

ANTIRACIST POLICY

In the field of Justice

The transformation of Greek society into a multicultural environment, something that has been going on for the past few years, has generated a pressing need for the establishment of the corresponding institutional framework.

Laws are formulated according to social needs, and social needs in Greece have put the State, only in the past two decades, in a position, where it has been confronted with a multicultural explosion that had to be dealt with in such a framework.

I. Background

One of the first problems the Greek State was called upon to cope with in the post-war years was the issue of war crimes, and more specifically, matters relating to the criminal behaviour of Nazi officers and their collaborators in the years of German occupation. Deputy Public Prosecutor by the Supreme Court of Greece (Areios Pagos) Mr. Andreas Toussis provides us with a detailed description of the relevant events in his report, dated 10th June 1962, in which reference is made to a considerable number of prosecutions that resulted in convictions, but also to an equally considerable number of alleged criminals who have never been punished, because they were never found, or because the collection of incriminating evidence did not prove successful. The then German Governments are, among others, partly to blame for those events, at least, as it becomes clear in the specific report and the relevant correspondence of the time.

For many years, the only crimes with racist motives Greek justice dealt with were those of the occupation period.

Both during German occupation and in the years that followed, Greek society lent a helping hand to all kinds of victims in cases of racist behaviour brought before justice, especially citizens of Jewish origin. In later years, no racist crimes worth calling the attention of legislators or the prosecution authorities were committed.

Socio-political changes in the last 15 years have modified the texture of the once homogenous Greek society, bringing it face to face with problems emanating from the coexistence with different nationalities and religions. Greek society became distrustful, which, luckily, was not connected with the immigrants' nationality or religion, but with the punishable behaviour of a number of them. In the attached file, you will find a table that contains statistical data on the number of prisoners per country and confirms the

increased display of punishable behaviour on the part of certain nationalities, which, for this very reason, are less popular within Greek society.

II. Legislative measures

During this time, a lot has been done for the improvement of the legislation in force, while a lot more remains, of course, to be done.

The improvement of the legislative framework dealing with issues, such as racism, xenophobia and discrimination, constitutes a priority of the new leadership of the Hellenic Ministry of Justice.

In brief, racism is being currently dealt with in Greece in accordance with the following regulations:

1. Law 927/1979 "on the punishment of acts or activities aimed at racial discrimination," as supplemented by Law 1419/1984, Article 24, which included the element of religion and penalised the incitement to acts that can cause discrimination, hatred or violence against persons or groups of persons on the basis of race, ethnic origin or religion. Though Law 927/1979 provided for the prosecution of such crimes following a relevant suit, these are already being prosecuted *ex officio*, pursuant to Law 2910/2001 (Article 39, par. 4).
2. The competent law-elaborating committee of our Ministry has completed the Draft Law harmonising Greek legislation with the provisions included in Directive 2000/43/EC "on the implementation of the principle of equal treatment between persons, irrespective of racial or ethnic origin," while the same has been done by the corresponding committee of the Ministry of Labour with regard to a Draft Law for the harmonisation with Directive 2000/78/EC on the establishment of a general framework for equal treatment in employment and occupation. These two Draft Laws have been integrated into one, while their submission to the Parliament is pending.

III. Training Programme for Judges

A training programme for Judges was implemented in 2000, including a number of subjects among which the European Convention on the protection of human rights, and in particular, the freedom of thought, conscience and religion, the prohibition of all forms of discrimination, etc.

IV. Human Rights

As far as the protection of human rights in general is concerned:

1. Protocol No. 12 to the European Convention on the protection of human rights and the fundamental freedoms, irrespective of sex, race, colour, language, religion, political and other convictions, ethnic or social origin, etc., has already been signed and will be soon ratified.
2. The Additional Protocol to the Convention on Cyber crime, concerning acts of racist or xenophobic nature committed through electronic means, has also been signed and will be ratified by the Ministry of Justice.
3. By Presidential Decree 105/2003, domestic law has been adjusted to the provisions of Directive 97/80/EC of the Council of 15th December 1997 on discriminatory treatment on the basis of sex (onus of proof).
4. By Law 3064/2002 on the "Fight against the trafficking in human beings, the crimes against sexual freedom, child pornography and sexual life in general, as well as the aid to victims of such acts," also the modern forms of trafficking in human beings are now being dealt with. The exploitation of a person's work or sexual life is, therefore, prosecuted as a felony, while in the same Law measures are provided for whose object is the protection of the victims. Presidential Decree 233/2003 specifies the agents, measures and ways of providing protection and welfare.

V. Scheduled initiatives

Law-elaborating committees are currently working in order to produce further improvements. The issues examined are quite indicative and they include the following:

- The racist motives of a criminal act falling into common Criminal Law should function as incriminating evidence.
- Judicial and police authorities should be made more sensitive, through the exchange of information and seminars, so that effective protection may be offered to illegal immigrants, sensitive groups, fugitives, refugees, etc.
- The level of aid to political refugees should be improved (legal aid, Law 3226/2004).

- The laws governing religious freedom should be further improved.
- The problems of minorities, such as the Roma minority, should be solved, to the extent the Ministry of Justice is competent to intervene.

Contemporary law science in Greece is now being concerned with the issues of racism and xenophobia, while the articles and general bibliography on these matters have begun to increase substantially (e.g. "The Criminal Punishment of Racial, National and Religious Discrimination" (Criminal Law, 2002) by G. Apostolakis, "Political Parties and the Fight against Racism and Xenophobia," by G. Papadimitriou, "Crime and Local Society," by G. Panoussis, etc.). In addition, we consider of utmost importance the experience gained by other countries that have dealt with the specific problems at an earlier stage and have worked on them, having thus reached a number of conclusions after implementing different policies.

The Ministry of Justice monitors and keeps a record of the general behaviour of state officials toward all kinds of minority groups and cooperates with other Ministries (Ministry of Public Order) for the better implementation of the laws in force or their further adjustment to the actual social conditions.

Unfortunately, within the framework of the remarkable increase in incidents of extreme behaviour on ideological grounds worldwide, a few cases of racial violence have come up, such as the sacrilege of Jewish cemeteries, etc., which are considered isolated and for which prosecution authorities have taken the necessary action, without showing any negligence, i.e., they conducted investigations and inquiries without, however, proceeding to any arrests, due to the actual difficulties in locating the perpetrators, since the latter acted during the night in isolated areas, where there were no neighbours who could become eye witnesses.

In any event and as an overall estimate of the situation in our country with respect to the display of racist behaviour, one could maintain that, in statistical terms, the occurrence of this phenomenon in Greece is rarer than in other E.U. countries, which, however, does not mean that the Greek State remains at that and does not fight for the total elimination of such phenomena.