



Racist
Violence
Recording
Network



RACIST VIOLENCE RECORDING NETWORK

2014 ANNUAL REPORT

Introduction

Year 2014 was marked by the mobilization of the investigating and prosecuting authorities in the areas of interest of the Racist Violence Recording Network (RVRN) through the investigation of Golden Dawn's activity, as well as through the adoption, following many years of institutional regression, of Law 4285/2014, the so-called "antiracism law"¹. Throughout 2014, the institutional practice of combating hate crimes and racist violence has affirmed RVRN's positions, as recorded in previous annual reports. **The long absence of an efficient mechanism for recording and combating hate crimes contributed to the failure, until recently, to interconnect these crimes, resulting in the diffusion of organized hate crime in various forms into Greek society.** Meanwhile, even in the few times when cases of racist crimes reached the Greek courts, deficiencies in proper investigation and unmasking the racist motive behind them were observed. The trial for the murder case of Sachzat Luckman contributed towards highlighting difficulties in considering racial motivation as an aggravating circumstance at the sentencing stage.

While the State looks deeper into ways of addressing hate crimes and racist violence, it will eventually realize the weaknesses and inefficiencies of the past years. Thus, while several positive measures have been taken as a result of this realization, current practices reveal the need to take more specific measures for the effective tackling of hate crimes. Despite the operation of Departments and Offices of the Hellenic Police for combating racist violence, it has not become common knowledge among victims that these organs constitute the competent authority they can address. This is especially the case of third country nationals living in conditions of extreme poverty and often without any legal documents (see *infra*, section *Complaints and the authorities' response*). Even though legislative amendments providing for the protection of victims and

¹ Law 4285/2014 (OJ 191/A), Amendment of Law 927/1979 (139/A) and compliance with the 2008/913/JHA framework-decision dated 28.11.2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (L 328) and other provisions.

witnesses may have a positive effect on filing official complaints of criminal acts, **practice has demonstrated the difficulties victims face during this process**, even in cases where competent authorities and services were willing to help. Finally, **the question remains as to whether these legislative amendments will be sufficient in combating incidents of racist violence in incidents where there is involvement of law enforcement officials** in the context of routine operations against third country nationals and without the presence of witnesses.

The **familiarization of Greek society with bias-motivated violence** is well documented considering the following three underlying quality trends of the incidents recorded by RVRN in 2014.

Firstly, despite the criminal investigation of racially motivated criminal acts following the murder of Pavlos Fyssas, **attacks against refugees and immigrants continue to represent the majority of recordings**. Although the intensity of the attacks appears reduced, the patterns of organized attacks by groups of people and physical assaults have not stopped.

Secondly, widespread diffusion of violence on the grounds of the victim's sexual orientation and/or gender identity is observed. There is an **important rise in recordings of group attacks against LGBTQI persons² and same-sex couples** with the obvious intention of degrading treatment. Moreover, **violent attacks** have been recorded in cases where the victim is targeted **on the grounds of gender identity**.

Thirdly, the **involvement of law enforcement officials in incidents of racist violence remains particularly alarming**, while demonstrating the failure of effectively tackling so far cases where lawfulness is not respected. The RVRN wishes to reiterate that impunity of such practices is strengthened by the absence of an independent and effective police complaints mechanism for investigating complaints of human rights violations by the police and, consequently, efforts by the Greek State to tackle racist crimes are, to a large extent, undermined.

In the following sections, an overview of the operation of the RVRN shall be presented (I); data regarding cases recorded during 2014 shall be analysed on the basis of their general characteristics and classified per victim and perpetrator group (II) as well as on the basis of the respective complaints and the authorities' response (III). Finally, RVRN recommendations to the State are also presented.

² Lesbian, gay, bisexual, transgender, queer, intersex persons.

I. Working Methods of the Racist Violence Recording Network

The increase of institutional interventions by the Racist Violence Recording Network in combating hate crimes requires a brief analysis of its methods of operation for the purposes of transparency and awareness raising.

A. Institutional remarks

The present report is the fifth one adopted and published by the RVRN. Ever since October 2011 – the starting point of the recordings – the RVRN’s activity has been broadened and strengthened. It is reminded that the initiative for the establishment of a Racist Violence Recording Network was taken in mid-2011 by the Greek National Commission for Human Rights (GNCHR) and the Office of the UN High Commissioner for Refugees in Greece (UNHCR) following two major findings: a) the absence of an official and effective data collection system and b) the need for coordination among organizations which recorded on their own initiative incidents of racist violence against persons who recourse to their services. The completion of the RVRN’s common incident recording form is undertaken following interviews with the victims. Victims’ testimonies are used solely and exclusively by the RVRN with the purpose of combating racism and hate crimes.

For the purposes of the RVRN, incidents of racist violence are criminal or violent acts or behaviours against persons who are targeted because of national or ethnic origin, colour, religion, sexual orientation, gender identity or disability. Any criminal or violent acts or behaviours against human rights’ *defenders*, namely any persons promoting and protecting human rights who are being targeted because of their activity, are also recorded.

RVRN is comprised of actors offering medical, social and legal services or/and come in direct contact with victims of racist violence or victims of other hate-motivated violent attacks. In order to join RVRN a necessary precondition is respect for human rights, diversity, multiculturalism and freedom of religion as well as action in tackling discrimination and intolerance. Apart from the coordinators, the UNHCR and the GNCHR, RVRN is comprised of 36 Non-Governmental Organizations and civil society actors, as well as the Greek Ombudsman and the Migrants’ Integration Council of the Municipality of Athens as observers³. The participating actors acknowledge and jointly

³ RVRN is composed of the following NGOs and actors: Act Up Hellas, Aitima, Amnesty International, Antigoni – Information and Documentation Centre on Racism, Arsis, Asante, Association of Afghans United In Greece, “Babel” Day Center, Center for the Support of Repatriated and Migrants - Ecumenical Refugee Program, Colour Youth - LGBTQ Youth Community of Athens, Forum of Migrants in Crete, Generation 2.0 Red, Greek Council for Refugees, Greek Forum of Migrants, Greek Forum of Refugees, Greek Helsinki Monitor, Greek Transgender Support Association, Group of Lawyers for the Rights of Refugees and Migrants, Group of Lawyers for the Support of Refugee and Migrant Rights (Thessaloniki), Hellenic Action for Human Rights – Pleiades, Hellenic League for Human Rights, Hellenic Red Cross, Homosexual and Lesbian Community of Greece, Human Rights Commission of the Bar Association of Rhodes, Initiative for the Rights of Prisoners, LATHRA? – Solidarity Committee for Chios refugees, Doctors of the World (MdM), Medical Intervention, METAdrasi, Movement

pursue combating racist violence as well as all racially motivated acts on the grounds of race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity and disability.

In the context of pursuing a common goal, the RVRN: i) formulates recommendations to the Greek authorities in compliance with the Greek and international legislation in human rights' protection, ii) promotes the public's information and awareness raising as regards to combating racist violence, iii) consults in various specific issues concerning racist violence, iv) strengthens collaboration with other actors in pursuit of combating racist violence, v) organizes and participates in training programs held by civil society and other competent institutional bodies regarding issues that refer to the identification, recording, and combating of hate crimes.

B. Methodology and Goals

Various reasons allow for the RVRN to be satisfied so far with the progress of its activity. It suffices to recall that at the outset, the State's initial position was that racist violence was inexistent. At a later stage, and thanks to the data recorded by RVRN, the State attributed racist violence to isolated cases. The reality, as arising from the unveiling and reporting of cases, reversed the position that racist violence stems from non-connected groups and it has, in fact, demonstrated the reliability of RVRN recordings. The patterns of violence, first recorded and publicised by the RVRN, proved that the perpetrators did not act spontaneously and without coordination.

Apart from its contribution in making hate crimes visible, RVRN was invited by the investigating authorities to actively contribute to the investigation of various criminal acts. Despite the institutional recognition of its reliability by national and international bodies⁴, the RVRN shall not cease to stress that **its recordings cover only part of the attacks, given that it only records incidents based on the testimony of the victim him/herself, and its member organizations do not operate all over Greece.** However, the experience of the RVRN itself regarding hate crime in Greece is becoming deeper and richer, while it provides the fullest assessment of racist violence quality trends in Greece.

The RVRN reiterates that despite the positive steps made by the State regarding recognizing, recording and tackling hate crimes, their comparative overview at a European level proves that we have not won the bet of recording and reporting and that complaints are still low in comparison to the current situation. **It is a kind of hidden criminality, which, while targeting particular population groups on the surface, ends up affecting society as a whole.** This is proven by the establishment of xenophobic and

for the Support of Refugee and Migrant Rights (Patras), Network for the Social Support of Refugees and Migrants, Positive Voice, PRAKSIS, Rainbow Families, World Without War and Violence, YsMedia as well the Greek Ombudsman and the Council for Migrant Integration of the Municipality of Athens as observers.

⁴ For the most recent and extensive use of RVRN data, see ECRI Report on Greece (fifth monitoring cycle) (2015), par. 61-67, 69, 72. For older reports, see www.rvrn.org

extreme ideologies within the electorate as well as the targeting of population groups, such as LGBTQI persons.

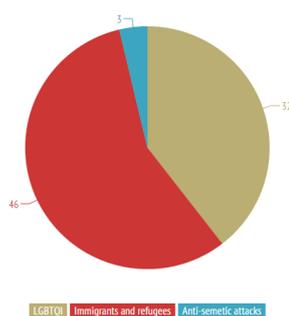
The RVRN is waiting for the implementation of the provisions of JMD 30651/2014 by the competent authorities, so that essential access to justice for all victims is guaranteed, as well as Law 4285/2014, so as to effectively investigate racial motivation both during the preliminary examination ordered by the Public Prosecutor as well as at the stage of *ex officio* preliminary inquiry. Apart from RVRN's effort to record more incidents and demonstrate their qualitative characteristics, it is willing to contribute as much as possible at all stages of tackling hate crime. It does not aim, however, at substituting the State in its obligation to make every possible effort in order to appropriately and effectively apply the recent legislative regulations and their diffusion among vulnerable and targeted groups, as well as intensify the efforts for tackling and prosecuting hate crime without exception. The deficiencies in tackling hate crime erode social cohesion, feed social contrasts and polarize the discussion regarding the unimpeded and essential inclusion of diversity in the Greek society.

II. Findings

This section analyzes the general characteristics of the incidents reported in 2014 (A). Subsequently follows a specific analysis per targeted group, namely refugees and immigrants (B), LGBTQI persons (C) and anti-Semitic attacks (D). As in previous reports, specific reference is made to incidents involving law enforcement officials (E).

A. General findings

Motivation of the attack according to victims



During the period January - December 2014, the RVRN documented, through interviews with victims, 81 incidents of racist violence with at least 100 victims⁵: **46 incidents** were committed against immigrants or refugees due to their ethnic origin or skin color; **32** were committed against LGBTQI persons (in **3** of these cases the victims were foreigners who were targeted because of their sexual orientation and ethnic origin or skin color); in **3 anti-Semitic attacks**, sacred places and symbols were desecrated (two attacks occurred against the Holocaust

⁵ It should be noted that the RVRN records incidents of racist violence on the basis of the testimony of the victim. Some cases involve several victims that cannot always be counted accurately. It should also be pointed out that some incidents of homophobic violence are directed against couples. In these cases, each incident is recorded as one incident but both victims are counted and taken into account.

monument in Athens and one against the Jewish cemetery in Larissa).

The majority of recordings of attacks against refugees and immigrants come from the organization Praksis and the Doctors of the World (MdM) that offer medical and social services. The majority of the recordings of attacks against LGBTQI persons come from the organization Colour Youth - Athens LGBTQ Youth Community.

Geographical and temporal dispersion: **43 incidents** occurred in Athens, and particularly in areas of the **city centre**, such as Aghios Panteleimonas, Attica Square, America Square, Pedion Areos and other areas around Omonia. The attacks motivated by sexual orientation or gender identity occurred at Syntagma Square and in areas close to the city centre, such as Pagrati, Kerameikos, Votanikos, and Gazi, while **7 incidents** were recorded in the **broader area of the region of Attica**. Moreover, **17 incidents** were recorded in **Patras**, **3** in **Thessaloniki**, **1** incident at the bazaar of **Manolada**, **1** in the Prefecture of **Heraklion** and **1** in the Prefecture of **Rethymnon**, Crete, while incidents were also recorded in **Korinthos, Kilkis, Larissa, and Orestiada**.

The **majority of incidents** occurred in **public places** and **6 incidents** occurred in **public transport and taxis**, while for the first time attacks were recorded in places of particular religious and symbolic importance. Furthermore, **2 incidents** were recorded in **schools**. Six (**6**) **incidents** occurred in **places of detention**: 3 incidents occurred within the Detention Centre of Amygdaleza (of which 2 are linked to homophobic attacks), 2 occurred at the police station of Omonia and 1 in a police station in Patras.

Characteristics of the attacks: In the majority of incidents (**49 cases**), **personal injuries** were caused to the victims. In **6** of these incidents, the victims suffered **severe personal injuries** combined with threats, verbal abuse, property damage, and theft. In **16 incidents** the victims suffered **personal injuries**, while in **27 incidents** the personal injuries were combined with **verbal abuse, threats, theft, and disturbance of the domestic peace**. Furthermore, there were **3 incidents of arson** (two (2) at houses and one (1) at the victim's shop). There were also **24 incidents of verbal violence** (verbal abuse, threats), two (2) of which were combined with **disturbance of the domestic peace** and one (1) **with property damage**. Two (2) **incidents** of verbal abuse occurred via the **Internet**. Thirty-eight (**38**) **incidents** occurred **in the evening or during the night**, while **23 incidents** occurred during **the day** (the time when the incident occurred/the time of the incident has not been recorded in the remaining incidents).

Motive: In the **vast majority** of cases, the victims consider that their characteristics as **foreigners** are the reason for the attack; they believe that they were targeted because of their skin color, ethnic origin or religion and/or any other relevant characteristic revealing the fact that they were not natives (26 victims were Muslims, 12 Orthodox Christians, 2 Catholics, while in 37 incidents the religion of the victim was not stated).

Mixed-motive crimes: In **13 recorded incidents**, the victims were targeted due to racism or prejudice in combination with other hate motives. *Firstly*, attacks committed by **law enforcement officials**, which targeted mainly asylum seekers, but also holders of legal residence permits. In one (1) of these incidents, the victim was a foreigner and a

person with disabilities, a fact that the perpetrator took cognizance of during the incident (see a specific reference in the unit “Recording of attacks with the involvement of uniformed officers”). *Secondly*, in most of the mixed-motive incidents in which the perpetrator was a citizen, the foreigners were targeted because of their different **skin color or sexual orientation**. *Finally*, in one (1) incident the perpetrator was the **employer** of the victim. In this case, the victim suffered extreme labor exploitation, he was denied payment, received death threats, and public documents were stolen from him.

Victims: The victims who approached the RVRN members and reported the incidents consisted of **62 men** and **16 women of which 10 are transwomen**. The average age of victims is 27 years. For the first time the RVRN recorded 3 incidents of racist violence against the **Israeli community**, although such attacks occurred as well in the previous years.

Perpetrators: In **68 incidents**, the perpetrators of the recorded attacks were **men** and in **4 cases** the perpetrators were **women**. In **4 incidents** the attacks were committed by **groups of both men and women**. In other cases the perpetrators were not seen by the victims (e.g. case of desecration of sacred places). In cases of attacks perpetrated by groups in which women are involved, the perpetrators are either persons who live near the victim, or groups of young people. A family that rents an apartment to a family of foreign nationals and the residents in the neighborhood where the victim has a bar fall within the first category. Attacks committed by groups of young people in public transport and at school during breaks fall within the second category.

The average age of the perpetrators in the incidents where the victims were able to assess it, was approximately 27 years. The **overwhelming majority** of the perpetrators are **Greek citizens**. There were also **2** recorded assaults **by mixed ethnic groups**, e.g. an assault by a group involving Greek and Albanian perpetrators in the center of Athens and **5 more cases** in which the perpetrators are alleged to be **foreigners**. In **15 incidents** there was **one single** perpetrator. Fifty nine (**59**) **attacks** were committed **by groups of 2-10 persons**.

B. Attacks against refugees and immigrants

The attacks against refugees and immigrants constitute the majority of the cases recorded by the RVRN (**46 incidents** in which the victims were targeted **solely because of their ethnic origin or skin color** and **3 incidents** in which there was a mixed motive, more specifically that the victims were targeted because of their **ethnic origin or skin color and their sexual orientation**, while in **7 cases**, **more than one victim** was targeted). There are **32 incidents of personal injuries** combined with **threats, verbal abuse, property damage, and theft**, while in **5 incidents** the victims suffered **severe personal injuries**.

In **23 cases**, the attack occurred **by a group of people**. In several cases, the pattern of the attack reminds the **modus operandi of extremist groups** recorded in previous years.

Despite the absence, in most of the cases, of obvious distinctive elements that would tie the perpetrators with members of extremist groups or with the practice of the security battalions, which was recorded in previous years, **common features of the attacks are the intense violence, the numerical superiority of the perpetrators to the victim and the explicit targeting of the victim because of his/her ethnic origin and/or his/her skin color.**

Therefore, **while the perpetrators, in their vast majority, do not mention** during the attack, in some way (either expressly or by their clothes and the use of distinctive characteristics) the **Golden Dawn or their participation in another organized group**, it turns out from the description of the facts that organized groups still operate. The description of an incident which occurred in September 2014 follows as an example:

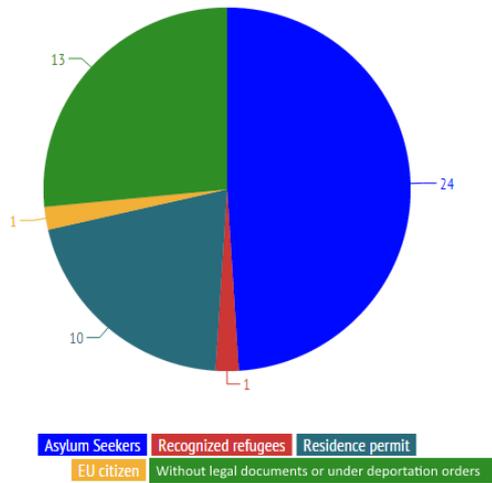
"(...) At that moment we were approached by four other men who knew him. Most of them were wearing black shirts, nobody had his face covered. They told me to follow them. I refused and I tried to leave, but they held me and dragged me along with them. One of them held my hands and another one shut my mouth. They took me to a building nearby, where there was formerly a school. At one point the bars were bent. They told me to pass through the bars. I refused. Someone hit me on the head and I fell with the face on the bars. They put me inside the building and they all together started beating my whole body. Some of them were wearing brass knuckles. When I fell down they continued kicking me all over my body. I cried for help but nobody listened. They were shouting at me to shut up. They were beating me about 10-15 minutes. I fell unconscious by the beatings. I do not know how much time I was left unconscious. At some point I began to recover my senses. I could not figure out what time it was, or open my eyes. At that time I was approached by an elderly man with a dog. He asked me what happened and told me to call the police. I tried to get up and get out of the bars but I fell. I got up again and managed to get out but I was in a lot of pain. I could not find my cell phone, my wallet (I had 48 euros in it, some pictures and phone numbers) and my asylum card. A police car came ten minutes later. The police officers called an ambulance. Inside the ambulance I fainted again. When I woke up I was in a room at the Evangelismos Hospital".

Nationalities of victims who were immigrants or refugees



Victims: The victims of the incidents that have been recorded in 2014 originated from **Afghanistan (18), Albania (1), Bangladesh (8), Cameroon (2), Eritrea (2), Ethiopia (2), Ghana (1), Haiti (2), Iran (1), Nigeria (3), New Guinea (3), Pakistan (3), Rwanda (1) and Sudan (1).** Furthermore, one (1) victim was a citizen of **Romania**.

Legal status of immigrants and refugees



As regards the legal status of the above victims (at the time they were recorded by the RVRN): **24** were **asylum seekers**, **1** was a **recognized refugee**, **10** were holders of legal **residence permits**, **1** was an **EU citizen**, while **13** held **no legal documents or were under deportation orders**.

Further actions (complaints): The victims of **20 incidents** do **not wish to take any further action** or to lodge a complaint, either because they are afraid of being targeted again by the same or other perpetrators or because they are worried about the implications on their status. In some cases, the victim expresses lack of confidence in the justice

system, while in **2 cases** the victims mention that they were **discouraged by the police officers**. In **12 cases**, the victims have **lodged a complaint** and in **5** of these cases, **criminal proceedings** have been initiated. The victims of **10 incidents** indicated their **willingness to lodge a complaint** but had not done so at the time of the recording.

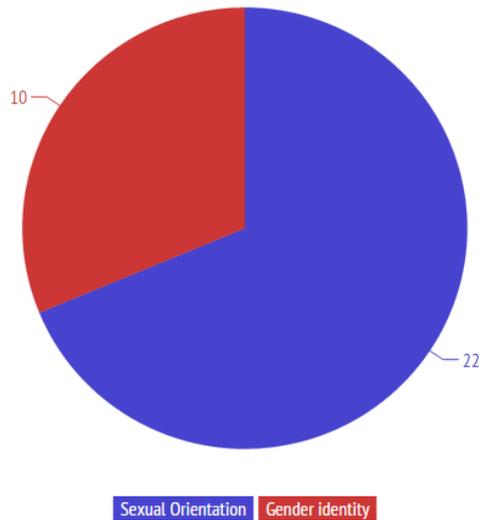
Perpetrators: In **44 attacks** against refugees and immigrants, the perpetrators were **men**, mostly **aged 20-30 years** and **Greek citizens**. In **2 cases** the perpetrators were **older women** (about **50 years old**) and **Greek citizens**. Finally, in **2 incidents**, the attack was committed by a **mixed group**. In one incident the sex of the perpetrator has not been recorded.

C. Attacks against LGBTQI persons

In 2014, the recordings of homophobic and transphobic attacks, namely of attacks due to the sexual orientation of the victims and/or their gender identity, **increased dramatically**. The increase in the recordings coincides with **the intense activity of the RVRN's members in the field** and does not necessarily mean that such attacks did not occur in the previous years. On the contrary, the RVRN stresses that, as for the other categories of the attacks, the incidents recorded by the Network's members are only the **tip of the iceberg**, given the geographically limited range of the participating organizations.

1. Sexual orientation

Recordings against LGBTQI



Out of the 22 incidents, which involved 29 victims that were attacked due to their sexual orientation, the perpetrators **verbally abused and caused personal injuries** to the victims in 7 of the incidents⁶. The victims were **punched, violently repelled and were subjected to intense symbolic acts which constitute degrading treatment**. In 1 incident the victim needed **stitches on the face** and in another the victim suffered a **triple fracture of the ankle**. In 11 incidents the victims were **verbally abused**. In 3 incidents, the verbal abuse was combined with **verbal or physical threats against the victims**, which aimed to harm their **physical integrity**. In 1 incident

the **verbal threat regarding the victim's life** was expressed with the **inscription on a wall** and thus, it was combined with **property damage and domestic peace disturbance**. In 2 incidents the verbal abuse occurred **via the Internet**. In one of these cases, the child victim suffered verbal abuse and threats from a **former classmate**.

Victims: The victims are in their vast majority **men, aged 15-48 years**. Of all victims of homophobic attacks, 25 people are **Greek citizens**, while 2 victims come from **Haiti**, 1 from **Pakistan** and 1 from **Cyprus**. The victims of 14 incidents have also been victims of other violent incidents in the past. Two (2) victims are **asylum seekers** and one (1) victim is **under deportation orders**.

Further actions: The victims of 4 incidents are looking for **psychosocial support**, while the victims of 9 attacks **do not wish to take any further action** (of which only one (1) victim is pleased with the support he had in school). Only **the victims of 3 cases wish to lodge a complaint**. Finally, in 2 cases **the victims have already lodged a complaint**.

Perpetrators: In 19 incidents, the perpetrators were **men, aged 15-35 years and mostly Greek citizens**. In one (1) incident the perpetrator was a **woman** and in 2 incidents the

⁶ The number of victims results approximately, since, in some incidents against a group of people, it was not always possible to accurately count the victims and record qualitative data about them. Moreover, it is reminded that while each incident of homophobic violence against a couple was recorded as one incident, 2 victims were counted.

attack was perpetrated by a **mixed group**. In one (1) incident the perpetrator was not seen by the victim.

School Incidents: Two (2) incidents of homophobic attacks occurred in schools. Despite the small sample of recordings in this field, the data recorded are of interest in relation to the way the school community dealt with the incidents. In the first case, the physical and verbal abuse came from a classmate of the victim and the school community supported the victim. Therefore, the student is satisfied with the outcome of the case. In the second case, on the contrary, while the attack was committed by a group of students aged 18 years and entailed behaviors which aimed at the public humiliation of the victim, the teachers, to whom the victim turned to, did not take any further action. This person requested psychosocial support.

2. Transgender persons

There were also **10** recorded attacks of racist violence due to **gender identity**. The aim of the perpetrators to express intensely their contempt for the victims is documented in all of the incidents. Eight (**8**) of these incidents involve a combination of verbal abuse, threats, personal injuries, and disturbance of the domestic peace.

Victims of attacks against transgender persons: The victims of the attacks due to gender identity are 9 trans women of Greek nationality and 1 trans woman of Pakistani nationality.

Further actions: In **2 incidents** the victim does **not** wish to take **any further action**. In 1 incident the victim expressed the will to report the incident to the police, while **7 incidents were reported to the police** and for **4 incidents** the **criminal proceedings** have been initiated.

Perpetrators of attacks against transgender persons: The perpetrators are mainly **men** (**9 incidents**), **aged 20-30 years** (5 cases) and **over 40 years in 3 cases** (in 2 cases the age of the perpetrator has not been reported). In one case of a female **perpetrator**, **she** was about 50 years old. Of the **8 cases** in which the nationality of the perpetrators is known or assumed more or less with certainty, **5 of them** were **Greek citizens**, one (**1**) was of **Greek and Albanian origin**, one (**1**) was of **Pakistani origin** and one (**1**) perpetrator was a **young Albanian**.

D. Anti-Semitic attacks

The RVRN recorded **3 incidents of desecration of places with religious and symbolic character**. Two incidents involve the desecration of the **Holocaust monument in Athens** with anti-Semitic slogans. The third incident involves the inscription on the wall of the **Jewish cemetery in Larissa**, property of the Jewish Community of Larissa, of anti-Semitic, Nazi and threatening slogans. The perpetrators were photographed against the wall before leaving, and the photo was published in a blog that belongs to an

organization called "Anentachtoi Meandrioi Ethnikistes" («Ανένταχτοι Μαιάνδριοι Εθνικιστές»), whose members wear hoods. The distinctive element of these incidents is the fact that they do not target specific individuals belonging to the Jewish community, but the community as a whole. However, the purpose of such attacks is broader and goes beyond the Jewish community. These incidents constitute a further proof of the action of **neo-Nazi organizations** in Athens and the broader region. All these incidents were reported to the police.

E. Recording of attacks with the involvement of law enforcement officials

The RVRN records from the beginning of its establishment incidents where police violence is linked to racist violence, namely where there is concrete evidence (verbal abuse, threats e.tc.), which demonstrates racist motives by law enforcement officials during violent incidents. In 2014, **21 incidents were recorded**, in which the perpetrators were either only law enforcement officials or law enforcement officials along with other perpetrators. Out of these, **13** took place **in public places**, **6 in detention areas** (police stations, detention centers) and **2 in an abandoned private place**.

In **17 incidents**, the victims suffered **personal injuries in conjunction with threats, verbal abuse, and theft**, while in the remaining incidents the victims were derided and threatened. In most of these cases, the law enforcement officials resorted to unlawful acts and violent practices during the exercise of their duties. These acts constitute arbitrary practices which reflect, in an objective manner, the degrading treatment of victims and the unnecessary overstepping of boundaries during the performance of their duties.

Most of the victims (approximately **20 victims in 17 incidents**) reported that they were targeted because of their **origin and/or their skin color, religion**, while in **1 incident** the victim considers that he was targeted **because of his foreign origin and his disability**. In this particular incident, the victim, who was an **asylum seeker**, told the RVRN that he informed the police officer of the police station, where he had been transferred for verification of his identity, on his health status and his need to take his medication, by showing him his medical reports. According to the victim, the police scornfully ignored this information and by using a nightstick, he hit the victim on the head and on his left shoulder. The victim lost consciousness and remained unconscious for about half an hour. Due to the duration of his detention for verification of his identity, it was not possible for him to board on the last bus of the day and go to the place of his residence. Therefore, he did not take his medication until the next day. It appears that even though the disability of the victim was not the main reason for which he was targeted, the proven invocation of his disability not only did not prevent the perpetrator, but rather triggered the physical violence against the victim.

The influence of **stereotypes** in the exercise of police power is reflected in an incident, in which the victim was targeted because of her **ethnic origin, skin color and gender**. A

woman from Rwanda told the RVRN that she asked the police officers to speak to her politely, but one of them insulted her and accused her of “prostitution and crimes”. The victim refuted these accusations and reminded the police officers of their obligation to protect her. In response, two of the police officers beat her. Then the victim was taken to the police station, after her mobile phone was taken away, and she was held there until the accusations of resistance, assault on a person of authority, and slander were attributed to her. It is therefore understood that, although the victim tried to create a climate of mutual respect, the stereotypical perceptions of the police officers prevailed and led to personal injuries and verbal abuse against her, as well as being accused of the aforementioned crimes.

The RVRN recorded for the first time **2 incidents** in which the victims were targeted by law enforcement officials due to their **sexual orientation**. In the first case, the victim reported that he was subjected for a long time to **intense verbal abuse and insults** from his fellow detainees at the **Detention Center of Third Country Nationals**, with the **instigation and the involvement of the police officers**. It should be taken into account that in this case, the victim feels particularly vulnerable and unable to protect himself for two reasons: *firstly*, he is afraid that if he reacts, he will be involved in an incident which will affect his status and *secondly*, the absolute numerical strength of the perpetrators combined with the confinement conditions create a suffocating life situation, which the victim tries not to worsen.

In the other incident of racist violence by police officers due to sexual orientation, the victims, a **gay couple**, reacted to homophobic comments made by police officers. This was followed according to the victims by a - mostly - verbal incident, during which four police officers requested to check the bags of the victims in an aggressive way, while one of them tried to "show" them what “real” violence would be like, grasping one of the victims from his hand and pushing him violently against the wall.

Apart from the aforementioned incidents, the following picture prevails in the incidents involving police officers: **third country nationals, regardless of their residency status, are exposed to violent behavior on the part of some police officers and other law enforcement officials**. It appears that they are targeted because of stereotypes, shortcomings and distortions within the migration policy and because of their particular vulnerability, as the incidents often take place without the presence of witnesses or in detention facilities.

Victims’ testimonies highlight the important role played by **eyewitnesses**. The presence and peaceful intervention of the eyewitnesses can act prohibitively for the perpetrators and protectively for the victim. Nonetheless it should be noted that the management of the evidence of incidents of police brutality faces major challenges internationally.

These unlawful practices, although condemned by the police, unfortunately do not disappear over time. The European Commission against Racism and Intolerance (ECRI) refers in its 2015 report on Greece that in 2013, 109 complaints about racist acts committed by police officers were lodged. Recalling that Law 3938/2011, as amended

by Law 4249/2014, established an office dealing with arbitrary incidents within Hellenic Police in order to investigate cases of abuse of power by the police officers, ECRI recommends the establishment of a fully independent agency, which will not be part of the police⁷.

The RVRN highlights the **particular importance of the racist motive** as part of the complex issue of **police violence**. Apart from the moral demerit, which the State should express in practice, since law enforcement officials are State representatives and are responsible for the safety of the people living in the Greek territory, the spread of racist practices strengthens **institutional racism** and makes it more difficult to effectively address it.

Tolerance and impunity of such practices trigger new **social tensions**, while, at the same time, they **familiarize a big part of the Greek society with racist violence** and consequently, **with extremism**. In other words, when institutional racism, which manifests itself in the form of violence, is not condemned in practice and not addressed by taking both short and long term measures, the message received by the society is that racist violence is forgiven - and in some cases may be even “appropriate”.

III. Complaints and authorities’ response

The RVRN welcomes the legislation moving in the direction of combating hate crimes. These legislative regulations facilitate the access of the victims to the police and the justice system and specify the obligation of the police and the prosecuting authorities to investigate the existence of racial motive. In practice, though, victims face obstacles which the competent services have to tackle, especially when they are linked to the lack of education and information exchange between the competent authorities.

⁷ ECRI report on Greece (fifth monitoring cycle) (2015), par. 70-71.

A. Findings



At the time of the recording, **25 among 81 incidents were reported to the police**. These were incidents in which members of all the aforementioned groups were targeted, namely refugees, immigrants, LGBTQI persons and members of the Israeli community. This increase in the number of cases which are reported to the police, compared to previous years, is partly linked to the increase in the recordings of incidents of violence due to sexual orientation and mainly due to gender identity against persons with Greek citizenship. The reaction of the authorities in the cases of serious

attacks against transgender people is encouraging. It turns out, from the recordings of the Network that, in these cases, the police provided the necessary assistance to the victim. Nevertheless, we notice that the young victims of attacks on the grounds of sexual orientation hesitate to complain to the authorities when the attack is limited to insults and involves no physical damage.

If we consider the proportion of incidents recorded and incidents for which a complaint was lodged in 2014, we notice a slight increase in the complaints from victims who are refugees and immigrants. Therefore, we can infer that the police and judicial investigation into the activities of extremist groups through cases linked to the Golden Dawn has actually contributed positively to the strengthening of the victims. In other words, the publicity given to tackling hate crime by organized groups was possibly encouraging to a percentage of the victims. In any case, the presence of witnesses constitutes a key element. The assistance of citizens to the victim can only be encouraging in order for him/her to lodge a complaint. A specific reference should be made to a police officer, who, when the victim of physical injuries claimed to have suffered personal injury by another police officer during her absence in a detention area, she asked the victim if he wanted to lodge a complaint and did not remain silent. Therefore, it is understood that, as any small or big obstacle may discourage the victim from reporting the incident, every indication of practical solidarity and respect for legality by the attendants may strengthen the victim and help him/her to make the necessary actions for the investigation of the incident.

B. Police and judicial authorities response to racist violence

Protection of victims and essential witnesses: The Racist Violence Recording Network has repeatedly highlighted that racist violence cannot be effectively tackled without guarantees regarding the possibility of filing a complaint. Provisions on the protection of victims that are third-country nationals (JMD 30651/2014), namely the provision for

the suspension of detention and deportation decisions regarding victims and essential witnesses as well as the establishment of a special regime of residence permit for the period necessary for prosecuting and convicting perpetrators constitute a positive step in this direction. The RVRN stresses the need to integrate this regulation in the Immigration and Social Inclusion Code so as for the latter to acquire the appropriate legal status. It also highlights the need to a) abstain from prosecuting on the grounds of illegal entry and b) prohibit the arrest and administrative detention of a complaining witness for the period between filing a complaint and the issuance of the special prosecutor's act. All the above aim at the encouragement of victims to file the respective complaints and not face possible secondary victimization when they come forward to the authorities in order to lodge a complaint.

Moreover, the RVRN stresses that the State owes to guarantee the victims' substantive access to police and judicial authorities apart from the formal one. This would entail the need to address structural problems regarding the lack of interpretation at all stages of the process on the basis of operational planning. Therefore, the victim must have the explicit possibility to communicate with the authorities in his/her native language or in a language he/she understands at the stage of medical report, complaint and deposition, forensic medical examination as well as every time he/she comes in contact with the Hellenic Police and the prosecuting authorities.

Statistical data from the Departments and Offices against Racist Violence in the Hellenic Police: According to the data communicated to the RVRN by the Hellenic Police, during the course of 2014, eighty (80) potentially racially motivated incidents were recorded and investigated nationwide by the competent Hellenic Police Services (Departments and Offices against Racist Violence). The 11414 call center received twenty-seven (27) phone calls. Case-files for fifty-seven (57) incidents were formed and subsequently submitted to the local Prosecuting Authorities accordingly. Among these, thirty-nine (39) incidents were forwarded pursuant to Law 927/1979, as amended by Law 4285/2014, Article 81(A) of the Criminal Code and Law 3304/2005. The exact classification of these incidents per grounds of attack is not clarified, but it is stressed that in most incidents the motivation of the attacks concerned the victim's origin and secondarily the victim's religion, gender identity, sexual orientation, and disability.

Police training: The RVRN highlights that the two-day training received by the employees serving in the Departments in question at the outset of their operation is not enough to cover the increased educational needs regarding such a sensitive and complex issue. The Network recommends a mandatory process of constant training and knowledge feedback based on relevant data arising from racist crimes for employees serving in the Departments in question and for the entire Hellenic Force personnel coming in contact with vulnerable social groups. To this purpose, the RVRN has repeatedly recommended to Greek authorities to officially ask for the contribution of international and European organizations with specialization and experience in training security forces. We also suggest the preparation of a Handbook with basic instructions and clarifications in relevance with hate crimes. The RVRN could actively contribute to the above.

Competence of the Offices and Departments against Racist Violence: The inclusion of sexual orientation and gender identity in Law 4285/2014 is positive. Even though according to the Hellenic Police's statistical data, sexual orientation and gender identity are already being considered while handling hate crimes, it would be meaningful to explicitly include them in the competence of the Offices and Departments against Racist Violence.

C. Investigation in regard to racist motivation

Until recently, racial motivation was taken into account during sentencing. As a result, both law enforcement authorities and prosecutors used to disregard all related evidence at the initial stage of investigation or prosecution of the offense, considering it exclusively covers the stage after a potential conviction. The criminal investigation and prosecution for the murder of Sachzat Luckman is a quite characteristic example, but it is not the only one.

Therefore the establishment of the general aggravating circumstance for crimes with a hate motive (81A Criminal Code) is clearly a message to organized groups and, as such, it is a positive development. The recent legislation now imposes to prosecute hate crimes on the basis of the specific punishable act in the Criminal Code in conjunction with the general aggravating circumstance provided by Article 81A. Consequently, it now becomes even more necessary to investigate the existence of hate motivation during the preliminary examination ordered by the Public Prosecutor as well as at the stage of *ex officio* preliminary inquiry. Therefore, the RVRN recommends that the authorities update Circular no. 7100/4/3 dated 24.5.2006 as issued by the Hellenic Police on the obligation of the officers to investigate racial motivation, to collect relevant data, to record and/or report each incident against a person due to national or ethnic origin, colour, religion, disability, sexual orientation, and gender identity based on a specific form.

Finally, the adoption of a legislative provision is recommended in order to ensure the *ex officio* prosecution of all punishable acts committed with racist motivation as well as the victims' exemption from the fee for civil claimants.

Recommendations to the State:

The Racist Violence Recording Network addresses the following recommendations to the State in order to combat hate crimes, namely criminal acts against a person because of their national or ethnic origin, colour, religion, disability, sexual orientation, and gender identity.

To the Ministry of Interior and Administrative Reconstruction

A. Combating hate crime

1. Adoption of a specific operational plan to prevent and tackle hate crimes, in cooperation with specialized international and European organizations.
2. Condemnation of hate crimes by the political leadership and the leadership of the Hellenic Police and explicit prevention of the police from racially motivated violent practices.
3. Conduct of a training program, with the assistance of international and European organizations with expertise and experience in the training of security and justice forces, for the employees serving in the Departments and Offices against Racist Violence, as well as the entire personnel of the Hellenic Police.
4. Update, following the adoption of Article 81(A) of the Criminal Code of the Circular no. 7100/4/3 dated 24.5.2006 on the obligation of the officers to investigate racial motivation, to collect relevant data, to record and/or report each incident against a person due to national or ethnic origin, colour, religion, disability, sexual orientation, and gender identity based on a specific form, whether a complaint has been lodged or not.
5. Information of the police regarding their obligation to assist the victims, to intervene for their rescue and to make sure that they are brought before the competent services.
6. Cooperation of the police departments with governmental or non-governmental bodies and immigrant communities in order to provide medical and social assistance, legal assistance and interpretation to facilitate the victims' access to the police.
7. Integration of the provisions on the protection of foreign victims and essential witnesses (JMD 30651/2014) in the Immigration and Social Inclusion Code.
8. Abstention from prosecution on the grounds of illegal entry and prohibition of arrest and administrative detention of a complaining witness for the period between filing a complaint and the issuance of the special prosecutor's act provided in JMD 30651/2014 Article 1(1) (b) as well as the witnesses of racist attacks and ensuring of their access to the authorities.
9. Inclusion of sexual orientation and gender identity in the P.D. No. 132/2012 of the Ministry of Public Order and Citizen Protection on the establishment of specific Departments and Offices against Racist Violence.
10. Protection of the rights of human rights defenders, namely those persons and institutions which promote and protect human rights.

B. Combating racially motivated police violence

1. Establishment of a truly independent and effective police complaints mechanism. In particular this mechanism should have no structural or organizational connection with the police, in accordance with the recommendations formulated by international organizations.

2. Prediction of a specific procedure in the framework of disciplinary control within Hellenic Police for faster processing of racially motivated arbitrary acts.

To the Ministry of Justice, Transparency and Human Rights

1. Creation of an official and uniform system for the recording and monitoring of racist crimes, in cooperation with the police and any governmental or non-governmental body which collects relevant data.
2. Adoption of a legislative provision in order to ensure the *ex officio* prosecution of all punishable acts committed with racist motivation as well as the civil claimants' exemption from the fee.
3. Training of the prosecuting and judicial authorities in handling hate crime.
4. Ratification of the Council of Europe Convention on cybercrime and the Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

To the Ministry of Culture, Education and Religious Affairs

1. Preparation of a handbook targeting the school community on understanding and handling hate motivated incidents of violence.
2. Strengthening the framework of combating school hate-motivated violence with the explicit participation of teachers, students and parents associations.
3. Strengthening the Observatory for the Prevention of School Violence and Bullying.

The RVRN stresses that the above recommendations for the effective response to racist violence, must be accompanied by policies aiming to improve the climate of security in neighborhoods, to combat human trafficking, drug trafficking, prostitution and criminal networks by means of measures upgrading these areas and relieving population as a whole, while taking special measures for the inclusion of poor/homeless immigrants and refugees.