

Protecting refugees and migrants from racist violence in Greece – Key observations

- Against the backdrop of persisting hostility and violence against refugees and migrants in Greece, RSA recalls that the authorities have not conducted an effective investigation in the *Sakir* case, concerning racist violence against a refugee and leading to condemnation by the European Court of Human Rights in 2016. The case illustrates the broader issue of prejudice towards foreigners by state organs and the direct links of police personnel with individuals belonging to or connected with far right, which are yet to be effectively investigated.
- *Sakir*-type situations continue to occur, with recent examples drawn from a case on Leros in spring 2020, where a victim of crime who complained before the police for assault and bodily injury with racist bias by police officers had his complaint set aside and found himself subject to a criminal prosecution and subsequent conviction under a hearing raising fairness concerns. The police, prosecutors and judges disregarded all the measures the Government claims to have taken in implementation of the *Sakir* judgment.

Implementation of legal safeguards

- Positive legislative reforms have been adopted in recent years, namely for the transposition of the EU *acquis* on the rights and safeguards available to victims of crime and accused persons in criminal proceedings. However, these core safeguards are rarely applied in cases involving refugees, migrants and asylum seekers in practice.
- These persons do not benefit from effective legal aid and representation in the course of criminal proceedings. Furthermore, police stations and hospitals largely operate without interpreters and are thereby unable to deal with non-Greek speakers.

Public discourse and data collection on racist crimes

- Specific guidance issued in 2018 by the Supreme Court Prosecutor requires the collection and keeping of disaggregated data on racially motivated crime. Information from legal practitioners across the country regrettably confirms that local prosecutors and courts rarely follow the Supreme Court Prosecutor's instructions, as racist violence offences are still treated as isolated incidents.
- In 2018, the Supreme Court Prosecutor also urged public authorities not to use the term "λαθρομετανάστες" – a derogatory term pointing to an "illegal migrant" – in prosecutorial and administrative documents. Nevertheless, members of the Government, including Ministers, have continued to use the term and have made threats against the Supreme Court Prosecutor in public discourse.
- The official Greek translation of the *Sakir* judgment by the Ministry of Foreign Affairs also uses the term "λαθρομετανάστες".

Amnesty to perpetrators of racist crimes

- Successive legislative measures allow for lapse of proceedings and statute limitation for certain crimes in the Penal Code, though racially motivated crimes are not covered by those provisions. Yet, since most such offences are treated as isolated incidents without racial bias, they are never tried and/or sentences are never served. In addition, the aforementioned provisions apply to actions by law enforcement officials, meaning that cases of police violence generally do not end up in conviction or sentencing.