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Amnesty International Report 2014/15

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Hellenic Republic

Head of state: Karolos Papoulias

LATEST
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Allegations of excessive use of force and ill-treatment by law enforcement officers persisted and continued to be inadequately investigated. Detention conditions remained very poor. The maximum length of administrative detention of irregular migrants was extended beyond 18 months. Unlawful push-backs of migrants across the Greece-Turkey border continued. New hate crime legislation was adopted in September amid growing concern at the levels of racist violence.

Background

In October the Public Prosecutor proposed the indictment of 67 members and leaders of Golden Dawn, a far right-wing party, for forming, directing or participating in a criminal organization. Fifty-seven individuals, including six MPs, were accused of a series of additional offences, including the murder in September 2013 of anti-fascist singer Pavlos Fyssas, causing “unprovoked bodily harm to migrants” and the unlawful possession of weapons.

In November, anarchist Nikos Romanos, detained at Korydallos prison near the capital, Athens, began a prolonged hunger strike in protest at the refusal of the authorities to allow him educational leave to attend a university course. He had been imprisoned in October after being convicted along with three other men of armed robbery. In February 2013, Nikos Romanos and two of the other men reported that they were tortured while in detention following their arrest in the northern town of Veroia. On 10 December, Nikos Romanos ended his hunger strike after a

legislative amendment was passed allowing prisoners to attend campus courses while wearing electronic tags.

Refugees' and migrants' rights

Strengthened border controls and greater co-operation with Turkish border guards contributed to a sharp decline in the number of irregular migrants and asylum-seekers entering Greece across its land borders. As a result, the number attempting to reach Greece by sea increased markedly in the first eight months of the year. By the end of the year more than 103 refugees and migrants, including many children, drowned or were unaccounted for while attempting the crossing.¹

There were documented cases of frequent unlawful push-backs of irregular migrants across the Greece-Turkey border.

On 20 January, three women and eight children died when a fishing boat carrying 27 refugees sank near the island of Farmakonisi. Survivors said that the boat sank as Greek coastguards were towing their vessel towards Turkey during a push-back operation. The survivors also reported that they were stripped and beaten after they arrived at Farmakonisi. The authorities denied that any push-back or ill-treatment had taken place. In August, the Prosecutors of the Piraeus Naval Court closed the case following a preliminary investigation.

National NGOs continued to document very poor detention conditions in areas where migrants and asylum-seekers were held for immigration purposes. Detainees faced considerable obstacles in applying for asylum. In March, the Minister of Public Order authorized the detention of irregular migrants pending deportation beyond the 18 months period allowed under EU law.

In September, the National Commission on Human Rights criticized the Ministry of Public Order and Citizen Protection for compromising the independence of the Asylum Appeals Board by failing to appoint any of the candidates it had proposed.

Reception conditions for refugees remained of serious concern. At the end of November, between 200 and 250 Syrian refugees, including many women and children, started a protest and subsequently a hunger strike at the Parliament square in Athens requesting the authorities to provide them with shelter and travel documents.

In July, a court in Patras found two foremen guilty of causing serious bodily harm by shooting at Bangladeshi migrant workers on a strawberry farm in Nea Manolada, in April 2013, following a dispute over pay and working conditions. The owner of the farm and another foreman were acquitted. At the end of October, the Supreme Court Prosecutor rejected a request made by two NGOs, the Hellenic League for Human Rights and the Greek Council for Refugees, to annul the verdict because of procedural flaws during the investigation and trial.

Discrimination

Hate crimes

Between October 2011 and January 2014, the Racist Violence Recording Network recorded more than 350 incidents of racist violence. The Network noted a decrease in organized racist attacks against migrants and an increase in hate crimes against lesbian, gay, bisexual, transgender and intersex people in 2014. Between January and June, the Police Departments and Offices tackling racist violence recorded 31 incidents with a possible racist motive.

The response of the criminal justice system to hate crimes remained inadequate. Investigators continued to fail to investigate possible hate motives, prosecutors failed to present such evidence in court, and judges failed to consider racist or other hate motives an aggravating circumstance when sentencing offenders.

In a unanimous ruling in April, a court in Athens sentenced two Greek nationals to life imprisonment after convicting them of stabbing to death S. Luqman, a Pakistani national, in January 2013. Despite the trial prosecutor underlining the racist motive behind the attack, the court did not take it into account as an aggravating circumstance during sentencing.

A Joint Ministerial Decision, adopted in June, provided for the suspension of administrative detention and deportation orders issued against victims and witnesses of hate crimes. It also granted special residence permits to cover the time required for the prosecution and conviction of perpetrators.

In September, amendments to hate crime legislation were adopted that increased penalties for committing and inciting racist violence, criminalized Holocaust denial and included sexual orientation, gender identity and disability among the prohibited grounds for discrimination. A proposal that would have legally recognized same-sex unions was rejected.

Roma

Roma families continued to face forced evictions. Many Roma children were excluded from or segregated in education. Discriminatory police raids on Roma settlements continued.

By the end of the year, 74 Roma families living in a settlement in Halandri, Athens, continued to be at risk of forced eviction. Initial plans to evict the families in February were postponed following an injunction by the UN Human Rights Committee. In September, the Halandri municipal authorities sought to demolish 12 homes despite a renewal of the injunction. Following protests by the Roma residents, only five homes, which at the time were uninhabited, were demolished. The Decentralized Administration of Attika committed to finding an adequate alternative location to resettle the families.

In November, a court in the town of Messolonghi sentenced three men to eight months' imprisonment with suspension for causing serious bodily harm to Paraskevi Kokoni, a Romani woman, and her nephew in October 2012. It was not clear whether the court took the hate motive into account during sentencing.²

Torture and other ill-treatment

In October, the European Committee for the Prevention of Torture issued its report on its 2013 visit to Greece. It highlighted the large number of allegations of ill-treatment of people detained in police and border guard stations by law enforcement officials and a number of allegations of verbal abuse, including of a racist nature. The report criticized overcrowding, unhygienic conditions and inadequate health care in Greek prisons.

Allegations of torture and other ill-treatment against prisoners, migrants and refugees continued. In March, guards at Nigrita prison in northern Greece reportedly tortured to death Ilija Kareli, an inmate of Albanian nationality. In October, 13 prison guards were charged with "aggravated torture that caused death".

Police used excessive force and misused chemical irritants against protesters and journalists on several occasions throughout the year. A large number of the reported abuses took place during two student protests, one against a university lock-out on 13 November, and another during a protest for the anniversary of the 1973 students' uprising on 17 November. Sporadic convictions of offending law enforcement officers failed to dent the longstanding culture of impunity for police abuses.³

Despite legislative changes introduced in March extending the mandate of the Office for Incidents of Arbitrary Conduct to cover racist incidents and allowing for the Ombudsman to attend hearings, concerns remained over its effectiveness and independence.

Conscientious objectors

The arrests and convictions of conscientious objectors continued during the year. At least four conscientious objectors were convicted for insubordination and received suspended prison sentences. Six individuals refusing to serve both the military and the punitive alternative service were also arrested and detained for short periods.

Freedom of expression

In January, an Athens court convicted a blogger of "religious insult". His 10-month prison sentence was suspended on appeal. The blogger had set up a Facebook page on which he satirized an orthodox monk who had died.

1. Greece: Frontier of hope and fear – migrants and refugees pushed back at Europe's border (EUR 25/004/2014) <https://www.amnesty.org/en/documents/EUR25/004/2014/en/>
2. We ask for justice: Europe's failure to protect Roma from Racist Violence (EUR 01/007/2014) <https://www.amnesty.org/en/documents/EUR01/007/2014/en/>
3. A law unto themselves: A culture of abuse and impunity in the Greek police (EUR 25/005/2014) <https://www.amnesty.org/en/documents/EUR25/005/2014/en/>

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