

# **GREECE 2013 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Greece is a constitutional republic and multi-party parliamentary democracy. In June 2012 the country held national elections, considered free and fair, and swore in a new coalition government composed of the New Democracy (ND), the Pan-Hellenic Socialist Movement (PASOK), and the Democratic Left (DIMAR) political parties, with ND leader Antonis Samaras serving as prime minister. Following DIMAR's departure from the coalition on June 24, Prime Minister Samaras reshuffled his cabinet. Authorities maintained effective control over security forces. There were, however, allegations of some abuses by security forces.

The most important human rights problems during the year involved unprovoked racist violence against migrants and individuals perceived to be foreigners; conditions in migrant detention centers and prisons; and discrimination against Roma and exploitation of Romani children.

Other human rights problems included poor treatment and prolonged detention of undocumented migrants, limited access to the asylum application process, abuse of detainees by security forces, detention and deportation of unaccompanied immigrant minors, inadequate capacity to provide legal aid and social support for asylum seekers and refugees, restrictions on freedom of speech and religion, domestic violence, incidents of anti-Semitism, trafficking in persons, limits on the freedom of certain ethnic minority groups to self-identify, and discrimination against and social exclusion of the officially recognized "Muslim minority" in Thrace.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

In an April 2012 UN Committee against Torture (UNCAT) report, the committee reiterated its concern regarding the status of 502 of 661 Albanian Roma street children detained by Greek authorities between 1998 and 2002. The 502 children reportedly disappeared following their placement in the Aghia Varvara children's institution, and many human rights organizations claimed relevant state authorities had not thoroughly investigated the cases. In August the minister of justice submitted a request to parliament for information from judicial authorities. There were no reports of politically motivated disappearances.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices and provides safeguards for criminal suspects and undocumented immigrants in detention. During the year, however, several international and nongovernmental organizations (NGOs) alleged that police personnel and the coast guard abused undocumented immigrants, asylum seekers, prison and detention center inmates, and demonstrators.

On February 5, Amnesty International (AI) requested that authorities investigate accusations of torture and mistreatment of four robbery suspects arrested on February 1 in Kozani. Media reports alleged that police altered the suspects' mug shots to lighten or erase bruises and cuts. Police responded that the editing was necessary for the suspects to be recognized.

There were at least 35 reported incidents of abuse of immigrants in police stations, detention centers, and prisons. Human Rights Watch (HRW) also reported cases of harassment and mistreatment by police during the Xenios Zeus stop-and-search operation conducted in August 2012 to combat illegal immigration. In July AI reported incidents occurring between August 2012 and May of authorities pushing back rafts and boats of possible refugee and asylum seekers from the coast, and mistreatment of immigrants by coast guard and border officials. On November 7, ProAsyl, a German-based human rights organization, reported similar findings based on detailed interviews with immigrants and refugees. On November 12, the UN High Commissioner for Refugees (UNHCR) stressed the importance of permitting access to international protection, stated that the numbers and scale of the alleged incidents raised serious concerns, and requested an exhaustive investigation and a prompt response from Greek authorities. On November 19, the International Federation for Human Rights, the Euro-Mediterranean Human Rights Network, and the country's own National Commission for Human Rights (NCHR)

jointly expressed concerns that stricter border patrols were forcing refugees to choose increasingly risky escape routes.

Following violent demonstrations in June against the operation of a gold mining company in the northern Chalkidiki region, police reportedly obtained DNA material forcibly via mouth swabs from two suspects without informing them of their rights.

In April two police officers received administrative and financial penalties following an internal investigation of the abuse of a migrant. In June a court acquitted four guards accused of excessive force in the death of a 24-year-old student in 2008; a public prosecutor appealed the decision in August.

In May the then minister of justice visited the Grevena prison to investigate 28 prisoners' allegations that they suffered police beatings in April. A medical report published by *Eleftherotypia* newspaper found the prisoners had bruises on various parts of their bodies and bore markings that resembled those from electroshock weapons. The Initiative for Prisoners' Rights claimed officers struck inmates with batons and tasers, forced them to crawl on all fours, and left them naked in a prison gym. The then minister of justice presented his findings to parliament's standing committee on prisons; although he reportedly emphasized he could not confirm the source of the burn marks, he ordered an investigation into the matter.

In November the Piraeus naval court sentenced two of three coast guard officers accused of torturing two Moroccan immigrants on the north Aegean island of Chios in 2007. The court gave two of the men three- and six-year suspended jail sentences, respectively, and acquitted the third officer.

### **Prison and Detention Center Conditions**

Conditions in prisons, detention facilities, and transfer holding cells did not meet international standards and national law. Problems included severe overcrowding, lack of material supplies, poor sanitation, problematic access to health care, and failure of authorities to separate convicted prisoners from pretrial detainees and irregular migrants from criminal detainees.

Physical Conditions: According to Council of Europe regulations, endorsed by the EU, the maximum capacity allowed in Greek prisons was 9,886 inmates; the prison population in September totaled 13,139 according to the Ministry of Justice. Authorities kept another 1,000 individuals in police stations and holding cells

while awaiting transfer to prisons. Prisons detained women and minors separately from adult males, although there were reports that authorities detained underage migrants incorrectly registered as adults in the same quarters with adults. The guard to inmate ratio in prisons was relatively low; for example, Korydallos maintained 95 guards for 2,300 inmates, or an approximate ratio of 1 to 25. Prisoners and detainees had access to potable water.

According to local and international organizations, including the ombudsman, the deputy ombudsman for human rights, the Council of Europe, the European Commissioner for Home Affairs, UN independent experts, members of parliament (MPs), high-ranking judicial officials, lawyers' and police officers' unions, and Doctors without Borders (MSF), custody conditions for migrants were inadequate. Based on their visits to detention facilities for migrants in the Evros region from January to April, MSF described the living conditions as acutely substandard. MSF noted the migrants' unhygienic conditions, exposure to cold, lack of sufficient ventilation and access to natural light, inadequate diet, and no or very limited access to the outdoors and to physical exercise. MSF associated the harsh living conditions and lengthy deprivation of liberty (up to 18 months) with a negative impact on migrants' mental and physical health.

In January the first instance criminal court of Igoumenitsa issued a ruling that 17 irregular migrants who had escaped from the detention center of Thesprotia police headquarters should not be charged, as the detainees had purportedly escaped to deter "serious and inevitable" danger to their health. In its ruling to withdraw charges against them, the court stated that Articles 3, 8, and 13 of the European Convention on Human Rights had been violated.

In a June letter to the minister of justice and human rights, the head of the Thessaloniki appeals court's public prosecutors' department warned it would soon become impossible to carry out arrest orders due to prisons' inability to accept more inmates and highlighted the risk of unrest and riots in prison facilities.

In November the same official submitted to the minister of justice his findings from investigations of two prison facilities in northern Greece, which underscored issues of overcrowding, understaffing, and lack of access to fresh air and physical exercise. The official also noted that minors were held together with adults, and convicted prisoners were held with pretrial detainees. The report included 31 transfer requests by detainees.

In an effort to address prison overcrowding, parliament passed a law in November allowing for the monitoring of certain convicts, pretrial detainees, and prisoners via electronic bracelets.

Several prison protests, hunger strikes, and attempted suicides occurred during the year. In April an estimated 2,000 inmates went on hunger strikes in detention centers in the Evros, Attica, and Korinthos regions to protest the decision to extend the maximum period of detention from 12 to 18 months. As of November 15, there were at least 20 reported cases of attempted suicide. Three resulted in deaths, including an inmate from the Ivory Coast in June, a Pakistani inmate in July, and a local woman with an infectious disease, detained on public health grounds as an unlicensed sex worker.

Numerous reports by MSF and international organizations reported that detainees and inmates faced major obstacles in accessing medical care. On July 27, an Afghan inmate with serious health problems, who had been detained for 11 months in a detention center in Korinthos, died in an Athens hospital. A second health-related death of another Afghan inmate in the same detention center occurred on November 2. Reportedly, neither inmate had received proper and timely treatment.

In June the UNCAT, the ombudsman, and local and international rights groups expressed serious concerns about the decision of the newly appointed minister of health to reintroduce a regulation permitting the detention of individuals with an infectious disease. Originally suspended in May, the regulation was widely viewed by the human rights organizations as targeting migrants, sex workers, and drug addicts. Local and international media extensively covered the regulation in May 2012 when authorities arrested, detained, criminally charged, and forced HIV tests on 31 individuals presumed to be prostitutes for intentionally causing serious bodily harm. Authorities published photographs and personal data of the detainees on their website on the grounds of informing the public of a health hazard. In March the last of the detainees was acquitted and released.

On October 18, the European Court of Human Rights (ECHR) issued a ruling against the country regarding conditions of incarceration. A Greek national detained at the Serres police headquarters from December 2009 to March 2010 claimed the lack of ventilation, unhygienic conditions, lack of beds, and overcrowding constituted violations of the Convention for the Protection of Human Rights. The court ordered the country to pay damages of 8,000 euros (\$10,800) and 2,000 euros (\$2,700) in legal fees to the plaintiff.

Administration: Record keeping on prisoners was adequate. Alternative sentencing for non-violent offenders was available, but courts did not employ this option. The Prisons' Inspectorate, a semi-autonomous body headed by a judge, conducted routine and unscheduled prison visits; inmates could submit complaints to the inspectorate. Inmates could also send complaints to prosecutors assigned to prisons and to the ombudsman. Prisoners have access to visitors, can observe religious practices, and can submit complaints to the judicial authorities without censorship.

Independent Monitoring: The government permitted independent nongovernmental observers to monitor prison and detention center conditions. Observers included local and international humanitarian organizations such as the UNHCR, the International Organization for Migration (IOM), UN independent experts from the Working Group on Arbitrary Detention, MSF, Doctors of the World, the Greek Council of Refugees, Medical Intervention, and the deputy ombudsman for human rights. The deputy ombudsman for human rights conducted frequent short-notice visits to prisons and detention centers. The observers investigated allegations of inhumane conditions.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention. Police, however, continued to conduct large-scale sweeps of public spaces, including buses and metro stations, temporarily detaining large numbers of individuals presumed to be irregular migrants based on their physical appearance, sometimes in crowded and squalid conditions, while determining their residency status. Cases of harassment and mistreatment during these checks were also reported. Such police sweeps were a common practice. Between August 2012 and July 2013, as part of operation Xenios Zeus, police temporarily detained 84,792 individuals perceived to be irregular migrants; authorities deemed only 5,483 of those detained to be present in the country illegally and released the remaining 79,309. Among those temporarily detained were foreign tourists and accredited diplomatic personnel. The Council of Europe Human Rights Commissioner noted in his April report that ethnic profiling by the Greek Police constituted an issue of serious concern.

#### **Role of the Police and Security Apparatus**

The police are responsible for law enforcement and the maintenance of order within the country under the authority of the Ministry of Public Order and Citizens Protection; the coast guard is responsible for law enforcement in territorial waters

under the authority of the Ministry of Shipping and the Aegean. The police and the army jointly share law enforcement duties in certain border areas. Civilian authorities generally maintained effective control over the police and coast guard. The Hellenic Police Internal Affairs Unit investigated 1,060 allegations of state and municipal agency corruption and police impunity in 2012. According to its 2012 report, 710 of the cases involved police officers, and 23 involved both police officers and civil servants. The report noted 610 complaints against officers. The police reported several cases of corrupt police officers involved in exploitation of women, including one case in which two police officers provided police information to members of a sex trafficking ring, and engaged in bribery and blackmail throughout the year. Authorities suspended the police officers in question; in other instances they detained accused officers pending trial.

The Racist Violence Recording Network, an umbrella organization established in 2011 by the UNHCR and the National Committee for Human Rights, noted that of 154 reported cases of racially motivated violence against immigrants, 25 involved law enforcement officials. In the ombudsman's special report on racist violence, the ombudsman recorded 47 of 281 cases of violence from January 2012 to April 2013 in which victims claimed security forces' involvement. In January authorities established a hotline to receive reports of racially motivated acts and created 70 antiracist police units throughout the country, with 200 specially trained police officers, tasked with combating and preventing racist violence.

During the year police and coast guard personnel received training from government ministries, regional and international organizations, NGOs, and service academies. Themes included antiracism, antitrafficking, victim identification, asylum-seeker recognition, witness protection, interviewing skills, and crowd control.

### **Arrest Procedures and Treatment of Detainees**

The law requires judicial warrants for arrests, except during the commission of a crime, and prohibits arbitrary arrest. Police did not always follow these provisions.

Within 24 hours of detention, police are required to bring detainees before a magistrate, and the magistrate must issue a detention warrant or order the detainee's release; authorities generally observed these provisions. Pretrial detention may last up to 18 months, depending on the severity of the crime, or 30 months in exceptional circumstances. A panel of judges may release detainees pending trial. Based on July data from the Ministry of Justice, pretrial detainees

made up approximately 35 percent of those incarcerated. During the first half of the year, there were reportedly 400 more pretrial detainees than in 2012, totaling 4,400 individuals.

Some defense lawyers and legal activists asserted that while pretrial detention was supposedly reserved for exceptional cases, it had become the norm. They also maintained that the detention period was excessively long. Bail is available for defendants detained on felony charges and for lesser offenses unless a judicial officer deemed the defendant a flight risk. Authorities generally respected the law allowing detainees to contact a close relative or third party, consult with a lawyer, and access medical services. Authorities informed foreign detainees of the asylum procedure, their rights as detainees, and of IOM-assisted voluntary return programs through UNHCR-assisted briefings and distribution of multi-language leaflets and information packages. There allegedly were cases of foreign detainees who did not have access to a court-appointed interpreter, were unaware of their right to legal assistance, or did not enjoy this right without payment for services rendered. Only indigent defendants facing felony charges were provided legal representation by the bar association.

Expedited procedures may be applied to individuals accused of misdemeanors. Defendants enjoyed the right to counsel; however, since police are required to bring detainees before an examining magistrate within 24 hours of detention, the short time period allegedly limited their ability to present an adequate defense. Defendants may request a delay to prepare a defense, but the court is not obliged to grant their requests.

Pretrial Detention: Pretrial detainees made up approximately 35 percent of those incarcerated. According to many human rights groups, including the UN Working Group on the Arbitrary Detention, the excessive use of pretrial detention, often for lengthy periods, had an impact on the overcrowding of prisons, the quality of life in detention facilities, and the rights of pretrial detainees to prepare properly their judicial defense. Legislation provides for separation of pretrial detainees and convicted prisoners. Nevertheless, local and international NGOs alleged authorities did not always respect this distinction due to lack of infrastructure. Litigation, particularly in civil cases, could take many years, as courts were overburdened and understaffed. In addition, judges and judicial employees occasionally conducted work stoppages during the year to protest salary and pension cuts due to the economic crisis and security conditions in their offices, further exacerbating the problem.

On June 4, an Athens court of appeals extended a 29-year-old anarchist's 30-month prison detention without trial for an additional six months after he reached the legal maximum period in pretrial detention. The detainee, accused of participating in a domestic terror group, went on a hunger strike to protest his detention since 2010. On July 12, following his appeal, he was released pending trial.

Detention of Rejected Asylum Seekers or Stateless Persons: Asylum seekers, Syrian refugees, and unaccompanied minors were systematically detained, often in harsh conditions, for up to 18 months pending determination of nationality, deportation procedures, or asylum application adjudication. In November 2012 authorities extended the maximum detention period for asylum seekers from 12 to 18 months. According to UN experts from the Working Group on Arbitrary Detention, the excessive length of detention in such conditions constituted punishment imposed on a person who had not committed a crime, and thus an arbitrary deprivation of liberty.

The Ministry of Public Order and Citizens Protection, in cooperation with the Ministry of Interior, suspended deportation of Syrian refugees in April and issued six-month permits allowing Syrians to stay in the country but prohibited travel to other EU countries. The permits are renewable without charge every six months (depending on the situation in Syria).

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected this provision. Observers, nevertheless, reported the judiciary was inefficient and sometimes subject to influence and corruption. The judiciary was more lenient toward those claiming political motives for acts of property destruction than those who did not. Authorities generally respected court orders, and there were no reports of instances in which trial outcomes appeared predetermined.

#### **Trial Procedures**

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public in most instances, and most felony cases use juries. The law permits denial of a jury trial in cases of violent terrorism. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. The government provides attorneys to indigent defendants facing felony charges. Defendants may

present witnesses and evidence on their own behalf as well as question prosecution witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases. They have the right to appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. Some NGOs reported that the quality and availability of interpreters for non-Greek speakers varied from trial to trial; however, there was some progress with respect to interpretation services provided for asylum seekers.

On October 18, the ECHR issued a ruling against the country for violating article 5 of the European Convention for Human Rights (the right to a speedy review of the lawfulness of detention) in the case of an Albanian national arrested in February 2009. A review of the lawfulness of his pretrial detention did not occur until May 2009. The court ordered the country to pay 4,000 euros (\$5,400) in damages.

The government recognizes sharia (Islamic law) as the law regulating family and civic issues of the Muslim minority in Thrace. Muslims married by a government-appointed mufti were subject to sharia family law. Members of the Muslim minority also have the right to a civil marriage and the right to take their cases to civil court.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is a generally independent and impartial judiciary in civil matters. The law provides citizens with the ability to sue the government for compensation for alleged violations of rights.

### **Regional Human Rights Court Decisions**

Individuals may seek remedies for alleged violations of human rights by the state before the ECHR. According to the Greek Helsinki Monitor (GHM), authorities did not implement the UN Human Rights Committee's requirement for the state to provide compensation to victims in the case of Roma abused by police officers or evicted illegally.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit arbitrary interference with privacy, family, home, or correspondence. NGOs such as the GHM reported that authorities did not always respect these provisions, as evidenced during alleged police raids of Romani settlements and immigrant neighborhoods. There were also press reports in April alleging police raids without warrants of houses of suspected participants in an attack against a gold-mining company in Chalkidiki. The reports claimed that police and prosecutors conducting raids and searches of Romani and immigrant neighborhoods frequently entered homes without authorization in search of criminal suspects, drugs, and weapons. Police raids in Romani settlements were a common practice. The last such raid occurred on November 22.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights.

Freedom of Speech: Individuals can criticize the government publicly or privately without reprisal, and the government does not impede criticism. The law, however, provides for prosecution of individuals who “intentionally incite others to actions that could provoke discrimination, hatred, or violence against persons or groups of persons on the basis of their race or ethnic origin or who express ideas insulting to persons or to groups of persons because of their race or ethnic origin.” Authorities invoked these long inactive provisions a few times during the year.

Although the far-right Golden Dawn (GD) party had a swastika-like emblem, employed Nazi salutes, and its leaders made anti-Semitic, anti-immigrant, and xenophobic statements, authorities charged no GD party MPs with hate speech.

In July a public prosecutor used the antidiscrimination law to press charges against Alexandros Plomaritis, a former GD parliamentary candidate, for proposing the use of Nazi-era tactics on immigrants in Greece. A British documentarian recorded Plomaritis saying, “We are ready to turn on the ovens...we’ll make lamps from their skin. The fun is over. If they are dark, we’ll whiten their skin. Then we’ll beat them up.” The trial was set for September 16, 2014.

On September 3, a judge dismissed a lawsuit brought by GD members against Savvas Michael-Matsas, the secretary general of the Revolutionary Workers’ Party

(EEK), and Konstantinos Moutzouris, a former rector of the Athens Polytechnic University, for “libelous defamation,” “incitement of violence and civil discord,” and “disturbing the peace.” The lawsuit stemmed from a 2009 announcement of an antifascist protest, which according to GD members, directly threatened its membership. The lawsuit named Moutzouris for allowing the EEK announcement to appear on a website hosted on the university’s internet server.

Press Freedoms: Independent media were active and expressed a wide variety of views. The law permits any prosecutor to order the seizure of publications that insult the president, offend any religion, contain obscenity, advocate for the violent overthrow of the political system, or disclose military secrets. According to law, the National Radio and Television Council, an independent regulatory agency, supervises radio and television broadcasts. The law requires television stations to broadcast at least 25 percent of their programming in Greek. The percentage for radio broadcasting varies. The law also provides for national radio and television stations to broadcast 24 hours a day and sets minimum requirements for available capital and number of employees. Previously, the Organization for Security and Cooperation in Europe representative on the freedom of media called for the lowering of such requirements, asserting that their high level made it difficult for minority, community, and low-cost broadcasters to receive authorization, thereby endangering media pluralism.

In April police reportedly threatened to sue two photojournalists for taking photographs of the officers during a demonstration against censorship outside Athens University. The officers detained the photojournalists and brought them to a police station. In May unidentified perpetrators threw threatening leaflets outside of the *Eleftherotypia* newspaper offices, threatening a journalist for her report on scare tactics used by some shop owners to intimidate area residents. The journalist also received telephone calls and e-mails from unknown individuals threatening her against visiting the area again and urging her to end her investigations.

On June 11, as part of structural reform initiatives in the public sector, the prime minister announced the closure of state broadcaster Radio and Television (ERT), suspending nearly 2,700 employees. Some local politicians, journalists, and trade unions, as well as international rights organizations such as AI and the Hellenic League for Human Rights, opposed the sudden closure. ERT staff subsequently took over the station’s headquarters and continued to broadcast, with help from the European Broadcasting Union. The Council of State ruled that ERT’s shutdown was within the state’s rights but the government should reestablish public broadcasts in some form as soon as possible. National public television went back

on air on July 10 as Public Television and was scheduled to continue until the new state broadcasting entity New Hellenic Radio Internet Television became operational in 2014.

Violence and Harassment: In September approximately 30 unidentified individuals vandalized the offices of *Proto Thema* newspaper. The suspects left pamphlets stating, “State, Media, and Neo-Nazis: all the bastards work together; Rage for Pavlos Fyssas.” Media reported the suspects vandalized the newspaper’s offices for its alleged support of GD and for publishing a photograph of slain rapper Pavlos Fyssas, killed by a self-confessed GD member on September 17.

In September the GD party filed a complaint against politicians and journalists for slander, libel, and inciting violence against their party following the murder of Fyssas. Two *Ethnos* newspaper journalists reported they received threatening phone calls after they published interviews with former GD members.

On November 27, an appeals court acquitted the Greek journalist and publisher accused of violating personal privacy laws for publishing the “Lagarde List” of more than 2,000 alleged Greek tax evaders with Swiss bank accounts. Prosecutors had appealed the November 2012 verdict. This was the journalist’s second acquittal.

On December 9, GD supporters physically assaulted and prevented a television reporter and a camera operator from covering a GD event in Neo Iraklio, a northern Athens suburb. The International Federation of Journalists, the European Federation of Journalists, and the Athens Journalists Association all condemned the attack and expressed concern that police officers present did not stop the incident.

Libel Laws/National Security: The law provides criminal penalties for defamation; nonetheless, in most criminal defamation cases, defendants were released on bail pending trial and served no jail time. On May 22, author Konstantinos Plevris dropped all defamation charges he had brought against representatives of the local Jewish community, as well as two representatives of the GHM, who were witnesses for the prosecution in trials in which he faced charges of inciting racial hatred.

On November 27, a court on the island of Lesbos sentenced a local journalist to a six months’ suspended sentence for referring to a school director as a “neo-Nazi.”

The journalist appealed the original charge of libel, and the court reduced the charge to verbal abuse.

The law provides for the government to exercise “immediate control” over radio and television stations in case of national emergency and establishes ownership limits on media frequencies. State-operated stations relayed the government’s views but also reported objectively other parties’ positions.

### **Internet Freedom**

There were no government restrictions on access to the internet or reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. According to a January study by the Foundation for Economic and Industrial Research, approximately 50 percent of the country’s population used the internet.

In September 2012 the cyber-crime police arrested a 27-year-old man, charging him with “malicious blasphemy and insulting religion” for reportedly creating a Facebook page using a name that played on the name of a legendary Mount Athos monk famous for his prophecies about the country and Orthodox Christianity. A trial date had not been set by the end of the year.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events. There were no reports of interference with cultural events of various ethnic groups.

In May a school principal reportedly prevented a primary school music teacher from playing a famous Greek song from the 1960s in her class, deeming it unpatriotic. The principal allegedly was responding to a parent’s complaint that the song promoted sympathy for Muslims.

No trial date had been set by year’s end for the 2012 case involving blasphemy charges against the actors, director, and producer of the play *Corpus Christi*. The bishop of Piraeus and several GD MPs (Papas, Boukouras, Iliopoulos, and Zisimopoulos) filed a complaint against the theater company for allegedly insulting the Orthodox religion. AI called on Greek authorities to ensure freedom of expression for those involved in the play.

### **b. Freedom of Peaceful Assembly and Association**

## **Freedom of Assembly**

The constitution and law provide for freedom of assembly, and the government generally respected this right.

In June the minister of public order and citizen protection signed a presidential decree, which the Council of State ruled constitutional, restricting rallies of less than 200 people to prevent road blockages and the disruption of business and trade activities in the country's large cities.

## **Freedom of Association**

Although the law provides for freedom of association, the government continued to place legal restrictions on the names of associations of nationals who self-identified as ethnic Macedonians or associations that included the term "Turkish" (see section 6).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation for all citizens, and the government generally respected these rights. The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

Foreign Travel: The deputy ombudsman for human rights noted the system of legalization remained disorganized, and no database of residence permit holders existed, although the minister of interior estimated in October that there were 540,000 residence permit holders and an additional 160,000 pending renewal permits. In several instances the wait period for renewing residence permits significantly decreased from a one-year delay in 2011 to one- to six- months in 2012 due to several factors. The government began issuing an increasing number of 10-year residency permits at a cost of 900 euros (\$1,215) each, thus reducing the

number of required renewals. In addition employment was a prerequisite for renewal, and an estimated 100,000 legal immigrants would lose or have lost their legal status as well as their right to travel outside Greece for not fulfilling the requirement. A considerable number of immigrants reportedly left the country due to the economic crisis. Based on police data, authorities facilitated the deportation or voluntary return of 12,094 immigrants to their home countries from August 2012 to August 2013.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum and humanitarian protection. The government's prior system for refugee protection was widely regarded as inadequate, given the large numbers of illegal migrants entering the country and the requirements placed on the Hellenic Police (HP) to oversee the system. On June 7, after a two-year delay, the government instituted a new autonomous, civilian-staffed asylum service under the authority of the Ministry of Public Order and Citizen Protection. The new system operated concurrently with the old system, with plans to phase out the old system once the HP adjudicated the backlog of 25,000 cases. The appeals authority for both systems was the same.

According to Ministry of Citizens Protection statistics, police arrested 19,360 individuals for illegal entry and presence in the first half of the year, compared with 44,602 in the same period in 2012, a 57 percent decrease. Prior to the creation of the new asylum service, the large number of individuals seeking asylum posed special problems for the country's asylum capacity. During the first half of the year, asylum seekers filed 3,935 first-instance applications, and 2,863 filed appeals at the second level of examination. In the same period there were 6,440 rejections, with only 471 positive decisions granting refugee status, humanitarian status, and subsidiary protection. Asylum legislation (2011) requires decisions on asylum applications within three months and on regular applications within six months; however, authorities did not observe the time limits within the framework of the old asylum system. Problems related to access and registration of claims and detention conditions of illegal migrants persisted.

From June 7 to November 29, the new asylum service registered 4,189 new asylum claims and issued 1,670 decisions in the first instance; 149 asylum seekers received refugee status while 64 received subsidiary protection. If the applicant had not applied for asylum in the past, the applicant received an international protection applicant card valid for temporary stay in the country for three months pending adjudication of the case. Applicants had access to certified translators who assisted

the staff in explaining the application procedures and the rights and obligations of an applicant. In the case of a negative decision, the applicant could appeal the decision to the appeals authority and could be detained but not deported.

From July 11 to November 29, the appeals authority received 803 appeals and issued 462 decisions, of which 442 were negative and 20 were positive, granting refugee protection in 14 cases and subsidiary protection in six cases. If authorities rejected the case and the applicant was illegally present in country, the HP initiated or continued a removal process. Applicants also received information on the voluntary return program, managed by IOM.

Prior to the institution of the new asylum system, the UNHCR, the Council of Europe, the UN Working Group on Arbitrary Detention, AI, the deputy ombudsman for human rights, HRW, the Greek Council for Refugees, and MSF expressed concern about the country's problematic asylum policy and practices. Specific problems included serious obstacles to accessing asylum procedures due to structural deficiencies and nonfunctioning screening mechanisms; unacceptable living and long-term detention conditions for asylum seekers; lack of permanent reception centers and the use of ad hoc facilities; underdeveloped refugee welfare systems; insufficient counseling to assist the integration of refugees and asylum seekers; a lack of appropriate facilities for unaccompanied minors; and deficient interpretation and legal counseling for asylum seekers, especially at entry points.

In his August report, the deputy ombudsman for human rights reiterated his prior statements highlighting detainees' problematic access to the asylum process and the fact that prior to the creation of the new asylum service, police officers in some cases did not register requests for asylum. In the same report, the deputy ombudsman expressed concern for the prolonged detention of asylum seekers under improper and unsuitable conditions, stating that the weakness of the country's asylum system in distinguishing between economic migrants and those in need of international protection meant that the detention of the latter could last up to 18 months.

Local and international NGOs also criticized police sweeps against migrants allegedly based on their physical appearance. The police sweeps, code-named Xenios Zeus, started in August 2012 and continued throughout the year. Police rounded up individuals perceived to be undocumented migrants, and NGOs claimed that police placed some in administrative detention in overcrowded conditions without any screening to distinguish individuals meriting international protection from other migrants. The UNHCR stated in July that, while recognizing

the challenges of illegal migration, the country should ensure that persons in need of international protection have access to the asylum procedures. It added that the government must not return refugees from war zones to countries where their lives could be in danger and stressed the need for first reception centers and access to asylum services throughout the country. UNHCR protection officers reiterated their concern regarding the difficult conditions of asylum seekers.

Safe Country of Origin/Transit: The country adhered to the Dublin II Agreement, which involves returning asylum seekers to the first EU country of entry.

Refoulement: The government provided only limited protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugee Abuse: Numerous local and international NGOs generally found conditions for irregular migrants and asylum seekers detained by authorities unsatisfactory, specifically criticizing their prolonged detention and the inadequate facilities for refugees and asylum seekers. In August the ECHR found that the detention of an asylum seeker for two weeks in multiple police stations constituted degrading treatment, incompatible with Article 3 of the convention. The court ruled that cells lacked natural light and showers, and detainees were unable to walk outside or to take part in physical activity. Conditions for undocumented migrants and asylum-seeking children were particularly difficult. On several occasions, authorities held unaccompanied minors along with adults in detention centers in degrading, inhumane, and unsanitary conditions.

According to the UNHCR, the 400 spaces for unaccompanied minors in nine centers in Greece – none of which could accommodate children under 12 years old – were insufficient to accommodate the estimated 4,000-5,000 unaccompanied minors who arrived in the country each year. Unaccompanied migrant children were not always properly registered, lacked safe accommodations or legal guardians, and were vulnerable to homelessness and labor and sex exploitation. In addition, due to bureaucratic reasons, funding from the European Refugee Fund for reception centers for unaccompanied minors was delayed for months, resulting in a funding gap. Consequently, facilities such as the reception center of Agiasos on the island of Lesbos temporarily operated with almost no personnel, while other centers were downsized or temporarily ceased operation.

On October 24, the ECHR found that the country violated the right to liberty and security, and the right to speedy review of the lawfulness of detention, in the case of an Afghan minor arrested in 2011 for illegally entering the country. The minor, whom authorities detained with adults pending deportation, applied for the lifting of the detention order and for placement in a special center for unaccompanied minors. The courts dismissed his application and objection to detention with adults and issued an order for the continuation of his detention.

The UNHCR office in Greece expressed serious concern over reports that a 26-year-old Turkish national had been abducted in Athens and forcibly repatriated on May 5. In a public statement, the UNHCR claimed that the individual had repeatedly tried to apply for asylum in the country with the support of an NGO, but the old asylum service had not registered his application. The UNHCR called on authorities to investigate the circumstances of the reported abduction and take decisive steps to address the limited access to the asylum procedure.

Access to Basic Services: In its July 4 report, the UNHCR welcomed the establishment of the first reception center in Evros but also referred to the lack of adequate places for asylum seekers. According to data from the National Center for Social Solidarity, authorities satisfied only 56 percent of shelter requests in 2012. The UNHCR also noted the lack of standard operating procedures for such centers and their nonsystematic, institutional funding that affected the quality and sustainability of services provided. In addition access to legal employment, through the granting of a work permit, had become difficult for asylum seekers. The Ministry of Labor issued a circular in October 2012 stating that employers must first seek Greek and EU nationals to staff positions before hiring asylum seekers.

In separate visits to detention centers in Athens and Korinthos throughout the year, the deputy ombudsmen for human rights, members of parliament, and NGOs reported problems concerning access to medical care, sufficient and nutritious food, hygienic products, hot water, heat, and telephone communication.

Temporary Protection: No data was available for the number of refugees in temporary protection.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

### **Elections and Political Participation**

Recent Elections: Observers considered parliamentary elections in May and June 2012 to be free and fair.

Participation of Women and Minorities: There were 63 women in the 300-seat parliament and four women (one minister and three deputy ministers) in the 42-member cabinet following the June 24 government reshuffle. A quota system requires that 30 percent of all parties' candidates for local government be women. For the first time a woman was appointed as attorney general of the country's Supreme Court, the second highest position on the court. In addition, on the three highest courts, three of 11 appointed supreme administrative court judges, eight of 17 appointed high court presiding judges, and 25 of 30 appointed first instance court presiding judges were women.

There were three members of the Muslim minority of Thrace in the parliament; there were no minority members in the cabinet. Approximately one-third of the Romani population was not registered to vote.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption. The media, the business community, international organizations, and NGOs continued to voice concern over the high level of official corruption. Enforcement of anticorruption laws and regulations remained weak. During the year the government initiated administrative procedures for the dismissal of corrupt state officials. The government also established a stricter institutional framework, providing for tougher penalties for corrupt officials as well as for tax evaders. In January the Ministry of Justice, Transparency and Human Rights issued a National anti-Corruption Plan of Action. In May the government appointed a former Supreme Court public prosecutor as the national coordinator against corruption. The government also increased tax evasion inspection controls. In August parliament passed a new law allowing for inspections during weekends, official holidays, and nights. Both permanent and ad hoc government entities charged with combating corruption were understaffed.

Corruption: Transparency International's (TI) 2013 Corruption Perceptions Report indicated an improvement for the country, which moved up 14 places in the rankings during the year. TI deemed the country's public sector to score 40 out of 100 (with 100 being "very clean"). TI's country office launched a volunteer-staffed corruption-reporting hotline in September 2012. Members of the public could use the hotline to receive guidance on how to pursue cases of public and private sector corruption through appropriate legal channels. Throughout the year various ad hoc government entities conducted investigations of companies in a number of sectors charged with various forms of corruption including bribery and kickbacks.

A special interparliamentary investigative committee recommended to parliament the indictment of a former finance minister for mismanaging a list of more than 2,000 Greeks with Swiss bank accounts. On July 15, parliament decided that the ex-minister in question should stand trial on three charges: breach of trust, tampering with an official document, and breach of duty. The trial of a former transport minister charged with accepting 230,000 euros (\$310,500) in bribes and money laundering began December 12.

In October a former minister of defense, along with 16 of 18 co-defendants, was found guilty of money laundering. The court sentenced him to 20 years' imprisonment for money laundering and eight years' imprisonment for submitting false income declarations, ordered the seizure of his home in Athens, and imposed a 520,000 euro (\$702,000) fine.

On November 15, the Inspectors/Controllers Body for Public Administration announced that no disciplinary actions were taken against 55 finance ministry employees, including tax and customs officials, who had been charged or convicted of criminal offences including extortion, smuggling, money laundering, accepting bribes, embezzlement, appropriating documents, forgery, fraud, and breach of duty. The minister of finance then ordered an investigation into each case and called for the suspension of all involved. The Ministry of Administrative Reform passed legislation that imposed a 20-day deadline for decisions concerning the necessity of disciplinary action against employees facing criminal charges.

Tax evasion was widespread among individuals and businesses in the country. A special financial and economic crimes unit in the Ministry of Finance conducted several investigations to crack down on evasion of the value-added tax (VAT) by businesses, especially those in the tourist and food service industries and state employees working for tax services. In one widely covered incident, residents and

business owners on the island of Crete confronted and chased away tax police attempting to collect unpaid VAT from businesses. The authorities returned, however, and succeeded in issuing fines, temporarily closing the businesses, and pressing charges against the owners for verbally attacking the inspectors. The owners of a Chalkidiki nightclub defied tax authorities, who temporarily closed the club for tax evasion, by opening their business the next day.

Although the government intensified its efforts to combat tax evasion and reported some successes in combating the problem, several sources continued to allege complicity by tax officials in tax evasion by individuals and companies in exchange for bribes from those taxpayers. During the year the press reported that authorities arrested four employees of the tax police on blackmail and bribery charges. On October 10, authorities arrested the head of an Athens tax office for accepting a bribe. On October 11, the Thessaloniki Criminal Appeals Court sentenced a former tax official to five years' imprisonment for a scheme involving approximately 500,000 euros (\$675,000) in illegal refunds of value added tax. In December, following an investigation of staff income declarations at the Ministry of Finance by its internal audit service, 175 persons were reportedly called to appear before a prosecutor and the inspector general of public administration on suspicion of tax evasion and/or corruption. The ministry found 35 of 93 tax department employees failed to declare expensive cars and houses, while another 140 ministry employees had millions of euros in foreign bank accounts.

Reports of police corruption also continued. During the year the police bureau of internal affairs conducted investigations and took multiple disciplinary measures, including dismissal and suspension, against officers involved in corruption. Police misdeeds primarily involved blackmailing businesses and accepting bribes. In July police broke up a human-trafficking and prostitution ring in Larisa and arrested 12 persons, including two police officers who remained in detention pending trial.

Whistleblower Protection: The country has no law providing protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality, such as the solicitation of bribes or other corrupt acts, gross waste or fraud, gross mismanagement, abuse of power, or substantial and specific dangers to public health and safety.

Financial Disclosure: Income disclosure laws for high-ranking public officials and members of parliament existed. The government generally provided and made public such information. In May the government appointed a former attorney general of the country's Supreme Court as the national anti-corruption coordinator

for a five-year term; he reports directly to the prime minister. The national anti-corruption coordinator acts independently but in cooperation with all competent agencies and authorities, shapes the national anti-corruption strategy on political, governmental, judicial, and administrative levels, and monitors and evaluates its implementation.

Public Access to Information: The law provides for the right of access to government-held information. NGOs and media observers noted that access to information was sometimes difficult to obtain because of bureaucratic delays.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: The law provides for an independent ombudsman. The Office of the Ombudsman provided an effective means for citizens to report human rights problems. The office received adequate resources to perform its various functions, which included mediating between private individuals and public administrators and defending and promoting children's rights.

Five deputy ombudsmen dealt with human rights, children's rights, citizen-state relations, health and social welfare, and quality of life problems.

The government-funded NCHR is an autonomous human rights body that advises the government on the protection of human rights. It was composed of representatives of the government, labor unions, political parties, civil society organizations, independent authorities, and academics. Due to an increase in incidents of racist violence, the NCHR, along with the UNHCR and 33 local NGOs, established the Racist Violence Recording Network in 2011. The ombudsman's office participated as an observer. The organization, which had adequate resources to do its work, monitored and recorded incidences of racist violence in the country through voluntary testimonies of victims, offered services to victims, and raised awareness to combat the phenomenon. On April 24, the network reported its findings for 2012, documenting 154 cases of racist violence against mainly refugees and migrants, 107 of which occurred in Athens. The

network noted that the number was likely higher due to victims' undocumented status and fear of reporting incidents. During the first eight months of the year, the network recorded 104 incidents. The network offered detailed recommendations to the government.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. The government did not protect these rights consistently.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a crime. Conviction rates for rape were low for first-time offenders, but sentences were robust for repeat offenders. According to police statistics, victims reported 64 rapes in the first six months of the year. Medical, psychological, social, and legal support was usually available to rape victims from the government and NGOs.

The police recorded 167 rape or attempted rape cases in 2012, compared with 172 in 2011. Data on prosecutions, convictions, and prison sentences for rape and domestic violence crimes were unavailable.

Domestic violence, including spousal abuse, continued to be a problem. The General Secretariat for Gender Equality (GSGE), an independent government agency, reported that domestic violence was common. The GSGE developed policies to combat the problem, such as encouraging and empowering victims to report domestic violence and offering services to victims. An initiative funded by the EU structural funds program financed the creation of 19 shelters for victims of violence and the establishment of 25 counseling and support services centers in all major cities. The GSGE also oversaw 14 separate counseling and support services centers at the headquarters of each governing district and funded the upgrading of two shelters for battered women in Athens and Thessaloniki operated by the National Solidarity Center.

On July 9, the GSGE announced that the codification of 317 Greek and EU laws and legal provisions on gender equality was completed. The law provides for the prosecution of all domestic violence crimes without the need for a victim to press charges. Penalties range from two to 10 years of imprisonment, depending on the gravity of the crime. The GSGE estimated that only 6 to 10 percent of domestic

violence victims contacted police, and only a small fraction of those complaints went to trial. In November the GSGE reported that its special SOS hotline for female victims of violence (domestic violence, rape, sexual harassment, human trafficking, prostitution, etc.) received 12,313 calls from March 2011 to November 2013. According to police figures presented to the Parliamentary Committee for Equality, Youth, and Human Rights on December 4, there was a 54 percent increase in cases of domestic violence in 2011 and another increase of 22 percent in 2012. The vast majority of the victims were women. Ten women were killed in domestic violence incidents in 2011, five in 2012, and eight in the first 11 months of the year.

The GSGE, in cooperation with the Ministry of Public Order and Citizen Protection, trained police to work with domestic violence victims. NGOs reported that courts were lenient to male offenders in domestic violence cases. The GHM reported long delays in trial procedures until the final verdict. The GHM noted that the state did not provide legal aid to victims, or translation of key documents to non-Greek victims, which discouraged victims from pursuing their cases. Police stations generally had a manual on how police should treat victims of domestic violence.

The GSGE provided counseling and assistance to domestic violence victims. Shelters for battered women and their children, established in cooperation with municipalities, offered services including legal and psychological help. The GSGE operated a 24-hour emergency telephone hotline for abused women, and the National Center for Social Solidarity of the Ministry of Labor operated a hotline that provided referrals and psychological counseling for victims. The Greek Orthodox Church and a variety of NGOs also operated shelters and walk-in centers, providing counseling and assistance to victims.

Sexual Harassment: The law prohibits sexual harassment and provides penalties ranging from two months to five years in prison. According to the deputy ombudsman for human rights, sexual harassment cases in 2012 remained underreported due to victims' fear of losing their jobs. Of the gender-equality complaints handled by the ombudsman, 8 percent involved sexual and other harassment. No new numbers were available; credible reports alleged that while the phenomenon was widespread, co-workers and family members discouraged women from filing complaints and lawsuits. The deputy ombudsman complained that addressing sexual harassment cases was difficult, since there was often a lack of evidence and testimonies to support allegations.

Reproductive Rights: The government generally respected the reproductive rights of couples and individuals. Contraception was widely available in stores and hospitals, and the government respected the rights of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Public hospitals provided services free of charge. Consequently, any health issues typically surfaced only after a woman returned to her community, which might have substandard facilities. Both public and private hospitals provided modern and skilled attendance during childbirth. The Hellenic Statistical Service reported in August a 6 percent decrease in births from 2011 to 2012. The National Institute for the Health of Children noted that from 2007 to 2012, there was a 10 percent decrease in the number of births and a 21 percent increase in the number of stillbirths, attributing this directly to the economic crisis, high unemployment rate, and inability of expectant mothers to afford prenatal care. Women and men had equal access to diagnostic services and treatment for sexually transmitted diseases.

Discrimination: The government recognizes sharia as the law regulating family and civic issues of the Muslim minority in Thrace, with local trial courts routinely ratifying the muftis' decisions. Muslim women in Thrace may choose to be subject to sharia law as interpreted by official muftis. According to the UN independent expert on minority issues, women's rights under sharia law were inferior to those of men. The UN independent expert on minority issues noted that in some instances sharia law subjected Muslim women to norms incompatible with the constitution, legislation, and international standards. She further noted that Muslim and Romani women experienced severe inequalities in access to education and consequently suffered disproportionately high levels of illiteracy and unemployment. The situation remained unchanged at year's end.

In November the Supreme Court imposed sharia law and rejected civil law provisions in an estate case, apparently based on religion. The Muslim decedent had made a public will and testament in civil court leaving all his property to his wife. The Supreme Court ruled that, based on sharia law, the wife's sister-in-law could claim part of the decedent's real estate property, despite two prior court decisions to uphold the civil court will.

The NCHR advised the government to limit the powers of the muftis to religious duties and to stop recognizing sharia because it could restrict the civil rights of citizens. Muslim female activists claimed that since the overwhelming majority of Muslim women in Thrace were married under sharia, they were obliged to acquire a mufti's consent to obtain a divorce. Inasmuch as these decisions stemmed from interpretations of sharia that did not exist in written form, they could not be

appealed. Members of the Muslim minority in Thrace may also use the services of the country's civil courts.

Apart from the Muslim minority in Thrace, women have legal rights equal to those of men, and the constitution stipulates gender equality.

The law provides for equal pay for equal work; however, according to EU data, in 2010 there was a 22 percent gap between the salaries of men and women in the country in favor of men. Although relatively few women occupied senior private-sector positions (25 percent), with only 5 percent in positions on boards of directors, women continued to enter traditionally male-dominated professions, such as law and medicine, in larger numbers. According to the International Labor Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations, the economic crisis has had a disproportionate impact on women. The ombudsman noted an increase in number of complaints by women alleging discrimination by employers in the private sector. Most cases involved illegal employment dismissals, changes in work terms imposed by the employer due to pregnancy, and sexual harassment. A UN expert evaluating the impact of the economic crisis noted in April that the unemployment rate among women was 31.4 percent, 7.5 percent higher than for men.

## **Children**

Birth Registration: Citizenship is derived from one's parents at birth. A single parent can confer citizenship to a child. According Hellenic Statistical Authority data, in 2012 there were 100,371 births registered, of which 84,851 were by Greek women. Parents are obliged to register their newborns within 10 days of birth. The law allows belated birth registration but with the imposition of a fine. For children not born in private or public clinics or hospitals, parents could register their children by submitting written statements by two witnesses confirming their parentage.

On February 11, the Council of State ruled that the citizenship law pertaining to alien children born in the country or abroad was unconstitutional. The law granted citizenship rights to alien children born in Greece whose parents have lived legally and permanently in the country for five years. Alien children born abroad to parents who had lived legally and permanently in the country for five years became citizens upon successful completion of elementary education (six years). Foreigners arriving in the country after the law took effect in 2010 had to fulfill a seven-year legal residency requirement before applying for citizenship, which,

together with procedural delays, could stretch the waiting period to a decade. The amendment of this law was pending at year's end.

In November 2012 the interior minister ordered state services to suspend processing of all citizenship applications by migrants and the registration of new citizens at municipal offices. Prime Minister Antonis Samaras called for the immediate implementation of the decision. In response the mayor of Athens and six other mayors announced that until the decision was officially registered, they would continue to implement the legislation in existence. The ombudsman also expressed concern regarding the suspension, stating that laws should be respected until they are replaced, and that interim provisions should ensure the rights of the children for whom applications had already been made. In July following the ombudsman's mediation, the Ministry of Interior accepted all relevant decisions granting citizenship publicized in the *Official Gazette* prior to the publication of the Council of State's decision.

Education: Romani children continued to face discrimination in education (see section 6: National/Racial/Ethnic Minorities), with segregated classes, schools for Roma only, and the lack of transportation to some schools, thus preventing their attendance.

Child Abuse: Violence against children, particularly street and Romani children and undocumented immigrants, remained a problem. The law prohibits corporal punishment and mistreatment of children, but government enforcement was generally ineffective. Welfare laws provide for treatment and prevention programs for abused and neglected children as well as alternative family care or institutional placement for those in need of it. Government-run institutions were understaffed, however, and NGOs complained of insufficient places for all children who needed alternate placement. Additionally the economic crisis seriously eroded the limited financial resources of child protection institutions. During the year the deputy ombudsman undertook a campaign to raise awareness against school bullying and to protect child victims of bullying. On November 19, the NGO "Smile of a Child" announced that since the beginning of the year, it had received 1,151 child abuse reports, a 66 percent increase compared with 2012. Of these 41 percent involved children under the age of six.

In a May letter addressed to the minister of public order and citizens protection, the ombudsman expressed concern regarding the treatment of minors in migrant detention centers and the "unacceptable" practice of unaccompanied minors' long-term detention. She called for minors to be detained administratively only for the

time necessary for their identification and the recording of personal details before their transfer to special hostels or reunion with relatives. Following a visit to the Amygdaleza detention center, the ombudsman observed that authorities held unaccompanied minors for up to four months under conditions that did not meet their special needs or rights as minors.

On May 23, the general secretary of the Ministry of Justice responsible for human rights told a parliamentary committee that hundreds of underage migrants were held in police detention centers or were unaccounted for, as authorities were able to satisfy less than half the applications for hostel accommodation. In 2012 authorities could only accommodate 385 of 822 underage migrants seeking state accommodation. Authorities placed some of the remaining children, some as young as ten years old, in police detention cells lacking proper facilities. The fate of the others was unknown.

According to sharia law, applicable only to members of the Muslim minority in Thrace, in divorce and separation proceedings, custody of children younger than 12 is systematically awarded to mothers while custody of older children is systematically awarded to fathers without due regard for the best interest or opinion of the child.

According to the UN Children's Fund (UNICEF) and local NGOs, in the majority of cases, Roma exploited their children by forcing them to beg or sell small items on the streets. Government efforts to prevent this form of child exploitation were inadequate.

A May 2013 report by UNICEF and the University of Athens said that more than half a million poor or socially marginalized children live in the country, with 322,000 of these living in households with severe material deprivation. The report noted that criminality had increased among underage children from 2010 to 2011 by 53 percent; for children nine to 13, it had climbed to 58 percent; 87 percent of these were boys and two-thirds were Greek nationals. Stealing was the most common crime.

Forced and Early Marriage: The legal age for marriage is 18. Nevertheless, child marriage was common within the Romani community. NGOs reported that Romani women typically married and had children at a very early age, reportedly as young as 13. While traditional in the Romani community, child marriages were more prevalent among families lacking education and economic opportunities.

The state-appointed muftis, who may apply sharia in family matters, noted that the marriage of children under age 15 was not allowed, and marriages involving minors between the ages of 16 and 18 required a prosecutor's decision. There were a limited number of marriages of persons under 18 among the Muslim minority in Thrace and Athens performed with the permission of a prosecutor.

Sexual Exploitation of Children: The law criminalizes sex with children under age 15. If the victim is under 10 years of age, the sentence carries at least 10 years' imprisonment; if the victim is between 10 and 13, up to 10 years; and if the victim is 13 and over, the length of imprisonment is determined by the court. The law prohibits the possession and circulation of child pornography, treating it as a felony punishable by five to 10 years' imprisonment.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Report on Compliance* at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html) as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_5792.html](http://travel.state.gov/abduction/country/country_5792.html).

### **Anti-Semitism**

Local Jewish leaders estimated the Jewish community numbered 5,000. Several expressions of anti-Semitism occurred, particularly in the extremist press and certain blogs.

The Central Board of Jewish Communities (KIS) and the Anti-Defamation League (ADL) found alarming the June 2012 parliamentary election of 18 members of the GD party. Local and international NGOs including ADL and the local KIS characterized GD as a neo-Nazi, anti-Semitic party that used an allegedly swastika-inspired emblem, employed a Nazi salute and a Nazi anthem, and denied the Holocaust.

The GD party regularly organized food and clothing distributions and blood donations exclusively for citizens. In May the mayor of Athens prevented, with the assistance of Hellenic Police, a GD food distribution that was limited to ethnic Greeks from occurring in front of the parliament building; a GD member of parliament assaulted the mayor. In July the mayor again prevented another GD food distribution limited to ethnic Greeks in downtown Athens by issuing a ban on any assembly or demonstration in the area because it would be hazardous to public

safety and because the party had failed to obtain the necessary permits. GD held a rally outside its headquarters instead. Media reported more than 2,000 participants gathered outside the headquarters with many chanting “Foreigners out of Greece.” According to the press, GD leader Michaloliakos addressed the crowd, and the party played a Greek version of “The Horst Wessel Song,” the official Nazi party anthem, over loudspeakers.

In March the Hellenic Football Federation voted unanimously to ban for life a well-known soccer player from playing on the national soccer team after he made a Nazi salute during a game.

On April 12, GD parliamentarian Michalis Arvanitis referred to “Zionists loan sharks” in a session of the parliamentary Committee of Finances. In June Arvanitis claimed that Jews died of typhus, and the Nazis merely burned their bodies. In a June session of a parliamentary committee investigating the “Lagarde List” of suspected tax evaders with accounts in Swiss banks, GD party spokesperson and MP Elias Kasidiaris targeted a Jewish-Greek businessperson on the list. Kasidiaris, a member of the committee, said, “The Jew...is key to this case. He won’t appear before this committee because there are Holocaust deniers on it. And indeed there are Holocaust deniers on it.”

KIS expressed its abhorrence of these statements to the speaker of the house and to all other parliament party representatives and requested parliament to condemn Holocaust deniers. KIS strongly protested expressions of anti-Semitism, the denial of the Holocaust, and Nazi salutes employed by GD party leader Nikos Michaloliakos. Some leaders of the government, members of parliament, leaders of other political parties, and journalists criticized GD actions and statements.

In June a major Jewish organization expressed concern over the appointment of the new health minister due to his reported history of troubling remarks about Jews, and his public promotion of an anti-Semitic book. The minister denied publicly that he was anti-Semitic.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and provides for other government services such as transportation and education. NGOs and organizations for disability rights reported that government enforcement of these provisions was uneven.

During the sixth session of the conference of states party to the Convention on the Rights of Persons with Disabilities held in July, the government cited examples of its commitment to the rights of persons with disabilities. Examples included the publication of a comprehensive guide for citizens with disabilities, allocation of funds for the transportation of such children to special schools, and a municipal-level program of accessibility monitored by local mayors with national oversight by a general inspector.

Access to facilities such as buildings, transportation, and public areas for persons with disabilities, including children, remained poor. Relevant legislation was not effectively enforced. The law mandates access to buildings for people with disabilities, accessible transportation, and ramps for sidewalks and public transportation vehicles; however, disability advocates claimed that accessibility provisions for buildings applied to new buildings that exceeded a certain square meter area and height, whereas older buildings, often housing public services, remained inaccessible. Only 5 percent of public buildings were fully accessible, with the majority of these in Athens; for the most part, even buildings with special ramps did not have accessible elevators or lavatories. Disability activists reported that some of the ramps in buildings and in streets were not properly built, resulting in accidents and falls. They also noted that parked vehicles often occupied sidewalks and special ramps, thus hindering access for persons with disabilities. The general lack of accessibility forced such individuals to remain at home and led to serious social exclusion. A 2011 research project by the Polytechnic School of Athens revealed that 69 percent of the country's ports were not accessible to passengers with disabilities. The law allows service animals to accompany blind individuals in all mass transit, but blind activists claimed they faced serious problems when attempting to use city transportation with their dogs.

The deputy ombudsman for social welfare handled complaints related to persons with disabilities, especially those related to employment, social security, and transportation. There was a shortage of qualified personnel available to provide health and educational support to children with disabilities.

In its August 2012 recommendations, the UN Committee on the Rights of the Child expressed concerns that deep-rooted discrimination still existed, measures for children with disabilities were not carefully monitored, and statistical data on children with disabilities were still unavailable.

The Confederation of the Disabled reiterated during the year that education was not available for persons with serious disabilities, and many individuals were forced either to leave school due to lack of accessibility or to accept a low-quality education at the special education schools. The confederation stated that only two of the 10 universities in Athens were accessible to persons with disabilities and that 80 percent of children in special schools for children with disabilities were in buildings unsuitable to their needs. NGO representatives and unions of parents with children with disabilities claimed that the economic crisis had negatively affected persons with disabilities, citing a lack of local special education schools, funding for transportation to schools, qualified staff, and reductions in funding for programs and social benefits. NGOs also noted government healthcare funding cuts for persons with disabilities. In a special 2012 report, the ombudsman mentioned several cases of unequal treatment of children with disabilities in accessing education, including access to restroom facilities for a child with mobility problems. The ombudsman's intervention resulted in structural changes, which facilitated access for the child.

The government recently changed the disability certification procedure in order to more accurately register and categorize persons with disabilities. The new system required applicants to have their disability reassessed, and understaffing led to lengthy waits of up to 12 months, during which applicants were unable to collect disability benefits. In an April special report, the ombudsman reported receipt of over 350 complaints from September 2011 to February regarding delays in the system.

The Manpower Employment Organization estimated the unemployment rate for persons with disabilities to be 80 percent, while disability advocates called unemployment the greatest social problem faced by persons with disabilities. Observers believed the situation worsened due to the economic crisis. The government exempted public sector employees with disabilities or with dependents with disabilities, under certain conditions, from public sector job cuts that were part of a wide-range mobility scheme.

### **National/Racial/Ethnic Minorities**

According to NGOs, Roma continued to face widespread governmental and societal discrimination, including alleged police abuse or mistreatment while in police custody; regular raids and searches of their neighborhoods for criminal suspects, drugs, and weapons; limited access to education; and segregated schooling. Their dwellings lacked running water, electricity, or waste removal and municipal authorities occasionally demolished them. NGOs and representatives of the Romani community reported that government efforts to address these problems were inconsistent, especially at the municipal level.

The law provides for the temporary encampment of itinerants with permits from regional authorities in designated locations. The law also stipulates that camps should have the necessary hygienic infrastructure such as running water, sewage, and garbage collection. The law, however, was not enforced, and most Romani camps were in sites not designated by the authorities due to their unwillingness to set up camps and install the necessary infrastructure. Consequently, Roma continued to establish, without permits, settlements lacking the requisite infrastructure. There were approximately 70 such camps in the country.

Based on municipal announcements, GHM reported that on June 4, on the island of Rhodes, 10 municipal police officers detained 15 Romani adults and 20 children who had recently arrived on the island and camped in public places. Police allegedly confiscated and destroyed their personal belongings and detained them for a day before forcing them to leave the island by boat.

In other cases the exclusion of longstanding Romani settlements (often existing for decades) from city planning ordinances prevented legal construction of schools, parks, and infrastructure projects such as sewage systems. Local and international NGOs criticized this as de facto, enforced separation of Romani settlements from other inhabited areas, charging that such a separation violated the country's commitments under the International Convention on the Elimination of All Forms of Racial Discrimination. In addition authorities threatened Roma with forced evictions. In July, following orders for administrative evictions, authorities demolished 14 Romani homes on a state-owned plot during a police operation in Kalamata. A court order suspended the eviction of Roma from the Athens Halandri area in September 2012, but their relocation had yet to occur.

Local authorities reportedly opposed proposed state-property sites for the relocation of the Roma.

In his 2012 report on discrimination, the deputy ombudsman for human rights noted that, in addition to the difficult housing problem, town planning authorities levied disproportionate fines on Roma for establishing makeshift homes without permits. In one case, the fine totaled five million euros (\$6.75 million). The ombudsman considered the fines excessive in light of Roma poverty and social exclusion, and suggested authorities reduce the fines.

The illiteracy and high school dropout rates among Romani children were high. Authorities did not enforce the mandatory education law for Romani children, and local officials often excluded Romani pupils from schools or sent them to Roma-only segregated schools. In May the ECHR ruled that local authorities failed to integrate Romani children into the education system, instead placing them in separate classes due to their ethnic origin. The ECHR ordered the state to pay fines and legal expenses to these Romani families. The ECHR twice before in 2008 and 2012 found the country to be similarly discriminatory.

According to the deputy ombudsman for human rights, Roma faced serious social exclusion, with Romani women and children particularly vulnerable. Very few indigenous Romani children attended school, alien Romani children tended not to go to school at all, and government projects to attract Romani children to education had very limited success.

Romani children also continued to face social exclusion and lack of access to social services, in part because they accompanied their parents who primarily worked as wandering merchants or in sales of scrap materials. Marriages at the ages of 13 to 17 followed by the births of many children continued to prevail in Romani communities.

In July the minister of interior admitted that there were problems in the registration of Roma due to negligence or ignorance, resulting in exclusion of Roma from rights and benefits.

In October police raided a Romani settlement in Farsala, and determined through DNA testing that a girl living with a Roma couple was not the couple's biological child nor had she been formally adopted. Police reportedly uncovered three similar cases, one involving a Greek non-Roma couple that allegedly bought a child from a Roma woman. Judicial authorities initiated an investigation on belated birth registrations. In October the Council of Europe commissioner for human rights stated that "irresponsible journalism," which consistently mentioned the ethnicity

of the couple involved in the case, could fuel already existing, violent anti-Roma movements.

The estimated life expectancy for Roma was 55 years, compared with 80 for the rest of the population. Despite some progress in vaccinating Romani children, approximately 90 percent of them were still unvaccinated, and the rate of hepatitis B among Roma was three times higher than among the rest of the population. The incarceration rate for Roma was seven times higher than that of the general population.

The UNHCR, local media, and NGOs reported an increasing number of racially motivated attacks on immigrants by far-right extremist groups, including GD members. The victims were mainly men from Afghanistan, Bangladesh, Pakistan and sub-Saharan Africa. They suffered various degrees of bodily harm and destruction of personal property. In April the Racist Violence Recording Network presented its 2012 findings, documenting 151 cases of violence, of which 130 occurred in Athens and the wider Attica region. Most of the incidents involved severe bodily injury or property damage; two of the five cases involving women occurred against women wearing hijabs. Ninety-one incidents were linked to extremist groups. In 148 of the 151 cases, victims reported more than one attacker; 25 attacks had direct police involvement; and in eight cases, victims or witnesses described GD insignias on the attackers' clothing. Victims in all cases reported verbal abuse and threats against foreigners. The network noted that the actual number of cases was most likely higher, because many victims were undocumented immigrants and were afraid to report attacks.

Often the perpetrators of racist violence were motorcycle riders dressed in black, with supposed GD connections. Allegedly, in some neighborhoods, GD members attempted to regulate the movement of non-Greeks by setting restrictions on locations and hours of circulation through intimidation and violence. In January police found GD leaflets in the home of one of two perpetrators of the murder of a Pakistani asylum seeker. In July 20 assailants reportedly attacked two Pakistani nationals with knives a few hours after a public gathering of GD members in the area. GD members also reportedly participated in attacks against Greek nationals, antifascists, and members of leftist and anarchist groups.

On September 17, a self-professed GD member stabbed to death an ethnic Greek hip-hop musician known for his leftist political views. The murder sparked demonstrations and criminal investigations against the GD party. As of December 5, police arrested at least 46 GD members, including the party's leader and eight

other GD MPs, on charges of forming or participating in a criminal organization. Six of these MPs had their parliamentary immunity from prosecution lifted and were under investigation for criminal activities. On October 22, parliament enacted laws stripping GD of public funding.

On December 9, authorities submitted new evidence related to GD actions to examining magistrates investigating cases against party members. The counter-terrorism squad confiscated computers belonging to GD parliamentarians Ilias Kasidiaris, Giorgos Germenis, Yiannis Lagos, and Nikos Michaloliakos. Authorities found videos of new members swearing an induction oath to the organization, performing Nazi salutes, and stating, “I am Golden Dawn because we are rebels. Let’s kill the Jew hiding in all of us.” Other footage showed GD leader Michaloliakos stating, “They say that we are the evil fascists and nationalists. The truth is that they are right.”

In April a 33-year-old man became the first person in the country in recent years to be charged under the 1979 antidiscrimination law, which criminalizes racially motivated violence. Authorities accused the individual of attacking a Bangladeshi street peddler at least eight times. On November 21, an Athens court sentenced two GD party members to three years and five months for carrying out an arson attack on the bar of a Tanzanian immigrant in May.

In a 2012 report, the NCHR concluded that the country’s laws and mechanisms for recording and punishing incidents of racist violence were ineffective and inefficient. The NCHR expressed its deep concern over racism and intolerance expressed in public, political, and religious speech, including racist songs and chants shouted by minors during soccer games. Eleni Zaroulia, an MP from the GD party, who also served on the Committee on Equality and Non-Discrimination at the Council of Europe Parliamentary Assembly, referred to migrants in the country as “sub-human” and “wretches that carry diseases” during an October 2012 debate in parliament. In July 2012 HRW also released a report showing a sharp increase in attacks against presumed migrants and alleging that authorities regularly ignored or discouraged victims from filing complaints.

Local and international NGOs criticized authorities for continuing Xenios Zeus police sweeps that began in August 2012 against individuals, allegedly based on their physical appearance. According to HRW, police subjected thousands of individuals to abusive stops and searches on the streets and held them for hours in police stations in overcrowded conditions. HRW accused the government of ethnic profiling and of arbitrary deprivation of liberty. Police on occasion declined

to accept government-issued identification cards, including those of diplomats, as valid proof of residency for persons perceived to be illegal migrants.

A number of citizens identified themselves as Turks, Pomaks (Slavic-speaking Muslims), Vlachs (a Balkan minority group speaking a Romanian dialect), Roma, Arvanites (Orthodox Christians, speaking an Albanian dialect), or Macedonians. Some members of these groups sought official government identification as “minorities” or “linguistic minorities.” The government recognized only a “Muslim minority,” as defined by the 1923 Treaty of Lausanne. The officially recognized Muslim minority consisted of approximately 120,000 individuals residing in Thrace and composed primarily of ethnic Turkish, Pomak, and Romani communities. Some Pomaks claimed members of the Turkish-speaking community pressured them to deny the existence of a Pomak identity separate from a Turkish one. Some Pomaks alleged members of their community received monetary incentives to self-identify as Turkish.

Although the government recognizes an individual’s right to self-identification, many individuals who defined themselves as members of a minority group found it difficult to express their identity freely and maintain their culture. Use of the terms *Tourkos* and *Tourkikos* (“Turk” and “Turkish”) was prohibited in titles of organizations, although individuals legally may call themselves *Tourkos*. Authorities denied associations with either term in their name official recognition; the last such denial occurred in April 2012 when the Areios Paghos Supreme Court determined that a 2008 ECHR decision requesting the country to recognize the Turkish Union of Xanthi was not binding.

The government did not recognize the existence of a Slavic dialect, called “Macedonian” by its speakers; nevertheless, a small number of speakers identified themselves as Macedonian, a designation that generated strong opposition from other citizens. These individuals claimed that the government pursued a long existing policy designed to discourage the use of their language. Government officials and the courts denied requests by Slavic groups to use the term Macedonian in identifying themselves, stating that approximately 2.2 million ethnically (and linguistically) Greek citizens also use the term Macedonian in their self-identification. The government has long refused to recognize an association named “Home of Macedonian Culture,” objecting to the use of the term Macedonian. The association took the case to the ECHR in 2009, and in August 2012 the ECHR accepted the case for judgment.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The legal age of consent for heterosexual sex is 15; for sexual intercourse between men, it is 17. The law does not specify an age of consent for sex between women. The NGO Homosexual and Lesbian Community of Greece (OLKE) stated that the higher age of consent for gays and the lack of any legal framework for lesbians constituted discrimination.

OLKE also criticized the country's laws against hate speech for not including sexual orientation or gender identity. Some antidiscrimination laws do not specify sexual orientation. On January 1, the Athens Pride NGO denounced the "willful omission" of all reference to sexual orientation and gender identity from the presidential decree establishing antiracist police units. Article 66 of the Criminal Code that lists motives relating to victims' race or sexual orientation was amended in March to include gender identity.

In April and June, victims reported two separate homophobic attacks in central Athens in the early morning hours: one involved a Greek national and former Swedish MP and his partner; the second involved a television and cinema critic whose photo and sexual preference was published by an ultra-rightwing newspaper prior to the attack. Police did not make arrests in the two cases.

In May the legal advisor to the Ministry of Education's monitoring committee for the prevention of bullying reportedly refused to attend a meeting held at the ministry on school violence because a transgender individual was in attendance. In July members of the Hellenic Patriotic Front destroyed microphones and effectively ended a gathering in Larisa of transgender persons, who were protesting their eviction from their offices by a local businessperson.

The Athens metro declined to sell advertising space to Athens Pride for the June pride parade. The National Television and Radio Council also refused to advertise the event as a pro-bono public service announcement.

For the second time a gay pride parade under the auspices of the local mayor took place in the northern city of Thessaloniki in June. The local Orthodox bishop pronounced the march unacceptable and called on his followers to oppose it. A counter-parade organized by the Greek Orthodox Citizens of Thessaloniki occurred simultaneously, without incident. Mayors of the country's five largest cities signed a joint statement in support of diversity and antidiscrimination.

In a press release issued on September 20, the Racist Violence Recording Network reported an increase in attacks against LGBT members during the first eight months of the year. On October 22, the ombudsman's office intervened to protect the rights of a secondary school transgender student who was harassed by teachers and pupils and who was prohibited from using women's toilets. The Bureau of Health accepted the recommendations and organized an educational program to combat homophobia. On October 1, activists for the rights of transgender persons also reported that classmates poured gasoline on and threatened to burn a 25-year-old transgender person. Transgender individuals were exempt from military service on disability grounds.

### **Other Societal Violence or Discrimination**

Observers indicated that family and friends shunned individuals with HIV/AIDS, and an unknown number lost employment once their HIV status became public. In May 2012 police forced HIV tests on people purported to be engaged in prostitution. Police arrested 31 HIV-positive individuals, charging them with intentionally causing serious bodily harm. Authorities published photographs and personal data of the detainees on official websites. The deputy ombudsman for human rights claimed that the publication of personal data and photographs insulted human dignity and violated the right for medical privacy. The courts acquitted all 31 individuals, and authorities released the last of the accused in March.

In June the newly appointed minister of health reintroduced regulation permitting the detention of individuals with an infectious disease. Human rights organizations widely viewed the regulation as targeting migrants, sex workers, and drug addicts. On November 12 and 14, three NGOs submitted two separate appeals to the Council of State requesting the invalidation of the regulation, claiming it is unconstitutional.

The ombudsman's special counter discrimination report for 2012 expressed concern regarding the limited access to medical care of individuals with HIV/AIDS as well as the detention conditions of HIV-positive inmates in the largest Athenian prison. HIV-positive inmates were held in the prison's hospital, separated from other inmates, and prohibited access to recreational, vocational, educational, and entertainment activities.

The Hellenic Center for Disease Control and Prevention reported 792 new HIV infection cases in the first 10 months of the year. Of these, 709 (89.5 percent) cases were men and 83 (10.5 percent) were women. Research conducted in October 2012 by the Center found that HIV infections among intravenous drug users had more than doubled to 487 cases, from 206 in the same period in 2011. Intravenous drug use in 2012 accounted for almost half of all new infections, overtaking sex between men for the first time as the main means of transmission. During the first 10 months of the year, however, sex between men again became the primary means of transmission (258 compared to 230 cases of intravenous drug use). The economic crisis also reduced the Okana drug treatment center's budget from 35 million euros (\$47.25 million) in 2010 to 20 million euros (\$27 million) in 2012.

Persons with HIV/AIDS were exempt from military service on medical grounds. There were no reports of dismissal from work due to HIV/AIDS during the year. On October 3, the ECHR ruled that the 2005 dismissal of an HIV-positive employee in response to a petition from other employees constituted a violation of Articles eight and 14 (right to respect of private and family life, and prohibition of discrimination) of the European Convention on Human Rights. Greek courts had previously ruled the employer had acted in the interest of the health of his staff. The court ordered the country to pay damages of 6,339 euros (\$8,558) for pecuniary damages and 8,000 euros (\$10,800) with respect to non-pecuniary damages.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the right of workers, with the exception of members of the military services, to form and join independent unions, allows unions to conduct their activities without interference, and permits workers in the private sector, the government, and parastatal corporations to strike. The law does not, however, allow trade unions in enterprises with less than 20 workers, and it places restrictions on labor arbitration mechanisms. The law also generally protects the right to bargain collectively; however, it restricts the right to bargain collectively on wages for persons under age 25. In February 2012 the government, as part of its economic stabilization program, announced the implementation of a 22 percent reduction of the minimum wage and salary and a 32 percent reduction of the minimum wage and salary for persons less than 25 years of age, agreed upon by employers and workers in 2010. These and other restrictions on collective

bargaining were implemented in the context of structural reforms taken during the economic crisis and were examined in November 2012 by the ILO Committee on Freedom of Association, which urged the government to promote and strengthen the institutional framework for social dialogue and voluntary collective bargaining. In December press reports alleged that state employees in education faced disciplinary action due to their union activities. In addition media reports linked the initiation of disciplinary procedures with the government's need to implement public sector dismissals because of the economic crisis. No anti-union discrimination was reported during the year. Agricultural employees, most of whom were foreigners, were not unionized.

Unions were independent from political parties in their activities, however many trade unionists allied with politicians. All unions relied on funding from a government agency, which distributed mandatorily withheld worker contributions to the unions. Some unions had dues collection systems from members.

Police have the right to organize and demonstrate but not to strike. There are some legal restrictions on strikes, including a mandatory notice period of four days for public utility workers (including those in the transportation sector) and 24 hours for workers in the private sector. The law mandates minimum staff levels (as determined by management) during strikes affecting public services. Courts may declare a strike illegal, but they seldom enforced such decisions. Unions complained that this judicial power deterred some of their members from participating in strikes. Courts declared some strikes (of transportation workers, air traffic controllers, journalists, university administrative staff, and others) illegal during the year for such reasons as the union's failure to give adequate advance notice of the strike or introduction of new demands during the course of the strike, but no workers were prosecuted for striking.

During the year there were numerous strikes involving private and public sector employees, public transportation workers, ship workers, medical doctors, teachers, journalists, and university administrative staff.

The law gives government authorities the right to commandeer services, vehicles, and equipment to deal with national emergencies, such as wars or natural disasters. Any person receiving a "civil mobilization order" is obliged to comply, or face prison and unemployment. Unless revoked, civil mobilization orders prohibit any future strikes. This special legislation can apply to workers in essential services, which, if interrupted, would endanger the life, personal safety, or health of the population. In May following an announcement of a strike by the teachers' union

during the university-entry exams period, the government enforced the civil mobilization of secondary education teachers. ILO experts subsequently noted that the education sector did not constitute an essential service in that strict sense, and that any limitations on strikes should be reasonable. The government issued similar civil mobilization orders for public transportation workers and ship workers.

The state determines salaries for security and armed forces personnel. Reforms of the labor laws in 2011 allowed company-level agreements to take precedence over sectoral-level collective agreements in the private sector. Civil servants negotiate and conclude collective agreements with the government on all issues except for salaries, for which the government has a constitutionally provided prerogative. The law imposes a salary cap for employees of public enterprises.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. There were reports that women, children, and men were trafficked for labor exploitation in the agricultural sector, and for forced begging. Several government entities including the Hellenic Police's antitrafficking unit worked to prevent and eliminate labor trafficking.

In April three supervisors in Nea Manolada in the Peloponnese (about 160 miles west of Athens) reportedly shot and injured at least 35 foreign migrant workers after 200 strawberry pickers, the majority from Bangladesh, demanded six months of unpaid wages. According to media, police arrested the three Greek supervisors who were present at the shooting and charged them with attempted murder, committing grievous bodily harm, human trafficking, and illegal possession and use of weapons. Authorities granted the 35 victims status as victims of trafficking.

On December 2, police in Aitoliko, western Greece, arrested five Greeks and two Romanians accused of human trafficking after two Romanian farm workers escaped and sought help at the Romanian Embassy. The farm workers had been working up to 12 hours a day with 10 others under squalid conditions. Judicial authorities detained two of the seven arrested suspects pending trial.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment in the industrial sector is 15, with higher limits for some activities. The minimum age is 12 in family businesses, theaters, and cinemas. Presidential Decree No. 62/1998 permits children age 15 to engage in hazardous work in certain circumstances. The Labor Inspectorate enforced these limits through periodic spot checks, and they were generally observed. Younger family members often assisted families in agriculture, food service, and merchandising on at least a part-time basis.

Although the law protects children from exploitation in the workplace and prohibits forced or compulsory labor, the government did not adequately protect children, primarily Roma, who were trafficked for begging, pick-pocketing, or selling merchandise on the street.

Child labor was a problem. A number of children begged, played music, or sold small items in the streets. The government and NGOs reported that the majority of beggars were indigenous Roma or Bulgarian, Romanian, or Albanian Roma. The deputy ombudsman in charge of children's rights estimated that over 100,000 children could be working illegally in Greece. The Labor Inspectorate found 562 minors working legally in 2012. During the same year, the inspectorate received four complaints of illegal employment of minors, and imposed 16 fines. In a 2012 report, the Hellenic Statistical Authority estimated in that 6,238 minors were working in the country. From May 2012 to May 2013, the ARSIS NGO counted 500 child laborers in Athens and 400 in Thessaloniki. According to Eurostat, 11 percent of students, approximately 70,000 children and teenagers, did not continue with secondary education. The Greek Educational Institute estimated that approximately 70 percent of the children who quit school went to work.

There were reports that unaccompanied immigrant children, working mainly in the agriculture, construction, and garment manufacturing sectors, were particularly vulnerable to labor exploitation.

Children from Bulgaria, Romania and Albania were reportedly trafficked and forced to beg, with some parents forcing their children to beg for money or using them to elicit sympathy while the parents themselves begged. In January a school bus in Thessaloniki struck and killed an 11-year-old Bulgarian Romani girl who was washing car windows. In a similar incident in March, a car hit and injured a 12-year-old boy from Romania who was also washing cars. Since 2012 there has been a reported increase in the number of street-begging children from Asian countries, whose parents were immigrants or asylum seekers.

The Labor Inspectorate is responsible for enforcing child labor laws, with penalties for violators ranging from fines to imprisonment. Trade unions, however, alleged that enforcement was inadequate due to inspectorate understaffing.

#### **d. Acceptable Conditions of Work**

The national minimum wage in the private sector for persons who are 25 or older was 26.18 euros (\$35.34) per day and 586.08 euros (\$791.21) per month. Persons under the age of 25 earned 84 percent of the minimum wage of workers older than 25, which amounts to 22.83 euros (\$30.82) per day and 510.95 euros (\$689.78) per month. The government determines public sector salaries, including the minimum wage, without negotiating with civil servant unions. Eurostat estimated that the poverty income level for an individual was 7,200 euros (\$9,720) per year and that 20 percent of the population had an income below the poverty level. While wages were officially the same for local and foreign workers, there were numerous reports that employers paid documented and undocumented foreign workers below the minimum wage. Penalties were not sufficient to deter violations. The law provides for equal pay for equal work.

Workers in the informal economy, comprising approximately 25-35 percent of gross domestic product, usually received less than the minimum wage and had no social security coverage. The Labor Inspectorate estimated in September that more than 35 percent of migrants received salaries below the minimum and did not have social security coverage.

Data issued in April from the Social Insurance Fund and its special service of insurance inspection claimed that uninsured work represented approximately 38.5 percent. Since September 15, the Ministry of Labor set higher fines for undeclared and uninsured work: 10,550 euros (\$14,243) for each undeclared employee. In April the government passed a new law mandating that in addition to the Labor Inspectorate, the economic crimes division of the police could conduct labor inspections. The Labor Inspectorate estimated that 48.5 percent of the total immigrant labor force in the country was working while uninsured. The respective percentage for Greek employees was 34 percent.

The maximum legal workweek is 40 hours. The law provides for at least one 24-hour rest period per week, mandates paid vacation of one month per year, and sets limits on the amount of overtime. The law regarding overtime work requires premium pay and employers must submit information to the Ministry of Employment and Social Security for authorization. Premium pay ranged from 20

to 75 percent of the daily wage based on the total number of extra hours and the date (Sundays, holidays, nights, etc.). Employers also provided compensation time. The Labor Inspectorate is responsible for enforcement of labor legislation; however, trade unions alleged that enforcement was inadequate, especially in the construction and public works sectors and in medium and small enterprises due to insufficient inspectorate staffing. Reportedly, the number of inspectors entitled to conduct labor inspections exceeded 1,000. This number comprised staff of the Labor Inspectorate, staff of the Ministry of Employment, the Social Insurance Fund, and economic crimes division of the police.

The law provides for minimum standards of occupational health and safety. The country has very complex safety and health legislation, consisting of 2,659 laws and presidential decrees ratifying EU standards and harmonizing Greek legislation to EU standards. The cornerstones of the country's safety and health legislation are Presidential Decrees 17 of 1996 and 159 of 1999 ratifying EU guidelines 89/391 and 91/383.

The General Confederation of Greek Workers characterized health and safety laws as satisfactory but stated that enforcement by the Labor Inspectorate was inadequate. Workers have the right to lodge a confidential complaint with the Labor Inspectorate regarding hazardous conditions or situations they believe endanger their health. Inspectors can close machinery or a process for up to five days if they find safety or health hazards that they believe present an imminent danger to workers.

The Ministry of Labor and Social Security is responsible for all issues concerning occupational safety and health (OSH) at the national level. The General Directorate of Working Conditions and the Health and the Labor Inspectorate (SEPE) are the principal competent state authorities. SEPE monitors and oversees implementation of labor legislation including safety and health, investigates and prosecutes violations, and provides assistance on better implementation. SEPE's mandate includes the private and public sector, except for domestic employees, mines, and merchant marine ships (mines and merchant marine ships fall under the Ministries of Economy and Competitiveness, and Shipping and Aegean). Workers are registered with social security funds, which cover their mandatory insurance for occupational diseases and work-related accidents.

SEPE has the right to conduct inspections at any private or public business at any time without warning, and may shut down a workplace or an enterprise permanently or temporarily if there is imminent danger to the workers' health or

safety. SEPE conducts research on labor accidents, salaries, and working conditions; it can impose administrative penalties and file lawsuits against employers. It has the right of access to records, files, and the archives of enterprises, and it can offer mediation services to resolve individual or group labor disputes.

Nevertheless, overall labor enforcement remained lax, particularly in tourism, construction, and agriculture, sectors in which most immigrant workers were employed. Enforcement was also lacking among the numerous small enterprises in Greece (approximately 800,000).

The labor inspectorate investigated the causes of 4,858 labor accidents in 2012, of which 64 were fatal. Of the fatal accidents, forensic experts determined 19 cases were due to pathological diseases.