GHM, will help the Committee understand that well-publicized existing Greek state or state-sponsored programs do not routinely provide comprehensive effective assistance to children and women victims of violence, at least when they are not Greeks. While local police stations do not seem to be trained to effectively implement the manual on how to deal with such cases that GHM told me was issued last year and is praiseworthy. Nor do Greek authorities provide ex officio protection to the victims when they appear afraid to file charges on their own or, more seriously, when they are children. I sincerely hope that the constructive exchange between the Committee and Greece will help the Greek state improve the provisions for protection, assistance and compensation of victims of domestic violence. I managed to escape and hope that I will get appropriate redress. Thousands of other women may not.

Yours faithfully

“Tatjana”

The second example is a 2005 case involving the Police Station of Agioi Anargyroi (Greater Athens) where police officers when dealing with a serious case of a woman (Ms. K.Z.) beaten up by her estranged husband demonstrated indifference until the victim persisted. The victim reported to the police that he tried to break up the door of her apartment by kicking it and insulted and threatened her. The children woke up terrified while some neighbors ran to see what was going on. She called the police and



by the time the patrol car arrived the husband had left. The police officer saw the damage done to the door, spoke with her, and asked her if she wished to file charges against him while he told her that he will find her husband and will try to admonish him. After a few days she went to the Direction of Direct Action of the Greater Athens Police (GADA) to seek the registration of the event, so as to use it in her further actions. What was given to her was a note of the fact that a police officer arrived at her place, but that “*no one was present and nothing was ascertained.*” The woman eventually went back to the police with a formal contest of that note, describing all the details of what took place that evening, providing names of witnesses and the name of the police officer who had dealt with the case. Because of her persistence and patience, she eventually received an acknowledgment of an error in the initial note and a complete report of the incident by the police, with all necessary information for her to use in court. Had she not had the resources to pursue the issue and so many witnesses, the police evidence of the event would have been lost. No action was ever taken to reprimand the police officers involved in formally misreporting the event.<sup>25</sup>

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.**

In June 2006 the Minister of Labor Savvas Tsitouridis announced a draft law that would include the punishment of sexual harassment at the work place. It is defined as a form of discrimination in the workplace, when a person endures whatever form of undesired verbal, non-verbal or physical conduct of a sexual character, with the intention or the result of insulting a person’s dignity, particularly by creating a threatening, hostile, degrading, humiliating, or aggressive environment. It is punished with sentences from 6 months up to 3 years in prison, a fine of at least 10,000 euros and suspension of the functioning of the enterprise where the owner sexually harassed an employee.<sup>26</sup> Expert academics, in welcoming the draft law, voiced concern that the definition, by including result as well as intention, may criminalize flirting or lead to abusive civil suits.<sup>27</sup>

**GHM and MRG-G again recommend that UN CEDAW asks the Greek government to provide a translation in English of the draft law as well as inform the Committee about when it will become a law.**

<sup>25</sup> Ios “Unnamed violence” comprehensive dossier in *Eleftherotypia* 12/2/2006 available at: [http://www.enet.gr/online/online\\_fpage\\_text/dt=12.02.2006,id=92702448,5279408,13308976,27426224,35308336](http://www.enet.gr/online/online_fpage_text/dt=12.02.2006,id=92702448,5279408,13308976,27426224,35308336)

<sup>26</sup> Christos Megas, *Eleftherotypia* 7-6-2006 “Gender Equality with age discrimination – thrashing sexual harassment” [http://www.enet.gr/online/online\\_text/c=114,dt=07.06.2006,id=7047156](http://www.enet.gr/online/online_text/c=114,dt=07.06.2006,id=7047156)

<sup>27</sup> Stylianos Papageorgiou-Gonatas, Assistant Professor of Criminal Law at the University of Thrace and President of the Association to Assist Victims of Sexual Harassment “Protection, Not Criminalization of Flirting” and Anna Apostolidou, Lecturer at the Law School of the University of Thrace “Avoid Abusive Exploitation” in *Ta Nea* 22 July 2006, available at: [http://www.tanea.gr/print\\_article.php?e=A&f=18594&m=N14&aa=1](http://www.tanea.gr/print_article.php?e=A&f=18594&m=N14&aa=1)

Indicative of how Greek authorities currently treat sexual harassment cases, in ways that can discourage the victims from reporting them is the following example, reported in July 2006. A 29-year old woman, who had the courage to accuse her supervisor for sexual harassment in early 2005, found herself a year and a half later facing trial for aggravated defamation of the very person she denounced while her own complaint has been archived. At the same time she became the object of negative criticism by the small society she lives in and is unemployed. Her complaint for sexual harassment, for lack of specific legislation, was based solely on charges for verbal and physical insult. Since this is a small misdemeanor punishable with up to one year in prison, a 2005 amnesty law to de-congest courts led to the archiving of all such small misdemeanors. However, her superior pressed charges against her for aggravated defamation which is a major misdemeanor punishable with up to five years in prison. Hence the victim now faces trial with such charges. The victim was reported to in the end regret having made those charges since the price of seeking redress after being sexually harassed was too high for her and the other three work colleagues who testified on her behalf only to subsequently lose their jobs. The court where the latter sought redress for their illegal and abusive dismissals decided in favor of the company and forced them even to pay the trial expenses.<sup>28</sup>

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.**

In its *Third Report on Greece* adopted on 5 December 2003 by the **European Commission Against Racism and Intolerance** the following related observations and recommendations were included:<sup>29</sup>

*“56. ECRI notes that Greece is a country of destination and of transit for the traffic in human beings. Women and children coming from neighbouring countries such as Albania, but also from more distant countries, are especially affected. ECRI notes with satisfaction that Greece has taken steps to combat trafficking in human beings, particularly by adopting law no. 3064 of 15*

<sup>28</sup> “Stigmatization instead of redress: Unemployed and defendant because she denounced sexual harassment” in *Ta Nea*, 22/3/2006  
[http://www.tanea.gr/print\\_article.php?e=A&f=18594&m=N14&aa=1](http://www.tanea.gr/print_article.php?e=A&f=18594&m=N14&aa=1)

<sup>29</sup> European Commission against Racism and Intolerance (ECRI), *Third Report on Greece*, adopted on 5 December 2003, made public on 8 June 2004, -here thereafter referred to as ECRI/2004-, paragraph 105. The report is available at [http://www.coe.int/T/E/human\\_rights/Ecri/1-ECRI/2-Country-by-country\\_approach/Greece/Greece\\_CBC\\_3.asp#TopOfPage](http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/Greece_CBC_3.asp#TopOfPage)

*October 2002 on the fight against trafficking in human beings and presidential decree 233/2003 on the protection of victims of trafficking for purposes of enslavement or prostitution. In April 2001, the Ministry of Public Order established the Team for Combating Trafficking in Human Beings (O.K.E.A.), an inter-ministerial project management team headed by the chief of the police force. These and other measures are intended to stiffen both the punishment of the culprits of the traffic in human beings and the protection of its victims.*

*1. However, according to certain sources the situation remains disturbing as regards trafficking, in women for prostitution, but also in children - Albanian nationals who are subjected to forced labour. Children over 12 that are arrested by the police are considered as illegal immigrants in an irregular situation that must be deported, rather than as victims of the traffic in human beings. Children under 12 are placed in reception centres until their families can be located. ECRI is concerned over allegations that several hundred Albanian children placed in state-run reception centres disappeared from the centres in 2002. It may be that some of them have once again fallen into the hands of the traffickers who brought them into Greece.*

#### **Recommendations:**

*2. ECRI recommends that additional measures be taken to counter the problem of trafficking in women and children, particularly by carrying out preventive and awareness-raising measures about this serious problem that aim at all segments of the population concerned. In particular, ECRI encourages the Greek authorities to persist in their new approach of protecting the victims of trafficking in human beings and effectively penalising the traffickers.*

*3. ECRI strongly encourages the authorities to investigate the situation of Albanian children brought to Greece to work, and to take all the necessary steps to ensure that the children, once identified, receive effective subsequent protection against any other form of abuse.”*

In the May 2004 *Concluding Observations on Greece* of the **UN Committee on Economic, Social and Cultural Rights** the following related concern and recommendation were included:<sup>30</sup>

*“18. The Committee expresses its concern about the high numbers of trafficked women and children who are subjected to forced labour and sexual exploitation and who are often being deported to their countries of origin, rather than being granted a residence permit, reportedly in an expeditious manner and without the necessary procedural safeguards.(...)”*

*39. The Committee urges the State party to ensure respect for the necessary procedural safeguards when deporting victims of trafficking in persons,*

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<sup>30</sup> Committee on Economic, Social and Cultural Rights (CESCR), Thirty-second session, 26 April – 14 May 2004; Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece (E/C.12/1/Add.97), 14 May 2004, here thereafter mentioned as CESCR 2004, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.97.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.97.En?Opendocument)

*particularly when such victims are children. The State party should also continue and intensify its cooperation with neighbouring countries in combating trafficking in persons, provide medical, psychological and legal support to such victims, and include detailed information on these measures in its second periodic report.”*

In the January 2005 *Report on the Situation of fundamental rights in Greece* by the **E.U. Network of Independent Experts on Fundamental Rights**, the following related comments were included (available only in French):<sup>31</sup>

*“Lutte contre la traite des êtres humains (en ce compris les moyens techniques visant à empêcher le franchissement des frontières)”*

***Initiatives législatives, jurisprudence nationale, et pratiques des autorités nationales***

*2. Malgré l’important dispositif législatif et réglementaire mis en place, des problèmes persistent, en ce qui concerne, notamment, la protection des victimes de la traite.*

*Selon des ONG actives dans ce domaine<sup>32</sup>(i), seules 8 victimes se sont vues octroyer un permis de séjour ou de travail, ce qui est dû, semble-t-il, à la lenteur de la procédure administrative dans ce domaine. Si plus de 300 victimes ont été identifiées en vertu de la législation anti-traite, seules 20 personnes ont été hébergées dans les centres d’hébergement qui leur sont destinés. Le nombre des centres d’hébergement déjà opérationnels est insuffisant; l’assistance de la police pour assurer la sûreté des lieux d’hébergement des victimes est jugée inadéquate. L’identification des victimes est effectuée principalement à l’occasion des procédures d’expulsion et non de manière autonome. Les « Services ou unités pour la protection et l’assistance » préconisés dans un décret présidentiel publié en 2003<sup>33</sup> n’ont pas encore été mis en place. D’une manière plus générale, les victimes ne semblent pas être suffisamment informées des procédures prévues par la législation pertinente, ni des droits que celle-ci leur reconnaît.*

*En ce qui concerne le déroulement des procédures judiciaires visant les auteurs de crimes liés à la traite, de sérieuses lacunes ont pu être observées par les ONG à l’occasion de deux affaires bien connues (dites de Olga B. et Gina M.) : lenteur des procédures, dont la durée s’élève à six ans, manque de diligence,*

<sup>31</sup> Report on the Situation of fundamental rights in Greece, presented by Linos-Alexandre Sicilianos in 3 January 2005, Reference : CFR-CDF/ /2004 at <http://cridho.cpdf.ucl.ac.be/DownloadRep/Reports2004/nacionales/CFR-CDF.repGREECE.2004.pdf>

<sup>32</sup> Déclaration soumise le 19 novembre 2004 par 5 ONG grecques et une ONG internationale au Comité contre la torture à l’occasion de l’examen du quatrième rapport périodique de la Grèce. Voir également OMCT Europe, “Interpretation of the Definition of Torture or Cruel, Inhuman or Degrading Treatment or Punishment in the Light of European and International Case-Law”, rapport présenté au Réseau le 30 octobre 2004, pp. 43-44.

<sup>33</sup> Προεδρικό Διάταγμα 233/2003, «Προστασία και αρωγή στα θύματα των εγκλημάτων των άρθρων 323, 323Α, 349, 351 και 351 Α του Ποινικού Κώδικα, κατά το άρθρο 12 του Ν. 3064/2002» [Décret présidentiel no 233/2003, « Protection et assistances aux victimes de crimes prévus dans les articles 323, 323A, 349, 351 et 351 A du Code pénal, selon l’article 12 de la loi no 3064/2002»].

*prescription de certains des crimes ou délits commis, divers dysfonctionnements procéduraux, manquements fort suspects de certains huissiers de justice, attitude indulgente à l'égard des officiers de la police impliqués, etc. Signe encourageant, la deuxième des affaires susmentionnées est arrivée à son terme le 3 décembre et s'est soldée par la condamnation des principaux accusés, parmi lesquels des officiers de la police.*"

In the April 2005 *Conclusions and Recommendations on Greece* by the **UN Human Rights Committee**, the following related concern and recommendations were included.<sup>34</sup>

*"10. The Committee notes that Greece is a main transit route for trafficking in human beings, as well as a country of destination. While welcoming the efforts made by the State party to fight this scourge, it remains concerned, in particular, about the reported lack of effective protection of the victims, many of whom are women and children, including witness protection mechanisms. (article 3, 8, and 24)*

*a) The State party should continue to take measures to combat trafficking in human beings, which constitutes a violation of several Covenant rights, including articles 3 and 24. The human rights of the victims of trafficking should be protected, including whereby they have a place of refuge as well as an opportunity to give evidence against the persons responsible in criminal or civil proceedings.*

*b) The Committee urges the State party to protect unaccompanied alien children, and to avoid unsupervised release of such children into the general population. The absence of child welfare protection increases the danger of trafficking and exposes the children to other risks. The State party should conduct a judicial investigation concerning the approximately 500 children who went missing from the Aghia Varvara institution between 1998 and 2002, and provide the Committee with information on the outcome."*

In March 2006, the **Special Prosecutor on Trafficking in Human Beings Maria Malouhou** stated among other things:<sup>35</sup>

*"Witness protection does not function (...) in order for the victim to testify and not be afraid. Therefore, the trafficking victim is not only afraid for herself but also for her family (...) A woman-victim and the trafficker sit side by side during the trial. This is terrible (...) Greek society carries a great responsibility (...) Thus I ask myself where are the educators today? Have they no interest? (...) In any case what we see is always much less than what really exists."*

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<sup>34</sup> Human Rights Committee (HRC), Eighty-third session, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant. Concluding observations of the Human Rights Committee: Greece (CCPR/CO/83/GRC), 25 April 2005, hereafter mentioned as HRC 2005; available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.83.GRC.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.83.GRC.En?OpenDocument)

<sup>35</sup> Interview in *Paratiritis tis Thrakis* 23/3/2006, available at: <http://www.paratiritis-news.gr/search/view.php?id=37:4558>



In May 2006, **Evripidis Stylianidis, Deputy Minister of Foreign Affairs**, in charge inter alia of his ministry's "Hellenic Aid" grants concerning trafficking, stated:

*"We want more convictions of traffickers and complete dismantling of networks, because only in this way we will prove, but, also, we will make known to the international community, that Greece is a leading actor in the defense of human values, that were elevated by our civilization and democracy. It is unacceptable, ladies and gentlemen, to rank in international reports in the lower ranks as a country, because arrests and more so convictions are few. We must dismantle the networks, while protecting and re-integrating the victims in society. (...)*

*I would like to stress the huge importance of the recognition of the victims and of their referral by Public Prosecutors to certified shelters where, after the necessary psycho-social support, their voluntarily repatriation will be prepared or possibilities will be offered for their professional training.*

*The victim must want to testify against its traffickers so that the criminal networks are dismantled and according to law the persons responsible are convicted. Therefore, the defence of the witnesses and the granting of incentives for their participation in the grievous and time-consuming legal process is of crucial significance. (...)*

*The problem at this moment is the small number, so far, of the victims who take advantage of the provisions of law 3064, as well as the relatively small number of exemplary convictions of traffickers. (...)"<sup>36</sup>*

A month later, the 2006 *Trafficking in Persons Report* of the **US Department of State** included the following entry on Greece:<sup>37</sup>

#### **"GREECE (TIER 2)**

*Greece is a destination and, to a lesser extent, transit country for women and children trafficked for the purposes of sexual exploitation and forced labor. Some men are trafficked for forced labor. Most victims are trafficked from Eastern Europe, the Balkans, and Africa, especially Nigeria. Although NGOs reported a decrease in the number of Albanian children trafficked to Greece in 2005, there were reports that Albanian Roma children continued to be trafficked for forced begging and stealing.*

*The Government of Greece does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Government of Greece increased its capacity to protect and assist victims in 2005. It improved cooperation with NGOs with the completion of a Memorandum of Cooperation (MOC) to allow Greek authorities to work more directly with NGOs. After several years of negotiations, the government signed a child repatriation agreement with Albania. In 2006, it implemented a*

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<sup>36</sup> Statement of the Deputy Foreign Minister Evripidis Stylianidis at the two-day Union of Public Prosecutors seminar on Combating Trafficking of Human Beings of the (Rodos, 19-20-05-2006) at: [http://www2.mfa.gr/www.mfa.gr/Articles/el-GR/200506\\_F1226.htm](http://www2.mfa.gr/www.mfa.gr/Articles/el-GR/200506_F1226.htm)

<sup>37</sup> <http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm>



*national public awareness campaign that targeted victims, clients, and the Greek public. The Government of Greece should now provide available protections to trafficking victims and ensure that NGOs have an operational role in victim identification. While the government increased convictions of trafficking crimes in 2005, most traffickers were released awaiting appeal, including traffickers already sentenced. The Government of Greece should demonstrate the political will to punish traffickers sufficiently over the next year. Trafficking-related complicity by government officials should be vigorously prosecuted.*

### **Prosecution**

*The Government of Greece continued to investigate cases of trafficking and secured convictions for increased numbers of traffickers in 2005. In January 2006, the government established 12 additional anti-trafficking task forces throughout the country and funded specialized training for over one thousand police officers throughout Greece. In 2005, the Greek Government investigated 60 trafficking cases and arrested 202 suspected traffickers. The number of trafficking convictions increased to nine, and sentences for these convicted traffickers ranged from one to 12 years. The government could not, however, confirm whether any traffickers were actually serving the time sentenced. While the government reported that over 100 defendants were awaiting prosecution on 2005 trafficking charges, Greek courts released the majority of defendants. The Greek Government demonstrated leadership in promoting regional law enforcement cooperation during the reporting period. The government has not responded adequately to allegations that some Greek diplomats abroad facilitated trafficking by issuing visas with little documentary evidence and no personal interviews to women subsequently identified as trafficking victims. There were numerous reports of trafficking complicity among local police. Three police officers -two of them senior- currently face charges relating to trafficking complicity.*

### **Protection**

*The Government of Greece took modest steps to improve protection for victims of trafficking over the last year; however, many aspects of the government's protection framework remained unimplemented. In November 2005, the government signed a Memorandum of Cooperation with 12 NGOs and IOM to improve government-NGO coordination in a screening and referral process for trafficking victims; police had since referred 19 victims to NGO shelters by March 1, 2006. Some anti-trafficking NGOs chose not to sign the Memorandum and others were not invited to sign it. The screening and referral process does not yet adequately identify and protect most potential victims in the country. In February 2006, the government concluded a long-awaited protocol with Albania on the repatriation of Albanian child trafficking victims. The government granted 22 new and seven renewed residence permits for trafficking victims in 2005. In 2005, the government identified 137 trafficking victims, 57 of whom accepted assistance and protection. Greek law does not yet exclude trafficking victims from punishment for unlawful acts that are a result of their trafficking. Nevertheless, the government reported that*

*Greek prosecutors exercised their power to waive prosecution of all 137 victims. NGOs reported cases in which the government failed to protect victims' identities. In 2005, the Greek parliament passed a law that provides for a one month "reflection period" for suspected victims and central issuance and renewal of residence permits. Although the majority of identified trafficking victims possess legal visas, potential trafficking victims without legal status continued to be at risk of deportation.*

### **Prevention**

*In 2005, the Greek Government continued to provide significant funding to NGOs and international organizations that provide programs, shelters, and legal aid to victims of trafficking. In 2006, the Secretariat General for Gender Equality implemented a national awareness campaign targeting commercial sex procurers, trafficking victims, and citizens. The campaign encourages the public to report incidents of trafficking. The government's anti-trafficking inter-ministerial committee met regularly and, in November 2005, the Ministry of Foreign Affairs established a working group between origin, transit, and destination country diplomats, NGOs, and working level government officials."*

**In Appendix 1, GHM and MRG-G attach the comprehensive report on Greece submitted by the "Galatsi Group" NGOs involved in combating trafficking in human beings to the OSCE in September 2005, in response to an OSCE's questionnaire. Almost all the points made therein are still relevant.** Since then, the Greek state has opted to invite only a selected number of NGOs, including just a few of the "Galatsi group" NGOs, to sign a memorandum of understanding. Likewise, a similar selection was made by the IOM and the Foreign Ministry for the establishment of a working group with consular officers from countries of origin: characteristically, GHM which supports all recognized victims of trafficking to whom state permits of residence were issued in 2005 and live in Athens or Thessaloniki, and the consul of Uzbekistan, origin of the second highest number of victims, were not invited to that working group.

**In Appendix 2, GHM and MRG-G provide three recent articles on trafficking victims in Greece.** The first ("One woman against an entire village") shows how traffickers have such a local support that victims end up being very lonely in the related trials, should they ever reach the court; while the trafficker even after the conviction ends up walking free only to be re-arrested for the same crime soon after. The second and third articles –accompanied with a link to a vivid BBC video- show how, in early 2006, pregnant Bulgarian Roma women victims of trafficking were exploited so as to sell their newly born. After their arrest, although recognized as victims of trafficking, they were repatriated rather than being given the generous assistance offered by Greek legislation so as to stay in Greece until the time of the trial. Without the victims present to testify it is difficult to convict traffickers in the "exemplary" way that the Minister asked above.

Indeed the Greek Deputy Foreign Minister highlighted very well the failures in the implementation of the otherwise very good legal provisions. GHM and MRG-G provide here the necessary substantiation.

### *Complete dismantling of networks*

No network has even been dismantled. From the dozen of court files available to GHM, it is obvious that, after a raid in a bar or a brothel, the specialized and quite competent anti-trafficking police as well as the prosecutor limit their investigation to the operation of the particular place. No victim was ever asked to assist with identifying the network members that helped recruit her in the country of origin, perhaps also obtain in a fraudulent way a legal visa and/or a residence permit, and/or brought her from the Greek border with Turkey or Bulgaria to the Greek city of destination, and/or sold her to the final operator, who occasionally appeared to enjoy police protection also not investigated. Characteristically, when accessing the court files of the victims GHM supported, it noted that seven out of ten had entered Greece with legitimate visas: a quick probing was enough to find out that they were obtained in a fraudulent way by the criminal network, usually in the Greek Consulate in Moscow. When GHM reported this to the Greek Foreign Ministry in December 2004, the latter declined to launch an investigation. GHM then engaged in an elaborate document collection from consulate authorities so as to file a criminal complaint with the Athens courts, which is under investigation. Even now, the Foreign Ministry refuses to run its own investigation, despite the fact that the Moscow correspondent of *Mega Channel* and of Olympic Airways stated in televised interviews that such corruption was well-known and widespread. The issue is mentioned in the State Department report.

In another case, GHM found out that a July 2003 warrant for the arrest of an operator of a bar with victims of trafficking, following a police raid of the bar in June 2003, was not carried out by the Thessaloniki police. Hence that individual, with already half-a-dozen related convictions to light sentences since 2000, was able to resume operations in the same bar. He was arrested in August 2003 and released. Again he was arrested in September 2003: only then was the warrant executed. In the meantime, a dozen more women had become victims of his operation. Hellenic Police, when formally asked to assign responsibilities, refused that there was any wrong doing. GHM filed a criminal complaint with the Thessaloniki courts which is being investigated.

**GHM and MRG-G request that UN CEDAW asks from Greek authorities specific information on these two –widely publicized in the Greek media- cases and inform on how the perpetrators of these actions are being held accountable, both administratively and criminally.**

### *Conviction of traffickers*

The data provided by the Greek state to the State Department are obviously contradictory and unreliable. Apparently, authorities include all trials even for illegal prostitution in the statistics, so as to inflate them, and make no disaggregation by type of sentences and whether they are served or not. **GHM and MRG-G recommend that UN CEDAW asks Greek authorities to provide case by case statistics on convictions –with corresponding sentences and their possible suspension- only on the specific trafficking articles 323A and 351 that in theory carry felony prison sentences (above 5 years).**

In fact, in trials they have been involved, GHM and MRG-G are aware of just two operators –father and son- of a bar in Thessalonki who are behind bars. They were convicted in December 2004 to 25 and 16 years in prison (following the June 2003 raid mentioned above); the father was also convicted for another operation (following the August 2003 raid mentioned above) to an additional 10 years in April 2006. **It is noteworthy that, in these two trials, 13 victims of trafficking were also tried (all but one in absentia as they had been repatriated and were never summoned to the trial) and convicted to up to seven months in prison for illegal entry and/or illegal prostitution, as if they had consented to their trafficking and prostitution... The consequence of these convictions is that they have been put on the Schengen “black list” that does not allow them to travel to any EU country. GHM handles the cases of two more trials against the first operator, which have been postponed several times. In one trial (following the September 2003 raid mentioned above) five victims are also defendants; two of them who are in Greece have to sit side by side in the court room with the person who had exploited them and beaten them, a terrifying experience as they told GHM and as the special prosecutor has said (see above).**

On the other hand, in the story in Appendix 2, it is mentioned that the operator of that bar was sentenced in January 2005 to 13 years (and his accomplices to 3 and 1 year), but managed soon after to be released on bail pending his appeal trial. He was recently re-arrested for a similar operation... **Four of the victims were also convicted (in absentia) to 2-3 months for illegal entry and/or prostitution.** Only the victim who cooperated was not a defendant.

Moreover, in October 2005, two of the operators of an illegal brothel where trafficking victims were held were sentenced to 17 years and the third one to 15 years; but all sentences were suspended until the appeals trial, by a split decision with the lay jurors voting for suspension and the judges for non-suspension. So all three are free.

Finally, in June 2006, two persons were sentenced to very light suspended sentences of 5 and 3 years in prison and were set free even though they were convicted for felony trafficking charges, as indeed the Greek Criminal Code allows for mitigating circumstances to help reduce felony sentences to misdemeanor ones.

#### *Protection and re-integration of victims*

Official Ministry of Interior data provided to GHM<sup>38</sup> indicated that in 2005 only 24 special residence permits for trafficking victims were granted. Ten of them resided in Athens or Thessalonki and were supported by GHM. Two resided in Epirus and were supported by another NGO. The remaining twelve resided in Eastern Macedonian and Thrace and were not supported by any NGO –anecdotal evidence indicates that some local bar associations have provided support in some while in other cases the victims paid for their lawyers! This is indeed a dramatically small number of protected victims.

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<sup>38</sup> Ministry of Interior letters to GHM Ref. no. 3223/14-3-2006

Hellenic Police data for their 2004 and 2005 anti-trafficking operations report that they “rescued” 181 victims in 2004 and 137 in 2005; of them only 46 and 57 respectively were reported to have sought protection and assistance. Only half of the latter (25 and 20) obtained the prosecutorial suspension of deportation. Yet only six of them ended up receiving special residence permits in 2005 and another 3 in 2006. Hence the vast majority of the women “rescued” by police disappear from Greece. Police claimed that they had valid residence permits or visas when they were arrested and most decided to be repatriated. GHM and MRG-G would object to this unsubstantiated claim. As shown above, valid visas or residence permits are usually provided in fraudulent ways by the criminal networks to the victims, but authorities do not investigate this. Moreover, it is widely known that almost all victims of trafficking emigrate from their country of origin, where they are unemployed or underpaid, in the hope to find work in Greece: why then would they want to return after being “rescued” by police when they also risk being disgraced back home if it is found out what they went through in Greece, while the generous provisions of the Greek law would allow them to integrate society and be provided with work for at least the several years the trial will last (5-7 on average)? As the attached stories on the Bulgarian Roma indicate, and as NGOs who have talked to returnees in the countries of origin found out, victims are never told of their entitlement to such rights in Greece, but only of the possibility of a smooth repatriation. **GHM and MRG-G hope that Minister Stylianidis was not properly informed of all this and sincerely stressed in his speech that one of the major problems is the small number of victims that take advantage of the provisions of the law.**

This is why, in mid-2006, the multi-million euro state-funded shelters for trafficking victims are near empty or briefly host victims on the way to repatriation. **GHM and MRG-G recommend that UN CEDAW asks Greece for comprehensive data on the fate of the victims “rescued” during the police raids in 2004-2006, including information on whether the state knows of their current address so that they be summoned for the respective trials** (GHM-supported victims in most cases were summoned in vain to the addressees of their exploitation until GHM notified the court to send summons to the GHM shelter or the GHM lawyers!).

#### *Legal aid to victims*

The Minister correctly pointed out that legal aid to victims is of crucial importance. His Ministry’s “Hellenic Aid” agency did not though renew the legal aid project of GHM that supported all recognized victims with residence permits living in Athens or Thessalonki. Worse, after the completion of the project in August 2005, they did not pay the remaining 50% of the budget, from which were paid the lawyers in trials between July 2004 and June 2005, including the trials referred to in the EU Network report above. The Ministry currently funds a Greek Council for Refugees legal aid project for asylum seekers trafficking victims, even though there are none in the state statistics. GCR did not take up the defense of the ten victims previously supported by GHM. The Greek state is thus well aware that most recognized trafficking victims have no legal aid in 2006. GHM was fortunate to enlist the free services of a specialized lawyer to attend the trials mentioned above, held in various cities of Greece. That was the only way GHM and the lawyer would not betray the victims, who were betrayed by the state...

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.**

In the May 2004 *Concluding Observations on Greece* by the **UN Committee on Economic, Social and Cultural Rights**, the following related positive aspects were included:<sup>39</sup>

*“6. The Committee welcomes recent legislative amendments to ban discrimination, in particular gender-based discrimination, in the employment sector, including the abolition of quotas restricting access by women to police schools or a recent Presidential decree placing the burden of proof on the employer if an employee complains about discriminatory practices.”*

In the June 2004 *Conclusions XVII-1: Greece* by the **European Committee of Social Rights**, the following related conclusions were included:<sup>40</sup>

*“Article 1 – Right to work Paragraph 1 – Policy of full employment*

*1. Prohibition of discrimination in employment: Discrimination based on sex*

*In its previous conclusion, the Committee found the situation not in conformity with Article 1§2 of the Charter owing to the discrimination undergone by women in respect of police college entrance and the discharge of most police duties. Greek law in fact used to provide that women could not make up more than 15 % of the candidates admitted to the police college, and the Government justified this quota by the alleged physical and psychological unfitness of women to perform non-administrative police duties (approximately 85 % of police activities).*

*According to the report, the quota was abolished by Act No. 3103/2003. The selection for police college entrance is now made on criteria common to both sexes. The Committee enquires which criteria are used, particularly the physical criteria, and stresses that this reform cannot be taken into consideration for the purposes of the present conclusion because its effective date did not coincide with the reference period.*

*Furthermore, in reply to a question from the Committee (Conclusions XVI-1, p. 278), the report states that the prohibition of discrimination under Act No. 1414/84 covers both direct and indirect discrimination. Indirect discrimination is*

<sup>39</sup> Committee on Economic, Social and Cultural Rights (CESCR), Thirty-second session, 26 April – 14 May 2004; Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece (E/C.12/1/Add.97), 14 May 2004, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.97.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.97.En?Opendocument)

<sup>40</sup> European Social Charter, European Committee of Social Rights, Conclusions XVII-1 (Greece), at: [http://www.coe.int/t/e/human\\_rights/esc/3\\_reporting\\_procedure/2\\_recent\\_conclusions/1\\_by\\_state/Greece\\_XVII-1.pdf](http://www.coe.int/t/e/human_rights/esc/3_reporting_procedure/2_recent_conclusions/1_by_state/Greece_XVII-1.pdf)



*prohibited notably where job offers based on formally neutral but substantively discriminatory criteria are concerned.*

*The Committee also notes that the burden of proof is borne by the presumed culprit of a discriminatory measure, except where the discrimination is in the ambit of criminal law, in which case it is borne by the prosecution.*

*In addition, Section 4 of Act No. 1264/82 permits trade unions to make direct complaints of any breach of labour law, Act No. 1414/84 included, before the administrative authorities and the competent courts. Under Section 669, these organisations are also entitled to intervene on behalf of their members in discrimination proceedings and even to represent them in court.*

*Finally, the only question not answered in the report concerns the compensation of damages incurred by workers who are victims of discrimination. On that subject, the Committee enquires whether Greek law prescribes reinstatement of workers dismissed in a discriminatory manner and payment of compensation for the material and non-material damage due to such dismissal (for example, payment of the wages lost prior to reinstatement) or to other discriminatory measures.”*

Indeed, as page 16 of the state report states, Laws 3103/2003 and 3113/2003 abolished the discriminatory quotas. While the then pending ruling of the Plenary of the Council of State was issued: with decision 1986/2005 the Plenary put an end to that discrimination.<sup>41</sup> Yet in 2006 a Division of the Council of State ignored the Plenary’s jurisprudence, ruling instead that quotas in women’s employment in the Greek police are constitutional as they are justifiable for reasons of public interest since women are unable to perform certain actions required by police officers that involve having particular physical and bodily capabilities which are mostly met in men and not women.”<sup>42</sup>

Moreover, there are concerns of indirect gender discrimination in such professions. The state’s **Higher Council for Personnel Selection (ASEP)**’s **Vice-President Agisilaos Bakopoulos** stated in March 2005 that –in his words- the new discrimination “‘trick’ used now is equal body height or performance in sport events.” Such criteria exist for the selection (outside of the ASEP system) of professional soldiers, guards of state agencies and banks, etc. Administrative courts usually vindicate women who would anyway apply and be rejected but clearly women are discouraged by this practice. An example from March 2005: men and women candidates for guards in the Bank of Greece had to be at least 1m70cm, run one kilometer in 4minutes 20 seconds, long jump at least 3m50cm, and high jump at least 1m.<sup>43</sup>

Further more, a draft presidential decree, presented to the Council of State by the Ministry of Public Order in June 2006, required for the entrance in Military Academies a height of 1m70cm for men and 1m65cm for women, as opposed to 1m65 and 1m55 respectively until then. The Council of State asked for documentation that would

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<sup>41</sup> *Kosmos tou Ependiti*, 25/9/2005, p.59

<sup>42</sup> *Eleftherotypia*, 29/4/2006, [http://www.enet.gr/online/online\\_text/c=112,dt=29.04.2006,id=31853484](http://www.enet.gr/online/online_text/c=112,dt=29.04.2006,id=31853484)

<sup>43</sup> *Eleftherotypia*, 20/3/2005, [http://www.enet.gr/online/online\\_text/c=112,dt=20.03.2005,id=64916712](http://www.enet.gr/online/online_text/c=112,dt=20.03.2005,id=64916712)

warrant the differential increase of 10 cm for women vs 5 cm for men, lest it conceals indirect discrimination. The Ministry had reportedly not provided specific information and the draft was held up.<sup>44</sup> Given the fact that studies show that the average heights are 1m68cm for men and 1m55cm for women,<sup>45</sup> the new decree was most likely discriminatory.

**GHM and MRG-G recommend that the UN CEDAW requests Greece to provide specific and detailed data on the physical criteria wherever used, an explanation on the inconsistency between the two rulings of the Council of State, as well as specific data on the compensation offered to victims of gender discrimination.**

#### **ADDENDUM: DISCRIMINATION AGAINST SEX WORKERS**

In Greece, prostitution has been a regulated professional activity since 1922, currently with Law 2734/1999. Each sex worker can register and obtain a professional license. Sex workers can work only in licensed brothels. Any other form of sex work (street work, escort services, massage parlors etc.) is illegal. Pimping is prohibited.

Two legal opinions by the **Greek Ombudsman** (Ref. no. 14667/03/2.1/6-11-2003) and the leading constitutional expert **Athens University Professor Nikos Alivizatos** (Opinion date 2 June 2003) highlight the discriminatory elements of the legislation.

The Ombudsman considers in general that the -restrictive in nature- *“specific provisions do not provide this professional activity with the protection afforded to all other professional activities exercised within the realm of economic freedom.”* Both texts highlight that the strict implementation of the law in effect excludes the whole urban area of the country’s capital, the Municipality of Athens, from the possibility of operating a licensed brothel and hence exercising the legal activity of sex worker. This is due to Article 3 paragraph 4 that brothels cannot operate within a radius of 200 meters from churches, schools, kindergartens, private tutorial schools (“frontistiria”), children day care centers, hospitals, youth centers, sports facilities, boarding homes, elderly nursing homes, libraries, squares & playgrounds. The main concern is that the provision includes in the ban even buildings within a radius of 200 meters from those places that are not visible from any of the above named places, because there are other buildings in between. Alivizatos suggests that the previous 1981 provision requiring that the potential brothel is in a building that is not visible from any of the above places within 150 meters be re-established. He also disagrees with the existence of such restrictions for places that are not related to children, like sports facilities. The Ombudsman considers these restrictions are violating the principle of proportionality to the means aimed at. Both also consider that the discretionary character of the prefects’ competence in granting professional licenses to sex workers can lead to abusive situations: instead, prefects should be obliged to promptly grant licenses to all individuals meeting the legal requirements.

The Ombudsman furthermore considers the requirement of Article 1 paragraph 1 of the Law, that sex workers should not be married, contrary to Article 5 paragraph 1 of the Constitution that protects the free development of one’s personality. This constitutional provision protects the legislated activity of sex work provided that it is

<sup>44</sup> *Law News Center* 30/6/2006 <http://www.lawnet.gr/news.asp?cat=1&article=11406>

<sup>45</sup> *Eleftherotypia*, 20/3/2005, [http://www.enet.gr/online/online\\_text/c=112,dt=20.03.2005,id=64916712](http://www.enet.gr/online/online_text/c=112,dt=20.03.2005,id=64916712)

exercised by free will and consent of the person concerned. The exclusion of married persons from sex work is not a constitutionally acceptable restriction.

The Ombudsman concludes that a more rational regulation of the sex work activity, combined with the existence of anti-trafficking legislation can help regulate legal sex work and combat trafficking of human beings towards sexual exploitation, which is rapidly increasing. This is also the belief of GHM and MRG-G as well as of the Greek Association of Sex Workers (SEPE), as they see that the prevailing legislation pushes even legal prostitution into illegality, while at the same time helping illegal prostitution based on trafficking thrive.

**For these reasons, GHM and MRG-G recommend that UN CEDAW asks Greece to provide the appropriate information on this legislation and then that its discriminatory elements be abolished, so that women sex workers stop exercising the only institutionally discriminated professional activity.**

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.**

In the May 2004 *Concluding Observations on Greece* by the **UN Committee on Economic, Social and Cultural Rights**, the following related concern and recommendation were included:<sup>46</sup>

*“14. The Committee is concerned about the high unemployment rate, especially affecting female and young persons in rural areas.*

*35. The State party is requested to include in its next report updated statistical data on employment, disaggregated by age, gender, and urban/rural region, as well as information on the measures adopted to remedy disparities in regional unemployment rates.”*

Law 3227/2004 on *“Measures against unemployment and other provisions”* was implemented in order to *“regulate further the status of working or unemployed mothers, in a favourable way... Through the National Action Plan for Employment*

<sup>46</sup> Committee on Economic, Social and Cultural Rights (CESCR), Thirty-second session, 26 April – 14 May 2004; Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece (E/C.12/1/Add.97), 14 May 2004, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.97.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.97.En?Opendocument)

and the National Action Plan for Social Inclusion, the efforts for the elimination of exclusion of women from employment are continued both in the public and in the private sector.”<sup>47</sup> Yet, National Statistical Services data published in December 2005 indicate a 6% unemployment rate for men and a 15% rate for women.<sup>48</sup> As the national report of Greece confirms “the comparative performance of men and women in relation to unemployment reaffirms the picture of previous years: although women’s unemployment decreases, the gap remains very prominent.”<sup>49</sup>

Women constituted in 2005 38,3% of the employed population and 64,3% of the total unemployed population. As the study of the Labor Institute of the General Confederation of Labour Greece (GCLG) notes: “Women cannot find a job – today you need patronage (*ρουσφετι*) to even work in a supermarket. Young mothers, particularly, encounter a big problem, since companies will not risk a sudden illness of the child which will require their absence. Jobs women find eventually are characterized by unacceptable working conditions, which they accept only because they should contribute to the family income.” Also, according to this report, the wage gap between men and women continues to be unbridgeable. Women’s salaries average 80% of men’s salaries. The state Research Center for Gender Equality (K.E.TH.I) operated by GSGE in one of its recent studies concluded that in industry women’s salaries are 28,5% lower than those of men and in the services they are 25% lower than the salaries of men. In fact they concluded that this gap was not simply due to wage discrimination based on gender, but a result of collective bargaining. Another study by the Labour Institute of GCLG concluded that though women over a month work more days than men, their wages are much lower than those of men, 40,67 per day as against 54,17 euros per day. According to the president of the Federation of Employees in the Private Sector, Ms. Metaxia Sakoulea, “Though equality has been consolidated, in practice it is not implemented; the unwritten laws of the market prevail.”<sup>50</sup>

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 individualized paid paternal leave for childcare.**

As the state report to CEDAW mentions in page 15, father childcare leave is possible, but there are no data as to how many fathers have made use of it, as the prevailing stereotype calls for the mother to take childcare leave.

32. While noting the high rate of women acquiring degrees, the Committee is concerned about the under representation 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**

<sup>47</sup> 6<sup>th</sup> National Report of Greece to CEDAW, p. 6.

<sup>48</sup> <http://www.in.gr/news/article.asp?lngEntityID=671924&lngDtrID=251>

<sup>49</sup> 6<sup>th</sup> National Report of Greece to CEDAW, p. 75.

<sup>50</sup> The info comes from a comprehensive dossier in *Kathimerini*, 19/2/2006, [http://news.kathimerini.gr/4dcgi/\\_w\\_articles\\_ell\\_405559\\_19/02/2006\\_174480](http://news.kathimerini.gr/4dcgi/_w_articles_ell_405559_19/02/2006_174480)

**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.**

In the May 2004 *Concluding Observations on Greece* by the **UN Committee on Economic, Social and Cultural Rights**, the following related concern and recommendation were included:<sup>51</sup>

*“13. While appreciating the measures taken by the State party to ensure a legal framework to promote gender equality, the Committee is concerned that women are still underrepresented at the decision-making level in the political, economic and academic fields.*

*34. The Committee encourages the State party to take effective measures to increase the level of representation of women at all decision-making levels.”*

The data included in the state report to CEDAW, pp. 57ff. indicate the problem of serious under-representation of women in decision-making and political bodies, including parliament, the economic sector and academia remains as acute as ever despite some small improvement in some areas but also deterioration in other areas. It need be mentioned that for the first time Greece currently has a woman as foreign minister and one Greek Embassy (the “Mission to FYROM”) is headed by a woman diplomat.

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**

<sup>51</sup> Committee on Economic, Social and Cultural Rights (CESCR), Thirty-second session, 26 April – 14 May 2004; Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece (E/C.12/1/Add.97), 14 May 2004, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.97.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.97.En?Opendocument)



**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.**

Contrary to Greek state claims, the problem of widespread abortions as a means of contraception persists. The NGO “Initiative Woman and Health,” in early 2005, published data that have not been refuted by any state agency, according to which Greece has one of the highest abortion rates and lowest rate of use of modern contraceptive methods in the EU. Moreover, there is an increase in the reported cases of abortions among teenagers. 80,000-100,000 abortions were reported since 2000, in decline compared to past years.<sup>52</sup> One main reason for that is the absence of sex education at schools.

Of equal concern are the data provided by doctors in one of Greece’s largest urban centers, Heraklio in Crete. In February 2005, obstetrician Dr. Eirini Orfanoudakis reported 100-120 abortions per month in private clinics, which means there are one abortion per four births. Some 21% of teenage pregnancies lead to abortion, while the corresponding rate exceeds 50% for the women between 25 and 30 years of age. Dr. Orfanoudakis too cited ignorance because of lack of information on other contraceptive methods as the main reason young women abort. An additional consequence of the lack of information combined with the higher sexual activities of women is that sexually transmittable diseases like chlamidia and microplasma become more and more frequent.<sup>53</sup>

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.**

The absence of any reference in the state report is an implicit admission that not only was there not any change in the situation but also that there were not even any efforts made in that direction. In general, the overall situation of the Roma in Greece, half of whom live in appalling conditions, has remained unchanged: so reported the Council of Europe’s Commissioner of Human Rights, who visited in Greece in 2002 and

<sup>52</sup> *Eleftherotypia*, 24/2/2005 [http://www.enet.gr/online/online\\_text/c=112,dt=24.02.2005,id=47499416](http://www.enet.gr/online/online_text/c=112,dt=24.02.2005,id=47499416)

<sup>53</sup> <http://www.cretetv.gr/news/newsf.php?ArtID=14113>



2005, and European Commission against Racism and Intolerance (ECRI) whose delegations visited Greece in 1999 and 2003. Their comprehensive conclusions are in Appendix 3. In the same appendix, there is also the conclusion of the decision of the European Committee of Social Rights which, in December 2004, found Greece in violation of Article 16 of the European Social Charter for violation of housing rights.

In such a marginalized group, 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 a 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.

Roma women are usually married while they are still teenagers, 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 limited.

Panayote Spyridis (Professor of Paediatrics at the University of Athens) and his team visited over 70 Romani settlements between March 2003 - February 2004 with Mobile Medical Units, in the framework of a state program for the vaccination of Roma kids, the "Program for the Protection of the Health of Gypsy Children". In March 2004 they published the findings of their survey of the Roma communities they had visited.<sup>54</sup> Limiting the reference here to gender related issues, the study reported that among Romani mothers, 40% gave birth to their first child at the age of 12-16 years and another 50% between 17-21 years. This reflects early marriages as children out of wedlock are inconceivable in these communities. Yet, Romani marriages are not always registered. Only 60% of them were according to the study. This means that divorces leave women even more vulnerable and unprotected, when marriages were never declared in first place. GHM and MRG-G, from their monitoring of an equal number of Romani communities are aware of a large number of marriages, most often undeclared, that have been dissolved and hence of a large number of single mothers caring for a large number of children each, with minimal financial help from the state but no effective social care. Another widespread phenomenon is the marriage with close relatives: 12% of the children in the study mentioned are born into such families: from anecdotal GHM and MRG-G evidence, many of them have consequent health problems or permanent disabilities. Finally, 30% of the children were not born in hospitals but in the tents or shacks where their families lived. Most characteristically, the study noted that out of a sample of 3,464 Roma children [half of the total number of children surveyed] living in settlements, only 4 (0,1%) enjoyed all basic amenities and followed rudimentary health rules. Those 4 Roma children at the same time lived permanently in a 'proper' (i.e. built) house with running water, electricity and heating; washed up their whole body more than 3 times a week; washed their hands with soap; used toothbrushes; changed into night clothes before going to sleep; ate meat more often than twice per week; wore

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<sup>54</sup> A copy of the results was made available to GHM and MRG-G.

shoes all year long; and attended school regularly. On the other hand, 41% of the children had no access to water where they lived...

In such living conditions, it is no surprise that a measles outbreak in Greece was reported in February 2006, with 55% of the patients being Roma (v. 15% immigrants and 30% majority population; when the groups share in the total population are 3% for Roma, 10% and 87% respectively).<sup>55</sup>

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.**

In its *Third Report on Greece* adopted on 5 December 2003 by the **European Commission Against Racism and Intolerance** the following related observations and recommendations were included:<sup>56</sup>

*“Muslim minority in Western Thrace*

1. *In its second report, ECRI recommended that the Greek authorities continue taking measures to improve the situation of the Muslim minority in Western Thrace, the majority of whom identify themselves as Turks, particularly regarding the management of private charitable foundations, the appointment of Muftis, and the educational system.*

2. *In the last few years, the situation of the Muslim minority in Western Thrace has improved, mainly particularly with respect to the religious freedom of members of this minority. There are numerous Turkish-language newspapers and other media, and significant measures have been taken by the government to raise the standard of education in Western Thrace, whether in ordinary schools or in minority schools. At the request of pupils' parents, the Greek authorities have set up nursery schools to provide the possibility of learning Greek to the children who speak Turkish, Pomak or Romani, as their mother tongue. In primary schools, pupils may take backup lessons in Greek*

<sup>55</sup> Reported by the Hellenic Center of Disease Control and Prevention in Eurosurveillance, January-March 2006 available at: [http://www.eurosurveillance.org/eq/2006/01-06/pdf/eq\\_2\\_2006\\_70-71.pdf](http://www.eurosurveillance.org/eq/2006/01-06/pdf/eq_2_2006_70-71.pdf)

<sup>56</sup> European Commission against Racism and Intolerance (ECRI), *Third Report on Greece*, adopted on 5 December 2003, made public on 8 June 2004, -here thereafter referred to as ECRI/2004-, paragraph 105. The report is available at [http://www.coe.int/T/E/human\\_rights/Ecri/1-ECRI/2-Country-by-country\\_approach/Greece/Greece\\_CBC\\_3.asp#TopOfPage](http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/Greece_CBC_3.asp#TopOfPage)

as a second language, and to this purpose teaching material has been developed, distributed and put already into use. The 0,5% quota, which was introduced for the Muslim minority in universities, is generally recognised as a successful measure.

3. However, much remains to be done if the situation of the Muslim minority in Western Thrace is to become wholly satisfactory. The issue of the elections of the managing committees. The issue of the appointment of Muftis remains pending, although debates are currently in progress taking place, particularly over the question whether the possible election of Muftis would be compatible with their present judicial functions. The region is suffering from an economic crisis, especially in the mountainous part, and this creates problems of access to employment. In this connection, ECRI welcomes the fact that the Greek authorities have plan to introduce a programme aimed at promoting equal opportunities in access to employment for members of the Muslim minority in Western Thrace. Other private initiatives focus on access to employment and to public life for the Muslim women of the region who are particularly disadvantaged in this respect chiefly because they lack sufficient command of the Greek language. Education is the main area where great strides have still to be made. In general, the educational standard of the minority schools is considered too low, and the teachers are not adequately trained to teach in either Greek or Turkish. Children from the Muslim minority of Western Thrace who attend those schools do not have the same chances of succeeding in the education system as children from the majority population, and this is a situation that has repercussions on subsequent employment opportunities. The authorities are aware of this problem and have established an equal opportunities programme for children from this minority.

**Recommendations:**

10. ECRI encourages the Greek authorities to continue carrying out measures to promote equal opportunities in education and employment for members of the Muslim minority in Western Thrace, paying special attention to the situation of Muslim women living in this region. Such equal opportunity measures should include Greek lessons for adults and children.

5. ECRI strongly urges the Greek authorities to hold a dialogue with the members of the Muslim minority in Western Thrace in order to find satisfactory solutions concerning issues such as the appointment of Muftis and the election of the managing committees of private charitable foundations.

6. ECRI recommends that the Greek authorities devote even more attention to remaining deficiencies in education in the Western Thrace region and that they remedy them as soon as possible.”

In the April 2005 *Conclusions and Recommendations on Greece* by the **UN Human Rights Committee**, the following related concern and recommendation were included:<sup>57</sup>

*“8. The Committee is concerned about the impediments that Muslim women might face as a result of the non-application of the general law of Greece to the Muslim minority on matters such as marriage and inheritance. (articles 3 and 23)*

***The Committee 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 civil law.”***

In the March 2006 *Report on the Mission to Greece - 8-15 November 2005*, by the **Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography** the following related concerns and recommendations were included:<sup>58</sup>

*“93. ... At present, sharia law is applied to some 100.000 persons in Greece by two State-appointed muftis who are recognized as judges in family law matters.*

*94. In its report o the Human Rights Committee, [CCPR/C/GRC/2004/1, para.911] Greece indicated that members of the Muslim community are free to address themselves either to the local muftis or the civil courts. In case they choose they former, sharia law is implemented to the extent that its rules are not in conflict with fundamental values of Greek society and the Greek legal and constitutional order. In accordance with Law 1920/1991, the courts shall not enforce decisions of the muftis which are contrary to the Constitution of Greece. Polygamy, marriage below legal age and marriage by proxy are therefore not permitted. However, the Special Rapporteur was informed of cases of both early marriages and marriages by proxy.*

*95. In particular, the Special Rapporteur was informed of marriages by proxy in which fathers who give their virgin daughters in marriage can earn some EUR 4,000. According to some non-governmental sources, many marriages involving one or both spouses aged less than 18 have taken place and were recognized, without court decisions.*

## **V. Conclusions and Recommendations**

***110. The Special Rapporteur is concerned about the issue of early marriages taking place under sharia law. In this regard, he would like to recall that***

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<sup>57</sup> Human Rights Committee (HRC), Eighty-third session, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant. Concluding observations of the Human Rights Committee: Greece (CCPR/CO/83/GRC), 25 April 2005; available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.83.GRC.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.83.GRC.En?OpenDocument)

<sup>58</sup> United Nations Economic and Social Council E/CN.4/2006/67/Add.3 27 March 2006, Commission on Human Rights, Sixty-second session, Item 13 of the provisional agenda “Rights of the Child”, Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit; Addendum, Mission to Greece (8-15 November 2005), available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G06/121/68/PDF/G0612168.pdf?OpenElement>

*child marriage is a violation of human rights, compromising the development of girls and often resulting in early pregnancy and social isolation. Young married girls face onerous domestic burdens, constrained decision-making and reduced life choices.*

*121. In accordance with law 1920/1991, the Greek courts should not enforce decisions of the muftis allowing child marriage. The Special Rapporteur urges the Government to accelerate its efforts aimed at improving Muslim women's education and employment opportunities and increasing the awareness of Muslim women of their rights and the availability of remedies, and ensuring that they benefit from the provisions of Greek civil law."*

In July 2006, an authoritative study on *Sharia and Muslim Greek Citizens* was published (Sakkoulas publisher). Its author **Yannis Ktistakis** is a Lecturer on Human Rights Law at the University of Thrace; most importantly for CEDAW, the published version of the 6<sup>th</sup> *National Report of Greece to CEDAW* (Athens, June 2005) mentions him as the scientific editor of the report (the version submitted to UN CEDAW, in page 5, thanks him for his advice during the preparation of the report). The study is prefaced by **George Koumantos**, Professor Emeritus of University of Athens, Greece's leading family law expert and co-drafter of the 1982 reform of family law. GHM and MRG-G summarize hereafter the findings (all references are to Ktistakis unless mentioned otherwise).

*"In the European continent, only Greece continues to implement the sharia for its citizens ... which in the way it is interpreted and applied by Holy Courts in Western Thrace represents the most anachronistic form of modern Islam [Ktistakis, pp. 24, 158]. (...) Hence, a section of the Greek population is condemned to live under an archaic status of Family and Inheritance Law, that is contrary to the modern aspects of respect of human rights, and is moreover not susceptible to evolution (since, of course, the Koranic rules can never evolve as no resurrection of the Prophet is foreseen...)... After a detailed examination of all international treaties binding Greece, the study concludes that the implementation of the sharia should not have been recognized by the courts. This has been argued in the past (for example in my 1988 manual 'Family Law') but the current negative conclusion is based on an exhaustive analysis: no international treaty obliges Greece to implement the sharia... The failure of Greek courts to investigate the conformity of [mufti] rulings based on the sharia with the Greek constitution and the international treaties that have far superior validity when compared with common Greek laws is an omission which is twice unacceptable since there is no international commitment to implement the sharia." [Koumantos, p. 14-15].*

*"The validity of sharia in the Greek legal system is based on Article 4 of Law 147/1914. [p. 27]. The prevailing legal opinion is that this provision introduces a personal legal system of local character that is an exception concerning only the Greek Muslims living in Western Thrace. Greek Muslims living outside Western Thrace are subjected exclusively to the provisions of the Civil Code. [pp. 35-6]. Article 5 paragraph 2 of Law 1920/1991 states: 'The Mufti has jurisdiction among Muslim Greek citizens of his region on*

*marriages, divorces, alimonies, custodies, guardianships, emancipation of minors, Muslim wills, and indiviso inheritance, if these relations are ruled by the sharia”* [p. 47]

The study produces wedding documents indicating that the woman must be listed as a certified virgin; a dowry [nikah] is required; while two male or one male and two female witnesses – a form of gender discrimination in itself- are required [pp. 48-9]. Marriages of children are allowed with parental consent. Evidence of a score of marriage licenses involving children as young as thirteen years of age is provided [pp. 52-4]. Bigamy is allowed as confirmed with a 2000 document of the mufti of Komotini [p. 55]. GHM and MRG-G are aware of several cases of bigamy. Marriages by proxy are allowed, although the Greek state, in 2002, instructed the municipal registers not to authorize them any more [p. 56]. In a legal opinion of the mufti of Komotini, it is moreover specified that, according to the sharia, the right of divorce belongs only to the husband. The wife can request a divorce only in special circumstances. Hence, in practice, there are three types of divorces: by mutual consent (hul); because of one spouse’s liability; following unilateral declaration by the husband (talaq) [p. 58]. Divorces by mutual consent are common but they presuppose that the wife will forego (tefrik) the “divorce endowment” and the three-month alimony (nefaka – during which the woman cannot remarry), as well as in several cases the custody of the children: cases when the wife was refused divorce until she forewent all that are provided: hence the author argues that *“in a divorce by consent the wife in reality buys off her freedom from the wedding bonds”* [pp. 60-1, 66]. When divorces are issued because of one spouse’s liability, if they are sought by the husband he is again exempted from the “divorce endowment” and the three-month alimony [p. 63]. Divorces by repudiation are not common but in these cases the wife is often not even summoned to express her views on the procedure [p. 64]. Custody of the children after a divorce, when the mother has not been compelled to forego it or has not been held liable for the divorce or has not remarried, is awarded to the mother for boys up to the age of seven and for girls up to the age of nine; after that custody switches to the father [p. 70-1]. It is clear that the best interest of the child is never taken into consideration [p. 72]. Finally, should the father convert to another religion, he loses the kinship with the children [p. 77-8].

Inheritance rights are governed only by sharia, i.e. by indiviso inheritance (feraiz) [p. 78]. Men are entitled to twice as much inheritance as women of the same kinship [p. 78]. If the deceased had only one daughter, she would be entitled only to half the inheritance (as opposed to common civil law where she would get all the inheritance) [p. 80]. It is noteworthy though that, while almost all Muslims in Thrace uphold the sharia for weddings, divorces and custody, they ignore it for inheritance issues, either transferring property to their children while they are still alive or turning to secular courts [p. 82].

The study concludes with a thorough review of international treaties and conventions binding Greece. There is a reference to the fact that after the end of the Greek-Turkish war and the exchange of populations between the two countries, Turkey abolished in 1926 the sharia and asked Greece to do likewise in 1931, but Greece refused to do so for its “Turkish minority” –as then Prime Minister Eleftherios Venizelos called it, a term banned in today’s Greece [pp. 9, 104-106]. The study makes clear that, contrary to Greek state claims, *“no provision of the Treaty of Lausanne (not even Article 42*

*para.1) makes obligatory the implementation of the sharia or the functioning of Holy Courts for the minority members”* [p. 115]. Naturally, it is argued that the deviation for the Greek Civil Code for the minority members is in violation of the fundamental principles of modern human rights protection [p. 116]. Greek courts in confirming the muftis’ rulings repeatedly check if they were issued within the muftis’ jurisdictions, but argue that they are not in a position to judge if the provisions of sharia were applied correctly and the evidence before the mufti was correctly appraised [p. 118]. Hence only 1 out of 2679 Holy Court rulings since 1991 was overturned by a Greek secular court as unconstitutional: this 152/1991 Single-Member First Instance Court of Rodopi ruling found unconstitutional the granting of 14/24 of the inheritance to the son and 7/24 to the daughter of the deceased. Making a mockery of that court decision, the mufti issued a new decision replacing the fractions with the term “corresponding shares” and the same court was this time satisfied (ruling 166/1991). In only eight cases were the decisions appealed to the Multi-Member First Instance Court on grounds that the appellant had not be summoned (a very common practice at the expense of Muslim women) and thus there was a violation of a fair hearing according to Article 6 paragraph 1 of the ECHR: all appeals were rejected, in one case even arguing that the ECHR’s Articles 9 (religious freedom) and 12 (right to marry) allow the Greek courts to respect and apply the sharia and not the legal principles of Western societies (11/2001 ruling of Multi-Member First Instance Court of Xanthi). It need be noted that the European Court of Human Rights has on the contrary considered the sharia incompatible with the ECHR [pp. 127-9, 150-1]. Otherwise, there is no effective remedy (as called for by Article 13 of the ECHR) against sharia decisions. Greek courts cannot review the merits of decisions which are based on an unwritten law that Greek judges ignore, while they are also written [the mufti decisions] in a language (Ottoman Turkish) that they cannot read, and whose translations are not always reliable [pp. 151-8].

One of the collateral damages of the application of sharia is that the marriages of children lead to a much higher rate of divorces. Ktistakis mentions that Muslim divorces are five times as high as Christian divorces [p. 143] in a region where the Muslims make up only about one third of the total population. Besides, these marriages lead also to pregnancies at child ages. The Komotini state hospital reported 152 childbirths by 13-18 year old mothers in the last three years: 28 of the mothers were under 15 years of age; only 28 out of 152 had been seeing an obstetrician regularly before childbirth; for 39 childbirths a casearian or a suction cup was used; 15 babies were premature; while less than half weighed above 3 kg.<sup>59</sup>

GHM and MRG-G provide here some additional information: first, the relevant law for marriages in Greece. According to article 1350 of the Greek Civil Code:

*“For the contracting of marriage the agreement of the future spouses is required. The related declarations are done in person and without conditions or time limits. The future spouses must have completed the eighteenth year of their age. The court, after hearing the future spouses and the persons who have the custody of the minor, may allow the marriage even before the completion of that age, if performing it is imposed by an important reason.”*

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<sup>59</sup> <http://utopia.duth.gr/~iandroul/synedrio5a.html#14>



Yet, thousands of marriages involving one or both (Roma and/or Muslim) spouses aged (often much) less than eighteen have taken place and were recognized. As long as Christian priests or Muslim muftis perform them, the state approves them without even court decisions.

A recent extreme case became notorious: in August 2004, in Sappes (Komotini, Thrace), a twenty-two year old Muslim man married an eleven year old Muslim girl (both are Muslim Roma). Since the couple lives in Germany as migrants, German authorities were reportedly considering whether the recognition of this marriage by the Greek state takes precedence over German and EU law, or else the man was punishable with up to two years in jail. A local court was reported to have already ruled the marriage invalid in December 2004.<sup>60</sup> Greek authorities supported the validity of this marriage, arguing its legality under Law 14/1914, according to which minimum legal age is 12 for men and 9 for women, provided there is parental consent. The muftis are reported to regularly approve weddings of children, especially when they are over 15 years. Greece's General Consul in Düsseldorf Ioannis Rizopoulos stated in a Greek newspaper that:<sup>61</sup>

*"I have explained in interviews to the German media the specificity of the minority, which enjoys autonomy in matters of civil law, like marriages and divorces, where the Koran is enforced."*

Besides this recent extreme case, an article in "Vimagazino" insert in "To Vima" of 20 March 2005 included the information that the sister of this girl, herself 14, was already married to a 16 year old, while the bridegroom in the extreme and controversial marriage was missing from the pictures of the wedding which indicated that it was probably a proxy marriage, even though such weddings are officially no longer allowed (see above). In the article, references are made to two more specific weddings of minority women at the age of 13 and 15, and to a prevailing attitude in Muslim Roma and Muslim Pomak communities of women aged 15 with several children already.<sup>62</sup>

GHM & MRG-G also provide a case of recent polygamy. Given that, in previous instances, the Greek state has claimed that polygamy is no longer practiced today, GHM & MRG-G have on file all necessary documents that indicate that Mr. C.O.S. aged 38 was legally married in 2003 with both Ms. S.H. aged 36 and Ms. Y.F. aged 27, marriages registered in the Xanthi City Hall Registry.

Myrto Lemou, representing the "Social and Educational Action Center for the Support of Children and Family" stated in her presentation to the United Nations Committee against Torture in 19<sup>th</sup> of November 2004:

*"As an example, we witness girls as young as 13 to 16 years-old, who become easily victims of domestic violence. Just in the first half of 2004, we have registered 40 victims of domestic violence. These girls are often forced to get married so as to satisfy the financial interests of their families. Psychological*

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<sup>60</sup> K.M. "It is not a serial" "Eleftherotypia" 16/1/2005, available at [http://www.enet.gr/online/online\\_print.jsp?id=92913680](http://www.enet.gr/online/online_print.jsp?id=92913680).

<sup>61</sup> *Ethnos*, 22 January 2005, page 39.

<sup>62</sup> An article in "Vimagazino" insert in "To Vima" of 20 March 2005



*and physical violence are both used to this end, which makes the girls more easily controlled by their highly conservative society. Then, they end up choosing abortion –whenever possible, since even this choice is considered to be a right of the husband– up to, in one case, 20 abortions. Having had 5 children at the age of 18, they also find a solution in sedatives and anti-depressing pills as a way out of domestic violence. Part of their conjugal duties is to learn how to tolerate violence from their husbands for “disciplinary” purposes. These husbands are often boys as young as 16- who are also trying to find their way from childhood to adulthood.”<sup>63</sup>*

In March 2004, in the small village of Ergani of Rodope, inhabited largely by Muslim Roma, a 12 year old girl gave birth to a child leaving even the doctors who assisted this very difficult birth in a state of shock. What is devastating is the fact that this child was married at the age of 11, was abandoned by her husband and lived with her mother (father absent) under conditions of penury. Throughout the pregnancy, the girl never visited a doctor, no social worker or other municipal service ever visited the settlement where she lived to know of this inhuman situation, which violates both children’s rights and women’s rights.<sup>64</sup> This is only one case that became known; how many such children never survive such pregnancies and childbirths enduring conditions of life which no democratic society nor a state of law should ever accept?

**GHM & MRG-G would request that UN CEDAW recommends to Greece to stop using the protection of minority rights as an excuse for the toleration of a situation which is unacceptable and harmful to Muslim women; as well as to stop turning a blind eye to the prevailing habit within Roma and/or Muslim communities of weddings among children, many of which are nowadays ending in divorces.**

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<sup>63</sup> Statement to CAT 19<sup>th</sup> November 2004 at: <http://groups.yahoo.com/group/balkanhr/message/7235>

<sup>64</sup> <http://www.agelioforos.gr/agelioforos.gr/archive/article.asp?date=3/17/2004&page=11>

**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 twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

GHM and MRG-G would like to bring to the attention of UN CEDAW that its 2002 concluding comments were never disseminated in Greece, except by GHM and MRG-G. GHM and MRG-G also translated them into Greek and have a web page with all relevant documents (state and NGO reports, conclusions, summary debates, etc.) from the 2002 review of Greece and the state and UN documents from the 1999 review ([http://www.greekhelsinki.gr/bhr/english/special\\_issues/cedaw.html](http://www.greekhelsinki.gr/bhr/english/special_issues/cedaw.html)). The 2002 UN CEDAW concluding comments cannot be found on any state web site; they are not found even on the NCHR web site which carries only the 1999 UN CEDAW document and the 2001 Greek state report ([http://www.nchr.gr/category.php?category\\_id=185](http://www.nchr.gr/category.php?category_id=185)). This is the usual fate of all UN Treaty Bodies' documents on Greece, as well as of all Greek state reports to those bodies which remain unknown in Greece. In fact, the 2001 and 2005 publication and dissemination in both Greek and English of the Greek state reports to UN CEDAW are an exception to the non-dissemination even of the Greek state reports.

## APPENDIX 1

### **GREEK NGOs OF THE “GALATSI GROUP”**

**(ACTUP Hellas, Center for Research and Action on Peace, Center for Support of Repatriated Migrants, European Women’s Network, Greek Helsinki Monitor, “Klimaka” - Agency for the Development of Human and Social Capital, Mediterranean Women’s Research Center, Nea Zoi - Association for the Support and Restoration of Individuals in Prostitution, Social and Educational Action Center for the Support of Children and the Family, Transparency International – Greece, “Without a Voice” – International Society for the Support of the Family)**

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### **OSCE HUMAN DIMENSION IMPLEMENTATION MEETING WARSAW – SEPTEMBER 2005**

#### **Contribution on the point in the agenda:**

**“Humanitarian issues and other commitments: Trafficking in human beings”**

**27 September 2005**

The eleven Greek NGOs of the “Galatsi Group” present today to the **OSCE HDIM** and the **Special Representative on Combating Trafficking in Human Beings** the answer to the latter’s questionnaire on Greece with the memo they submitted in May 2005 to the Greek authorities –that remained once again without any answer from the authorities. The “Galatsi Group” NGOs have full documentation to support all their arguments herein.

The NGOs highlight the severe regression in the effective combating of trafficking and assistance to its victims during 2005. The government shelters and hotline introduced in the second half of 2004 have been effectively discontinued: the –anyway few ca. 15-victims briefly hosted by these shelters before they closed down do not appear to have used the law’s benefits as most if not all have not applied for the special residence permit and free health care certificate. NGO shelters have received only a handful of referrals of victims from the police. Most victims seem to be repatriated immediately after their arrest, with the help of embassies and the IOM, without being informed of their rights, including sometimes of the fact that they are also defendants. As a result they are or will be absent at the time of the trials, making the conviction of traffickers more difficult and –for the victims who are also defendants- being convicted to prison sentences in absentia (usually for illegal entry and unlicensed prostitution) which means barring them from entering all Schengen countries for five years.

State funding of the main NGO project that assisted almost all victims who stayed in Greece and obtained residence permits in Athens and Thessaloniki helping them obtain the appropriate documents and face the upcoming trials of the traffickers –in which several victims are also defendants- has been discontinued, leaving a score of the victims helpless. Not only there is no cooperation between state and NGOs but the authorities refuse to give NGOs even the official statistics of arrests and referrals, the only crime statistics compiled by the Ministry of Public Order that are not being published. Anti-trafficking police when arresting traffickers and their victims does not investigate how the latter reached their final destination, including how in many cases they have been issued legal visas or legal residence documents in Greece, as a result of corruption of public officials. When the Ministry of Foreign Affairs was informed of the

complicity of one consulate, it did not launch an administrative investigation but suggested instead to take the case to the prosecutor. Indeed, a detailed and documented dossier of how such visas were issued with the complicity of a Greek consulate, travel agents and hotels was submitted to the special prosecutor appointed in Athens in May 2005 who has taken no action on it. Moreover, in several cases, the judicial investigations are extremely slow: in one, a preliminary investigation (that cannot last for more than four months according to the law) was launched in December 2003 and has yet to be completed, while the two victims are being refused even the renewal of their residence permits.



**Organization for Security and Co-operation in Europe**

*OSCE Special Representative  
on Combating Trafficking in Human Beings*

## QUESTIONNAIRE

### ANSWERS ON GREECE PROVIDED BY THE NGOs OF THE “GALATSI GROUP”

#### A Brief assessment of the situation of trafficking in human beings in your country

1 What is the scope of trafficking in human beings in your country?

*On the basis of a government funded study in the early 2000s, it is estimated that ca 20,000 women are sex trafficking victims and ca 1 million men are their clients. No similar studies have been carried out for child trafficking or for labor exploitation, but NGOs believe these problems are equally serious.*

2 Do you consider your country to be mainly a ..?

country of origin

country of destination

country of transit

a mix of the above (origin, transit and destination)

3 Please list the main countries of origin for persons trafficked to your country:

*For children trafficking it is Albania. For sex trafficking countries of Central Europe, the Balkans and the former USSR and more recently Nigeria, Ethiopia, Somalia.*

Please list the main countries of destination for persons trafficked from your country:

4 What are the numbers of identified victims of trafficking in your country?

Adults \_\_\_\_\_

Children \_\_\_\_\_

Total \_\_\_\_\_

*Note: State statistics are often confusing but they give 181 victims (almost all women) for 2004; they have not been published for the first semester of 2005, while the state refused to give them to the NGOs preparing this report.*

5 Have you observed any new trends of human trafficking in your country since 2004 relating to...?

routes

countries of origin /destination

traffickers' modi operandi

forms of exploitation

other: \_\_\_\_\_

Please give examples

*Traffickers manage to secure -usually though partly falsified papers- legal status in Greece: many victims are issued tourist visas from complacent if not corrupt Greek consulates, and then falsified residence permits or asylum seeker residence permits. In some cases even papers to work as prostitutes are being issued. This means that if arrested during police operations victims can be protected from deportation and can stay on in Greece. Also in some cases trafficking victims are forced to work in legal or formerly legal brothels. Finally, to exploit the asylum seeker route, traffickers tend to prefer victims from Ethiopia and Somalia who are not deportable or Nigeria, where there is inter-ethnic conflict.*

6 Since 2004 human trafficking is

decreasing?  increasing?

remaining at the same level?

7 What is the basing for your response to question A6.... ?

research

observation

NGO reports

media

police investigations

other \_\_\_\_\_

8 Do you consider trafficking in human beings mainly a problem of ...?

irregular migration

organized crime

human rights violations

poverty

prostitution

exploitation

forced labour

other: \_\_\_\_\_

9 Is trafficking in human beings in your country mainly executed for the purpose of ....?

ADULTS

CHILDREN

sexual exploitation

sexual exploitation

labour exploitation

labour exploitation

organized begging

organized begging

illegal activities

illegal activities

removal of organs

removal of organs

other: \_\_\_\_\_

other: \_\_\_\_\_

10 Is there anything else you would like to add about the assessment of human trafficking in your country?

No.

## B Legal Framework

### *Criminalization of trafficking in human beings*

1 Is trafficking in human beings a distinct crime in your legislation? YES  NO

2 Is trafficking in children a distinct crime in your legislation? YES  NO

3 Which forms of exploitation are included in your country definition of human trafficking?

#### ADULTS

sexual exploitation

labour exploitation

slavery or practices similar to slavery

servitude

removal of organs

other: \_\_\_\_\_

#### CHILDREN

sexual exploitation

labour exploitation

slavery or practices similar to slavery

servitude

removal of organs

other: \_\_\_\_\_

4 Does your legislation address internal trafficking in human beings? YES  NO

5 Which other legislation do you use for the prosecution of the crime of trafficking in human beings?

*The specific new article on trafficking in human beings (323A Criminal Code) just as the article on organized crime extended to include trafficking (187 Criminal Code) are hardly ever used in the courts. Traffickers are prosecuted usually with the articles on pimping and procuring (351, 351A and 349) of which the latter usually leads to sentences convertible to fines, which is the outcome of many such cases. Also in many trials, the victims are defendants alongside the traffickers for crimes such as illegal entry, illegal residence, illegal working, used of forged documents.*

- 6 Do you have legal provisions addressing...?
- |  |   |
|--|---|
| prevention   | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| awareness raising  | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| protection and assistance of victims                       | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| protection and assistance of witnesses                     | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| special measures of protection and assistance for children | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| reflection/recovery period for victims of trafficking      | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| residence permit for victims of trafficking                | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| compensation of victims                                    | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| other:   |   |

7 Is there anything else you would like to add about the legal framework in your country?

*The law does not exempt victims from being tried for trafficking related crimes such as illegal entry, illegal residence, illegal working, use of forged documents.*

## C National Structures

### *National bodies*

1 Is there a specific national mechanism in place to coordinate policy responses to human trafficking? YES  NO

2 Which national coordination mechanisms are in place...?

National Anti-trafficking Coordinator \*

Inter-ministerial Group on Trafficking in Human Beings (high-level officials)

National Working Group / Commission/ Task Force (experts' level)

Other: \_ \* *Note: diplomat mentioned as coordinator but with no real authority*

3 Is there a National Rapporteur? YES  NO

4 Is there a specialised anti-trafficking police unit? YES  NO

### *National Action Plan*

5 Is there a National Action Plan (NAP)?



YES  NO

6 Is your government considering....?  
reviewing the National Action Plan  drafting a National Action Plan

7 What are the areas covered in your NAP ...?  
all forms of trafficking  child trafficking   
awareness raising  training   
prevention  legislative reform   
protection and assistance of victims  research   
prosecution  other: \_\_\_\_\_

8 Is there a separate National Action Plan to combat child trafficking?  
YES  NO

9 What resources are dedicated to implement the National Action Plan(s)?  
state budgetary funds  human resources from public institutions   
international development aid  other: \_\_\_\_\_

10 Is there a clear division of labour and of responsibilities between the various State and other actors in the National Action Plan(s)?  
YES  NO

11 Is there a timeframe for the implementation of the National Action Plan(s)?  
YES  NO

*Other Measures*

12 Is specialised anti-trafficking training provided to?  
law enforcement YES  NO   
judges YES  NO   
prosecutors YES  NO   
social service providers YES  NO   
consular officials YES  NO   
immigration officials YES  NO   
border officials YES  NO   
others: \_\_\_\_\_

13 Do you have a hotline for trafficking in human beings in your country?  
YES  NO \*

14 Is the hotline run by....?

government agencies  Please specify *Note: State EKAKB hotline 197 established in 2004 has been discontinued in mid-2005*

local NGOs  Please specify *The NGO European Network of Women operates a hotline for victims of domestic violence and trafficking*

international organizations  Please specify \_\_\_\_\_

#### *Co-operation with civil society*

15 Are there specialised NGOs working on human trafficking?

YES  NO

16 How many? \_\_\_\_\_ ca. 20 \_\_\_\_\_

17 Is there institutionalised cooperation between ...? *Note: Only occasional cooperation diminishing since 2004.*

government authorities and NGOs

police and NGOs

local authorities and NGOs

18 Do you allocate funds for NGOs working on anti-trafficking issues? *Note: Funds allocated in 2004 have been partially or fully discontinued in 2005*

YES  NO

#### *Implementation and monitoring*

19 Who monitors progress made in the implementation of national anti-trafficking efforts?

*Eleven NGOs operating as the "Galatsi Group" have been monitoring progress. See attached comprehensive report: "Memorandum by the Non-Governmental Organisations (NGOs) of the 'Galatsi Group' on Combating Trafficking in Human Beings in Greece" (Ministry of Justice reception Ref. No. 1198/25-5-05 - released on 26 May 2005) - to be read in conjunction with this questionnaire that includes updated information.*

20 Which institution is responsible for data collection on trafficking in human beings?

*Although announced it has not been implemented by the state.*

## **D Victim Identification, Protection and Assistance**

1 Where and by what means do you locate victims of trafficking in your country....?

hotline

police raids

outreach work

victim support services

police intelligence

individual referral

shelter

community policing

other \_\_\_\_\_

- medical facilities                       police inspections   
 migration officials                       labour inspections

2 Whom do you involve in the identification process of victims of trafficking?

*Anti-trafficking police works on this in cooperation with prosecutors. In exceptional cases, victims have been identified by prosecutors after NGO referrals.*

3 What services are provided to victims of trafficking in your country?

- accommodation/shelter in a safe place                       material assistance   
 access to health care                       education/training   
 emergency care only                       support to find employment   
 interpretation                       assisted return   
 psycho-social support   
 legal assistance                       other services: *Note: such services are in theory available - some have hardly ever been used or are not even available in reality*  
 permit to stay

4 What specialized services do you provide to child victims of trafficking...?

- Guardianship or representation   
 suitable accommodation that takes due account of their age and special needs   
 counselling   
 other services: \_\_\_\_\_

5 Is there a system of referral for victims of trafficking to gain access to assistance? YES  NO

6 Can victims of trafficking receive compensation through judicial proceedings? Note: yes provided they file themselves costly and time consuming lawsuits YES  NO

7 Do you grant victims of trafficking a reflection period? YES  NO

8 What is the length of the reflection period?  
*One month for adults - Two months for children (on the basis of a new law to enter in force in January 2006).*

9 Are victims of trafficking allowed to stay in your country on the basis of...?  
 permit on humanitarian grounds   
 temporary residence permit for victims of trafficking   
 refugee status

10 How long are they entitled to stay?

*Six-month renewable permits until the completion of the corresponding judicial proceedings, provided the prosecutor considers their presence useful. Will become twelve-month permits from January 2006.*

11 Are they allowed to ?

work  study  attend vocational training

12 Under which conditions are victims granted a residence permit....?

cooperation with the authorities

cooperation with investigation

cooperation with prosecution and testimony in court proceedings

successful completion of social assistance program

other: \_\_\_\_\_

13 Can the residence permit be extended?

YES  NO

Under which conditions?

*Non-completion of judicial proceedings and continued usefulness of victims for the prosecution.*

14 How many victims of trafficking were repatriated from your country to their country of origin since 2004?

Adults \_\_\_\_\_

Children \_\_\_\_\_

*Note: The state does not offer exact data except to mention that most victims have been repatriated. This is also deduced from the fact that in 2004 state data show 181 victims while the special permits of stay issued in 2004-2005 concern a mere 31 victims (29 according to a 8-9-2005 Ministry of Interior letter to Greek Helsinki Monitor plus two that were issued permits after that date), of which many were recognised as victims in 2003. It is noteworthy that all crime statistics for the first semester of 2005 have been published by the Ministry of Public Order, except the ones on human trafficking: on 7 September 2005, the Ministry refused to give this data to the Galatsi Group NGOs (which includes five NGOs with which the Ministry and the Municipality of Athens have formed a Development Partnership in the framework of an EU-funded "Equal" project on battered women including victims of trafficking), "because they will first be published by the Gender Equality Secretariat;" the latter, when asked on 9 September 2005 was unaware of having any such data...*

15 How many victims of trafficking were repatriated to your country since 2004?

Adults \_\_\_\_\_

Children \_\_\_\_\_

16 How many victims of trafficking received a permit of stay in your country since 2004?

Adults \_\_\_\_\_

Children \_\_\_\_\_

*Note: 31 victims (29 according to a 8-9-2005 Ministry of Interior letter to Greek Helsinki Monitor*

*plus two that were issued permits after that date)*

17 Is anything done to assess the safety of the victim of trafficking before return to her/his home country?

in case of an adult YES  NO

in case of a child victim YES  NO

18 Who is responsible to assess the safety of the victim of trafficking prior to return to the home country?

19 Which structures are involved in conducting the risk assessment?

government authorities

international organizations

police

others \_\_\_\_\_

NGOs

\_\_\_\_\_

20 Are there provisions for reintegration assistance (i.e., housing, social services, psychological counselling, legal advice, etc) in the country of origin?

YES  NO

21 Is there a government institution or organization in place to monitor family reunification, in particular in cases involving children in the country of origin?

YES  NO

23 Is there anything else you would like to add about the national structures to combat human trafficking in your country?

*In reality, there are no comprehensive structures to combat human trafficking in Greece, except for the anti-trafficking police that limits its work in breaking up operations in bars or other places of sexual exploitation. These units are not instructed to investigate and seek arrests of the organized crime rings that bring the victims to the places where they are arrested, nor their accomplices who include often Greek consular services abroad and domestic immigration or refugee authorities. Nor do prosecutors seek to follow such investigation paths when they see the evidence. The discontinuing in mid-2005 of one NGO victims assistance program that helped victims issue residence permits and/or have adequate lawyers representation in trials, a program that was assisting 8 of the 9 state recognized victims with residence permits in Greater Athens, 2 of the 4 ones in Greater Thessaloniki, and 15 other victims implicated in some ten pending trials is indicative. Moreover, in mid-2005, the state hotline 197 was discontinued, the two state shelters (EKAKV) in Athens and Thessaloniki have stopped accepting victims of trafficking, while it appears from available evidence that none of the ca 15 such victims these shelters hosted was granted a residence permit. NGOs that have met with repatriated victims in countries of origin have noticed that they were all unaware of the residence permit and other assistance programs in Greece before they were repatriated. It also appears that even victims repatriated through embassies or the IOM are not aware of all that nor, most importantly, of their implication in forthcoming trials as witnesses or in some cases also defendants: as a result trials take place without them with traffickers often getting away with lesser or no sentences and the victims convicted in absentia for illegal entry etc which results in blacklisting them for entry in any Schengen country for five years. On the other hand, NGOs with outreach programs that locate victims -with a few rare exceptions- cannot get the state to give them the recognition, protection and assistance provided by law, even in cases where they have made statements on their exploitation.*

**E International Cooperation ONLY FOR GOVERNMENTS - NOT FILLED OUT BY NGOS**

1 Do you fund or support in any other way anti-trafficking initiatives in other countries? YES  NO

2 In which areas....?

awareness raising

prevention

protection

institution building

capacity building

law enforcement activities

return and re-integration

NGO support

conferences and seminars

research

3 Do you participate actively in anti-trafficking initiatives in other countries? YES  NO

4 In which areas?

awareness raising

prevention

protection

institution building

capacity building

law enforcement activities

return and re-integration

NGO support

conferences and seminars

research

5 Do you have relevant bilateral or multilateral agreements such as on....?

assisted voluntary return

readmission

law enforcement cooperation

judicial co-operation

witness protection

labour migration

6 Is there anything else you would like to add about international cooperation on combating human trafficking in your country?

**F Comments**

1 What measures have you found to be effective in combating trafficking in human beings in your country?

*The operation of the anti-trafficking police units within the limits of their mandate and the legal provisions if they were systematically applied.*

2 Have any anti-trafficking measures or strategies not brought about desired results in your country?

*The absence of a comprehensive and concerted effort involving all state agencies and NGOs prevents the effective combating of trafficking in Greece.*

3 Which are the main challenges in the system of combating trafficking in human beings in your country?

*The main challenge is for the authorities to thoroughly revise their attitude -which seems to be evolving towards the denial of the extent if not the very existence of the problem. Then, as in other countries, seek they should seek the full cooperation of NGOs so that human trafficking be effectively combated in Greece.*

- 4 What concrete next steps do you consider priorities in the fight against human trafficking in your country?

*Please see above and also the appended memo.*

**MEMORANDUM BY THE NON-GOVERNMENTAL ORGANISATIONS  
(NGOs) OF THE “GALATSI GROUP” ON COMBATING TRAFFICKING IN  
HUMAN BEINGS IN GREECE**

(Ministry of Justice reception Ref. No. 1198/25-5-05 - released on 26 May 2005)

**Background**

This document constitutes an update of the Memorandum drafted last year by the “Galatsi Group” NGOs. The drafting was prompted by a relevant suggestion from the Ministry of Foreign Affairs/Hellenic Aid. With its submission to Hellenic Aid, on the 17/06/2004, *“the NGOs of the Galatsi Group kindly requested Hellenic Aid to take a direct and effective initiative for the response of the State regarding point 26, which refers to organizing a lengthy meeting with the competent officials of all agencies involved, for the discussion of all problems and the means by which immediate, effective and coordinated action could be taken for their resolution”*. In addition, the Memorandum was sent to the Minister of Justice on 23/06/2004, which in turn referred it to the Prosecutor of the High Court – alongside other NGO documents via document with Ref. No. 101391/21-9-2004.

Such a meeting with competent officials never took place, despite the fact that Hellenic Aid informed the NGOs on 22/06/2004 that their request had been submitted to the “Committee of Secretary Generals for the Implementation of Law 3064/2002”. During the first meeting between this Committee and the NGOs, on 10/11/2004, no response was given regarding the issues raised in the Memorandum. The Memorandum was resubmitted to the Committee. The second meeting, on 9/3/2005, once again yielded no response, neither to the Galatsi Group Memorandum nor to other Memoranda submitted on behalf of NGOs.

Regardless of the situation, the State went ahead with the publication of an “Integrated Program: Actions for the Suppression of Trafficking in Human Beings” (from now on this will be referred to as the “Action Plan”) without any prior consultation with the NGOs. The “Action Plan” presentation took place on the 4/8/2004; invitations were not extended to relevant NGOs, although some NGOs that were informed of the presentation by third parties requested permission to attend (the presentation took place at the Zappeion Center that was being guarded at the time due to the Olympic Games) and were thus present. The State also proceeded with a) a relevant legislative amendment in September 2004, b) the compilation of the “Progress Report on the National Action Plan to combat Trafficking in Persons” by Hellenic Aid (Greek MFA) in March 2005 (hereafter referred to as the “Report”), c) the drafting of a pending



amendment to Presidential Decree 233/03, and d) the drafting of legislative changes to be included in the Immigration Bill without requesting any NGO suggestions prior to these actions, nor informing the NGOs with any relevant material after their completion. The NGOs were normally informed of the existence of such material from third parties.

In the document that follows, last year's memorandum appears in italics while it is also complemented by an update of each point and the inclusion of new points with references to the "Action Plan", the "Report" and to speeches of State officials during the Training Seminar of 17/5/2005 (hereafter referred to as the "Seminar") that was co-organized by the State and IOM in Athens. The "Seminar" did not include the Galatsi Group or any individual NGO among its speakers.

## **I. Positive Points**

1. *The existence of a legislative framework which, despite imperfections, allows for the effective combating of trafficking as long as there is the requisite will of all involved state institutions as well as systematic collaboration with NGOs.* The amendment of September 2004 and the proposed amendments in the new Immigration Bill are positive but insufficient steps. These amendments do not include important changes that have been proposed both by NGOs and by the specialized prosecutor, Ms. Maria Malouhou, who (during the "Seminar") urged the exemption of victims from judicial prosecution which inter alia weakens their testimony against the traffickers given that victims are co-defendants of traffickers. The possibility of fruitful action as well as the serious drawbacks to be found within the existing framework is illustrated by the highest conviction of two traffickers (sentenced to 24 and 16 years imprisonment by the Mixed Jury Criminal Court of Serres on 15/12/2004) based only on the testimonies of the police officers (who had organized an exemplary operation) as the victims were unfortunately not present at the trial but were still convicted in abstentia of illegal entry, illegal prostitution, use of forged papers etc.
2. *Large number of police operations resulting in the break-up of trafficking rings and the release of over 300 victims after the coming into force of Law 3064/2002.* Similar operations continue to take place, although there are discrepancies in the data, minimal referral of victims and, most importantly, inadequate investigation of the criminal rings responsible for the supply of legal documents to the victims and for the "supply" of victims to the businesses where the police operations take place.
3. *Important financing of NGOs from the Greek Ministry of Foreign Affairs' Hellenic Aid for relevant projects, that include shelters and legal aid for the victims.* Unfortunately, only the first installment (50% of the total amount) has been provided to most NGOs and the provision of the second installment has been pending for several months for projects that will be completed at the most within the next two months. It is worth mentioning that the large increase in the funding of NGOs for anti-trafficking activities, noted between 2003 and 2004, is due to the financing of the construction of a shelter by the Greek Orthodox Church NGO "Allilegii" (1 million euros – 40% of the total budget) whereas current shelters are functioning well under their capacity.
4. *Regular collaboration between the competent department of the Ministry of Foreign Affairs and the NGOs.* This collaboration did not continue after mid-2004 and there was no exchange of information with the funded NGOs for the drafting of the "Report" that would have prevented it from containing incorrect information.

5. *Positive cooperation (though insufficient in scope) between NGOs and relevant departments of the Hellenic Police and the Regional Authorities.* There is an ongoing positive yet partial cooperation with these agencies and other central agencies of the Ministry of the Interior.
6. *Delayed but definitive resolution to the problem of issuing residents permits to the victims.* Unfortunately, the process of issuing and renewing permits is very bureaucratic and time-consuming. To date, new permits or permits under renewal are pending since March or April 2005 and – in one case – since October 2004. So far, the region of Central Macedonia is the only one not to have issued residence permits. In total, residence permits have been issued (and in five cases renewed) to 24 victims according to data from the Ministry of the Interior. On the other hand, it has become apparent that organized crime rings have little trouble obtaining legal documents for the victims...

## II. Problems

1. *Ineffective, non-comprehensive information of, support to and protection of the victims with the result that, from the 300+ released victims, less than 20 have been sheltered by NGOs and almost none remain in the shelter, nor are they involved as civil claimants in the litigation and thus have the right of compensation.* Finally, after the revision of the data provided by Hellenic Police, the recognized victims amount to approximately 300 for the total period through 2004. Few new victims were sheltered by NGOs after June 2004 whereas the National Center for Emergency Social Relief (EKAKB) has sheltered 14. Given that the stay in shelters does not exceed three months, almost no recognized victim is today in the shelters. Police data provide an ambivalent account (<http://www.ydt.gr/main/Article.jsp?ArticleID=52030>): “It is noted that the majority of the victims reside in our country legally and for this reason stated to relevant authorities that they did not wish to be placed under State protection. The majority of the victims have returned to their country of origin, whereas a small number still resides in our country.” The State, however, is obliged to provide protection to all victims regardless of whether they have legal residence status or not. In addition, the text mentions that the majority of victims resides legally in Greece and at the same time has returned to their country of origin. The NGOs have specific data that demonstrate that a large number of repatriated victims are unaware of their legal obligations as witnesses and/or as defendants; that the State agencies fail to inform the authorities of the victims’ current addresses resulting in the victims being summoned to trial at “unknown addresses” or at the addresses of the businesses in which they were being exploited (!), even for victims who remain in Greece with residence permits. The result is that most trials are carried out without the presence of the victims, a situation that weakens the prosecution, leading to lighter sentences or the acquittal of traffickers, in addition to the conviction of the victims in absentia for illegal entry or illegal prostitution. As became apparent during the “Seminar” from the responses of IOM staff from other countries and staff from other agencies, Greece is the only country in the Balkans and the European Union in which victims of trafficking – in most court cases – are prosecuted, due to a lack of a legislative provision or at least a prosecutor’s directive for their exemption from prosecution. The victims are also unaware that they have the right to stand for civil liabilities and seek compensation and sometimes they are uninformed regarding the protection system as a whole. Only the few victims whose cases are supported by NGOs enjoy the rights they are entitled to. In addition, Greek

NGO staff that have come into contact with deported foreigners –victims of trafficking not recognized in Greece– realize that these victims were unaware of the possibility of being recognized as victims and being assisted by NGOs in Greece.

8. *Absence of certification criteria of shelters creates obstacles in their operation. Need for integration into a single system of operation of both state shelters and NGO shelters -that function with government provided financing and in practice are already social laboratories for the effective support of victims.* This never took place. On the other hand, state shelters refuse to host (potential) victims referred to them by NGOs if they have not previously undergone medical and psychiatric examinations. The financial cost of these examinations is not however covered by any assistance program and it is thus almost impossible for these to be provided.
9. *Need for close cooperation with NGOs to take advantage of their experience for the operation of the new state-run shelters.* This has never taken place.
10. *Granting identical status to NGO shelters and to state shelters under creation with the units providing support and protection listed in Presidential Decree 233/03 in order that, inter alia, victims turning to them are recognized as such.* This has not been achieved.
11. *Inadequate or no police protection of shelters and victims in their necessary movements.* The situation remains the same.
12. *Absence of clear and direct process of recognition of victims by public prosecutors in every case (instead of current indirect recognition through suspension of deportation).* The situation remains the same.
13. *Existing legislation does not provide for work permit for the victims, essential not only for reasons of income but for psychological rehabilitation as well.* The residence permit is now also a work permit. However, the delay in issuing it in conjunction with its limited validity (it is valid for six months whereas no legal procedure lasts less than 3 to 4 years) dissipates the possibility of securing satisfactory and stable employment. The “Equal” Project “Beginning-integration-employment of victims” of the General Secretariat for Equality (GSE) for 2005 that had been announced (see “Action Plan” and “Report”), was not approved. The Project of the Ministry of Labor “Inclusion of recognized victims into a program for the labor market” (“Action Plan”) was apparently never started. On the other hand, the Project “Consultation and Social Support” of the GSE that had been announced as being in place since last year (in “Action Plan” and in the “Seminar”) has only just started with the process of interviewing candidates as the victims must first of all be subjected to time consuming (at least two days) procedures at the Unemployment Agency (OAED) on their own and if the issuing of their residence permit is pending, they risk of losing their right to take part in the interviews. Also, the project “Follow-up of victims by women’s information and consultation centers” of the GSE for the victims after their stay at the shelters (“Action Plan”) does not seem to have been carried out and, thus, the whereabouts of victims not in shelters are unknown to the State. The NGO projects financed by Hellenic Aid “for the support of the victims after their repatriation to their countries of origin” also lack access to the repatriated victims in those countries.
14. *Existing legislation does not provide for residence permits for the victims pending trials for charges related to trafficking (eg. rape), when they are (inappropriately) separated from the trafficking trials by the courts.* Nothing has been carried out to this effect and this also includes compensation lawsuits and the prosecution for related charges (illegal serving of summons by bailiffs,

charges brought against the victims by the traffickers, etc). There is a positive change in the possibility of transferring the victims into other categories of residence permits as stated in the new Immigration Bill, but the general character of the provision leaves the decision to the judgment of individual services.

15. *Very few victims in litigation cases are effectively at the disposal of justice, especially if repatriated.* No action has been taken regarding this. NGOs, in cooperation with IOM and Embassies, are trying to track the victims mentioned in the few court files in NGO possession so that they can at least be represented in court. The state should reconsider (with general amnesty or some other way) all the in absentia (and as such irregular if not illegal) convictions of tens if not hundreds of victims and to amend the legislation in order to avoid the repetition of similar instances. In addition, the State should also instruct their relevant bodies not to prosecute, arrest or seek to arrest (even in NGO offices!) recognized victims and victims assisted by NGOs.
2. *There is no reliable and systematic statistical data on the progress of the cases, once referred from police to the courts, with the exception of unreliable data given to the US Embassy in Athens.* Characteristically, at the “Seminar” the Secretary General of the Ministry of Justice referred to 71 convictions under law 3064/2002 whereas the Deputy Minister of Foreign Affairs referred to the first three convictions under this law that took place in early 2005. The State appears unaware of actual convictions, while of those mentioned in the media. The data given by the State (“Report”) lump together court cases based on all the articles that were amended with law 3064/2002, which also include simple cases of pimping. It is imperative that data regarding trials and convictions and the severity of the punishment should be given by article and especially for convictions under article 323<sup>A</sup> of the Penal Code that punishes trafficking in human beings. Moreover, the data should mention how many court cases include the lessening of the charges from a felony to misdemeanors the sentence under which can be converted to a fine.
17. *Despite repeated and documented charges of, at the very least, criminal negligence of some judicial officials that led to invalid summons and statute of limitation, there has been no investigation of the charges and sanctions for officials responsible.* The case of summons to Olga B. that was served to the address of the traffickers’ driver, despite the involvement of the Appeals Prosecutor of Patras, has not led to a prosecution. There continue to be numerous summons served to victims at the same business address in Thessaloniki where police, over a three year time span, arrested the same businessman at least five times and with different victims each time only for the prosecutor’s office to let him go and continue his activities. In one instance the police did not act on an existent arrest warrant.
18. *The judicial investigation into the case of the disappearance of 500 Albanian street children, victims of trafficking, was not assigned to a magistrate but, rather, to the Athens Security Police Minors’s Unit, involved in the disappearance...* This has been assigned to a criminal investigating judge since 1/12/2004 and there is a specific question by four UN bodies requesting that they be informed of the progress of the investigation, that does not however seem to be evolving at a satisfactory rate.
19. *Judicial officials do not appear to be informed of the relevant international practice. So that, for example, in investigations and trials, they would not seek the existence of consent of trafficking victims nor treat as mere illegal prostitution and not rape the sexual intercourse between victims and clients*

*(sometimes even police officers) who are defendants.* Those few judicial officials who have received relevant information work according to international experience but this is not the general trend. One issue is the absence of relevant directives and specialized prosecutors in such issues. Despite the fact that the existence of specialized prosecutors at the Athens and Thessaloniki Public Prosecutor's Offices keeps being announced ("Report", the speech made by the Minister of Foreign Affairs at the "Seminar", etc.), (supposedly "special") prosecutor Maria Malouhou has repeatedly stressed that she has not received such an appointment in Athens, that she does not have the responsibility of the 56 relevant court cases ("Report") and that she simply deals with related issues (including the suspension of deportation) alongside her other duties. Moreover, the Public Prosecutor's Office in Thessalonica has stated (as a response to a question set by NGOs on 17/05/2005) that there is no public prosecutor with related duties.

20. *Absence of effective program of comprehensive legal aid for all victims from the day of arrest until the court's irrevocable sentencing to ensure some parity of representation between victims and organized crime rings that themselves are represented systematically by many experienced and well-paid lawyers.* Hellenic Aid has approved similar projects that provide for the few victims that turn to corresponding NGOs for legal and other rights aid. However, the Police and the Ministry of the Interior refuse to inform recognized victims of the existence of such programs.
21. *Total absence of care for, and protection of, trafficking victims not arrested by police when breaking up criminal rings; these victims are not covered by the legislative framework while sometimes they are detained.* The problem remains.
22. *Absence of collaboration between NGOs and police during the period immediately after arrests, as outlined in the draft memorandum of collaboration submitted by NGOs to the Ministry of Public Order, still under examination.* The problem remains. At the "Seminar", it was stated that in other Balkan and European countries, normally within the framework of a National Referral Mechanism, NGOs are informed and called upon from the onset to assist victims in their testimony or their recovery. In Greece, the overwhelming majority of the victims never come into contact with NGOs, especially in the last twelve months.
23. *Refusal of most competent Ministries (except Foreign Affairs and Health) to meet with NGOs, despite relevant requests made.* Apart from the two aforementioned meetings that were not efficient, there have been no others.
24. *No activation of the institutions outlined in Presidential Decree 233/2003 for the support and protection of children and female victims of trafficking.* The problem remains.
25. *Absence of any kind of information or record of police activities in regard to child victims and any possible aid or protection offered.* This continues to be a problem, with the exception of one known case in August 2004.

### **III. Basic Request by the NGOs of the "Galatsi Group"**

26. **NGOs have requested meeting simultaneously with the competent officials of all agencies involved for the thorough discussion of these problems, the mapping out of a systematic collaboration for their resolution and the joint development of a National Plan of Action. The response from the State is pending. The objective of this collaboration is to secure the comprehensive and effective implementation of the legislation, the comprehensive and**

effective support and protection of victims, the comprehensive and effective punishment of traffickers, as well as systematic and effective briefing and sensitization of public opinion targeting also prevention. The NGOs of the “Galatsi Group” insist on their request and consider this cooperation as the only method to put an end to the deadlock created by the ineffective handling of the problem in Greece. The NGOs of the “Galatsi Group” do not concur with the adjective “constructive” used in the “Report” to describe the dialogue between the Committee of General Secretaries and the NGOs; neither do they agree that, in that framework, the signing of a Memorandum of Understanding between the State and NGOs was furthered: the MoU was submitted over a year ago and has been abandoned by the State. Unfortunately, in recent months, not only is there a lack of cooperation but there have been repeated (and at times defamatory) attacks against NGOs by Ministers and General Secretaries of Ministries. On 19/4/2005, the Minister of Health and the General Secretary of Social Solidarity spoke of “non-governmental organizations ‘existing only on paper’ that publish negative reports with unreliable, exaggerated and misleading information regarding victims of trafficking in Greece in an blackmailing attempt to gain higher funding from the Ministry of Foreign Affairs”. The Minister added that “similar allegations have been made in the Parliament by the Deputy Minister of Foreign Affairs, Euripides Stylianides”. The NGOs “Centre for Research and Action on Peace (STOPNOW)” and “Greek Helsinki Monitor,” both of which implement projects funded by Hellenic Aid, called upon the Minister and the General Secretary, on the following day, to state which data and references in which NGO reports are inaccurate and misleading; which NGOs funded by Hellenic Aid for anti-trafficking projects are NGOs “on paper only” and also called upon them to substantiate their claims that Hellenic Aid is “blackmailed” by NGOs. Or else, they should publicly apologize to the NGOs that have been at the center of the fiercest attack against NGOs by any Greek government to date. Otherwise, these government officials would be considered nothing more than common slanderers. Rather than providing any other response, the General Secretary repeated her attack during the “Seminar” claiming -in the presence of approximately 20 members of these NGOs- that “the NGOs that continuously appear on television channels accusing us of not knowing how to do or job” were not present at the “Seminar”, adding that some NGOs “put pressure on the Ministry of Foreign Affairs in order to obtain funding”. In the presence of the same NGO members the General Secretary of the Ministry of Justice also spoke of the absence of NGOs from the “Seminar”. In any case, the NGOs of the Galatsi Group once again call upon the relevant members of the ministries to a comprehensive dialogue during the last week of June 2005, at a date and with an agenda that will be commonly set, and that will include the National Referral Mechanism and the Memorandum of Understanding.

#### IV. Recent New Problems

26. The State has announced the creation of a “National Database” and has requested assistance by NGOs without, however, describing what data will be included and in which form, who will have access to them and how the protection of private data will be ensured in a database operated within the



framework of Hellenic Police. Despite all the above the Secretary General of the Ministry of Justice complained about the lack of NGO cooperation regarding this issue during the “Seminar”.

27. The State has yet to publish a report concerning the specialized programs that ran during the Olympic Games (“Action Plan”). How many victims used the free legal protection on offer at the Olympic cities? What are the results of the monitoring of the “Observatory of trafficking” and what became of the recorded victims of trafficking during that project?
  28. The “Committee for the Protection and Assistance to victims of trafficking” of article 9 of Presidential Decree 233/03 does not function. Neither has the conventional cooperation with NGOs stated in article 3 of the same Presidential Decree been institutionalized: fortunately this gap is temporarily covered by the funding provided by Hellenic Aid, which is however not obligated to do so by law. The “Force for Combating Trafficking in Human Beings” (OKEA) of the Ministry of Social Order seems to have not been active for over a year now.
  29. The international documents regarding trafficking in human beings (the “Palermo Protocol” of the UN -the ratification of which Greece has been stalling-, the “Recommended Principles and Guidelines” of the UN, the “Action Plan” of OSCE, the “National Referral Mechanisms” of OSCE, the “Convention” of the Council of Europe) have not been translated into Greek resulting in an ignorance of their existence by a large number of individuals that are involved in the issue. These documents cannot thus be used as to help related activities or during Court cases.
  30. The frequent long detention – criminal prosecution - trial (usually in absentia) – conviction of the victims that places them on the Schengen list in clear violation of international regulations regarding victims of trafficking, is a serious problem. Another is the failure to investigate the networks that issue visas in Greek consulates and the traffickers of the victims prior to their transfer to the final exploiters, despite the existence of credible claims and/or obvious incriminating evidence.
  31. Information stating the amendment of Presidential Decree 233/03 (“Report”) is inaccurate. There is a relevant draft whose content the Ministry of Justice refuses to share with NGOs for a possible exchange of suggestions despite the fact that, according to the “Report”, some of the provisions concern NGOs.
  32. As was confirmed by the prosecutor Maria Malouhou during the “Seminar”, despite the relevant legal provision for sentences ranging from 6 months to five years for clients of the victims, no such charges have ever been made. In addition, although the law provides for the prosecution of forced (non-sexual) labor of trafficked migrants, no such use of it has been made in Greece.
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0. ACTUP Hellas
  0. Center for Research and Action on Peace
  0. Center for Support of Repatriated Migrants
  0. European Women's Network
  0. Greek Helsinki Monitor
  0. “Klimaka” - Agency for the Development of Human and Social Capital
  0. Mediterranean Women's Research Center
  0. Nea Zoi - Association for the Support and Restoration of Individuals in Prostitution
  1. Social and Educational Action Center for the Support of Children and the Family
  0. Transparency International - Greece
  0. “Without a Voice” – International Society for the Support of the Family

## APPENDIX 2

### THREE MEDIA STORIES ON TRAFFICKING CASES

#### One woman against an entire village

*A trafficked Ukrainian woman faces the double ordeal of enforced prostitution and giving detailed evidence of her experience in court*

Human traffickers use mountain trails and various forms of transport to bring women to the West from former eastern bloc countries, offering them the lure of work. The dream of a better life usually turns into a nightmare.

By Maria Delithanassi – *Kathimerini* – 19/6/2006

[http://www.ekathimerini.com/4dcgi/news/ell\\_2845716KathiLev&xml/&aspKath/ell.asp?fdate=19/06/2006](http://www.ekathimerini.com/4dcgi/news/ell_2845716KathiLev&xml/&aspKath/ell.asp?fdate=19/06/2006)

The woman gave evidence for five hours in the packed courtroom. The entire village was there, including all the women. The witnesses for the defense included the village priest, a local government representative, a journalist for a major television channel and a construction contractor. They all swore to the impeccable morals of the accused and his sterling character.

But the witness described the horrific details of her ordeal. How the accused had handcuffed her to a radiator, deprived her of food and water and raped her, all because she had asked a client to help her escape. Of course the client had promptly informed the trafficker, who was his friend and fellow villager. She recounted how he had forced her to have sex with clients even when she was menstruating. She said he beat her, though never hit her in the face. He repeatedly threatened her by saying that “If you try to escape, I’ll tell the gang to kill your children in Ukraine.” And he claimed that he had close connections with the police.

When the head of the jury asked who in the courtroom had been her clients, nearly every man in the room raised his hand. None of them was bothered by the fact that the woman had submitted to them under fear of threats and beatings.

Even the priest was asked if he was one of her clients: “Good heavens, no,” he said, alarmed. One member of the jury asked him: “These women here were bar hostesses at the very least. That didn’t that worry you?” The priest replied: “I look after my parish. I don’t care what happens outside my church.”

The woman in this case was a typical example. A 35-year-old from Ukraine with three children, she had decided to leave difficult economic circumstances in her own country and come to Greece to work as a cook in order to support her family.

She got help from another woman who was also from Ukraine and was a family friend. First, she went to Bulgaria, where she stayed at the home of a man she did not know. Then a colleague of his guided her into Greece through an unguarded border post where she was met by another man who took her to Thessaloniki. There she waited a few hours at the home of another unknown man until some other men collected her and took her to the city where she thought she was going to work as a cook.

When she realized what kind of work she was destined for, it was too late to escape. Using violence and threatening her children, the traffickers forced her to have sex with clients at their bar. They told her they had bought her from the people who had transported her for 3,000 euros and that she had to work that sum off in order to gain her freedom.

She was paid 60 euros for each customer, of which the pimp took 45, supposedly leaving 15 for her. Needless to say she never saw the money. At night she was locked in the bar, under guard. Until the police conducted a surprise raid.

One police officer pretended to be a client, then his colleagues raided the bar. They took the women they found to the police anti-trafficking unit in Thessaloniki and gave them special forms to fill out. The questionnaire, which includes questions such as “Did they keep your passport?” and “Have you ever been raped?” can give some clues about whether the person was a victim of human trafficking.

She was taken to the prosecutor, who asked for a report from a psychiatrist specialized in dealing with abused and trafficked women. He reported that she had been trafficked and she was offered protection. At the trial she was alone with her lawyer, her only witness the police officer. On the eve of the trial the lawyer asked her for the last time if she was determined to undergo the painful process of an intensive, public interrogation. “Do you believe me?” she asked the lawyer. “Yes, I do.” “So, let’s go ahead.” They won the first time, but there was a second trial.

The lawyer asked her again if she wanted to return to Ukraine and leave it all behind her.

“I’ll go when the trial is over,” she replied. “I want to stay for the policeman [who saved her], the woman [she was staying with], the prosecutor [at the first trial] and you, because you made an effort.” “We might lose,” said the lawyer.

That lawyer, Eleni Glegle, who voluntarily takes on trafficking cases on behalf of the Greek branch of the International Migration Organization, told the story to Kathimerini. “Fellow villagers, local government representatives, all of them knew under what conditions she was living,” said Glegle. “Not one one of them ever asked themselves if she was being forced or if she really consented to live like that because they were all on the side of their fellow villagers. Many of those in the court were her clients. She fought an entire community that had abused her again and again without mercy, hesitation, doubts or scruples.”

Initially, the witnesses said that the woman was not working as a prostitute but was simply a bar hostess. Later, when sufficient evidence was produced, they said that she worked voluntarily as a prostitute. Even the women of the village said so. In fact one woman from a country in the former USSR who has a cafe in the area and sells cosmetics to the women in the bar said the woman had complete freedom of movement.

Officially, the trafficker owns a bar. With the help of EU funding he has also built a hotel, on the second floor of which he forced the women to work. His wife and the child, now 6, live in the same building. It was a family business, the third accomplice being his sister-in-law, who distributed condoms to the clients and collected the money.

Eventually the bar owner was convicted of trafficking (and sentenced to 12 years, eight months in prison), and his two accomplices were convicted for aiding and abetting. Of the four jury members, two were lawyers, who voted against the decision. Three months later, the trafficker was released on bail of 27,000 euros.

Three months ago he was arrested again for trafficking. Now he is free again. He appealed against his conviction for trafficking and this time has employed a well-known lawyer from Athens.

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### **Bulgarian mothers tricked into selling babies**

By Elinda Labropoulou and Richard Galpin

*The Independent*, 18 July 2006

<http://news.independent.co.uk/europe/article1183340.ece>

Yanna Dobrena Yordanova is 23 years old, heavily pregnant and deeply distraught. She is the youngest of four expectant mothers sitting in a bleak hospital ward in the small town of Lamia in central Greece.

All from Bulgaria, they have the same harrowing story to tell. “We came here to work”, says Ms Yordanova. “But there was no job.” Alexander, the man who had brought them to Greece, had a far more profitable plan in mind: he wanted to sell their babies, and pay them each €3,000 (£2,000). “He said as soon as one of us gave birth they would get rid of us immediately,” one of the women says.

The European baby-trafficking industry is booming. Every year, hundreds of women are duped into making the desperate journey from Bulgaria to Greece hoping to earn money for a better life. Alexander was just one member of a notorious criminal gang that makes its money from trafficking pregnant women and selling their babies on for up to €20,000 on the black market.

Now, police on both sides of the border are trying to clamp down on the trade. More than 20 suspected baby-traffickers and prospective buyers have been arrested in a series of police raids across Greece in recent months.

In its most recent report, Interpol says that Bulgarians have become the ringleaders of the European baby trading circuit and are being investigated in Greece, Italy, France and Portugal.

But demand is increasing and the gangs are becoming wealthier, according to Greek police. “The phenomenon is well organised,” said Dimitris Tsiodras of Athens police's organised crime unit. “The gangs consist of five, 10 or even more people. You need such numbers in order to locate pregnant women [in Bulgaria], transport them through countries such as Austria and Italy to Greece, take them to hospital to deliver the baby and find a place for them to stay until the buyer is found.” Most of the buyers - usually childless couples - are found in advance, and the baby is given away as soon as the mother leaves the hospital.

Ms Yordanova and the three other women rescued in Lamia were treated as trafficking victims and, after Alexander's arrest in a police raid, were soon able to return home to the Black Sea port of Burgas in eastern Bulgaria.

The town, in one of the wealthiest parts of Bulgaria, has an attractive centre with smart bars and restaurants catering to a local elite and growing numbers of Western tourists.

But behind the sophisticated facade lies a more sinister reality. Burgas is fast becoming one of the hubs of south-eastern Europe's criminal networks.

According to one of the region's top police officers, criminal gangs here have been investing heavily in the tourist industry alongside the more traditional pursuits of selling drugs, organising prostitution and racketeering. "Maybe 10 to 15 per cent of tourism in the region is financed by money laundering by criminal gangs," said Commissioner Kупen Kупenov, the head of the regional organised crime unit.

Ms Yordanova lives in a suburb of Burgas known locally as "the ghetto", home to more than 3,000 members of the Roma community, most of whom are unemployed and impoverished. Here, in a dilapidated bedsit, she is only days from giving birth and will soon have three children to look after. She lives off money from the state - and even that adds up to less than the €2 a day that the World Bank estimates Bulgaria's Roma live on.

It is not hard to see why women such as Ms Yordanova are prepared to follow anyone offering her a ticket out of this poverty. "I was told that I would earn up to €45 a day if I took the job in Greece. What do you think I should have done? I decided to leave the children with a neighbour and go earn some money. But I was lied to," she says. She was not the only one.

Cracking the baby-trafficking rings is not easy. They were not made illegal until 2004 and the maximum penalty is just two years in prison. Bulgaria has charged at least 33 people in the past three years with coercing women into selling their babies. But, as Commissioner Kупenov admits, this is just the tip of the iceberg. "It is a difficult crime to tackle successfully because it is invisible. How do you stop this? If you don't have a witness you don't have a case."

It is hard to find a witness, he explains, because most of the women are so desperate for a better life they agree to follow the traffickers voluntarily. "They only come to us when they don't get their cash."

There have been at least eight baby-trafficking cases in Greece this year, and "conditions are such that I only foresee a rise in the phenomenon" says Grigoris Lazos, a criminology professor at the Pandeion University in Athens.

Demand for babies is high in Greece, a country with one of the lowest fertility rates in the EU. Experts say there are 500 couples across the country who have applied to adopt just 54 babies. Adoption procedures are so bureaucratic that it is not uncommon for an application to take up to five years to process.

Dimitris Bolis, a lawyer, describes the situation as "absurd". "Legislation is so flawed that it pushes people who have never broken the law before to look for alternative routes."

The full report on the Bulgarian baby trade will be shown at 10.30 tonight on BBC2's Newsnight.

**Bulgarian babies for sale**

By Richard Galpin  
BBC's Greece Correspondent in Athens

Watch the video: [Trafficked women](#)

Bulgaria is under pressure to tackle organised crime ahead of entry to the European Union. One of the crimes mafia networks are involved in is the trafficking of pregnant women to sell their babies.

Yanna Dobreva Yordanova is 23 years-old, heavily pregnant and deeply distraught.

She sits in a bleak hospital ward in the small town of Lamia in central Greece with three other pregnant women at her side.

They are all from Bulgaria and all have the same story to tell. "We came here to work," says Yanna, "Slavka sent us here." But there was no job.

Instead the four women were held in a squalid flat in Lamia by a criminal gang waiting for them to give birth. The gang planned to sell their babies to local Greek couples potentially earning up to £20,000 (30,000 Euros) for each child.

"I was so miserable... and so stressed that the baby kept turning around inside me," says Yanna of her two-week ordeal locked inside the flat.

Her keeper was a man called Alexander. "One of the other girls heard Alexander on the phone talking about selling our babies," she says, "if one of us gave birth, he would sell the baby immediately, give us up to three thousand euros and get rid of us."

**Police raid**

Realising they had to escape quickly, the women managed to get onto a balcony and shout for help.

The police raid which followed was just one of a series across Greece in recent months in which more than 20 suspected baby-traffickers and prospective Greek buyers have been arrested.

Yanna and the three other women rescued from the flat in Lamia told their story to the police and were soon able to return home to Bulgaria.

Despite reluctance from Greek and Bulgarian officials to help us find them, we eventually tracked them down to the Black Sea port of Burgas in eastern Bulgaria, one of the wealthiest regions in the country.

Like the majority of pregnant women trafficked from Bulgaria, they are members of the Roma or gypsy community which makes up around five per cent of the Bulgarian population.

We found Yanna living in a tiny single-room home - more shack than house - in a squalid Roma ghetto not far from the centre of Burgas.

More than three thousand people live in the ghetto, the vast majority unemployed. Families of up to ten people here survive on less than £4 a day (5 Euros).

### **Allegations**

Yanna who is still pregnant, is more vulnerable than most. She already has two young children to look after and no partner. He recently left her. Little surprise then she was recruited earlier this year by the woman called Slavka who came round offering her a lucrative job in Greece.

“I was told I'd earn up to 45 euros a day if I took the job in Greece. What do you think I should have done? I decided to leave my children with my neighbour and go and earn some money. But I was lied to. “

Newsnight decided to try to track down Slavka and put these allegations to her. We had heard she came from the Roma community in a nearby town called Kameno.

Initially everyone we approached there denied knowing her. But eventually one man gave us an address telling us to look out for a house that stood out from the rest. In the midst of a grimy, non-descript street the large, brash building was unmistakable.

We found there an ordinary looking middle-aged woman surrounded by her daughters, who answered by the name of Slavka. Reluctantly she spoke to us at the front gate.

She vehemently denied the allegations that she was the recruiter for a baby-trafficking gang saying she'd never heard of Yanna.

But she did admit her house had been raided by the police and her husband taken away on charges of baby trafficking.

Later the police confirmed to us that she is under investigation for allegedly recruiting and transporting pregnant women to Greece.

### **Major investigations**

Cracking the mafia gangs involved in the sale of babies abroad is not easy for the Bulgarian police. Baby trafficking was only made a crime in 2004 and the maximum punishment is just two years in prison.

Although the police say they are now having some success after launching up to eight major investigations nationwide, senior officers admit the cases they hear about are probably only the tip of the iceberg.

“It's a difficult crime to tackle successfully because it's an invisible crime,” says Commissioner Kupon Kuponov, head of the regional organised crime unit in Burgas. “If the women who are victims don't come to us, then we don't know about it because it's committed in another country.”

The traffickers know they're tapping into a lucrative market in Greece where demand is high for the purchase of babies.

Greece has one of the lowest fertility rates in the EU in part because many couples are leaving it too late to have children. If they decide to adopt, the process is so complicated and bureaucratic it can take years.

Experts estimate they are currently 500 couples who have applied to adopt just 54 babies across the country. Many are therefore tempted to forget the legal adoption process and search instead for a baby to buy.

### **Blind eye**

We eventually found one Greek woman who was willing to speak to us anonymously about her experiences dealing with the baby traffickers.

“The lawyer said it would cost eighteen thousand euros and he'd take care of all the legal paperwork. He would only let us know two or three days before we would actually get the baby and we would have to be ready. It was very fast - either you said yes or you lost the baby. In some ways it was shocking.”

Eventually she pulled out of the deal because she wanted a one-year-old child not a new-born baby so she could be sure it was in good health.

It's evident that Greek lawyers, doctors and mid-wives have linked up with the Bulgarian traffickers to provide a seamless service to profit from the desperation for children in the country.

And according to the woman we interviewed what's particularly disturbing is that many ordinary people are well aware of this illegal trade but are turning a blind eye.

**Richard Galpin's investigation can be seen on Newsnight on BBC Two (in the UK) and live on the Newsnight website at 2130GMT/2230BST on Tuesday 18 July 20056**

Story from BBC NEWS:

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/programmes/newsnight/5191514.stm>

Published: 2006/07/18 14:55:54 GMT

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## APPENDIX 3

### INTER-GOVERNMENTAL DOCUMENTS ON ROMA IN GREECE

#### European Commission against Racism and Intolerance (ECRI)

##### Third report on Greece

Adopted on 5 December 2003

Strasbourg, 8 June 2004

*[EXCERPTS ON ROMA]*

#### Vulnerable groups

##### - *Roma*

1. In its second report, ECRI drew the attention of the Greek authorities to the situation of the Roma, highlighting in particular problems of eviction from their dwellings and of discrimination in access to public services. ECRI also stressed the importance of overcoming local resistance to initiatives that benefit Roma.
  
66. ECRI notes with concern that since the adoption of its second report on Greece, the situation of the Roma in Greece has remained fundamentally unchanged and that overall they face the same difficulties – including discrimination - in respect of housing, employment, education and access to public services. As concerns housing in particular, there still remain numerous Roma camps removed from all infrastructure in which the Roma live under unacceptable conditions. This is true, for example, of the Aspropyrgos camp near Athens. At the end of 2002 the Greek authorities informed the Commissioner for Human Rights of the Council of Europe that “all necessary measures have been taken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities”<sup>1</sup>. Having visited the spot, it can nevertheless be ascertained that in October 2003 the people living in this camp had not been re-housed and the authorities had still not provided them with access to running water or electricity. Moreover, they are under constant threat of expulsion without any alternative accommodation being offered to them. The Spata camp near Athens is clearly situated on a giant waste site covered only by a layer of earth a few centimetres high. Roma that were expelled from their camps were resettled in prefabricated houses at Spata by the authorities. This camp is still not connected to electricity or running water, three years after the relocation. This situation poses *inter alia* serious health problems, particularly for the children who live in the camp.
  
3. ECRI is concerned over allegations that forcible collective evictions of Roma families have taken place without any resettlement alternative being proposed. ECRI finds especially alarming reports to the effect that some of these evictions are unlawful and/or are followed by immediate destruction of the camps by bulldozer, despite the fact that all the personal possessions of the families remain there.

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<sup>1</sup> See the Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Hellenic Republic from 2 to 5 June 2002, CommDH(2002)5

4. ECRI welcomes the fact that the government has taken significant steps to improve the living conditions of Roma in Greece. It has set up an inter-ministerial committee for improving the living conditions of Roma. The committee drew up an integrated action programme for Greek Roma for the period 2003-2008, for which substantial funds have already been released with more to follow. This ambitious programme covers the sectors of housing, employment and vocational training, education, health and social assistance, culture and sport. Prefabricated houses have already been built in certain regions and loans have been made to members of the Roma community for buying houses. Healthcare centres are to be built near the dwelling places of Roma. ECRI is pleased to learn of cases of resettlement of Roma families which proceeded in a satisfactory manner in various regions of Greece; the families now live in houses of an altogether satisfactory standard. The Greek authorities have informed ECRI about the setting up of an inter-municipal Roma network of communication, with the participation of all local/municipal authorities within the periphery of which a significant number of Roma is registered.
5. ECRI nonetheless considers that considerable efforts have yet to be made by the authorities if the living conditions of Roma are to improve substantially in Greece. While noting the political will openly displayed by the government to take appropriate action, ECRI stresses that it is necessary to implement this national policy at the local level. In this connection, ECRI deplores the many cases of local authorities refusing to act in the interests of Roma when they are harassed by members of the local population. It is also common for the local authorities to refuse to grant them the rights that the law guarantees to members of the Roma community to the same extent as to any other Greek citizen. It is highly revealing to read in the press of the racist statements against Roma made by local elected representatives, apparently with complete impunity.

***Recommendations:***

6. Welcoming the adoption of the integrated action programme for Greek Roma, ECRI strongly encourages the Greek authorities to implement the programme in full, particularly by providing all the requisite financial resources.
7. ECRI strongly recommends that the Greek authorities maintain and increase their efforts to end all the direct or indirect discrimination suffered by the Roma.
8. ECRI urges the Greek authorities to raise the awareness of local authorities, such as municipalities or local administrative agencies, to the need to respect the rights and the culture of the Roma. It strongly recommends to the Greek authorities to impose sanctions on municipal councillors who make racist remarks or do not comply with the regulations and decisions that bind them.

# **FOLLOW-UP REPORT ON THE HELLENIC REPUBLIC**

**(2002 – 2005)**

## **Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights**

**For the attention of the Committee of Ministers  
and the Parliamentary Assembly**

*[EXCERPTS ON ROMA]*

### **The situation of the Roma community**

1. During his visit in 2002, the Commissioner had paid close attention to the living conditions and the respect of the basic rights of the estimated 150 to 200,000 Roma dwelling in Greece, after having received alarming information.
2. His concern had been eased by the impression that the Greek authorities were increasingly aware of the need to improve conditions for Roma and that concerted action was under way. Most importantly, he was informed of an Integrated Action Plan stretching over the years 2002 to 2008, worth 308.2 million euros (of which 208 million euros were to come from EU funds), to be used for improving the living conditions of Roma people concerning accommodation, education, health, employment, culture and sport. In his report the Commissioner underlined that it was important that the seven-year plan be duly and fully implemented, notwithstanding frequent resistance by local politicians and authorities who were sometimes unwilling to take in members of this minority group and to accept money from the state for improving their circumstances. The Commissioner recalled that in the end it was “up to the Greek government to implement official policy and thus to overcome any obstacles”.
47. In order to gain a personal impression of the situation, the Commissioner visited a Roma settlement in Aspropyrgos in the outskirts of Athens. He found people living “under conditions very remote from what is demanded by respect for human dignity, in particular without running water supplies among other essential services”. He immediately referred the situation to the Secretary General of the Interior Ministry and asked him to take urgent measures for these families. Much to the Commissioner’s relief, the Secretary General’s reaction was very swift. In a letter on the 28<sup>th</sup> of June 2002, he reminded the mayor of Aspropyrgos that an important financial contribution, exclusively dedicated to improve public utilities and infrastructures of the Roma of his district, was at his disposal and that urgent measures for running water supplies of this community had to be taken.
4. Another concrete case which the Commissioner looked into himself in 2002, were the alleged forced evictions of Roma families from their dwellings in the vicinity of sites for the then forthcoming Olympic Games, as for example in Amaroussia. The Commissioner was assured by the Greek authorities that all families needing to be moved because of the Games would be relocated on state-owned land.

### *Development of the situation and measures taken*

5. When the Commissioner presented the report on his visit to Greece to the Committee of Ministers in September 2002, he had already received precise details concerning the measures taken by the Greek authorities following his visit and decided to annex them to his report. These details given by to him by the Greek authorities, and of which the Commissioner took note with satisfaction, were the following:
  - All necessary measures had been taken in order that the Roma settlement of Aspropyrgos be provided with all public facilities;
  - 20 Roma families residing in a site near the Olympic stadium belonging to others were asked to relocate because the 2004 Olympic Games Committee had decided to extend the Olympic installation into that area. The authorities had assured the families that special measures would be take for their re-settlement. In fact, an agreement was signed between the Mayor of Amaroussia and a representative of a Roma association (Elpida) under which the local municipality undertook the following: provisional re-settlement in apartments belonging to the municipality, subsequent permanent settlement in houses to be built by the municipality, economic assistance between 440-1150 Euros (depending on the number of family members), special assistance in terms of food and clothing; a special plan was elaborated by the municipality of Amaroussia for their integration in the local society.
  
48. Detailed information gathered during the follow-up visit and in the wake of it gives the following picture of the implementation of the Integrated Action Plan for the Social Inclusion of Greek Roma (IAP<sup>2</sup>), in the first four years (2002-2005) of the seven-year programme (2002-2008)<sup>3</sup>: Approximately 275 Million Euros out of the approximately 308 Million Euros have already been spent. By far the biggest part of the money spent (259 Million Euros) have gone into the financing of Housing-Infrastructures, while 12 Million Euros went to Training-Employment, 1,5 Million were used for Educational Programmes for Roma Children, 1.5 Million Euros were spent on Culture, 1.2 Million Euros on Adult Training, 0.33 Million on Sports and 0.21 Million on Health-Welfare.
  
7. The biggest single project of the IAP is the plan to give out 9,000 housing loans to Greek homeless Roma families under favourable terms, guaranteed by the Greek State. At the moment of the follow-up visit to Greece 3,708 loans had been drawn out of 5,708 approved applications. Much criticism has been reported to the Commissioner, alleging that an important percentage of the loans was misused for expenses others than housing, with the complicity of non-Roma, that the criteria for attribution were unknown or unclear to the Roma, that one could not see why most of the Action Plan was spent for 9,000 loans to benefit an estimated 150,000 to 200,000 Roma living in Greece, that in most parts of Greece the sum of 60,000 Euros was insufficient to both purchase the land for a house and pay for the construction of it, etc. The Greek authorities point out that 9,000 loans will benefit

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<sup>2</sup> The implementation of the IAP is placed under the co-ordination of an Inter-ministerial Committee headed by the Secretary General of the Ministry of Interior.

<sup>3</sup> The Commissioner would like to thank the Ministry of Interior, Public Administration and Decentralisation for a comprehensive document it has kindly drawn up at his request on the implementation of the IAP, and the Ministry of Foreign Affairs for having translated it rapidly.

some 54,000 individuals, as a Roma family in Greece is, on average, composed of six persons. They also underline that the criteria for attribution and the conditions of the loans have all been published in the official gazette which all Greek citizens have access to; they have also been communicated throughout the country to the institutions in charge of granting the loans.

8. The Commissioner's delegation took special interest in the efforts made by the Greek authorities regarding the education of Roma children, including pre-school education designed to make up language and other handicaps of young Roma children as compared to other children. It learned of a wide range of measures taken for the benefit of Roma children under the authority of the Ministry of Education. One of the aims pursued is to avoid the segregation of Roma children from other children by assigning them to special classes or to special schools. It was explained, however, that for a host of reasons, including parents' resistance not only on the non-Roma but also sometimes on the Roma side, such separation could not always be avoided.
49. Thanks to the assistance of a very dedicated Greek NGO<sup>4</sup>, the Commissioner's delegation was able to return to the Roma settlement in Aspropyrgos which the Commissioner had visited in 2002 and with respect to which precise commitments had been made by the Greek authorities to the Commissioner (see above). The delegation noted that absolutely none of the measures announced had been taken: There were still no basic public utilities, including water, electricity or a basic sewage system.
10. The mayor of Aspropyrgos organised a meeting in his office with the Commissioner's delegation and the major parties involved (the mayor, representatives of the Roma and a representative of owners of the land which the Roma occupy). Two factors would appear to continue to prevent the Roma from benefiting of any improvement of their intolerable situation, even though funding was available from the central authorities:

- many land owners tolerate the occupation of their land by Roma – including its pollution by activities linked to the recycling of garbage – but they are not ready to implicitly accept durable settlement of the Roma by water and electricity adduction or the construction of sewage systems; also, in order to avoid any rights to be granted to the Roma by virtue of a prolonged, unchallenged situation, they were now trying to obtain eviction orders from the courts;

- local politicians and local authorities are not ready to use even State funds that are proposed to them for the benefit of the Roma, so as not to be seen by their

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<sup>4</sup> The Commissioner would like to thank the Greek Helsinki Monitor (GHM) for the invaluable help afforded on the ground to his delegation for visiting Roma settlements and having access to their inhabitants. He observes with great concern statements of the Head of the Appeals Prosecutor's Office of Patras which give the impression that GHM is to be subject to legal action in connexion with their defence of the rights of six Greek Roma families living in the Makrigianni area in the city of Patras, which has been designated the Cultural Capital of Europe in 2006 and where festivities are foreseen throughout this year. It seems that the Roma families in question were threatened of being forcibly expelled, despite a decision of the Magistrate's Court of Patras (312/2005) dated 25 October 2005, ruling that they could legitimately believe they would not be evicted before measures for their resettlement are taken.

voters as accepting the permanent settlement of Roma in the municipality or, “worse”, attracting additional Roma to come<sup>5</sup>.

11. The delegation learned that the Greek Ombudsman had opened an investigation into the file.
50. As to the other specific file in which the Commissioner had taken interest in 2002 and where concrete assurances had been given the him (re-lodging of the Roma families evicted from the Olympic site of Amaroussia), the development has been the following: Six months or so after their eviction and re-settlement in apartments for which the Ministry of the Interior and the municipality were to pay the rents until houses would be built for the Roma in question, the municipality invoked financial difficulties, ceased to pay its part of the rents and apparently gave up the construction plans for the benefit of the Roma. The Roma concerned had to leave the flats and trace has been lost of them.<sup>6</sup>
13. A growing number of reports of evictions of Roma people from settlements, including on private properties, all over Greece, with no alternative solutions offered to them, has reached the Commissioner’s Office over the last years.

### ***Conclusions***

14. The Commissioner continues to be very concerned as regards the respect of the basic rights for Roma in Greece.
15. The Commissioner notes with satisfaction that there is an important amount of money (320 million Euros) out of EU and national resources available for the improvement of the living conditions of the Roma in Greece.
16. The results on the ground, however, at least in respect of the two concrete cases previously highlighted by the Commissioner have not been very encouraging. In both cases precise promises were made but not kept, mainly, it would appear, because of resistance on the local level. It must be recalled, however, that the responsibility for the respect of international human rights standards throughout the country lies with the Governments of member States. Under international law, resistance at local level is not a valid reason for exonerating a Government from responsibility for human rights breaches persistently occurring at local level. The Commissioner urges the new Greek Government to take all adequate action to ensure that the basic human rights of Roma citizens are now rapidly respected in places like Aspropyrgos, Amaroussia, Patras or elsewhere.

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<sup>5</sup> The Ministry of the Interior indicates that, despite the fact that the amelioration of the living conditions of the Roma in Aspropyrgos falls within the competencies of the municipality in question, it is currently considering the provision of funds to the municipality to the above end, provided that the Roma themselves express willingness. In fact, the Ministry has provided such funding in the past (for example, in February 2004, 25 000 euros were given to the municipality of Aspropyrgos in order to address the consequences of a fire which had affected the settlement).

<sup>6</sup> The Ministry of the Interior underlines that it had at the time provided funds amounting to 50,000 euros to the Municipality of Amaroussia in order to tackle the problem of the above-mentioned financial difficulties. In even more recent developments, the Ministry has approved the sum of 888,410 euros in order to resolve the problem and is currently awaiting the Municipality’s final proposals with regard to the allocation of a suitable plot of land for Roma housing. Furthermore, 21 of 35 applications for housing loans on the part of Roma families from the area have been approved.

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS**

**DECISION ON THE MERITS**

**8 December 2004**

**European Roma Rights Center**

**v. Greece**

Complaint No. 15/2003

[...]

**CONCLUSION**

For these reasons, the Committee concludes by 8 votes to 2:

-that the insufficiency of permanent dwellings constitutes a violation of Article 16 of the European Social Charter;

-that the lack of temporary stopping facilities constitutes a violation of Article 16 of the European Social Charter;

-that the forced eviction and other sanctions of Roma constitutes a violation of Article 16 of the European Social Charter;

and invites the Committee of Ministers to recommend that Greece pay the complainant organisation a sum of 2000 euros as compensation for expenses incurred by the procedure.

Csilla KOLLONAY LEHOCZKY  
Rapporteur

Jean-Michel BELORGEY  
President

Régis BRILLAT  
Executive Secretary