



## **RACIST VIOLENCE RECORDING NETWORK**

### **ANNUAL REPORT**

**2017**

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## Introduction

2017 was a year of opposing trends that shaped the fields of xenophobia, racism and racist violence. It is becoming increasingly clear that the way the refugee and immigration issue was handled largely determined the way the current situation eventually unfolded. On one hand, the number of municipalities actively involved in asylum seeker and refugee accommodation programmes is steadily increasing. This not only fosters the idea of welcoming diversity but also promotes the spirit of solidarity that has prevailed in the relationships between local communities and refugee/immigrant populations over the last two years. On the other hand, the living conditions of refugees and immigrants on the islands were decisive in the rise of xenophobic rhetoric in the local communities, with extreme manifestations in certain situations. However, the local outbreaks of xenophobia and violence, albeit substantial, were not welcomed by the local communities as a whole. Although local communities on the islands seem to be more prone to xenophobic speech, as local press reports and recorded incidents clearly indicate, they don't seem to have lost all resistance against those who trigger tensions and incite acts of violence.

Apart from the particular circumstances that prevailed in the local communities – which required constant vigilance on the part of the competent bodies and authorities – in 2017 various groups embracing xenophobic ideologies and engaging in organised violence reinforced their presence in many parts of Attica. Older and newly-formed organised criminal groups asserted their involvement in common affairs more aggressively, assuming responsibility for racist attacks and threatening phone calls against refugee, immigrant and LGBTIQI+ organisations and against their defenders. The targeting of human rights defenders, that became visible in the last few years, has now become a basic form of expression of racism, homophobia and transphobia, both in the real world and on the Internet and social media. The dissemination and manipulation of false information, a phenomenon now witnessed also in Greece, has been used by xenophobic groups as a means to trigger hate or increase anxiety among local communities, in order to reach larger audiences.

At the same time, however, this alarming situation was matched by a clearly faster response on the part of the competent authorities. The prosecutions of hate speech and/or racist crimes has sent out a clear message in favour of legality and against impunity, potentially preventing from indulging in mobbing practices. A typical example is the intervention of the prosecution authorities when local residents in Oreokastro opposed the integration of refugee children into the local schools, and tried to cause violent incidents as members of local “patriotic organisations”, as well as another situation where certain individuals were convicted in Chios for acts of violence against foreigners and for the dissemination of false information relating to damages allegedly caused by refugees and immigrants to their vehicles and property.

In any case, the authorities need to show zero tolerance towards racist violence, even where this type of violence results from special circumstances or incidents which inevitably expose particular groups to such risk. Once such case is the Port of Patras, where local physicians addressed the RVRN to express their concern about the ever-increasing number of violent incidents against foreigners.

Hence, the authorities must be supported by all available means in their efforts to implement anti-racist laws and practices and must ensure a timely response to the new challenges arising from the outbreak of racism worldwide. Among these challenges is how diversity is handled by public authorities and in public discourse. The targeting of a young Afghan student, picked by lot to carry the Greek flag during the annual school parade to commemorate the 28<sup>th</sup> October anniversary and the violent assault that followed the public debate on ethnic symbols and the matter of school parades, should activate the preventive reaction of all stakeholders. Accordingly, the debate that took place in Parliament prior to the enactment of the law on legal recognition of gender identity was marked by the transphobic discourse by MPs of various parties, and the reproduction of negative stereotypes, prejudices and extremely offensive words. This particular public discourse is an example of abuse of freedom of expression which reinforces stereotypes and transphobia.

Thus, one clearly distinguishes two different trends in the public sphere: on the one hand, there is a broader recognition, acceptance and institutional protection of diversity. In this context, for instance, the Network presented its 2016 report to the Special Standing Parliamentary Committee for Equality, Youth and Human Rights, following a notice by Mrs. Afroditi Stabouli, Chairperson of the Committee. This was an important initiative that set the ground for a fertile, meaningful debate with members of political parties that are represented in Parliament. During the debate, however, the representative and member of the Board of Directors of the Greek Forum of Migrants was verbally attacked by a member of the political party “Independent Greeks” (“Anexartiti Ellines”). Racist speech, coming from public figures, exonerates racist behaviours and targets particular individuals and groups merely on account of their differences. Therefore, it must be expressly condemned by Parliament and all political parties.

Further to these introductory observations, the following findings, as same are drawn from the RVRN recordings, briefly describe the quantitative and qualitative data available for 2017:

1. Violent assaults against immigrants, refugees and their defenders by organised groups have increased in Athens, as well as in the wider area of Attica and the islands. The RVRN alarmingly observes an increase in the number of assaults committed by groups employing 'hit-and-run' like practices. The assaults appear to have repeated patterns (the perpetrators seem to execute instructions given to them by their organisations, on the basis of pre-meditated plans) and invariably result in personal injuries. Apart from the serious assaults that took place in Aspropyrgos, which came to the public's attention, the Network has recorded an assault which resembles those recorded during 2011-2013.
2. Recorded assaults against LGBTQI persons outnumber all other types of assault, but have decreased slightly. Recorded assaults against LGBTQI persons include verbal abuse and personal injuries and come in patterns of every possible variation. In addition, a firm tendency to target LGBTQI defenders and activists was also noted.
3. Incidents involving law enforcement officials and civil servants have also presented a slight increase. In the vast majority of these incidents, the victims reported that they sustained physical violence in public spaces during police operations, or inside police departments and detainment facilities. Evidently, it was the victims' skin colour or national/ethnic origin that triggered violent, stereotype reactions on the part of the

officers concerned. Reported incidents involving civil servants mainly relate to acts committed against LGBTQI persons in spaces which are basically intended to protect and or safeguard the rights of this part of the population.

4. The number of anti-Semitic incidents, involving mostly desecration of monuments and sacred sites, is also increasing steadily.

5. The authorities' responsiveness to hate crimes presents substantial improvement. However, the need for long-term planning is imperative and continuous efforts need to be made to establish a flawless system whereby hate crimes will be investigated and punished effectively and the victims of racist, homophobic and transphobic violence will be able to receive adequate support.

## I. Working Methods of the Racist Violence Recording Network

There follows a thorough description of the RVRN working methods, with a view to promoting awareness and transparency in relation to RVRN activities and raising public awareness about the results of such activities.

### A. Institutional Observations

This report is the seventh in a row to be published by the Network. The initiative for the establishment of the 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) on the basis of two major findings: a) the identified absence of an official and effective data collection system on racist violence and b) the need to coordinate organisations which recorded, on their own initiative, incidents of racist violence against people who sought their services. Ever since October 2011, when the RVRN began effective operation, its scope of activity has been constantly growing.

The RVRN is comprised of actors offering medical, social and legal services or/and coming in direct contact with victims of racist violence or victims of other hate- or bias-motivated violent attacks as well as organizations established by the groups which are usually targeted by racist violence themselves. To join the 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, the RVRN is comprised of 42 Non-Governmental Organisations and civil society actors, as well as the Greek Ombudsman and the Migrants' Integration Council of the Municipality of Athens, as observers<sup>1</sup>. The participating actors acknowledge and jointly pursue combating racist

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<sup>1</sup>RVRN Membership during 2017: Aitima, Solidarity Now, Antigone -Information and Documentation Centre, University of Aegean Anti-Racist Observatory, Arsis, Doctors of the World (Mdm), Amnesty International, Network for Social Support of Refugees and Immigrants, "Pleiades - Hellenic Action for Human Rights", Hellenic League for Human Rights, Hellenic Red Cross, Greek Council for Refugees, Greek Forum of Migrants, Greek Forum of Refugees, Human Rights Commission of the Bar Association of Rhodes, Positive Voice, Medical Intervention, Caritas Athens, Caritas Hellas, "Babel" Day Centre, Center of Life, Centre for the Support of Repatriated and Migrants - Ecumenical Refugee Program, Network for the Support of Refugee and Migrant Rights (Patras), World Without War and Violence, LATHRA? - Solidarity Committee for Chios refugees, METAction, Rainbow Families, Group of Lawyers for the Rights of Refugees and Migrants, Group of Lawyers for the Support of Refugee and Migrant Rights (Thessaloniki), Homosexual and Lesbian Community of Greece, Association of Afghans United In Greece, Association of Social Workers of Greece, Greek Transgender Support Association, Forum of Migrants in Crete, Refugee Support Aegean, Act Up Hellas, ASANTE, Colour Youth - LGBTQ Youth Community of Athens, Generation 2.0 RED, MelissaNetwork, PRAKSIS. As of January 2018, the RVRN is a member of the Child Rights International Network.

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

For the RVRN, “**incidents of racist violence**” include any criminal acts, or violent acts or behaviour against people targeted because of their national or ethnic origin, colour, religion, sexual orientation, gender identity, sex characteristics and disabilities. The Network also records criminal acts or violent activities or behaviours against *human rights defenders*, namely against people who promote and protect human rights and are targeted as a result.

In pursuit of the common objective, the RVRN: a) submits recommendations to the Greek authorities in compliance with Greek and international law on the protection of human rights; b) promotes the provision of information to the public and raises public awareness on combating racist violence; c) carries out consultations with various actors on special issues relating to racist violence; d) enhances collaboration with other actors in pursuit of combating racist violence; e) organises and participates in training programmes held by civil society and other competent institutional bodies in relation to issues pertaining to the identification, recording, and combating of hate crimes.

## **B. Methodology**

The RVRN has been applying a strict methodology from the outset, recording incidents exclusively on the basis of interviews conducted with the victims. The victims’ willingness to come forward is therefore key in terms of the number of incidents that are actually recorded. All members of the RVRN have adopted the consolidated recording form of the RVRN. Each RVRN organisation member appoints focal points to record the incidents, i.e. social workers, lawyers, or other professionals or volunteers, who are trained by the RVRN. Recording forms are completed anonymously and used exclusively by the RVRN for the purpose of combating racism and hate crimes.

The documentation of racist violence in Greece by the RVRN has led some institutions to fund special programmes, in order to promote recording practices. As a result, several RVRN members are now implementing a series of programmes to support the recording procedures, while offering various other supporting services to the victims of racist violence. Thus, while the RVRN remains a collective initiative with common operational rules and common objectives, the individual activities of its members have a complementary and mutually empowering impact. Based on the experience gained through the implementation of these programmes, the RVRN acknowledges the positive effects achieved in terms of broadening the use of RVRN tools and enabling the supporting bodies to address more situations.

## **II. Analysis of the findings**

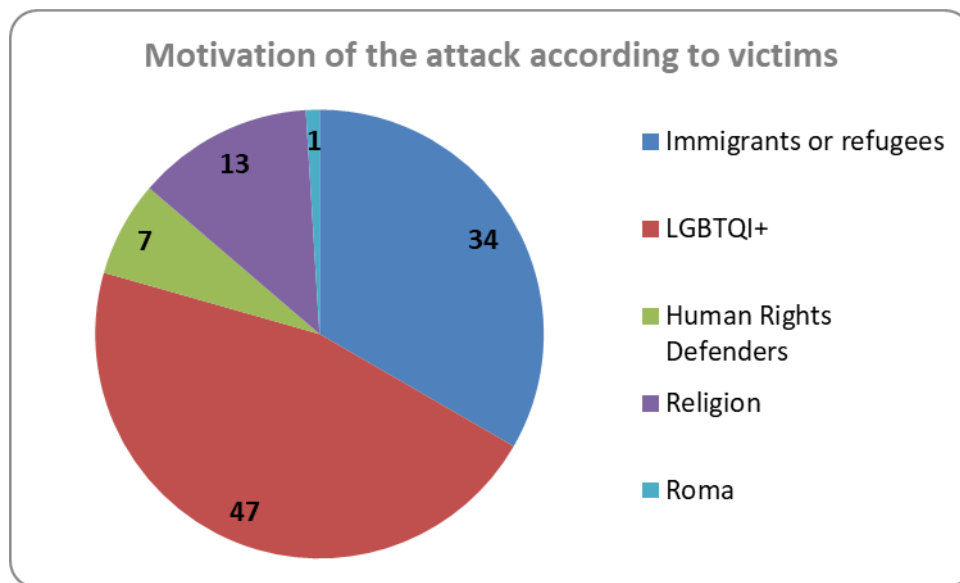
This section analyses the general characteristics of the incidents reported in 2017 (A). It follows a specific analysis per targeted group, namely refugees and migrants (B) and LGBTQI+ persons (C) as well as anti-Semitic attacks (D). As in previous reports,

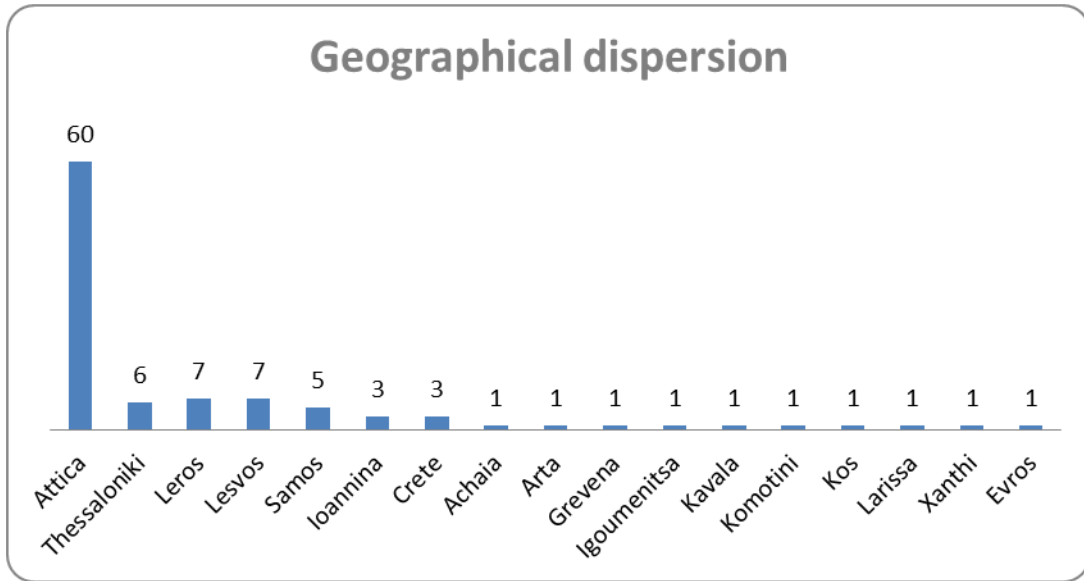


specific reference is made to incidents involving law enforcement officers and civil servants (E).

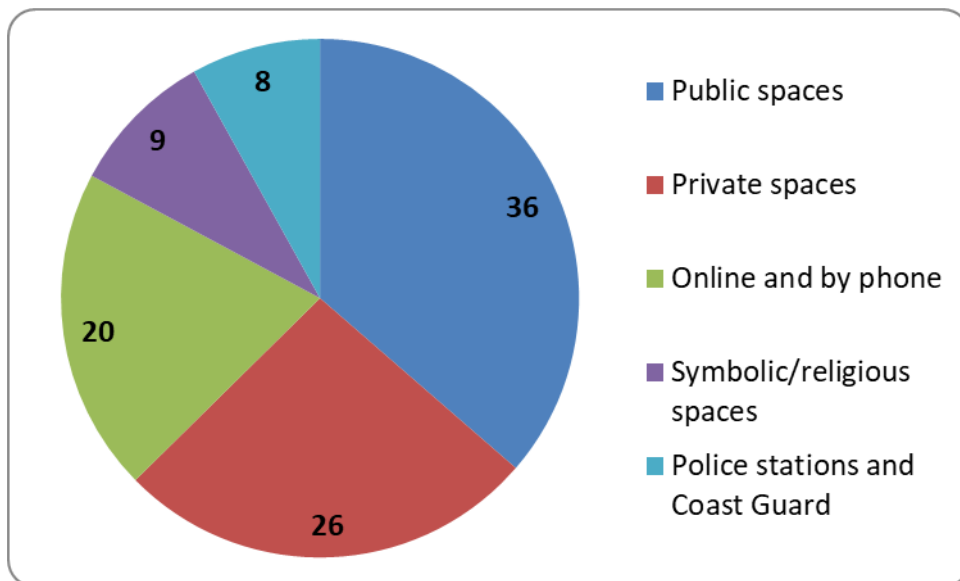
### A. General findings of the recorded attacks

During the period January-December 2017, the RVRN documented, through interviews with victims, **102 incidents** of racist violence, with more than 120 victims. In **34 incidents** the victims were **immigrants or refugees** who had been targeted on grounds of ethnic origin, religion, colour and/or gender identity (in 1 incident, the victim was a UNHCR employee, who was targeted on grounds of colour). In **7 incidents** the victims were human rights defenders and employees of organisations or bodies offering refugee support services. In **47 incidents** the victims were LGBTQI persons. In **11 incidents sacred or symbolic places and the Jewish community** were targeted, whereas in **2 incidents** the victims were Greek citizens, targeted on grounds of their **religious beliefs**. In **1 incident** the victim was a male member of the Roma community, who was targeted on grounds of **ethnic origin**. In **37 incidents** more than one victim was targeted, whereas in **55 incidents** the assault was committed by a group (of at least 2 persons).





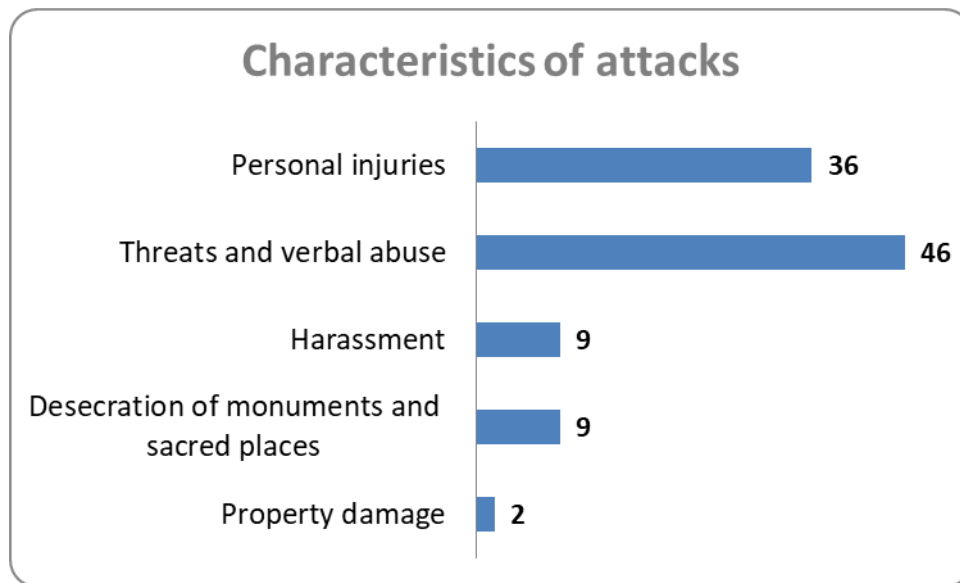
**Geographical dispersion:** 60 incidents took place in Athens, mainly in the city centre, but incidents were also recorded in areas such as Piraeus, Nikaia, Aspropyrgos, Menidi, Mesogeion Avenue and Liossia. As regards the rest of the country, it is worth noting that 6 incidents were recorded in Thessaloniki, 7 in Leros, 7 in Lesvos, 5 in Samos, 3 in Ioannina, 3 in Crete and 1 incident each in Achaia, Arta, Grevena, Igoumenitsa, Kavala, Komotini, Kos, Larissa, Xanthi and at the border near Evros.



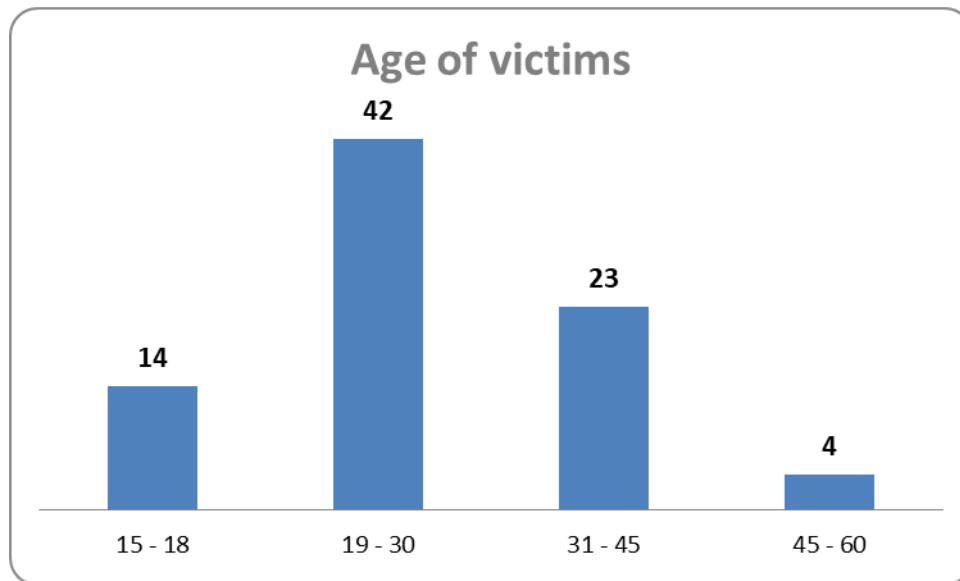
**Crime locations:** 26 incidents took place in public spaces (streets, squares, bus stops, near a juvenile refugee accommodation facility); 9 incidents took place at the victim's residence or at the residence of one of their family members; 6 incidents took place on public transportation or intercity buses; 7 in Police Departments or Coastguard facilities and 1 at the border; 3 at restaurants and bars; 2 in a refugee camp; 2 in public hospitals; 1 in a ministry; 1 in a museum; 4 at refugee and immigrant support service facilities and refugee accommodation facilities; 5 at work locations; 18 incidents took place through the Internet and 2 through telephone communications; 9 incidents took

place in museums and sacred places; 1 at a school; 1 at a private educational institution and 1 at a private practice.

**Characteristics of the attacks:** A significant number of the attacks resulted in **personal injuries and other serious offences**. Among these, 36 incidents of personal injury were recorded, whether individually or in conjunction with verbal assault and threats, theft and other property damages; 46 incidents involving threats, verbal abuse, physical abuse and disturbance of public peace; 9 incidents involving verbal or other forms of harassment; 9 incidents of desecration and 2 incidents involving damage to foreign property in conjunction with verbal abuse.



**Victims:** In 54 incidents the victims who contacted the Network were **men**, of which 9 were **trans men**, whereas in 26 incidents the victims were **women**, of which 11 were **trans women**. In 7 incidents the group of victims was **mixed**. In 14 incidents, minors between 15-18 years of age were targeted due to their foreign origin, religion, ethnic origin or sexual orientation, whereas in 42 incidents the victims were 19-30 years old. In 23 incidents, the victims were 31-45 years old, whereas in 4 incidents they were 45-60 years old.



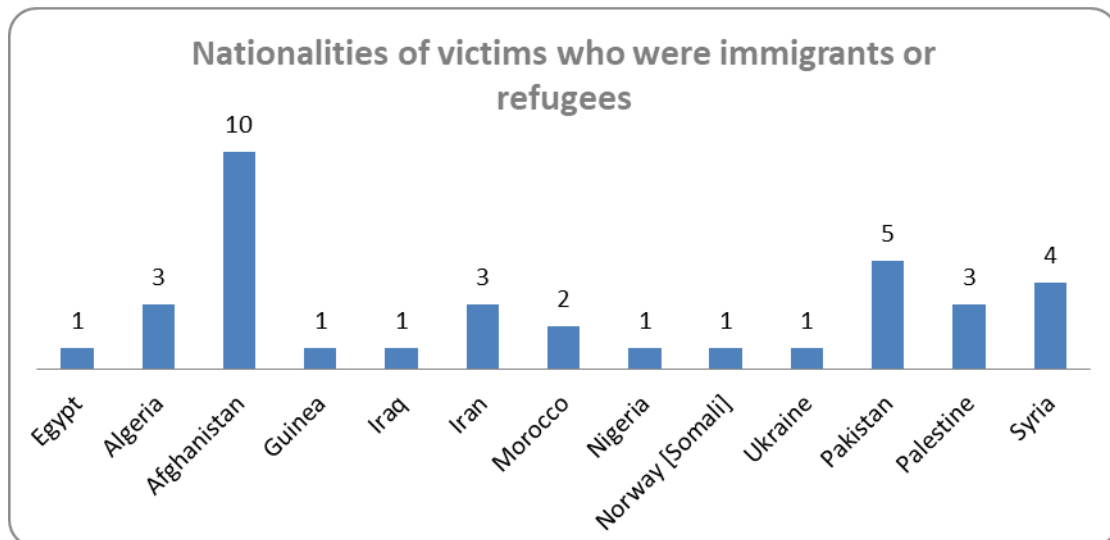
**Perpetrators:** According to the victims, in 60 incidents the perpetrators were reportedly **men**, in 10 incidents they were **women** and in 13 incidents the attack came from **mixed groups**. In the rest of the incidents the perpetrators were not seen by the victims (e.g. in cases of desecration of sacred spaces). In 6 incidents the perpetrators were **minors**, and in 21 incidents they were **19-30 years old**. In 23 incidents the perpetrators were 31-45 years old, whereas in 22 incidents they were older (up to 70 years old).

According to the victims, the perpetrators are **in their vast majority Greek citizens** (72 incidents). There are also 9 recorded incidents where the perpetrators were foreigners and 5 incidents where the acts were committed by mixed ethnic groups. In the majority of the assaults, multiple perpetrators were reported. 21 assaults were committed **by groups of 2-10 people**, whereas in **36** cases only one perpetrator was reported.

## B. Recorded assaults against refugees, immigrants and defenders

The recorded assaults against refugees, immigrants and foreign defenders are as follows:

**Victims (refugees, immigrants and foreign defenders):** 26 assaults against men (in 10 situations the victims were 11-19 years old), 6 assaults against women, 1 of whom was a **trans woman** (16-49 years old), 2 assaults against a mixed group of victims. The victims of the incidents recorded in 2017 came from **Egypt (1), Algeria (3), Afghanistan (10), Guinea (1), Iraq (1), Iran (3), Morocco (2), Nigeria (1), Norway (Somalian origin) (1), Ukraine (1), Pakistan (5), Palestine (3) and Syria (4)**.



**Legal status of the victims:** 6 lawful residents (1 granted refugee status), 25 asylum seekers, 3 unaccompanied minors, 2 persons lacking legalisation documents.

**Perpetrators:** According to the victims, the perpetrators were mainly Greek citizens (26 incidents) and men (21 incidents). In 2 incidents the perpetrators were women and in 2 incidents the assault was committed by a mixed group. In 7 incidents the perpetrators were foreigners. In 11 incidents the perpetrators were 16-30 years old; in 5 incidents 31-40 years old and in 6 incidents 41-70 years old.

## 1. Assaults against refugees and defenders on the islands

The Network has recorded 13 incidents against asylum seekers in Leros and Lesvos and against defenders in Samos.

In Leros 7 assaults were recorded against Iraqis, Palestinians and Syrians, one of whom was a woman. All assaults were committed within a short period of time. In the majority of the situations, the victims reported that they were assaulted by groups of motorcyclists using sharp instruments and other equipment, whereas in one situation the victim was robbed. In one situation the victim was a pregnant woman, who reported to the Network that she was targeted because of her headscarf. A trans woman reported that she and her friend, also a trans woman, were assaulted on their way home by motorcyclists, who caught them off-guard. During the assault one of the two women was beaten with a wooden stick or a wire. In most situations, the victims were taken to hospital where they were offered medical assistance, while the police was notified and took over. Some of the victims gave a statement to the police. The Hellenic League for Human Rights offered legal assistance in three cases. According to the latest information, two case files were set aside because the identity of the perpetrators remained unknown.

The Network notes that 'hit-and-run' tactics and assaults committed by groups of motorcyclists against small refugee groups on the road that leads to Lepida, Leros, had also been recorded in the 2016 Annual Report<sup>2</sup>. Hence, it appears that this is a recurring practice, which is repeated whenever the circumstances so permit. The fact that there

<sup>2</sup>Annual report 2016, p. 11.

is evidence indicating that these are organised assaults, committed by persons acting in groups, on the basis of pre-meditated plans and with particular incentives, should raise substantial concern.

Concern was also raised over 5 incidents that were recorded in Samos. The underlying tension that prevails there is manifested through assaults against refugee rights defenders and against people working for organisations and bodies that offer assistance to refugees, in the context of refugee population management. A characteristic incident in this regard involves two employees of the RVRN member "Arsis" who attended an open meeting of the municipal authority of Paleokastro to present a refugee accommodation programme. The Arsis representatives were not allowed to speak and were eventually assaulted by 20-25 people when they retreated to a nearby café. The perpetrators threw a flare at the café's garden and even hit one of the two representatives of the organisation. Moreover, representatives of refugee organisations often receive threats, either individually or collectively, at their workplace, coming from neighbours.

The Network underlines the link between the rise in xenophobic trends and racist behaviour and the overcrowding of refugees over a long period of time on the islands, as a result of the implementation of the EU-Turkey Statement. Therefore, there is great need to speed up registration, asylum, and vulnerability determination procedures, as well as, in general, all procedures relating to status determination; moreover, to further ease overcrowding through transfers from the islands to the mainland both for humanitarian reasons and in order to prevent rise in social tensions and far-right rhetoric.

## **2. Assaults against refugees, immigrants and defenders in Attica**

Violent assaults against immigrants, refugees and their defenders by organised groups have been recorded both in Athens and in the wider area of Attica. The RVRN alarmingly observes an increase in the number of assaults committed by groups employing 'hit-and-run' like practices. The assaults are executed on the basis of pre-meditated plans and invariably result in personal injuries, while in certain situations they are committed by groups presenting internal hierarchical structures. Apart from the serious assaults that took place in Aspropyrgos, which came to the public's attention, the Network has recorded an assault which resembles those recorded during 2011-2013.

For instance, there was one situation where the victim was assaulted by a group of three men while waiting for the bus in Kolonos. The victim was verbally assaulted, threatened to leave the area and eventually beaten, mainly in the face. The victim suffered a nose fracture. In another incident that took place at Larissis railway station, two people were assaulted by a group of 8-9 persons that wore hoods and claimed to be police officers. After beating one of the victims severely, they fled the scene taking along his documents and mobile phone. In the hospital, the victim met other people from Bangladesh and Pakistan who, too, had been assaulted.

The operation of 'hit-and-run' squads is often confirmed when responsibility for such assaults is assumed by a specific organisation. It is noted that responsibility for the assault against Emir - a case that received broad publicity - was undertaken by

“Krypteia”. The same organisation made serious threatening phone calls using a xenophobic rhetoric to refugee and immigrant organisations and other human rights defenders.

The RVRN is closely monitoring one case relating to an assault that was committed near the Court of Appeals against one of the attorneys that represented the civil claimant in a penal trial between Egyptian fishermen and an RVRN organisation (claimants) and a group of “Golden Dawn” supporters (defendants). It is noted that the victim, Ms. Evgenia Kouniaki, attorney-at-law, was assaulted because she was merely trying to defend legitimacy and prevent the defendants from committing similar acts in the future. The fact that she was targeted because of her involvement in a litigation against members of the “Golden Dawn” political party and because of her anti-racist activity calls for further investigation by the authorities and must be given proper consideration.

As the RVRN has pointed out in its annual reports, this incident, just like all other assaults committed against persons engaged in the promotion and protection of human rights, highlights the absence of effective protection mechanisms for the defenders of human rights.

### **C. Assaults against LGBTIQI persons and defenders**

Recorded assaults against LGBTIQI persons outnumber all other types of assault, but have decreased slightly from the previous year. Although a specific study is needed to explain this decrease, it needs to be stressed that underreporting is being observed throughout Europe. As the RVRN has already pointed out<sup>3</sup>, offering support to the victims of hate crimes has a positive impact on the reporting of such crimes. Recorded assaults against LGBTIQI persons include verbal abuse and personal injuries and come in patterns of every possible variation.

#### **1. Assaults on grounds of sexual orientation**

Out of the 47 incidents against LGBTIQI persons, in **29** the victims were targeted due to their sexual orientation.

**Victims:** **16** incidents against men (out of which 1 trans man), **7** against women, **4** against mixed groups of persons and **2** incidents against NGOs defending the rights of LGBTIQI persons. **Age of the victims:** In 5 incidents the victims were 16-19 years old; in 17 20-30 years old and in 4 31-48 years old.

**Perpetrators:** Mainly men (17 incidents), 4 of whom were minors; in 4 cases the perpetrators were 20-30 years old and in 5 cases they were 50-60 years old. In 2 incidents, the perpetrators were women mostly 20-30 years old. Lastly, 5 assaults were committed by mixed groups and parents.

Among the number of recorded assaults, 5 resulted in personal injuries. The Network has recorded an incident, where a homosexual couple was assaulted and injured in a public square by a group of 6 persons. There were also reports of assaults committed against individuals by groups of two or more persons, in which the victims were

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<sup>3</sup> RVRN Annual Report 2016, p. 11.

harassed using sexual language and then physically hurt and robbed. The “humiliation-intimidation-robbery” pattern is noted also in assaults against refugees and immigrants.

Cyber and social media attacks present an upward trend. As it appears, individuals are often targeted due to their sexual orientation, while social media is often used to “pillory” these persons through the use of photographs and other media.

The Pride Parade has triggered a series of assaults against its organisers and participants, which were recorded by the RVRN. There is a record of one assault that was committed against members of the “Colour Youth” organisation by a group of at least twenty men, some of whom were dressed in black outfits and others in military T-shirts or shorts, while several were particularly well-built. After the perpetrators threw flyers with homophobic content (“Homosexuality: a matter of health”, “Pride means integrity, NOT beavers in dresses” etc.), they turned aggressively towards the victims, who had reacted to these slogans, and verbally abused them using obscene, homophobic language. Shortly after, an article was posted on the website of the organisation “Apella” whose members self-identify as “Greek National Socialists” organisation together with snapshots from the scene, clearly indicating that the organisation undertook responsibility for the incident. It should be noted that the faces of some LGBTQI+ persons who are members of various organisations are clearly visible in some of these snapshots.

“Colour Youth” was the victim of cyber-attacks, verbal abuse and threats several times in 2017. Assaults against defenders of LGBTQI persons are particular in that the victims identify with the persons they are defending. Although the defenders of LGBTQI persons do not always belong to that social group, the targeted organisations do consist of members of the LGBTQI community, which is why the assaults have a substantial impact.

## **2. Assaults due to gender identity and sex characteristics**

A significant increase was recorded in cases of attacks due to gender identity. Out of 10 incidents in 2016, **18 incidents** were recorded in 2017.

**Victims:** 10 incidents against women (in 7 incidents the victims were 22-28 years old and in 3 incidents they were 40-55 years old). There is a recorded increase in attacks against men (8 incidents, the victims being approximatively 24 years old).

In 2017, no incidents involving severe physical violence were recorded, but only incidents of milder forms of violence. These include situations where the same persons have been victimised repeatedly. As pointed out in RVRN’s previous reports, victims of violence due to gender identity often sustain repeated assaults in their own homes, while they are also targeted in their neighbourhoods. In 2017 a behavioural trend was recorded involving the disturbing and severe harassment of transgender persons by parents, mental health professionals and ordinary citizens challenging the self-determination of the targeted individuals.

The RVRN cannot help but refer to the abusive public speech that was heard both inside and outside Parliament during the debate and the enactment of Law 4491/2017 (Government Gazette Series A, Issue No. 152) “Legal Recognition of Gender Identity



- National Mechanism for Preparation, Monitoring and Evaluation of Action Plans on the Rights of Children and other Provisions". During the period under review, there was a recorded increase in the number of verbal abuse incidents and cyber-attacks.

#### **D. Anti-Semitic attacks**

In 2017, the RVRN recorded **12 anti-Semitic attacks**. There was an increase compared to 2016, which seems to prevail also during the first few months of 2018. In particular, there were 8 incidents of desecration of Holocaust memorials in Athens, Arta, Thessaloniki, Kavala and Komotini and 1 incident of desecration of the Jewish cemetery in Nikaia. Other incidents of anti-Semitic vandalism were also recorded, including a press attack against the President of the Israeli Community in Athens, on grounds of his religion.

In these incidents the perpetrators drew Nazi symbols or words and slogans referring to the Holocaust, thereby threatening the Jewish community as a whole.

#### **E. Attacks with the involvement of law enforcement officials and civil servants**

The RVRN analyses the incidents involving law enforcement officials and civil servants in a different section, because of their discrediting nature.

##### **1. Police violence**

The RVRN records incidents where there is concrete evidence (verbal abuse, threats, circumstances, etc.) demonstrating racist motives during violent incidents perpetrated by law enforcement officials. In 2017 these incidents increased, as there is a record of **10 incidents** involving law enforcement officials while in 2016, 6 incidents of police violence were recorded. The victims in these incidents were asylum seekers (5 incidents), unaccompanied minors (2 incidents), a refugee (1 incident), an employee of the UN High Commissioner for Refugees (1 incident), a male member of the Roma community (1 incident).

As regards the characteristic features of these attacks, they all involved disagreeable behaviour demonstrated by law enforcement officials during routine or non-routine police control operations. In the vast majority of these incidents, the victims reported having sustained physical violence in public spaces during police operations, or inside police departments and detainment/identification facilities. Obviously, it was the victims' skin colour or origin that triggered violent, stereotypical reactions on the part of the officers concerned.

Reference should be made to a particular incident, where asylum seekers in Lesbos reported to the RVRN that they had been targeted due to their sexual orientation and gender identity. These victims were already in a vulnerable position within their own community and have probably sustained violence in the past for the same reasons. The RVRN has repeatedly pointed out that the LGBTIQI community has lost trust in the police force, as a result of the behaviour of certain law enforcement officials.

Lastly, the incident of police violence against a male member of the Roma community was recorded with substantial difficulties by the RVRN and is now being investigated by the authorities, thanks to the contribution of an RVRN member. The RVRN notes that, despite the violations established in similar cases by the European Court of Human Rights and the UN treaty bodies, police violence against the Roma community has not been effectively dealt with.

## **2. Attacks by civil servants**

In 4 incidents (3 relating to gender identity and 1 relating to sexual orientation), the perpetrators were civil servants. The RVRN focuses on incidents occurring in the field of education and health and involving transgender individuals. The victims of these attacks sustained verbal abuse in spaces in which their rights are supposed to be reinforced. Public organisations, be it schools or hospitals, are responsible for educating their staff on these matters, including their top-ranking executives, and for showing zero tolerance towards this type of behaviour.

Lastly, the RVRN recorded an incident that is indicative of the repeated victimisation of an individual at the workplace due to their sexual orientation. The repeated verbal abuse and humiliating treatment of employees within public organisations due to their sexual orientation may cause severe psychological distress to the victims, especially if they are reluctant to report the incidents out of fear or lack of trust in the authorities.

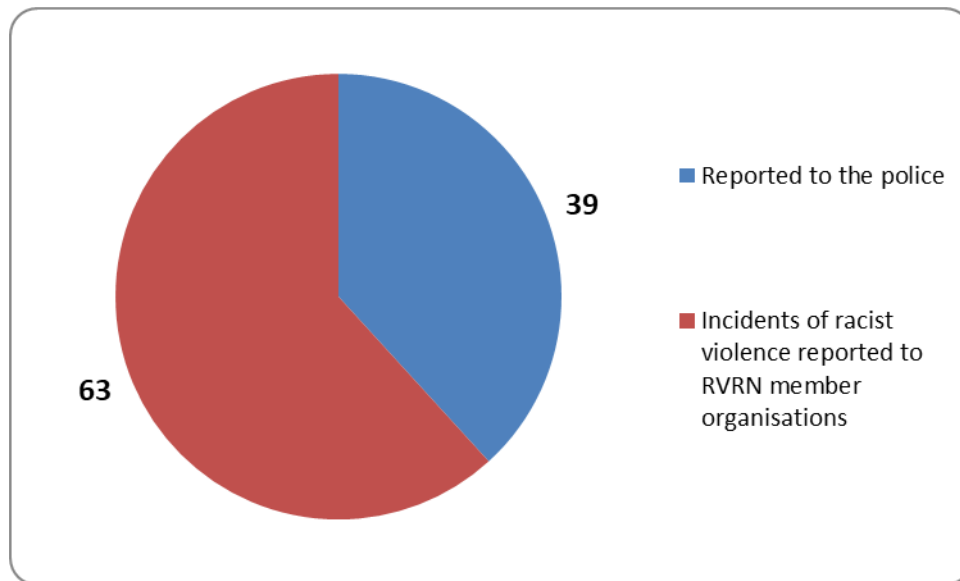
## **III. Complaints and authorities' response**

The Racist Violence Recording Network closely monitors the implementation of anti-racist legislation as well as the relevant practices of all actors involved. The RVRN aims to identify and point out legal and practical obstacles to the victims' access to the authorities. This section analyses the RVRN data on complaints (A) and on other information related to the police and judicial response to racist violence, including measures adopted by the Ministry of Justice, Transparency and Human Rights (B).

### **A. Analysis of RVRN data on complaints**

At the time of their recording by RVRN organisations, 39 incidents out of 102 had been reported to the police.

14 of those incidents related to assaults against refugees and immigrants and 5 against defenders, while only 6 incidents concerning LGBTIQI persons had been reported to the police at the time. In 19 cases, the victims stated that they had not reported the incident to the police but that they intended to do so. In 22 cases, the victims stated that they would not take further steps due to fear; or lack of trust in the authorities; or because they did not want to reveal their sexual orientation; or because they did not consider the incident serious enough to become involved in criminal proceedings.



*Incidents reported to the police at the time of recording by RVRN*

It is therefore clear that more incidents against refugees and immigrants were reported to the police, even though these incidents are fewer than the attacks against LGBTIQI persons.

## **B. Authorities' response to racist violence**

The RVRN constantly pursues the best possible cooperation with the police and prosecuting authorities. As previously stated, the cooperation between civil society and the police on the combat against racist crime has been viewed as successful, since, besides supporting the victim, it also allows some shortcomings on the part of the police to be rectified.

### **1. Recording of incidents and response by the Police**

According to the information communicated to the RVRN by the Hellenic Police:

“From 01.01.2017 until 31.12.2017 the competent agencies of the Hellenic Police Force nationwide recorded in total one hundred and eighty-four (184) incidents potentially involving racist motives, in one hundred and twelve (112) of which the police authorities took charge and conducted preliminary investigations either *ex officio* or following a complaint, whereas in the remaining seventy-two (72) incidents the police authorities took charge on the basis of instructions by the prosecution authorities ordering a preliminary investigation.

i) As regards the location of the incidents:

- 143 incidents were recorded in the Region of Attica;
- 16 in the Region of Thessaloniki;
- 6 in the Regions of Northern Aegean and Thessalia;
- 4 in the Region of Southern Aegean;
- 2 in the Regions of Eastern Macedonia and Thrace, Western Greece and Peloponnese, and
- 1 in the Regions of Hepirus, Central Macedonia and Crete

ii) As regards the perpetrators:

- 84 incidents involved citizens;
- 12 incidents involved citizens and unidentified perpetrators;
- 24 incidents involved law enforcement officials;
- 5 incidents involved organised groups;
- 59 incidents involved unidentified perpetrators.

iii) The investigation revealed that:

- In 133 incidents the motive was related to the victim's origin-colour-race;
- In 28 incidents to the victim's religion;
- In 29 incidents to the victim's sexual orientation;
- In 12 incidents to the victim's gender identity;
- In 9 incidents to the victim's disability."

In reply to a question raised by the RVRN in this regard, it was clarified that incidents involving hate speech amounted to 40.76% of the total number of recorded incidents. Hate speech does not fall within the traditional definition of racist crime and should therefore be distinguished from all other crimes, which are normally committed against specific victims on grounds of particular characteristics.

That said, it is quite encouraging that there is an increase in the number of incidents where the police took charge *ex officio*, following a complaint or under the instructions of the prosecution authorities, as this is a clear indication of improvement in the authorities' responsiveness. However, in order to be able to draw safe conclusions on the matter, the available data must be thoroughly processed and reconciled against data derived from proceeding and cases brought before the courts.

This will help generate useful findings in terms how racist crimes are reported and recorded. It would be particularly interesting to explore in which situations the victims decide to have the incident recorded by an RVRN member alone and in which situations they decide to actually report it to the police or do both, even at different times.

Despite the improved responsiveness of the authorities, there are still certain behaviours or practices that prevent the victims from reporting their experiences, and these need to be dealt with promptly. As part of the recording process, the RVRN collects related information. For example, in the aforementioned incident, where foreigners were assaulted by a group of persons who claimed to be police officers, the victims reported to the RVRN that they went to the Police Department early the next morning, but the police officers told them they didn't record complaints so early in the day and instructed them to come back later. After that the victims went to hospital and failed to report the incident, which was only recorded by the RVRN about seven months later.

In another (homophobic) incident, the victim and his partner (19 and 17 years old, respectively) were assaulted by a group of 6 people in a public square. An eye witness called an ambulance and notified the police. According to the victims, they were asked by the police officers who arrived at the scene to describe what had happened, but before they even had the chance to state that they wanted to file a complaint, one officer turned to the other and said "Come on, I don't see any serious harm here" and they both took off. The two victims were then taken to hospital, where they received first aid care, underwent medical examinations, had their injuries taken care of and

were eventually released. One of the two victims stated that both the medical crew on the ambulance and the medical staff at the hospital had treated them very nicely. However, once again the RVRN established a poor response on the part of the authorities, in terms of encouraging the victims to report the incident (in this case, an assault by multiple persons), despite the fact that only light injuries were caused as a result.

## **2. Response to racist crime by prosecution and judicial authorities**

The practice of appointing Special Prosecutors for racist crimes seems to have a positive impact on how racist crime is handled, given that prosecution orders for preliminary investigation have increased. Although we have no information as to whether the relevant prosecution orders were issued from the Special Prosecutors, we presume that this measure has helped the prosecution authorities gain a better understanding and insight of racist crime.

What seems to be a good practice – and should therefore be applied on a broader scale – is the distinction of racist crime-related case files in a manner which allows for a correlation with court judgements. Accordingly, it is important for reasons of efficient enforcement of the prosecution process, that the same Prosecutor handle a case from start to finish, namely from the initial characterisation of an act as a criminal offence and the pressing of charges until a court judgement is rendered on the matter.

The RVRN welcomes the efforts of the Minister of Justice, Transparency and Human Rights to systematically record the information available to all agencies in relation to racist crime, in order to comprehensively monitor how racist crime is handled by the Greek legal order. What is telling is that the RVRN also comes against many obstacles when identifying the court judgements rendered in racist crime cases, especially when no lawyer, member of the RVRN is involved in the relevant cases.

For instance, although we know that two persons were sentenced to imprisonment in Chios receiving a 7-month sentence (suspended for 3 years) for unprovoked insult by act, a 12-months sentence for public incitement to violence based on Law 927/1979, as in force, a 3-months sentence for personal injury per victim and a €5,000.00 fine, we do not know whether Article 81A of the Greek Criminal Code was applied.

Likewise, we found out through the Press that the Three-Member Lower Criminal Court of Rhodes sentenced two persons to 4 years and 10 months imprisonment (sentence suspended for 3years) for assaulting and injuring foreigners with rafters outside their home, after calling them to come out.

In November 2017, a member of a group that assaulted a Pakistani citizen in his barber shop in Metamorfofi in September 2012 was sentenced by the Mixed Jury Court of Athens to 13 years and 4 months in prison. The incident was recorded by the RVRN in 2012 and the victim had received legal aid under the program "Support and legal services to victims of hate crimes", implemented by members of the Network. According to the victim, he was at a barber shop when two men came in and threatened a Greek customer because of his presence there. The perpetrators then

stabbed the victim and set the place on fire using Molotov cocktails, one of which whizzed by the victim's head and burnt his hair.

### **3. Ministry of Justice, Transparency and Human Rights**

#### **a) The National Council against Racism and Intolerance (NCRI)**

In 2017, the RVRN attended the NCRI's sittings with two representatives (and two deputies) and was given the opportunity to become actively involved in the planning of the NCRI's activities.

As part of the coordination of the Working Group on racist crime, the RVRN prepared, with the cooperation of all other members appointed by the Greek National Commission for Human Rights (GNCHR), the Hellenic Police Force, the Ministry of Foreign Affairs, and the Ministry of Justice, Transparency and Human Rights, a special brochure on racist crime addressed to the Public Administration authorities, containing instructions, definitions and legislative clarifications as to the duties of civil servants and officials conducting preliminary investigations. The brochure was forwarded to the National Printing Office in May 2017 and its printing, distribution and circulation are expected to follow shortly.

According to Article 17(2)(h) of Law 4356/2015 (Government Gazette Series A, Issue No. 181), the NCRI shall prepare a National Action Plan against Racism, closely monitor its implementation and regularly update its content. The NCRI is currently in the process of preparing the first National Action Plan against Racism and Intolerance, laying down particular actions to be carried out by the Ministries, each in its respective field of responsibility. The RVRN has proposed that the National Action Plan against Racism and Intolerance be the subject of consultations between the NCRI members and other special bodies or experts, in relation to specific matters which are of particular interest to the Greek society, and that it should not consist merely in a list of activities to be carried out by the respective Ministries- and is making efforts in that direction<sup>4</sup>.

The RVRN points out once again that, although the establishment of the NCRI undoubtedly holds significant symbolic value and although the General Secretariat for Transparency and Human Rights is promoting and facilitating the practical cooperation between bodies combating racism, NCRI's effectiveness will largely depend on the provision of sufficient human resources by the public authorities in order to ensure institutional coherence and promote its collective conscience and, by extension, the effectiveness of its interventions.

#### **b) Cooperation agreement to deal with racist crime in Greece**

On the initiative of the General Secretariat for Human Rights, the Ministry of Justice, Transparency and Human Rights has established a cooperation with the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) regarding participation in the European Commission's programme "JUST/2015/RRAC/AG,

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<sup>4</sup> See also the recommendation of the National Commission for Human Rights relating to the preparation of the National Action Plan on the Rights of the Child, *Annual Report 2014*, p. 188.

Action grants to prevent and combat racism, xenophobia, homophobia and other forms of intolerance, RIGHTS, EQUALITY AND CITIZENSHIP/JUSTICE PROGRAMME (2014-2020)".

The programme, which is implemented by the ODIHR in cooperation with its partners (in this case, the Ministry of Justice), is entitled: "Building a Comprehensive Criminal Justice Response to Hate Crime".

The RVRN participates in the Working Group which concluded the agreement that shall govern Administration and Justice from top to bottom, in the fields of prevention and suppression of racist crime. Apart from the RVRN, the Working Group is comprised of the following members: The Ministry of Justice, Transparency and Human Rights, the Ministry of Interior, the President of the Supreme Court, the Public Prosecutor at the Supreme Court, the Ministry of Health, the Ministry of Immigration, the National School of Magistrates, and the OSCE National Points of Contact on Hate Crimes for Greece. The Working Group has concluded a cooperation agreement that lays down the obligations of the contracting parties, namely of all participants. The RVRN is closely monitoring the implementation of this action, as the agreement needs to be signed by all contracting parties and must be effectively implemented through solid actions.

**c) Law 4478/2017 (Government Gazette Series A, Issue No. 91) transposing Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA and other provisions**

Directive 2012/29/EU places victims on a new standpoint in the context of the procedures conducted before each competent organisation, yet requires the coordinated action of all bodies and authorities involved, with a view to supporting the victims. Law 4478/2017 introduces a holistic approach as regards the support offered to victims of hate crimes, with a view to encouraging them to become more involved in the criminal process. If thoroughly and effectively implemented, the law is bound to contribute decisively towards effective dispensation of justice and effective restoration of the damage sustained by the victims. The RVRN has established that the limited number of complaints and recorded incidents is partly due to the absence of free of charge supporting services and/or limited geographic distribution, especially where the victims have nowhere else to turn to, either because they lack the necessary financial resources, or because it is difficult for them to access other services, due to lack of financial independence or/and because they are too young to confront even their own families.

In this sub-section, the RVRN points out some of the general challenges identified in the effective implementation of the law. Specific recommendations are made to the competent Ministries in the last section of this report, while a more comprehensive analysis of specific matters is to be published shortly.

The greatest challenge in the implementation of the law is integrating its regulations to the Code of Penal Procedure and in the rules of operation of the competent authorities. This process is expected to further specify the rights of the victims and the obligations of the bodies and agencies involved and to bring about a nationwide

change of mentality and a shift in culture around the way that victims are treated. The law's implementing instructions should clearly determine the persons eligible to receive victim support and care services under Article 61 of Law 4478/2017, as well as the conditions under which such services are to be offered (i.e. independently of complaints).

Law enforcement and prosecution authorities usually consider victims as part of the penal procedure, mainly as a source of information about the case or in a manner consistent with the involvement of each victim in the penal proceedings. Meanwhile, the medical staff interacts with the victims strictly on a medical basis, solely addressing the victims' medical issues. According to the RVRN's recordings of incidents involving foreigners who were hospitalised following an assault, it seems that no other form of support is provided or offered to these persons (e.g. psychological/social support), while at the same time the medical staff of hospitals and other healthcare providers seems to be totally disconnected from the penal procedure (e.g. no information is provided to the victims regarding the possibility of reporting an incident). In other jurisdictions, if a person is identified as a victim of assault while being offered medical assistance, the hospital's social care service undertakes to inform the victim of his/her right to report the incident, and notify the police.

It is imperative that all authorities involved in this process be thoroughly familiar with, and bound by, certain basic instructions, depending on the phase of the procedure: a) first contact with the competent authority (victim identification, individual assessment, referral); b) reporting of the incident to the authorities; c) criminal investigation; d) penal procedure; e) post-trial phase of the penal procedure. For that purpose, the competent authorities must be clearly designated and informed of their duty to implement the law, so as to be able to lay down proper internal procedures (e.g. designate compliance officers and implement compliance protocols).

#### **IV. Recommendations to the State**

The Racist Violence Recording Network addresses the following recommendations to the Greek State in order to combat racist crimes.

#### **Recommendations to the Ministry of Interior and Administrative Reconstruction**

##### **A. Combating racist crime**

1. Adoption of a targeted operational plan to prevent and tackle hate crimes, with special provisions for the regional police directorates and departments, based on information provided by the Hellenic Police and civil society.
2. Reinforcement and proper staffing of the Police Departments Combating Racist Violence.
3. Conduct of a training programme, with the assistance of international and European organisations specialised and experienced in the training of law enforcement/judicial bodies, gradually for the entire personnel of the Hellenic Police.
4. Guidance to police officers regarding their obligation to support the victims, to intervene for their rescue and to bring the victims in contact with the competent agencies.



5. Provision of specialised information on the existing victim support structures in each geographic region, on a case-by-case basis (victim's removal from the victimising environment, upon consent of the victim).
6. Setting up special task forces in each region, and training them on how to inform victims of racist crimes of their rights and how to handle their initial contact with the victims, ensuring that briefings by specialised staff are not replaced by the information supplied in the form of brochures.
7. Constant communication and cooperation between police departments nationwide, governmental or non-governmental bodies and immigrant communities, to ensure that victims are offered medical, social and legal assistance and interpretation services to facilitate their access to the police.
8. Continuous evaluation of police authorities to ensure compliance with the circular entitled "Combating Racism, Xenophobia and Discrimination in Policing" (8.11.2014).
9. Effective dissemination of the knowledge on regulations regarding protection against the return of third country nationals that are victims or key witnesses in crimes with racist characteristics or hate speech (Law 927/1979), who express their intention of filing a complaint or reporting an incident to the competent police authorities (Article 41 Law 3907/2011 ).
10. Speeding up the identification process of undocumented third-country nationals who are victims of racist violence, in order to minimise restrictions to their freedom.
11. Adoption of a special circular on the appropriate treatment of LGBTIQI persons, with a view to providing clear guidance to law enforcement officials and preventing secondary victimisation.
12. Protection of the rights of human rights defenders, namely individuals and organisations engaged in the promotion and protection of human rights.

## **B. Combating racially-motivated police violence**

1. Introduction of a specific procedure in the framework of disciplinary control within the Hellenic Police Force for faster processing of racially-motivated arbitrary acts.

## **Recommendations to the Ministry of Justice, Transparency and Human Rights and to the Prosecution and Judicial Authorities**

1. Targeting the competence of Special Prosecutors to relevant crimes only, and ensuring specialised treatment of cases throughout the penal process, i.e. from the preliminary investigation to the rendering of a decision.
3. Adoption of a legislative provision for the protection of human rights defenders.
4. Completion of the ratification process for the Council of Europe Convention on preventing and combating violence against women and domestic violence<sup>5</sup>.
5. Ensuring the prompt referral of juvenile victims to the Juvenile Support and Social Care Services of the Ministry of Justice, Transparency and Human Rights, in light of the serious risk involved in terms of secondary or repeated victimisation.
6. Training of prosecutors and judges on the prevention of secondary victimisation.
7. In the case of deaf-mute persons being unable to read or write, appointment of an interpreter, preferably among the persons who are used to communicating with the victim, unless a potential conflict of interest is established.

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<sup>5</sup>Recommendation addressed also to the Ministry of Interior and Administrative Reconstruction.

8. Adoption of measures to protect interpreters and prevent their victimisation. Special training of persons who might be required to examine victims of sexual assault, victims of violence due to gender identity and victims of domestic violence.
9. Examination of juvenile victims at specifically designed and adapted spaces in any district lacking Independent Juvenile Victims Support Services within the region of each Court of Appeal.
10. Appointment of a specific person to keep the victim informed throughout the penal procedure.
11. Prevention of abusive withdrawals of requests for the provision of information [Article 59(3) of Law 4478/2017].
12. Adoption of special measures to ensure the victims' safety (entry/exit from courts and prosecution offices, keeping victims at a safe distance from defendants, etc.)
13. In-depth study and discussion among scientific and professional bodies on how to adapt restorative justice to racist crimes (Article 63 of Law 4478/2017).

### **Recommendations to the Ministry of Health and the Medical Associations**

1. Cooperation with the Ministry of Justice, Transparency and Human Rights on the implementation of Law 4478/2017, particularly in terms of performing medical tests as per Article 66 (c) of Law 4478/2017.
2. Briefing and training of the medical staff on the cultural aspects of their interaction with victims of racist violence and on the particular aspects of their interaction with LGBTQI persons.
3. Training and sensitization of mental health specialists on issues of gender identity and sexual orientation due to ongoing reports of abusive behaviour against LGBTQI+ persons in violation of the World Health Organization (WHO) International Statistical Classification of Illnesses and Related Health Problems (ICD) and the Diagnostic and Statistical Manual of Mental Disorders, DSM) of the American Psychiatric Association, APA.
4. Compliance with the rule that medical tests are performed by persons of the same sex as the victim, and that the victim must be allowed to decide [Article 69(1)(d) of Law 4478/2017] only in situations of severe shortage of medical staff.

### **Recommendations to the Ministry of Migration Policy**

Additional initiatives and measures which can contribute (besides other beneficial effects) to reducing tensions among refugees/immigrants, relieving pressure from local communities (especially on islands-entry points), and preventing or limiting social tensions, which in turn become a breeding ground for xenophobic reactions and racist behaviours. Such measures may include the following:

1. Significantly improving reception conditions, especially for vulnerable persons, as well as creating the conditions for greater security in all reception areas, Reception and Identification Centres and reception facilities in the mainland.
2. Ensuring faster registration and processing of asylum claims of all nationalities.
3. Systematisation and speed up of registration and reception of unaccompanied minors, and appropriate care and referral procedures.
4. Re-assessing the geographic restrictions on refugees remaining on the islands.
5. Holistic approach to immigration and refugee issues, with long-term planning across the country.

## **Recommendations to the Ministry of Education, Research and Religious Affairs**

1. Creation of a handbook for school communities on understanding and addressing bias-motivated incidents of violence and interconnection with experienced civil society actors implementing specific programs.
2. Reinforcement of the regulatory framework on combating hate-motivated violence in schools with the active participation of teachers, students and parents' associations.
3. Introduction in the primary and secondary education of a course related to sexual education for the purpose of removing stereotypes and prejudices about gender identity and sexual orientation and creating an inclusive and safe school environment.
4. Promotion of an inter-cultural and inter-religious dialogue with a view to eliminating stereotypes and prejudice.

## **Recommendations to the Ministry of Infrastructures, Transports and Networks**

1. Creation of a handbook addressed to the staff working in public transportation (including on inter-city bus services) regarding their obligation to respect all passengers regardless of their race, colour, national or ethnic origin, descent, religion, disability, sexual orientation, gender identity or sex characteristics.
2. Provision of special clauses related to the above obligations in contracts of concession.
3. Introduction of proportional sanctions for non-compliance with the obligation to respect all passengers regardless of their race, colour, national or ethnic origin, descent, religion, disability, sexual orientation, gender identity or sex characteristics.

## **Recommendations to the Minister of State - General Secretariat of Information and Communication**

1. Training and awareness of management and journalists, editors and newscasters of electronic, paper and television media, with regard to the coverage of racist crimes, the protection of human rights and the elimination of negative stereotypes against certain groups, through special training activities and guidelines.

The RVRN points out that the above recommendations aimed at effectively addressing racist violence, must be combined with a thorough evaluation of the expressions of racism in Greece, as well as with policies that improve security, protect human rights and combat human trafficking, drug trafficking, and criminal networks, and, finally, with targeted measures to relieve the population as a whole.