

## I. Introduction

1. The Racist Violence Recording Network (RVRN) respectfully submits comments concerning Greece for consideration by the Human Rights Council (HRC) within its Universal Periodic Review at its 39<sup>th</sup> session on 01 till 12 November 2021.

2. RVRN was established in 2011 on the basis of two major findings: (i) the absence, at that time, of an official and effective data collection system on racist violence and (ii) the need to coordinate organisations which recorded, on their own initiative, incidents of racist violence against people who sought their services. Main objectives of RVRN are to document the qualitative and quantitative trends regarding the racist violence in Greece, submit recommendations to the Greek authorities in compliance with Greek and international law on the protection of human rights, promote public information and awareness-raising on combating racist violence, and strengthen collaboration with other actors in pursuit of combating racist violence.

3. Between 2011 and 2019 RVRN has documented, through interviews with the victims, one thousand one hundred fifty-one incidents of racist violence and many victims were supported through the RVRN members' services. Additionally, nine annual reports on trends are widely disseminated and press conferences have taken place with pluralistic representation. RVRN action has contributed on the empowerment of targeted communities, while international and European bodies, such as FRA, ECRI, OSCE or UN agencies recognise its reliability by basing their findings on its data and conclusions. Finally, institutional recognition of its effectiveness has been reflected in the RVRN participation in several fora, in which its collaboration with the Greek authorities is established.

4. The key points that RVRN wishes to focus on are the following:

- Establishing a national monitoring system for racist crimes;
- Ensuring proper investigation and justice for hate crime victims;
- Understanding and serving the needs of hate crime victims;
- Serious concerns for the widespread use of hate speech.

## II. Methodology

5. The content of the present report draws on the diverse information gathered by RVRN through consultations with its coordinators and members, as well as evidence-based data on racist violence trends and victims' access to the competent services.

6. For capturing racist violence trends and document the gaps in the national recording system for hate crime and the supporting services for hate crime victims, RVRN has been applying a well-defined methodology from the outset, recording incidents exclusively based on interviews conducted with the victims. Each RVRN organisation member appoints focal points to record the incidents, i.e. social workers, lawyers, or other professionals or volunteers, who are trained by RVRN. The appointed focal points bear the responsibility of their recording. Recording forms are completed by focal points who are named while victims remain anonymous. The recordings are used exclusively by RVRN for the purpose of combating racism and hate crimes. Through the recording of the incidents by the RVRN members and the relevant follow up, RVRN monitors the quantitative and qualitative trends of racist violence in Greece and identifies gaps in the national mechanism for recording incidents of racist violence, as well as barriers to the victim's access to supporting services, protection and justice.

7. Additionally to the above, recently RVRN requested from its members to fill a survey in order to identify in which cases managed by them, the victims had access to supporting services (minimum standards on rights, support and protection of victims of crime- "Victims Directive") or protection status

(protection for victims and witnesses of racist crimes, who are not citizens of EU member states and lack legal status).

### **III. National UPR Context**

8. The current submission comes at a time when Greece is affected by the COVID19 pandemic consequences. In particular during the last year and as a result of the pandemic and the subsequent movement restriction measures, discrimination in accessing services and protection for all the vulnerable groups increased drastically. The COVID19 factor increased phenomena of institutional racism and enhanced discriminatory practices regarding access to accommodation, health services and education, especially for migrants and refugees. International and European polarization and often deadlocked policies on the issue of refugees and migrants combined with national and local factors in Greece, shaped political directions and balances in new parliaments across Europe, including Greece. Under these conditions, the racist rhetoric has been normalized, and relevant institutional choices are legitimized while they contribute to the growing racist violence.

9. Indicatively, from January 2017 until December 2020, RVRN recorded through interviews with victims, 426 incidents of racist violence. In 241 incidents the targeted persons were migrants, refugees or asylum-seekers on grounds of ethnic origin, religion and/or colour, human rights defenders due to their relation with refugees and migrants; also targeted were accommodation sites for unaccompanied, refugee and migrants, children. In 14 incidents, the targeted persons were Greek citizens on grounds of ethnic origin, religion or colour, while in 24 incidents, Jewish and Muslim sacred or symbolic sites were targeted, as well as a Greek citizen due to educational activity against anti-Semitism. In 147 incidents, LGBTQI+ individuals and human rights defenders were targeted due to their association with LGBTQI+ groups (a part of them while being migrants, asylum seekers or recognised refugees, bias motivation on two grounds, on the basis of their LGBTQI identity and their national origin and/or religion, colour)<sup>1</sup>.

### **IV. Normative and institutional framework**

10. RVRN recommends that Greece ratifies the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. RVRN, through its records of racist violence incidents, observes that hate crime incidents against migrants workers had been committed by their employers in a blatantly way because of their status as migrant workers (different national origin/marginalised group/no access to supporting services and protecting environment/temporary or lack of legal status) in combination with the dependency on the employment. In the framework of effectively combating hate crime, supporting victims and developing a safety net of prevention measures, RVRN has recommended that Greece complies with the EU Anti-racism Action Plan (2020-2025) and the EU strategy on victims' rights (2020-2025), focusing on the most marginalised vulnerable groups who become victims of racist crimes (e.g. migrants lacking legal status/residence permit), as well as the LGBTQI Equality Strategy (2020-2025), and the EU Gender Equality Strategy (2020-2025).

11. RVRN has welcomed the National Action Plan against Racism and Intolerance 2020-2023<sup>2</sup> developed by the Ministry of Justice in consultation with the National Council against Racism and Intolerance<sup>3</sup> (pursuant to Law 4356/2015) in which RVRN participates. The Action Plan includes a certain number of policy components for preventing discrimination and racism, and combating racist violence, as well as an evaluation system that allows the implementation of the adopted actions to be monitored on an annual basis. Despite the positive above-mentioned developments, RVRN has pointed out that key issues related to the promotion of the equal access to basic rights, the effective implementation of the anti-racist legal framework, as well as the establishment of a comprehensive referral system for the support and protection of the victims, have still to be addressed<sup>4</sup>.

## V. Promotion and Protection of Hate Crime Victims Rights

### Monitoring Hate Crime and Adopting Result-Oriented Policies

12. Recommendations for taking result-oriented measures to eliminate discrimination, hate speech and hate crime against targeted groups due to national/ethnic origin and religion at the 2<sup>nd</sup> cycle of UPR were accepted by Greece<sup>5</sup>, while the UN Committee on the Elimination of Racial Discrimination<sup>6</sup> has welcomed the relevant policy measures taken by the Greek state for facing discrimination, like the adoption of the National Strategy for the Social Inclusion of Roma (2012-2020)<sup>7</sup> and the National Action Plan on Human Rights, 2014-2016, as well as the establishment of the National Council against Racism and Intolerance<sup>8</sup>.

13. RVRN has noted that the targeted initiatives for eliminating discrimination and racism are strongly connected with the effective monitoring of the relevant indicators, including the trends of racist violence. RVRN has welcomed the initiative of the Prosecutor's Office of Athens in 2018 for classification of the case files related to racist crimes with the label "RC" to facilitate their identification. In 2018, there was a recommendation, through a circular, that the abovementioned practice be extended to the other prosecutor's offices as well. Also, RVRN has welcomed the decision of the Greek police to proceed with the analysis of the quantitative trends of the complaints submitted to its services concerning hate crimes. Finally, the collaboration of the Greek police with RVRN in order for the latter to cite the official data<sup>9</sup> in its annual report as an effort to provide a better understanding of racist crimes in Greece, through the comparative analysis of the data collected by the Greek Police and those collected by the civil society, is considered as a positive development in the field of strengthening coalitions between authorities and civil society.

14. RVRN remains concerned about the absence of a unified national system for monitoring the procedural steps from the time of the recording by the Police until the relevant procedures at the prosecutors' level and the courts, but also the access of the victims to supporting services. RVRN notes that the introduction of such a system and the analysis of the relevant qualitative and quantitative trends would allow the authorities to have comprehensive findings regarding the implementation of the legal framework for both the investigation of hate crimes and the support of the victims, resulting in the adoption of more targeted initiatives for the improvement of the protective framework for the victims. As RVRN has highlighted on several occasions, establishing trust in a unified and effective national system remains a key aim, despite the already positive developments in this area.

#### Recommendations:

1. Establishment of a unified national system for monitoring the processing of the incidents from the level of the recording by the Police until the level of the prosecutors and the courts.
2. Publication of qualitative and quantitative trends regarding incidents of racist violence, based on the findings of above proposed national mechanism for recording racist violence incidents for effectively combating racist crime, enhancing the transparency of procedures and trust by the victims.

### Ensuring Proper Investigation and Justice for Hate Crime Victims

15. Recommendations for combating racist violence at the 2<sup>nd</sup> cycle of UPR were accepted by Greece<sup>10</sup>, while the UN Committee on the Elimination of Racial Discrimination has welcomed the legislative and policy measures taken by the Greece<sup>11</sup>. RVRN has also welcomed the strengthening of anti-racism legislation, through the amendment of Article 81A of the Criminal Code (now 82A, Law 4619/2019) by

removing the concept of hatred and replacing it with the concept of victim's targeting based on its characteristics, so as to facilitate the application of the provision both during the investigation but also at the court level. Additionally, the already adopted general aggravating circumstance for crimes with bias motivation from the early stages of the investigation under the aforementioned Article 81A (Law 4356/2015, now Article 82A pursuant to Law 4619/2019) is a clear message to the perpetrators, including organized groups of racist violence. However, RVRN observed that despite the positive amendments in the legal framework, based on the monitoring of the implementation of the relevant legal provisions, the actual impact of Article 82A on pending criminal cases is quite limited; delays in the investigation of bias motivated crimes are observed; the involved authorities do not always proceed with the ex-officio prosecution of any offense in which indicators of bias motivation are identified; many racist crimes can only be prosecuted pursuant to a criminal complaint submitted by the victim within 3 months; the racist motive is not taken into account at early stages of the investigation, while authorities do not intervene rescuing the victims and arresting the perpetrators, even when the incident takes place in front of law enforcement officers.

16. Indicatively, in the case of the dangerous bodily injury of Afghani citizens Al. R. and R. M. (crime date: 16 November 2011, defendants: Sk. Th., L. I., M. G.), although both the 1<sup>st</sup> One-Member Misdemeanor Court of Athens (Court Decision 74344/10-7-2017, expedited process) and the 8<sup>th</sup> Three-Member Misdemeanor Court of Athens (Court Decision 3181/26-9-2018) described comprehensively the attack suffered by the victims after being asked by a group of perpetrators unknown to them about their "country of origin", they did not make use of the 81A clause. In the case of Bangladeshi citizen E. Ud. in Lesbos (baton attack without provocation near a refugee camp), initially, the defendant, Greek citizen, was prosecuted only for dangerous bodily harm without racist motivation. At second stage, the prosecution was upgraded to the offense of the grave bodily harm, but still the racist motivation was not included. The court was postponed indefinitely due to the COVID19 restriction measures.

17. RVRN has witnessed unacceptable delays in the process of investigation, which hinder the victims' right to an effective remedy. The most prominent of these cases is the one of the racist attacks at Sappho Square (Mytilene, Lesbos<sup>12</sup>, 22-23 April 2018): According to victims, there were dozens of men and women among the perpetrators who had covered their features and they were throwing rocks, bottles and objects ablaze. Extremist groups infiltrated and took advantage of that gathering of refugees and residents of Lesbos and they brutally attacked refugees, including several young children<sup>13</sup>. Approximately 30 refugees were taken to hospital, many with head injuries. The total number of injured persons was much higher. Police arrested 120 refugees that still remained in the square. The refugees were charged with "illegal occupation of public space", "riot" and "resistance against the authorities". They were acquitted, but still none of the perpetrators of the attacks against the refugees was arrested. The casefile regarding the racist violence against the refugees was transmitted by the Police to the Prosecutor in November 2018 and identified 26 persons as potential perpetrators of the attacks. The Public Prosecutor pressed charges in February 2019, invoking also Article 81A ("racist motive") and requested that a "main investigation" be carried out. The case has since been pending before the Office of the Investigating Judge, while the defendants have not been called to provide their statements to date. The delays in the investigation of the aforementioned case have fostered a climate of impunity on the island of Lesbos, while many of the defendants in this case have already been identified as suspects of attacks against members of pro-migrant civil society organizations<sup>14</sup>. Another aspect of the incident, which confirms the impact to the victims and highlights as a main factor of the under-reporting phenomenon the resulting lack of trust to the authorities, is the decision of one of the victims not to proceed to submitting a complaint to the authorities, as none of the perpetrators was eventually arrested<sup>15</sup>.

18. Another such case is the one of recurring racist violence in Aspropyrgos<sup>16</sup>, where a racist gang has repeatedly targeted and attacked Pakistani citizens working in the area from August 2016 to May 2017. In a situation of inaction by the authorities, a criminal complaint was filed in the Supreme Court by human rights activists and organisations that are members of RVRN (No. 5395/19-6-2017) with crucial evidence

(victims' names and testimonies, photos, videos, etc). An investigating judge has been appointed to the case. Nearly five years after the crimes, no perpetrator has been brought to justice.

19. In February 2021, in Lesbos, locals denied access to the school to eight unaccompanied minor refugees, attacking them verbally (hate speech, insults, threats) with racist motivation (bias indicators were identified during the incident). The school was blocked by the perpetrators for several days, while the incident received a lot of publicity. RVRN has generally observed discriminatory practices in the access of refugee children to school, particularly for those accommodated in the camp-like open accommodation facilities in the mainland under the management of the Reception and Identification Service and the Reception and Identification Centres in the islands (managed by the same Service). The COVID-19 pandemic measures for the movement restrictions of the asylum seekers and refugees residing in the aforementioned facilities, often stricter compared to the relevant measures for the general population, and not always justified, have affected the access of the refugee children to schools.

20. Additionally, in February-March 2020, extensive attacks against refugees and human rights defenders took place in the Aegean islands<sup>17</sup>. The attacks lasted for days/weeks, while they were repeated, particularly in Lesbos, in September 2020, following the fire in the Moria Reception and Identification Center in the island<sup>18</sup>. While in some cases competent authorities intervened, in local or central level (police requested the indictment of 66 locals on Samos and Lesbos for road-blocks; Supreme Court Prosecutor asked investigation about neo-Nazis attacking refugees, CSOs staff and journalists) there were incidents recorded by RVRN, in which police, while being present, did not intervene to protect the victims or even participated in the incidents harassing victims. Based on the victims' testimonies (human rights defenders), in one case, in Lesbos island, police were called by the perpetrators and brought the victims to the police station. When the victims in a relevant question by police officers, replied that they are volunteers providing support to refugees, policemen accused them that they welcome refugees, and warned them that if they don't leave the island, they will bring them (the victims) to the police station every day, until they do it [leave the island]. In another case that the victim was injured by law enforcement officers, during a demonstration of refugees for the living conditions in the Reception and Identification Center, when the victim asked what she did wrong, pointing out that the attack against her is against the law, one of the police officers replied that there is no law anymore. Based on the RVRN data, especially for the period 2018-2020 the incidents of racist violence by law enforcement officers and public servants reached 25% of the reported incidents to RVRN. The incidents recorded by RVRN show the lack of tolerance for diversity, the development of a culture of harassment for refugees and asylum-seekers, as well as for LGBTQI+ individuals<sup>19</sup>. Finally, in the case of the attack against human rights defenders by a citizen of Lesbos, well-known for his racist, far-right activity, when the victims went to the police to report the incident they had to exercise pressure to the police officer in order to record the incident against them and days later police did not facilitate them to have access to the complaint that they submitted. RVRN has highlighted the absence of legal framework for the protection of human rights defenders when they are targeted because of their activity<sup>20</sup>.

21. Generally, in the border locations of the Aegean islands and Evros region in which Reception and Identification Centres for asylum seekers operate, indicative trends of the increased racist violence are identified through the analysis of the RVRN data for 2020<sup>21</sup>. Particularly, from the 107 incidents of racist violence during 2020 and recorded by RVRN members, 52 took place in the Aegean islands and Evros. From the total (52 incidents) 27 are related with racist attacks against asylum seekers and refugees due to their national origin and/or colour/religion, 24 concern violent incidents against human rights defenders, while one concerns a racist attack due to the sexual orientation of the victim (asylum seeker). The overwhelming majority of the perpetrators are Greeks, while in one case, one of the perpetrators was recognised by one of the victims as being one from a neo-Nazi group from Germany who had arrived in Lesbos to support the attacks<sup>22</sup>. Regarding the status of the perpetrators, in 39 cases the perpetrators are recognised mainly as citizens, in some cases supported by members of extremist groups, while in 2 cases law enforcement officers take part in the incidents against the victims. In two cases the perpetrators were identified by the

victims as members of extremist groups, in 9 cases the perpetrators were law enforcement officers and in 2 cases they were public servants. Finally, in 21 cases the victims did not wish to proceed with submitting a complaint to the authorities, highlighting mainly their lack of trust to the authorities or their fear that there will be secondary victimisation by the police. In only 9 out of the 52 cases the criminal procedure was initiated, while in 14 incidents the victims proceeded with submitting a complaint.

22. RVRN notes that the Greek Police Services against Racist Violence<sup>23</sup>, an initiative welcomed by Greek and European actors and the UN Committee on the Elimination of Racial Discrimination<sup>24</sup> remain understaffed, with no nationwide operation, while proper and continuous training to all staff of Greek police for protecting the victims, facilitating their access to the complaint mechanism, and investigating the bias motivation from an early stage, is not included in the Action Plan. RVRN notes that, despite the positive initiative for a training for prosecutors and judges in the Action Plan, this exercise should be continuous, until relevant indicators demonstrate the increased use of the relevant legal tools.

23. RVRN had observed that in several cases, the victims invoke the lack of information as a factor for not proceeding with submitting a complaint to the authorities or requesting support. RVRN has welcomed the development of a Guide for Racist Violence Victims, produced by the Ministry of Justice, in collaboration with the members of the National Council Against Racism and Intolerance. The proper dissemination of the guide, translated in 9 languages, is expected to contribute to the information and awareness of the targeted communities/groups. Such an initiative, in combination with the re-distribution of the Guide for Supporting Racist Crime Victims and Refraining from Racist Behaviour for the public servants, an activity also included in the Action Plan, are in the right direction in order to address the widespread underreporting.

#### **Recommendations:**

1. Ensuring effective implementation of Article 82A of the Penal Code for crimes with racist characteristics, as a general aggravating circumstance and not only during the preliminary examination, but also at the pre-trial stage and investigation.
2. Provision for the ex officio prosecution of all racist crimes.
3. Legal provision for the protection of human rights defenders when they are targeted because of their activity.
4. Increasing the human, financial and technical resources allocated to law enforcement authorities entrusted with investigating hate and racial crimes, namely, the special prosecutors and special police units, and ensure these bodies' outreach throughout the country.
5. Undertaking awareness-raising measures, including regular mandatory pre-service and in-service training, especially among the police, prosecutors, judiciary and lawyers, on the legal framework governing anti-discrimination and on the investigation of complaints of hate crimes.
6. Continuous evaluation of police response to ensure compliance with the anti-racist legal framework.
7. Ensure proper dissemination of both Guide for Racist Violence Victims and Guide for Supporting Racist Crime Victims and Refraining from Racist Behaviour for the public servants, as well as monitor the impact to the targeted groups.
8. Introduction of a specific procedure in the framework of disciplinary control within the Greek Police Force for faster processing of racially motivated arbitrary acts.
9. Implementation of special training programmes and publication of relevant data, particularly regarding the course of complaints, in order to further enhance transparency and confidence of victims to the Greek Police.



### Understanding and Serving the Needs of Hate Crime Victims

24. RVRN notes that apart from the proper information of the targeted communities, a dominant factor for addressing effectively the consequences of racist crime is the provision of support to the victims. RVRN has welcomed the transposition of the “EU Victims Directive”<sup>25</sup> through Law 4478/2017. Based on the legal framework for the support of the victims of crimes, it is imperative that all authorities involved in this process be thoroughly familiar with and bound by certain basic instructions, depending on the phase of the procedure: a) first contact with the competent authority (victim identification, individual needs assessment, referral); b) reporting of the incident to the authorities; c) criminal investigation; d) penal procedure; and e) post-trial phase of the penal procedure. For that purpose, the competent authorities must be clearly designated and informed of their duty to implement the law, so as to be able to lay down proper internal procedures (e.g. designate compliance officers and implement compliance protocols). RVRN acknowledges that the implementation of the relevant provisions is very limited, while delays have been identified.

25. RVRN points out that especially for the law enforcement authorities who usually are the first to meet the victim, they should be familiar with the procedures for supporting the victim in order to provide relevant information and referral to supporting services. According to the RVRN’s records, in the cases that the victims were assaulted and hospitalised, law enforcement and prosecution authorities seem to usually consider victims as part of the penal procedure. Hence, the competent authorities face victims, mainly, as a source of information about the crime, and they do not focus on the fact that hate crime victims may need support in a more holistic way

26. Another element based on the RVRN quantitative data concerns the medical staff who interact with the victims strictly on a medical basis, solely addressing the victims’ medical issues, while to our best knowledge no other form of support is provided or offered to these persons (e.g. psychological/social support). At the same time, the medical staff of hospitals and other healthcare providers seems to be totally disconnected from the penal procedure (e.g. no information is provided to the victims regarding the possibility of reporting an incident), no or very limited support is provided to the hate crime victims by the social services in the hospitals, in which the victims are hospitalised.

27. RVRN has expressed its concerns regarding other identified gaps which are not also addressed through the Action Plan or any other initiative. Indicatively, in relation to the 24/7 11414 dedicated phone line for the reporting of racist crimes, this number is not accessible nationwide, while there is no provision of interpretation. The lack of interpretation services is a general identified gap in the national reporting system for hate crime.

28. RVRN has repeatedly highlighted the need for speeding up the identification procedure of undocumented third-country nationals who are victims of racist violence or material witnesses to respective incidents, in order to minimize restrictions of freedom imposed to them. While the legal framework provides for the issuance of residence permit for humanitarian reasons to victims or witnesses of hate crimes who lack legal status, RVRN had observed that this provision is not fully implemented yet nor known amongst the migrant communities. While the upcoming dissemination of the Guide for Hate Crime Victims is expected to cover the gap of the information, still the risk of arrest until the prosecutor proceeds with the issuance of the residence permit is present and demotivates victims from reporting incidents of hate crime. An indicative example is an incident that took place in Crete<sup>26</sup> in October 2020 in a small town which hosts a significant number of migrant workers in the agricultural sector, some working irregularly as they lack legal documents in Greece. During a quarrel between employees, a Greek worker attacked a Pakistani worker with a knife and seriously injured him. The initial attack had a racist motive, while the incident escalated to a fight between Greek and Pakistani workers. Following this incident there were pogroms against Pakistani workers, attacks on places of worship, while protests with far-right rhetoric were organised, with the participation of representatives of the municipal authorities known for their extreme far-right beliefs. Local police, instead of intervening, rescuing and protecting the victims, carried out mass arrests of Pakistani workers without legal documents, fuelling the insecurity among the Pakistani

community, and discouraging them to proceed with reporting the incidents against them. The public prosecutor appointed particularly for racist crimes undertook the case, however, gaps were identified in the criminal prosecution procedure and the investigation of the incidents.

29. Recently, RVRN requested from its members to fill a survey in order to identify cases in which the legal provisions for victims' access to services and status (residence permit for humanitarian reasons) were applied. Based on the survey results, in one case only in 2014 a victim of racist attack, being a migrant with no legal document, was granted a residence permit for humanitarian reasons, while in the case of the racist attacks at Sappho Square in Lesbos (see above par. 12) some of the victims applied, already in summer 2018, for access to an individual assessment so that their specific protection needs and necessary special measures could be identified<sup>27</sup>. However, to date they have not heard back regarding the progress or outcome of this request.

30. Overall, RVRN has observed the need for the existence of a comprehensive referral system among the competent authorities for supporting the victims, while it remains concerned of the lack of coordination among the competent services.

#### **Recommendations:**

1. Effective dissemination of information on the prohibition of expulsion or return of third country nationals who are either victims or key witnesses of racist crimes or hate speech and express their intention of filing a complaint or reporting an incident to the competent police authorities.
2. Speeding up the identification procedure of undocumented third-country nationals who are victims of racist violence or material witnesses, in order to minimize the detention period.
3. Enhanced communication and cooperation between involved authorities for supporting hate crime victims (governmental and non-governmental organizations and migrant communities) as well as provision of interpretation services to facilitate the victims' access to the services.
4. Establishment of referral system for ensuring access to the supportive services for victims of racist violence.
5. Continuous guidance to all police officers and other public servants regarding their obligation to assist the victims and make sure that the victims are referred to the competent services.

#### **Serious Concerns for the widespread use of hate speech**

31. Regarding recommendations for combating hate speech at the 2<sup>nd</sup> cycle of UPR<sup>28</sup>, they were accepted by Greece, while the National Action Plan against Racism incorporates provisions for training of prosecutors and judges in the relevant legal framework (Law 927/1979). However, RVRN remains concerned about the limited implementation of the relevant legal framework, pointing out the need for the adoption of more comprehensive policies for the prevention of racist rhetoric and hate speech, which is gradually normalised in the public sphere<sup>29</sup>.

32. RVRN had observed the recent frequent use of xenophobic rhetoric against migrants in the official political discourse, including by persons who hold public office, encouraging or legitimizing racist violence, and thereby undermining the significant efforts by Greece to improve the authorities' response to hate crimes. The increasing use by State and Government officials of the term "invader"<sup>30</sup> when referring to migrants is particularly dangerous, as it draws on military combat terminology, encouraging the dangerous presumption that potential attacks against migrants qualify as legitimate defence. This rhetoric, which intensified during the February-March 2020 Greece-Turkey border crisis<sup>31</sup> has given rise to a barrage of

attacks against migrants and human rights defenders across Greece (see also par. 20-21)<sup>32</sup>.

33. In February 2021, the Minister of Justice during a media interview, supported research based on which children growing up with two heterosexual parents have fewer psychological problems<sup>33</sup>. While this statement may not consist of hate speech as such, still it promotes and normalises the discriminatory approach for LGBTQI+ access to their rights. As the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during his mission to Greece pointed out, hate speech was present in the media, on the Internet and social media platforms. It usually went largely unchecked and unpunished, as effective self-regulatory mechanisms seemed to be lacking. Also, lesbian, gay, bisexual and transgender groups have reported that homophobic and transphobic hate speech, verbal harassment and inappropriate comments are allegedly routine in the general public discourse, resulting in them feeling constantly discriminated against and excluded in day-to-day life<sup>34</sup>.

#### Recommendations:

1. Undertake further initiatives to prevent, combat and punish racist hate speech
2. Ensure the safety of targeted groups and human rights defenders
3. Abstain from the racist rhetoric that normalizes and encourages relevant reactions.

<sup>1</sup> RVRN, [2019 Annual Report](#) 16 June 2020 [pages 10-21], [2018 Annual Report](#), 19 April 2019 [pages 8-21], [2017 Annual Report](#), 28 March 2018 [8-18]. The RVRN annual report for 2020 is going to be published during April 2021. Until then, the relevant analysis concerning the quantitative and qualitative trend on racist violence based on the RVRN records are in embargo status.

<sup>2</sup> Ministry of Justice, [National Action Plan against Racism](#)

<sup>3</sup> Ministry of Justice, [National Council against Racism and Intolerance](#)

<sup>4</sup> RVRN, [RVRN Letter to NCRI for the Action Plan against Racism](#), 15 December 2020. Additionally, the Greek National Commission for Human Rights, the National Human Rights Institution for Greece and one of the RVRN coordinators, has also on several occasions formulated specific observations and recommendations with regard to the National Action Plan on Racism and Intolerance. See GNCHR Contribution to the National Action Plan against Racism, 15 January 2020 [in Greek].

<sup>5</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, ([A/HRC/33/7](#)), 8 July 2016, par. 137.12 [Turkey], par. 134.36 [Malaysia], 134.38 [Canada], 134.39 [China], 134.49 [Peru], 136.8 [Pakistan]

<sup>6</sup> UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the twentieth to twenty-second](#), 3 October 2016 [pages 1-2]

<sup>7</sup> Please note that another positive step in this direction is the launch by the Ministry of Labour and Social Affairs of the elaboration process of the new Roma Inclusion National Strategy 2021-2027.

<sup>8</sup> The National Council against Racism and Intolerance was established by Law 4356/2015. It is a collective body providing advice and opinions and comes under the General Secretariat for Human Rights of the Ministry of Justice, Transparency and Human Rights. Pursuant to the law, the Council has the power to design policies to prevent and combat racism and intolerance in order to ensure the protection of persons and groups that become targets due to race, colour, national or ethnic origin, genealogy, social origin, religious or other beliefs, disability, sexual orientation, gender identity or expression; supervise the implementation of the laws against racism and intolerance and the compliance thereof with international and European laws; and promote and coordinate the activities of involved bodies for more effectively addressing the phenomenon.

<sup>9</sup> To date, Greek Police develops, on annual basis, quantitative data based on the submitted complaints for racist crimes (e.g. nationality of victims, status of perpetrators, type of crime). The data are shared with RVRN, following request of the latter and ODIHR.

<sup>10</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, ([A/HRC/33/7](#)), 8 July

2016, par. 134.36 [Malaysia], 134.38 [Canada], 134.39 [China], 134.49 [Peru], 136.8 [Pakistan]

<sup>11</sup> UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the twentieth to twenty-second](#), 3 October 2016 [pages 1-2]

<sup>12</sup> Aegean Island in Greece, in which a Reception and Identification Center operates, for migration and refugee flows from Turkey.

<sup>13</sup> RVRN, [2018 Annual Report](#), 19 April 2019 [pages 14, 20]

<sup>14</sup> During the extensive attacks against refugees and human rights defenders that took place in Lesbos, in February-March 2020 (more information in par. 20)

<sup>15</sup> RVRN, [2018 Annual Report](#), 19 April 2019 [pages 22]

<sup>16</sup> Aspropyrgos is a town in Attica region in Greece

<sup>17</sup> Refugee Support in Aegean, [Timeline of attacks against solidarity](#), February-March 2020

<sup>18</sup> Human Rights Watch, [Greece's Moria Camp Fire: What's Next?](#), 12 September 2020

<sup>19</sup> RVRN, [2019 Annual Report](#) 16 June 2020 [pages 24-25]

<sup>20</sup> In order to tackle this very important issue, the GNCHR, one of the RVRN coordinators, has already approved in principle the adoption of a bill on "Recognition and Protection of Human Rights Defenders", brought before the GNCHR Plenary by the Greek Transgendered Support Association (SYD), which is a GNCHR member. The RVRN plenary also welcomed this initiative. The bill aims at ensuring that human rights defenders are free from attacks, reprisals and unreasonable restrictions, in order to work in a safe and supportive environment. In one of the following meetings of the GNCHR Plenary there will be discussion on the bill's articles and adoption of a final legislative text, which will be submitted to the competent public authorities

<sup>21</sup> The RVRN annual report for 2020 is going to be published during April 2021. Until then, the relevant analysis concerning the quantitative and qualitative trend on racist violence based on the RVRN records are in embargo status.

<sup>22</sup> E-Kathimerini, [Top court prosecutor orders inquiry into neo-Nazi activity in Evros, islands](#), 10 March 2020

<sup>23</sup> Police units established with the task to assist victims of racist violence

<sup>24</sup> UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the twentieth to twenty-second](#), 3 October 2016

<sup>25</sup> [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#)

<sup>26</sup> Crete is a Greek island in the southern border of the Aegean Sea, in Greece.

<sup>27</sup> Based on Article 68 of the Law 4478/2017, police, prosecuting and judicial authorities should inform and refer the victim, at his/her request, to the competent authorities of the Ministry of Justice, for conducting an individual needs assessment (INA) in order for the victim to benefit from special protection measures and avoid the risk of secondary victimisation.

<sup>28</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, ([A/HRC/33/7](#)), 8 July 2016, par. 134.22 [Norway], 136.8 [Pakistan], 134.50 [Germany], 134.39 [China], 134.45 [Lebanon]

<sup>29</sup> RVRN, [Racist Violence Recording Network: Serious concern over attacks against refugees and humanitarian workers](#), 5 March 2020

<sup>30</sup> [Constantinos Mpogdanos "Barren-islands for immigrants. To overcome the complexes and taboos"](#) [in Greek]

<sup>31</sup> CNN Greece, [Evros: Journalist Costas Pliakos describes the attack he suffered](#), March 2020 [in Greek]

<sup>32</sup> Maik Fielitz, [Far-right vigilantism at Europe's borders: the Greek experience](#), March 2020

<sup>33</sup> Transgender Support Association, [Press Release Ministry of Justice Statement](#), 3 February 2021 [in Greek]

<sup>34</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Greece](#), 4 May 2016