

POLICE TREATMENT OF MIGRANTS IN GREECE AND THE CHALLENGE OF TRAINING ON HUMAN RIGHTS AND MULTICULTURAL POLICING

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Foreword

The police reflect the prejudiced and xenophobic perceptions of their respective societies and they are often abusing the rights of migrants. Human rights and multicultural policing are not included in the curricula of the Greek Police Academy. The need for reform is essential, including the importance of committing in promoting human rights and building bridges of trust with migrant communities.

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Introduction

Discourses on migration have been particularly intense in the European South. Issues of irregularity and respective criminalisation and securitization, the accessibility to asylum procedures, the effect of migration on the economy, and the integration of migrants have preoccupied researchers and policy makers, especially after the economic crisis and the turbulences in Africa and the Middle East.

In the name of migration control migrants are demonised as being a harming factor to the host country's economy and social life, while irregular migrants are criminalised and are considered as a security threat. Inevitably policy makers come face to face with the dilemma of adopting a harder or softer policy on migration. Securitisation of migration seems to be more favourable than a human-rights-based approach to migration including integration policies.

Securitisation of migration is contested through stricter controls and regulations. Thus, the national police forces are tasked with carrying out extensive controls in order to check the status of non-nationals and prevent crimes attributed to migration such as human trafficking, smuggling and terrorism. However, police forces exist so as to maintain public order by preventing crime and addressing possible security threats, guarantying that the people are able to enjoy their human rights to the fullest and without discriminations.

The obligation to respect and protect the human rights of all people are often put aside in pursue of this task, resulting on numerous recorded incidents of police abuses against non-European citizens. Inevitably, a security- human rights nexus on migration is created and sound policing is put under question. Thus, it is worth reflecting/examining the training police officers receive on human rights and multicultural policing in order to empower them to perform their duties in accordance with them.

1. Legal framework and general concerns concerning migrants, asylum seekers and refugees in Greece

Given the promising potentials for a better standard of living or safety from the plague of war and fear, Europe is considered a common recipient of migration flows². The European south has seen a mass influx of migrants the past few years. The main migration flows come from countries on its eastern and southern borders. Member States on the Eastern Mediterranean are the first recipients of these flows.

The increase of migration flows causes anxiety to citizens and authorities. For example in Greece this anxiety can be noticed in a question brought to the Greek Asylum Service, asking "*If Greece granted international protection to many applicants, wouldn't this motivate to further increases in migratory flows to our country?*"³

In the legal context, leaving the country of origin is a human right which is

² Salama P., 2011, p. 29.

³ Greek Asylum Service, *Frequent Questions*, 2014, p.4.

enshrined in Article 13(2) of the Universal Declaration of Human Rights. Such a choice can be made either for financial reasons or by pressure of finding refuge from a disaster or persecution but often comes with certain risks. The most imminent hardships and obstacles that refugees and migrants have to face in order to step on European soil are related to crossing the southern sea borders, namely from Turkey to Greece. Migrants have to choose to travel by land or by sea in what is commonly referred to as “unseaworthy boats”⁴. Travelling by sea involves dangers which vary from purely natural, like high seas and bad weather, or technical, like running out of fuel, having leaks or lose their way at sea⁵. If rescued or anyhow intercepted at seas, they are most likely to be transported and kept in closed facilities⁶ or hosted in reception centres.

Moreover, when travelling in an irregular manner they face the risk of immediate arrest and detention, or push-backs. Greece has been criticized numerous times and by various organisations for the practise of push-backs. In 2014, the Commissioner for Human Rights of the Council of Europe (CoE) alleged that such practices violate the principle of non-refoulement and the prohibition of collective expulsions⁷.

Regarding detention, the most common problem apart from the facilities themselves, is connected to the asylum procedure and, in particular, the obstacles on the right to apply for asylum⁸. It is important to note in this respect that the process of evaluation of applications can often be slow and problematic. In Greece, asylum applications were initially examined by the police authorities until 2011, when by virtue of Law 3907/2011 an independent Asylum Service was established⁹.

Other problems are related to prolonged detention and detention conditions¹⁰. Migrants found to have entered irregularly in the European Union (EU) are fingerprinted in the EURODAC and deported if they do not wish to apply for asylum¹¹. Asylum seekers have the right to remain in the territory of the host state until the final decision to their application is issued¹².

Once entered in Europe, migrants enjoy certain fundamental human rights. The European Convention on Human Rights (ECHR)¹³, the Universal Declaration of Human Rights¹⁴ and the Charter of Fundamental Rights of the EU¹⁵ grant them protection from

⁴ European Union Agency for Fundamental Rights (FRA), *Fundamental rights at Europe’s southern sea borders*, 2013, p.2.

⁵ Idem.

⁶ Idem, p. 7.

⁷ Greek Council for Refugees (GCR), *Access to Protection: a Human Right (Greece)*, 2014.

⁸ A list of restrictive measures relating to asylum procedures is included in the Report of the Special Rapporteur on the human rights of migrants, François Crépeau. (UN Human Rights Council, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau - Regional study: management of the external borders of the European Union and its impact on the human rights of migrants*, 2013, p. 14).

⁹ Asylum Information Database (AIDA), *Country Report Greece 2014*, 2014, p. 15.

¹⁰ UN Human Right Council (HRC), *Report of the Special Rapporteur on the human rights of migrants, François Crépeau - Regional study: management of the external borders of the European Union and its impact on the human rights of migrants*, 2013, p. 14.

¹¹ Idem, p.17.

¹² FRA, *Handbook on European law relating to asylum, borders and immigration*, 2014, p. 58.

¹³ Article 3, *European Convention on Human Rights*, CoE, 1950.

¹⁴ Article 5, *Universal Declaration of Human Rights*, UN, 1948.

torture and inhuman or degrading treatment or punishment, as well as from slavery and forced labour¹⁶. The prohibition of non-refoulement is enshrined in the 1951 Convention relating to the Status of Refugees¹⁷ and the 1984 Convention against Torture and other Cruel, Inhuman or Degrading treatment or Punishment¹⁸.

Migrants who find themselves under the jurisdiction of any CoE state and feel that their human rights have been violated can lodge an application to the European Court of Human Rights, after exhausting any effective domestic remedies. In this context, the Court usually considers cases of violations under Articles 3, 5 (right to liberty and security), 6 (right to fair trial), 8 (right to private and family life), 14 (prohibition of discrimination) and 16 (restrictions on political activity) of the European Convention on Human Rights¹⁹.

In the context of EU legislation, the Charter of Fundamental Rights of the EU recognizes the prohibition of trafficking, and the right to asylum²⁰, whereas it sets specific provisions about the protection from removal, expulsion or extradition²¹, non-discrimination²² and respect for cultural, religious and linguistic diversity²³. Moreover, under the non-discrimination directives²⁴, third-country nationals enjoy the right to equal treatment.

Refugees granted international protection, persons granted subsidiary protection, victims of trafficking and long-term residents²⁵ are entitled to identity documents, travel documents and other documentation facilitating their stay in the host country depending on the case²⁶. Such documentation allows them to access the labour market, health services and education and prevents frictions with the authorities and especially law

¹⁵ Article 4, *Charter of Fundamental Rights of the European Union*, EU, 2000.

¹⁶ *European Convention on Human Rights*, CoE, 1950, article 4.

¹⁷ According to article 33 “no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”. *Convention relating to the Status of Refugees*, UN, 1951.

¹⁸ According to article 3 “no State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture”. *Convention against Torture and other Cruel, Inhuman or Degrading treatment or Punishment*, UN, 1984.

¹⁹ *European Court of Human Rights, The ECHR in 50 questions*, 2012.

²⁰ Article 5 and Article 18. According to the later, the right to asylum is guaranteed “with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty establishing the European Community”.

²¹ Article 19, according to which “collective expulsions are prohibited” and “no one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment”.

²² Article 21, according to which “any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation... [and] ...on grounds of nationality shall be prohibited”.

²³ Article 22.

²⁴ Namely the *Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*, 2000.

²⁵ According to the EU law, that is continuously for five years.

²⁶ Council of Europe: *European Court of Human Rights (ECtHR)*, FRA, *Handbook on European non-discrimination law*, 2010, pp. 85-86.

enforcement²⁷. In Greece for example, asylum seekers are provided with ID cards (red card) of four-month duration, except from nationals from Albania, Bangladesh, Egypt, Georgia and Pakistan²⁸. In their case the duration of the ID card is 45 days²⁹. The so-called “pink card” allows them to apply for a work permit³⁰. The work permit expires 30 days after the expiry of the card.

When it comes to irregular migrants, there are no explicit safeguards, except certain fundamental rights guaranteed in the EU Return Directive³¹. Irregular migrants that are not regularised face detention and deportation. Such procedures are regulated by the Return Directive.

2. Criminalisation of migration and securitisation

Securitisation is based on the notion that migration constitutes a security threat³². As a term, ‘*securitisation*’ was first introduced by the theorists of constructivism, namely by the so-called school of Copenhagen³³. According to the theory, securitization is the process under which a political issue constitutes a security threat, calling for the undertaking of pressing ‘legitimate’ (or illegitimate) actions to face the threat³⁴. Thus, securitisation is a process that takes place under a very specific context involving specific actors and specific actions taken in order to deal with a specific threat.

Securitisation of migration is a relatively new process that has been questioned by security analysts for various reasons³⁵. The most predominant reason researchers view the linkage between migration and security as problematic is that migration is a phenomenon of socio-political nature that does not constitute a security threat per se³⁶. In fact, the processes that lead migration to be incorporated into the security agenda of certain states has been a very interesting field of research. For example the theorists of international relations have tried to assess the supposedly negative implications of migration in a three dimensional context, namely the economic, the societal and public order³⁷. Research has not indicated any negative influence so far. On the contrary, most findings demonstrate that migration has a positive impact on all the above-mentioned dimensions³⁸.

The reason why migration is securitised can only be clarified when searched in

²⁷ FRA, *Handbook on European law relating to asylum, borders and immigration*, 2014, p. 58.

²⁸ AIDA, Country Report Greece 2014, 2014, p. 11.

²⁹ It is important to note that applications from the above mentioned nationals including Syrians and Somalis are examined under the accelerated procedure.

³⁰ According to Presidential Decree 189/1998.

³¹ *Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals*, EU, 2008.

³² Themistocleous A., 2012, p.1.

³³ Idem, p.2.

³⁴ Idem.

³⁵ Karyotis G., 2012, p. 391.

³⁶ For example, the existence of a military group which aims in overthrowing the Government or spreading havoc in order to achieve specific interests is an objective and undoubting threat.

³⁷ Karyotis G., 2012, p. 390.

³⁸ Idem.

relation to the perceptions and motives of the security actors, namely those actors that by virtue of their position and authority in the public societal structure are the ones who make the security assertions³⁹. Thus, a security actor can be any public figure, agent or organisation. Consequently, migration is presented as a serious security threat legitimizing the actor in taking extraordinary measures in order to deal with it⁴⁰. Securitisation of an issue has to begin with a note verbal of the actor which is usually widely covered and retransmitted by the media. From that point on, the actor has the flexibility to take any measures they deem necessary in order to deal with the emergency, including legal regulations and operational actions⁴¹. The role of the police is particularly important when it comes in carrying out specific security actions, since they are the responsible for maintaining peace and order in the society.

In Europe the security-migration nexus emerged at the end of the Cold War⁴². Over the years irregular migrants inside Europe have often been considered alongside with criminals and even terrorists, especially after the 9/11 events in the United States⁴³. In particular, there is a common notion among the European states that migration has a negative impact on national economy, demographics and culture⁴⁴. For example the 2014 Eurobarometer showed that 35% of the Europeans viewed migration is a problem⁴⁵. Consequently migrants are demonised⁴⁶ and they are viewed as ‘outsiders’⁴⁷.

The migration policy of the EU is undoubtedly restrictive and continuously progressive towards that point⁴⁸. It is well known that the security grid created by the member states as contested by the Schengen Agreement and the Dublin regulations, imposes measures of migration control, and various restrictions in relation to the movement and integration of non-European citizens⁴⁹.

Moreover, the fortification of the European external borders, the so called phenomenon of ‘fortress Europe’, aims to prevent the intrusion of non EU nationals. In particular, in 2012 the Greek government initiated *Operation Aspida* as a solution vis-à-vis the never ending influx of irregular migrants from the northern land borders with Turkey⁵⁰. That “solution” concerned the construction of a 10.5 km fence along the river Evros. The operation was without doubt a security measure against the ‘problem’ of migration. The official explanation for the measure as stated by the government was that

“The creation of the fence built by Greek resources is not the solution of the problem. But it is a measure, an option with a powerful symbolism, a message that shall

³⁹ Idem, p. 391.

⁴⁰ Centre for European Policy Studies, *The Criminalisation of Migration in Europe: A State-of-the-Art of the Academic Literature and Research*, by Parkin J., No. 61, 2013, p. 8.

⁴¹ Karyotis G., 2012, p. 391.

⁴² Themistocleous A., 2012, pp. 3-4.

⁴³ Goodey J., 2009, p. 149.

⁴⁴ Themistocleous A., 2012, p.5.

⁴⁵ EU: European Commission, *Standard Eurobarometer no.82*, 2014, p. 33.

⁴⁶ Centre for European Policy Studies, *The Criminalisation of Migration in Europe: A State-of-the-Art of the Academic Literature and Research*, 2013, p. 2.

⁴⁷ Idem, p. 3.

⁴⁸ Huysmans J., p. 751.

⁴⁹ Fekete L., 2009, p.10.

⁵⁰ Amnesty International, *Frontier Europe: Human rights abuses on Greece’s border with Turkey*, 2013, p.7.

reach nationals of third countries, smugglers and traffickers who want to use our country as a transit country for their migration to the countries of European Union."⁵¹

Finally, the European interest has gradually moved away from the traditional human rights policy making on asylum over the years, being now focused on addressing crimes widely attributed to the negative impact of migration, such as human smuggling, terrorism and trafficking⁵². Eventually the tendency towards imposing more and more restrictions and controls on migration creates serious doubts on the accessibility of the 'peaceful European haven' for asylum seekers and the ability of the Union to act as a true human rights defender⁵³.

Concentrating on the EU South which is the main entry point of the migration flows, the notion of "deep bonds" between migration and crime is particularly evident in Greece⁵⁴. Mass media tend to emphasise patterns of criminality when referring to migration and they are usually portraying it as a serious problem⁵⁵. In Greece there is a tendency to differentiate the Greeks from non-Greeks, namely by commonly referring to the first as "us" and to the latter as "them"⁵⁶. According to an international poll on migration conducted in 2014, almost 51% of the Greek population interviewed believes that migrants are to blame for increased crime rates⁵⁷. Meanwhile, politicians tend to address migration as a problem and propose soft or hard solutions depending on their party's policies⁵⁸. Hard policies against irregular migration usually include criminal sanctions, imprisonment and expulsion of irregular migrants under the offence of irregular entry and stay, while softer policies aim in integration and cultural diversity⁵⁹.

Concerning the restrictive regulatory framework, in Greece irregular entry is punishable by imprisonment of at least 3 months and a fine of at least € 1,500, according to Article 83 of the Immigration Act, whereas irregular stay is a more complicated issue and relevant penalties are regulated by Article 73 of the Immigration Act, which states that

"Third-country nationals who remain in the country for a period over thirty days after the expiry of their residence permit or who infringe the duration of the period of residence mentioned in the visa or the entitled period of free residence for a period of up to thirty days, as well as the duration of residence provided for in the uniform Schengen visa or the entitled period of free residence in the Single Area shall pay on departure: four times the deposit fee prescribed for one-year residence permits, but if the period of illegal residence exceeds thirty days, they shall pay eight times the deposit fee prescribed for one-year residence permits. Minors and persons of Greek descent and their spouses,

⁵¹ Idem, p. 5.

⁵² Goodey J., 2009, p. 149.

⁵³ Huysmans J., p. 760.

⁵⁴ Antonopoulos G.A., et al, 2008, p. 353.

⁵⁵ Centre for European Policy Studies, *The Criminalisation of Migration in Europe: A State-of-the-Art of the Academic Literature and Research*, 2013, p. 5.

⁵⁶ Heinrich Böll Stiftung Greece, *Racism and Discrimination in Greece today*, 2014, p. 37.

⁵⁷ Pew Research Centre, *A fragile rebound of EU image on eve of the European Parliament elections*, 2014, p. 29.

⁵⁸ Centre for European Policy Studies, *The Criminalisation of Migration in Europe: A State-of-the-Art of the Academic Literature and Research*, 2013, p. 5.

⁵⁹ FRA, *Fundamental rights of migrants in an irregular situation in the European Union*, 2011, pp. 2-3.

and spouses of EU nationals shall be exempt from the payment of fines.”

Facilitation of entry and stay is also punishable by law, by virtue of Article 87 of the Immigration Act. In the first case, punishment includes imprisonment of up to ten years and a minimum fine of € 20,000, whereas facilitation of stay is punishable by imprisonment of at least one year and a fine of at least € 5,000. It is important to note however that authorities rarely bring criminal charges for irregular entry against migrants at the country's entry points⁶⁰.

Criminalisation of migration not only harms the rights of the migrants but it also affects the persons or organisations engaging with them. Such persons or organisations, usually providers of humanitarian aid or landlords renting accommodation, face the risk of getting punished if found to maintain links with irregular migrants⁶¹. In Greece, Article 87 of the Immigration Act states that providing accommodation is punishable by a fine of € 1,500- € 3,000, whereas according to Article 88 (6) of the Immigration Act the offering of humanitarian assistance is not punishable if it is done by purpose of rescue or facilitation of people in need of international protection.

As for the migrants, they experience serious obstacles in enjoying basic human rights. They are often abused and their rights are violated. In the case of irregular migrants there are serious problems of access to justice, since reporting a violation to the police is connected to risk of detention and expulsion⁶². In general, irregularity poses obstacles in enjoying basic human rights, including integrating in the society and seeking redress in cases of violations of these rights⁶³. Migrant women victims of trafficking and undocumented domestic workers face a particularly dire situation.

3. Racism, xenophobia and discrimination against migrants

Migration has rendered European states culturally diverse, highlighting the need for adopting specific policies to regulate migration⁶⁴, in the national as well as the regional level⁶⁵. Migration however is considered by and large a social problem rather than a social phenomenon. Migrants are viewed as alienating national culture and religion. In Greece migration is mostly viewed in the context of racial commonality, as migration is considered to undermine the “Greekness” of the country⁶⁶.

⁶⁰ Amnesty International, *Greece: Irregular migrants and asylum-seekers routinely detained in substandard conditions*, 2010, p. 19.

⁶¹ FRA, *Criminalisation of migrants in an irregular situation and of persons engaging with them*, 2014, p.8.

⁶² *Idem*, p. 15.

⁶³ International Labour Organisation (ILO), International Organization for Migration (IOM), UN Office of the High Commissioner for Human Rights (OHCHR), *International Migration, Racism, Discrimination and Xenophobia*, 2001, p. 5.

⁶⁴ *Idem*, p. 1.

⁶⁵ Namely, the common European asylum system and the common immigration policy of the EU.

⁶⁶ Antonopoulos G.A., et al, 2008, p. 364.

Thus, intolerance, racism and xenophobia⁶⁷ towards migrants came to represent a large portion of the Greek society from various backgrounds. The most common patterns of racism and xenophobia against migrants include harassment by private individuals⁶⁸ and the law enforcement officials⁶⁹, whereas they are also targeted as scapegoats in the rhetoric of certain politicians⁷⁰. Moreover, they are demonised and stigmatised by certain media, portrayed as a threat to social cohesion. It is important to note at this point that data collected between January-December 2014 on Greece by RVRN indicated 46 incidents of racially based violence against migrants⁷¹. Incidents of racist violence are however hardly recorded, since in the particular case of irregular migrants the fear of ill-treatment, arrest and deportation discourages them from reporting to the police⁷². Numerous migrants have also stated that they distrust the police, whereas others claimed that they were discouraged by the police officers themselves⁷³.

4. The perceived impact of migration in the economy

Migrants are often viewed as a burden to economy and they are accused of taking away the jobs from nationals⁷⁴. Unfortunately such perceptions have inevitably worsened since the economic crisis. In public discourses migrants are considered to be a factor of lowering wages for regular workers⁷⁵, while some people believe that the beneficiary public welfare funds for the refugees are a burden to tax payers. According to an international poll on migration conducted in 2014, almost 70% of the Greek population interviewed believes that migrants are a burden for Greece “because they take away [...] jobs and social benefits”⁷⁶.

Apart from such perceptions, migrants also have to face practical problems such as segregation; it is common policy for employers to prioritize Greek and EU citizens

⁶⁷ According to ILO, IOM, OHCHR in *International Migration, Racism, Discrimination and Xenophobia* (2001), racism and xenophobia are two distinctive concepts. According to the above organisations’ definitions: “Racism is an ideological construct that assigns a certain race and/ or ethnic group to a position of power over others on the basis of physical and cultural attributes, as well as economic wealth, involving hierarchical relations where the “superior” race exercises domination and control over others;”, whereas “Xenophobia describes attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity.”

⁶⁸ Achiume T., 2014, p. 325.

⁶⁹ Goodey J., 2009, p. 153.

⁷⁰ Centre for European Policy Studies, *The Criminalisation of Migration in Europe: A State-of-the-Art of the Academic Literature and Research*, 2013, p. 5.

⁷¹ Racist Violence Recording Network (RVRN), *2014 Annual Report*, 2015, p. 6.

⁷² European Commission against Racism and Intolerance (ECRI), *ECRI report on Greece (fifth monitoring cycle) adopted on 10 December 2014*, 2015, p. 9.

⁷³ RVRN, *2014 Annual Report*, 2015, p. 10.

⁷⁴ European Network against racism (ENAR), *Racism and related discriminatory practices in Greece*, Shadow Report 2012- 2013, p. 10.

⁷⁵ HRC, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau - Regional study: management of the external borders of the European Union and its impact on the human rights of migrants*, 2013, p. 6.

⁷⁶ Pew Research Centre, *A fragile rebound of EU image on eve of the European Parliament elections*, 2014, p. 28.

over third-country nationals⁷⁷. Thus, more and more migrants have no option than to turn to illegal employment.

5. The rise of political extremism: migrants as “enemies to the nation”

Populist, ethnocentric and racist rhetoric is a particularly persistent problem in Greece. The major anti-migrant party is Golden Dawn but unfortunately politicians from other parties have engaged in racist rhetoric against migrants as well. Examples of such rhetoric include the statement of former Minister of Public Order and Citizen Protection in July 2012 that the existence of migrants in the centre of Athens is a “bomb” for the city⁷⁸. In August 2012, the same Minister also claimed that because of migrants

*“The country perishes. Ever since the Dorians’ invasion 4,000 years ago, never before has the country been subjected to an invasion of these dimensions...this is a bomb on the foundations of the society and the state.”*⁷⁹

In January 2014, a MEP called refugees “*unarmed invaders, weapons in the hands of the Turks*”, in a public live television broadcast⁸⁰.

The political party of Golden Dawn entered the national Parliament in May 2012⁸¹. In September of the same year a video demonstrated the anti-migrant party’s policies in the clearest way. This video showed two members of the party “checking the papers of migrants running market stalls” in a flea market, followed by the attack and destruction of the stalls⁸². In October, while the Parliament was lifting the immunity of the perpetrators, a Golden Dawn member made a public statement characterising migrants as “*sub-humans who have invaded our country, with all kinds of diseases*”⁸³.

For 2012 the RVRN recorded 91 incidents linked to extremist groups⁸⁴. In eight of them victims or witnesses recognized insignias of the Golden Dawn on the attackers’ clothing. Perpetrators were described to be mostly motorcycle riders dressed in black. The hostile practices of Golden Dawn continued and increased throughout the year. Vigilante groups were formed and dispatched in the centre of Athens⁸⁵. In September 2013, the Supreme Court conducted a criminal investigation on Golden Dawn, and charged the leadership of the Party with crimes varying from “*murder and bodily harm to*

⁷⁷ AIDA, Country Report Greece 2014, 2014, p. 71.

⁷⁸ ECRI, *ECRI report on Greece (fifth monitoring cycle) adopted on 10 December 2014*, 2015, p. 19.

⁷⁹ Idem.

⁸⁰ Statement of Sofia Voultepsi, Nea Dimokratia party (Idem).

⁸¹ Idem, p. 18. The party of Golden Dawn has had a significant increase in the preference of vote among the Greek citizens. In particular, according to the outcome of the general elections of 2012 the party of Golden Dawn concentrated a percentage of almost 7% of the public vote, entering the Parliament as the fifth party. In the recent general elections of 2015 the party concentrated the same percentage but due to the change of the political scene it managed to enter the Parliament as the third party.

⁸² Amnesty International, *A law unto themselves: A culture of abuse and impunity in the Greek police*, 2014, p. 21.

⁸³ Statement of Eleni Zaroulia in the Greek Parliament. CoE, *Report following the visit of the Commissioner for Human Rights Nils Muižnieks to Greece from 28 January to 1 February 2013*, 2013, p.8.

⁸⁴ United States Department of State: Bureau of Democracy, Human Rights, and Labour, *Country Reports on Human Rights Practices for 2013: Greece*, 2013, p. 36.

⁸⁵ MMO, *Immigrants, racism and the new xenophobia of Greece's immigration policy*, 2014, p. 11.

money laundering, bribery and participation in a criminal organisation”, after evidence provided by the Ministry of Public Order⁸⁶. Meanwhile, the police launched an internal investigation resulting in the arrest of 15 police officers on charges of direct or indirect link to Golden Dawn activities⁸⁷. On 21 November 2013, the Greek courts sentenced two Golden Dawn party members to imprisonment for attacking the business of a migrant from Tanzania⁸⁸.

In September 2014, the Greek Parliament adopted law 4285/2014 which strengthens the existing Anti-racism Law (law 927/79)⁸⁹. In particular, the new Law introduced changes to the Criminal Code so as to make the lowest sentences imposed in relation to hate crimes more severe⁹⁰. In addition the ground of “colour” as a reason for committing a hate crime was added to the list of introduced grounds by the previous Law⁹¹. Despite the measures taken, Golden Dawn is still the third largest party in the Parliament⁹².

6. Perceptions of migration by the police

Relationships between the police and third-country nationals have always been turbulent⁹³. The causes are often attributed to prejudice and stereotyping and they are not limited to rank⁹⁴. According to researchers, prejudice is “*a judgment or opinion formed before facts are known, usually involving negative or unfavourable thoughts about groups of people*”⁹⁵. When these views are steady and strong in nature, they form stereotypes⁹⁶. Racially based prejudice in a police- migrant community relationship is linked to notions of power and superiority. Certain police officers tend to emphasize their superiority over migrants⁹⁷, who they consider as “outsiders”⁹⁸, “troublemakers”⁹⁹ and “law-breakers”¹⁰⁰. Most common manifestations of such perceptions include direct and indirect discrimination, as well as verbal and bodily harassment¹⁰¹.

⁸⁶ FRA, *Racism, discrimination, intolerance and extremism: Learning from experiences in Greece and Hungary*, 2013, p. 23.

⁸⁷ Idem, p. 24.

⁸⁸ United States Department of State: Bureau of Democracy, Human Rights, and Labour, *Country Reports on Human Rights Practices for 2013: Greece*, 2013, p. 37.

⁸⁹ ECRI, *ECRI report on Greece (fifth monitoring cycle) adopted on 10 December 2014*, 2015, p. 9.

⁹⁰ Idem.

⁹¹ Idem.

⁹² FRA, *Racism, discrimination, intolerance and extremism: Learning from experiences in Greece and Hungary*, p. 24.

⁹³ Rice S., et al, 2005, p. 48.

⁹⁴ Bowling B., Phillips C., 2007, p. 955.

⁹⁵ Shusta R., et al, 2005, p. 23.

⁹⁶ Augoustinos M., Reynolds, K.J., 2001, p. 123.

⁹⁷ Idem, p. 3.

⁹⁸ Blommaert J., Verschueren J., 1993, p. 54-55.

⁹⁹ Bowling B., Phillips C., 2007, p. 954.

¹⁰⁰ Police Foundation, *The Role of Local Police: Striking a Balance between Immigration Enforcement and Civil Liberties*, 2009, p. 23.

¹⁰¹ Bowling B., Phillips C., 2007, p. 955.

Certain researchers have argued that prejudice and stereotypes are generating specific expectations and behaviours especially among members of the police force¹⁰². Bowling and Phillips explained how this works; a stereotype leads to the formation of a suspicion, which in turn leads to a certain course of action¹⁰³. If for example certain police officers presume that “migrants can be criminals” their consequent suspicion will be “migrants can be involved into criminal activity”, which will inevitably lead to these persons being stopped and searched by them.

According to a Greek scholar “[the] police live in a conservative xenophobic society...and [they] mirror broader societal biases”¹⁰⁴. Keeping this under consideration, a relevant illustrative research of police perceptions on migrants was conducted in 2002, in Patras and involved the interviewing of a certain number of local police officers¹⁰⁵. It is worth mentioning the context of this research and its main findings.

The research indicated that the police officers viewed migration as a problem requiring a solution¹⁰⁶. Solutions varied from regularization and assimilation to increase of stricter policing and deportations. The officers that were in favour of assimilation argued that regularisation must be granted upon proof of real “Greekness” by the migrants¹⁰⁷. According to the researchers, this is a racist argument, which is based on the notions of cultural superiority of Greeks over other civilizations¹⁰⁸. Moreover, the officers shared the common belief that migrants are linked to high crime rates¹⁰⁹, insecurity and unemployment¹¹⁰. An exemption to this perception was noticed in relation to refugees. Refugees were perceived by the officers as being more cooperative and non-threatening to the homogeneity of the country, since according to the officers’ viewpoint/perspective, their stay is only temporary and for humanitarian reasons¹¹¹.

7. Police treatment of migrants and shortcomings in addressing abuses against them

Reports of local civil society organisations, national human rights institutions and international and European organisations show a heightened number of incidents involving police ill-treatment against migrants in Greece. According to RVRN in 2012, there were 15 such recorded incidents involving the use of force during identity checks and ill-treatment during detention¹¹². Other failures of the police include ill-treatment during expulsion of irregular migrants as well as shortcomings in handling the reporting

¹⁰² Idem, p. 958.

¹⁰³ Idem, p. 957.

¹⁰⁴ Human Rights Watch (HRW), *Hate on the streets: xenophobic violence in Greece*, 2012, pp.75-76.

¹⁰⁵ Antonopoulos G.A., et al, *Police Perception of Migration and Migrants in Greece*, 2008.

¹⁰⁶ Idem, p. 364.

¹⁰⁷ Idem, p. 365.

¹⁰⁸ Idem.

¹⁰⁹ Idem, p. 354.

¹¹⁰ Idem, p. 362.

¹¹¹ Idem, p. 370.

¹¹² Platform for International Cooperation on Undocumented Migration (PICUM), *The Silent Humanitarian Crisis in Greece: Devising Strategies to Improve the Situation of Migrants in Greece*, 2013, p. 16.

and investigating of a claim. On the other hand, incidents are underreported mainly because of the fear of the migrants for reprisals, such as arrest and deportation if in irregular status, and general mistrust for the ability of the police to address their claims.

7.1. Regular policing practices indicating racial profiling with a focus on identification checks and collective operations

According to the ECRI, racial or ethnic profiling is defined as the use of race, colour, language, religion, nationality or ethnicity by the police, during control, surveillance or investigation activities¹¹³. Racial profiling is all about suspicion formed because of someone's race, and not because of factual evidence, acts or conduct and other reasonable grounds that can possibly connect them to criminal activity¹¹⁴. Relying on the latter grounds is considered a lawful means of investigation and it is termed as "criminal profiling"¹¹⁵. It is important to note however, that even if a person is stopped on reasonable suspicion, the way the stop is conducted can still indicate racial profiling, namely on the basis of communication and the use of force¹¹⁶.

There is currently no specific international or European rule that prohibits racial profiling. Racial profiling is usually being considered under the principle of non-discrimination¹¹⁷, which in the EU legislation is embodied in Article 21 of the Charter of Fundamental Rights of the EU¹¹⁸. According to FRA's observations on the Racial Equality Directive¹¹⁹, profiling is considered as direct discrimination because it constitutes "*differential treatment that is based on illegitimate grounds*"¹²⁰. Direct discrimination on illegitimate grounds is unlawful in any case; no derogations are permitted¹²¹. In the same context, the ECtHR has ruled that differential treatment based solely or decisively on a person's ethnicity or race cannot be "*objectively justified in a contemporary democratic society built on the principles of pluralism and respect for different cultures*"¹²².

Racial profiling can be found at the organisational and/ or in the operational level of policing¹²³. In the first case, racial profiling is noticeable when commanding

¹¹³ ECRI, *General policy no.11 on combating racism and racial discrimination in policing*, 2007, p.4.

¹¹⁴ ENAR, *Ethnic Profiling*, 2009, p. 2.

¹¹⁵ According to Greek legislation for example (*Presidential Decree 141/1991*) police officers have the power to verify the identity of persons entering or leaving public or private places when there is suspicion that a crime has been or might be committed. The police can apprehend these individuals and transfer them to police stations. For the purpose of crime prevention the police can also conduct searches of persons, personal belonging, vehicles, and public spaces.

¹¹⁶ Garrett B., 2001, p. 4.

¹¹⁷ ENAR, *Ethnic Profiling*, 2009, p. 5.

¹¹⁸ According to which "*any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited*". Article 21, Charter of Fundamental Rights of the EU, 2000.

¹¹⁹ Directive 2000/43/EC, *Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*, 2000.

¹²⁰ FRA, *Preventing discriminatory ethnic profiling in the EU*, 2010, p. 15.

¹²¹ See Article 4(1) of the *International Covenant on Civil and Political Rights*, 1966.

¹²² *Timishev v. Russia* (ECtHR, 2005), para. 58.

¹²³ FRA, *Preventing discriminatory ethnic profiling in the EU*, 2010, p. 13.

officers issue written or oral orders which instruct lower rank policemen to target people belonging to a certain racial group¹²⁴. A recent example reported by Amnesty International is a recorded oral instruction of the Greek Chief of Police according to which the policemen must “*make the life of irregular migrants unbearable*”¹²⁵.

At the operational level, racial profiling occurs when practised by individual officers acting on their own discretion, being motivated by their personal prejudices and stereotypes¹²⁶. In such cases, racial profiling is hard to demonstrate mainly because of the lack of data in relation to race on police stops and search operations¹²⁷. Lawyers, advocates and citizen organisations with litigating roles rely solely on the capacity of the victims to report a complaint¹²⁸, on verified eyewitnesses and on the capacity of the media to expose incidents.

In practice, racial profiling takes place mostly during identification checks¹²⁹. Identification checks can be part of regular checks relating to traffic control, public transportation and public control and are considered a legitimate means of migration control¹³⁰. Racial profiling is contestant when people are stopped and searched solely on the basis of their race or ethnicity rather than other objective grounds¹³¹.

According to the observations of sociologists the decision to stop and search depends strongly on the conceptions of the police on race and place¹³². It is thus typical that certain public places and neighbourhoods considered to be of high migrant frequency are more policed than others¹³³. Identity checks do not include transfer to a police station for further examination of data or detention, unless the behaviour of the person checked is suspicious or the person lacks proper documentation.

Similarly to identification checks, large-scale raids and “sweep operations” aim at detecting and arresting irregular migrants, although they are often of more intrusive and abusive nature¹³⁴. The results of this method are doubtful, as they do not always necessarily lead to arrests, whereas regularised migrants that are evicted are left homeless. For example in Patras (Greece, 2009) and Athens (Greece, 2010), migrants were evicted and arrested under such operations¹³⁵, an issue that evoked the concern of the Committee for Economic Social and Cultural Rights, which stated that such practice

¹²⁴ Idem, p. 13.

¹²⁵ Statement by Nikolaos Papagianopoulos, Head of the Greek Police, made during a meeting with his staff. In full text: “*If they told me I could go to a country ..., and would be detained for three months and then would be free to steal and rob, to do whatever you want... that is great. We aimed for increased periods of detention we increased it to eighteen months...for what purpose? We must make their life unbearable*” (Amnesty International, *A law unto themselves: A culture of abuse and impunity in the Greek police*, 2014, p. 17).

¹²⁶ FRA, *Preventing discriminatory ethnic profiling in the EU*, 2010, p. 13.

¹²⁷ Garrett B., 2001, p. 3.

¹²⁸ FRA, *Preventing discriminatory ethnic profiling in the EU*, 2010, p. 25.

¹²⁹ According to the observations of the FRA, other practices include “*the issuing of cautions, arrests or detentions, surveillance operations, and data-mining*”. FRA, *Preventing discriminatory ethnic profiling in the EU*, 2010, p. 11.

¹³⁰ FRA, *Fundamental rights of migrants in an irregular situation in the European Union*, 2011, p. 40.

¹³¹ ENAR, *Ethnic Profiling*, 2009, pp. 3-4.

¹³² Capers B., 2009, p. 66.

¹³³ Idem.

¹³⁴ FRA, *Fundamental rights of migrants in an irregular situation in the European Union*, 2011, p. 41.

¹³⁵ Idem.

violates the right to housing¹³⁶.

The use of racial profiling in police operations has been internationally criticized by many human rights organisations¹³⁷. The most famous police operation took place between 4 August 2012 and 18 June 2013 and was code-named “Xenios Zeus” after the ancient Greek god of hospitality. The aim of the operation was triple: deter the entry of irregular migrants through the borders with Turkey, identify irregular migrants and improve the conditions at the centre of the capital¹³⁸. During the operation the police apprehended 123,567 persons, of which only 6,910 (or 5.6%) were found to reside in the country irregularly¹³⁹. The operation was carried out by law-rank officers and included racially oriented tactics such as on the spot verification of the IDs of the migrants or transfers to the police station for the same reason, raids and mass apprehensions¹⁴⁰.

The Greek Ombudsman considered that operation “Xenios Zeus” violated the principle of proportionality and the prohibition of racial discrimination¹⁴¹. Moreover, they stated that the abusive transfers for verification of the identity of the migrants constitute a “*disproportionate restriction of personal liberty that does not comply either with the Constitution or with the legislative framework which governs the action carried out by police officers*”¹⁴². Despite the criticism and the low hit rates, the police resumed the practice of large-scale operations (operations of “Special Action”) targeting persons of African origin in areas prominent for drug trafficking¹⁴³.

Besides organised operations, individual identification checks are in most cases racially driven as well. For example, it was reported that the police arrested an asylum-seeker for lacking proper documentation, although the claimant had informed the officers that he had left his card ascertaining he was an asylum-seeker at home¹⁴⁴. The claimant would have been deported to Turkey if a non-governmental organisation had not intervened in time¹⁴⁵. In another incident of 1st September 2014, the police apprehended three African women, including the president of the Greek Union for African Women¹⁴⁶. Although the women were lawfully residing in the country and thus presented all the necessary documents to the policemen, they transferred them in the police station because of “suspicion” and kept them for hours¹⁴⁷.

In many cases of encounters with the police there are reports of verbal and

¹³⁶ Idem.

¹³⁷ United States Department of State: Bureau of Democracy, Human Rights, and Labour, *Country Reports on Human Rights Practices for 2013: Greece*, p. 17.

¹³⁸ HRW, *Unwelcome guests: Greek police abuses of migrants in Athens*, 2013, p.13.

¹³⁹ FRA, *Racism, discrimination, intolerance and extremism: Learning from experiences in Greece and Hungary*, 2013, p. 21.

¹⁴⁰ HRW, *Unwelcome guests: Greek police abuses of migrants in Athens*, 2013, p.14.

¹⁴¹ The Greek Ombudsman, *The phenomenon of racist violence in Greece and how it is combated*, 2013, p.5.

¹⁴² Idem.

¹⁴³ AIDA, *Country Report Greece 2014*, 2014, p. 75.

¹⁴⁴ Amnesty International, *Greece: Enter at your peril: Lives put at risk at the gate of Europe*, EU, 2013, p. 6. Idem.

¹⁴⁵ NGO Antigoni, *Annual Report 2014: Recording of phenomena, issues and incidents of racism, discrimination, xenophobia and Research Studies or Good Practices of Management at 6 critical fields of Employment, Legislation, Education, Housing, Racist Violence and Health & Welfare*, p. 61.

¹⁴⁶ Idem.

bodily harassment against migrants. In 8 April 2013, police officers entered the mini market of an African migrant in Athens, pushing the customers away by force¹⁴⁸. Then they turned to the shopkeeper and asked for his documents, threatening to apprehend him¹⁴⁹. The migrant demonstrated all the necessary documents and the policemen left the shop, only to come back some days later to make another check¹⁵⁰. The victim pressed charges against the policemen and filed a complaint in the Department for Combating Racist Violence¹⁵¹.

In 2012 Pro Asyl has conducted an empirical research on the matter, regarding the systematic ill-treatment of migrants and refugees by the police in Patras¹⁵². Among the incidents recorded, an Eritrean migrant claimed of three incidents of verbal and physical abuse by the police. The complainant believed that he and others are regularly targeted because of the colour of their skin or religion. In one incident he claimed that the police arrested him in order to check his ID documents, brought him to the police station, undressed him completely and subjected him to a strip search¹⁵³.

In 2013 the HRW did a similar in Athens, recording more than ten incidents of racially based ID checks¹⁵⁴. Most checks happened in public places and in public transportation. In certain cases the police went on to search the personal belongings of the migrants and even steal money and other valuables from them. In other cases when the migrants presented their documentation the police tore it or threw it away. The majority of the participants stated that they were stopped repeatedly by the police solely on the basis of their skin colour or their religious outfit. Most of them claimed that the checks were carried out in insulting and abusive manner. All the migrants felt discriminated against, stigmatised and criminalised. In 14 September 2014 a Greek eyewitness reported the beating of a migrant in the centre of Athens, allegedly solely on the basis of his skin colour¹⁵⁵.

7.2. Treatment of migrants during detention and deportation procedures

According to the European legislation, detention must be used as a last resort unless no other alternatives can be implemented¹⁵⁶. The states ought to lay down specific provisions concerning alternatives to detention in national law¹⁵⁷. In practice though,

¹⁴⁷ Medecins du Monde (MdM), *National Report on Racist Violence*, 2013, p. 12.

¹⁴⁸ Idem.

¹⁴⁹ Idem.

¹⁵⁰ Idem.

¹⁵¹ Idem.

¹⁵² Pro Asyl, *I came here for peace: The systematic ill-treatment of migrants and refugees by state agents in Patras*, 2012, p. 27.

¹⁵³ Idem.

¹⁵⁴ HRW, *Unwelcome guests: Greek police abuses of migrants in Athens*, 2013, pp. 21-24 and 28-34.

¹⁵⁵ NGO Antigoni, *Annual Report 2014: Recording of phenomena, issues and incidents of racism, discrimination, xenophobia and Research Studies or Good Practices of Management at 6 critical fields of Employment, Legislation, Education, Housing, Racist Violence and Health & Welfare*, pp. 111-112.

¹⁵⁶ Article 8 (2) of the revised Reception Conditions Directive (2013/33/EU), Article 18 (2) of the Dublin Regulation, Article 15 (1) of the Return Directive (2008/115/EC).

¹⁵⁷ Article 8 (4), *Reception Conditions Directive 2013/33/EU laying down standards for the reception of applicants for international protection*, 2013.

irregular migrants are detained in a number of European states¹⁵⁸. Detention of migrants can occur in three instances¹⁵⁹. The first concerns detention upon arrival, in transit zones or national borders. The second category concerns reception centres taking place along the lines of the asylum system. In this case asylum seekers are administratively detained until their application for asylum is processed. The third and final category concerns the detention of irregular migrants in special facilities, where they are kept pending removal or expulsion.

According to the EU Return Directive, detention of irregular migrants can last for up to six months, which under specific circumstances can be extended up to 18 months¹⁶⁰. States bear the responsibility to protect the basic rights of migrants in detention conditions and refrain from acts of torture and other cruel, inhuman or degrading treatment or punishment¹⁶¹. This bears two conditions: first, the police personnel must treat the prisoners humanely and second, the detention conditions must meet international standards. When it comes to detaining migrants in particular, the EU law obliges states to not detain them in prisons or police stations together with ordinary criminal detainees, but rather take provisions so that they are detained in facilities specially designed for immigration purposes¹⁶². Regarding deportation, under the principle of non-refoulement states bear the obligation to not deport a person to her/his country of origin when there is a real risk that the person faces persecution, torture or other serious harm¹⁶³.

In Greece, irregular migrants and asylum seekers apprehended at the border are detained in border stations or police stations and are then transferred to special detention facilities in order to be deported¹⁶⁴. According to the Greek Ombudsman, their age and state of health are not screened; as a result, migrants with health problems remain unidentified and minors may be recorded as adults and sent to pre-removal centres¹⁶⁵. The law sets out four cases under which asylum seekers may be detained. First, for identification purposes, whenever they do not possess any travel documents; second, if they pose a danger to national security or public order; third, if they pose a danger to public health; fourth, when detention is necessary for the speedy and effective examination of the asylum application¹⁶⁶. Although the practice of detaining asylum

¹⁵⁸ According to FRA, such practise is common in Cyprus, Denmark, Greece, Ireland and Sweden. (FRA, *Fundamental rights of migrants in an irregular situation in the European Union*, 2011, p. 42).

¹⁵⁹ Centre for European Policy Studies, *The Criminalisation of Migration in Europe: A State-of-the-Art of the Academic Literature and Research*, 2013, pp. 12-13.

¹⁶⁰ Article 15 of *Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals*, EU, 2008.

¹⁶¹ FRA, *Fundamental rights of migrants in an irregular situation in the European Union*, 2011, p. 11.

¹⁶² Article 16(1) of the Returns Directive, provides that “*detention shall take place as a rule in specialized detention facilities. Where a Member State cannot provide accommodation in a specialized detention facility and is obliged to resort to prison accommodation, the third-country nationals in detention shall be kept separated from ordinary prisoners*”.

¹⁶³ FRA, *Fundamental rights at Europe’s southern sea borders*, 2013, p. 3-4.

¹⁶⁴ AIDA, *Country Report Greece*, 2014, p. 76.

¹⁶⁵ The Greek Ombudsman, *Annual Report 2014*, 2014, p. 100. There is an indicative case ruled by the ECtHR concerning an Afghan unaccompanied minor who was arrested for illegal entry and detained in an adult detention centre. (Case *Housein v. Greece*, ECtHR, 2013).

¹⁶⁶ *Article 12 of Presidential Decree 113/2013*.

seekers for the sole reason that they entered the country in an irregular manner is not acceptable¹⁶⁷, for the authorities irregular entrance in the country is a sufficient reason for detention¹⁶⁸.

Regarding irregular migrants, Law 3907/2011 provides for irregular migrants to be detained under deportation procedures. Detention orders are administrative orders issued by the respective Police Directors. However, the lawfulness of detention beyond 18 months has divided the judicial authorities. According to the Legal Council detention can be prolonged indefinitely “*until the detainee consents to their voluntary repatriation*”¹⁶⁹, whereas the Athens Administrative Court of First Instance ruled that indefinite detention is unlawful¹⁷⁰. In 17 February 2015, the new Government of Greece pledged that they would put an end to the administrative detention of irregular migrants beyond the 6 months period, that they would look into alternatives to detention and that they would immediately release any vulnerable groups and minors¹⁷¹. The statement was made after the news of another suicide of a migrant detainee in Amygdaleza detention centre¹⁷². The commitment was endorsed by the UNCHR although no specific timeframe for the changes was set¹⁷³.

Irregular migrants are detained in pre-removal centres. Currently there are five such centres in Amygdaleza, Corinth, Paranesti, Xanthi and Komotini and another four at Lesbos, western Macedonia, Ritsona and Evros¹⁷⁴. Local and international organisations have expressed their concerns for the detention conditions inside the centres and in certain cases, inside police stations cells¹⁷⁵. Problems include overcrowding, indiscriminate detention of men, women and children, lighting, ventilation, and heating, sanitation and recreation activities, access to health care, lack of information on the reasons of detention, access to asylum and legal aid, degrading and inhumane treatment, and failure of the custodial staff to address incidents of inter-prisoner violence¹⁷⁶. Such conditions have led to protests, hunger strikes, escapes, suicide attempts or self-inflicted wounding or deaths on behalf of the detainees.

Regarding overcrowding, it is important to note that Amnesty International as well as other organisations have witnessed massive detention of migrants in small cells throughout Greece, such as in Thessaloniki, in Evros, and in Athens Airport detention

¹⁶⁷ See article 31(1) of the Refugee Convention (*Convention Relating to the Status of Refugees*, UN, 1951).

¹⁶⁸ ECRI, *ECRI report on Greece (fifth monitoring cycle) adopted on 10 December 2014*, 2015, p. 36.

¹⁶⁹ *Advisory Opinion 44/2014*, Greek Legal Council, 24 February 2014.

¹⁷⁰ *Decision 2255*, Athens Administrative Court of First Instance, 23 May 2014.

¹⁷¹ ‘*Press release of the Deputy Ministers of Interior and Administrative Reconstruction Mr. John Panousis and Mrs. Anastasia Christodouloupoulou on Detention Centres*’, Greek Police, 17 February 2015.

¹⁷² The suicide was the fourth in a row. It was attributed to the squalid conditions of detention in the centre and the indefinite detention, similarly to the causes of the previous suicides. For more information see ‘*Suicide of migrant in Amygdaleza*’, Network for Social Support of Refugees and Migrants, 16 February 2015, and ‘*Greece commits to detaining migrants only exceptionally and for no more than six months*’, AIDA, *Country Report Greece 2014*, 23 February 2015.

¹⁷³ ‘*UNHCR welcomes the envisaged changes in the administrative detention of third country nationals*’, United Nations High Commissioner for Refugees (UNHCR) Greece, 19 February 2015, available [here](#).

¹⁷⁴ MMO, *Immigrants, racism and the new xenophobia of Greece's immigration policy*, 2014, p. 9.

¹⁷⁵ There is a common practice to detain irregular migrants in police stations cells due to overcrowding of the aforementioned centres.

area¹⁷⁷. According to the same observations, men and women are regularly detained in mixed cells¹⁷⁸, whereas children are detained along with the adults¹⁷⁹. In addition, the organisations have pointed out problems of inadequate lighting, ventilation and heating.

For example, Amnesty International was informed that the police had cut off the electricity in several containers inside the Amygdaleza detention centre, shortly after the migrants started using the air conditioning¹⁸⁰. Moreover, inspections demonstrated shortcomings in sanitation and recreation activities. For example, after visiting the Amygdaleza detention centre, the Greek Ombudsman observed that there was lack of products of personal hygiene¹⁸¹, whereas it noted that there were no recreational activities, in breach of article 38 of the Correctional Code¹⁸².

Another pressing issue concerns access of the detainees to health care. Access to health care was found to be restrictive, or lacking. There are two illustrative incidents. The first concerns an Afghan detainee in Corinth, in July 2013, who was repeatedly claiming to suffer by tremendous pain¹⁸³. Due to the lack of action by the authorities and the subsequent delay, the man died shortly after he was transferred to the hospital. The second incident took place in Amygdaleza detention centre in July 2014, and concerned a Pakistani detainee who died from a respiratory disorder¹⁸⁴.

When it comes to the use of violence, there are many examples that demonstrate verbal and physical abuse by the custodial staff. Many incidents have been publically condemned by many international and European organisations, whereas between 2009 and 2014 the ECtHR decided more than fifteen cases against Greece, finding violations of article 3 of the European Convention on Human Rights¹⁸⁵. In a similar context, in January 2013 the Criminal Court of First Instance of Igoumenitsa acquitted the irregular migrants who had escaped from the local detention centre, ruling that their detention had amounted to degrading and inhuman treatment¹⁸⁶.

Incidents of violence against migrant detainees by the custodial staff are recorded in detention centres all around Greece. In Amygdaleza detention centre, violence has taken various forms, including slaps, kicks, insults and inhuman

¹⁷⁶ See for example the incident that took place in Soufli, Evros, described in Pro Asyl, *"Walls of Shame" Accounts from the inside: The detention centres of Evros*, 2012, p.75.

¹⁷⁷ Amnesty International, Greece: Irregular migrants and asylum-seekers routinely detained in substandard conditions, 2010, p. 37.

¹⁷⁸ In Evros for example. (Pro Asyl, *"Walls of Shame" Accounts from the inside: The detention centres of Evros*, 2012, p.79).

¹⁷⁹ The Greek Ombudsman, *Annotations of the Ombudsman for foreigners detention centres: Findings*, 2013, p. 4.

¹⁸⁰ AIDA, Country Report Greece 2014, 2014, p. 80.

¹⁸¹ The Greek Ombudsman, *Annotations of the Ombudsman for foreigners detention centres: Findings*, 2013, p. 3.

¹⁸² Idem.

¹⁸³ AIDA, Country Report Greece 2014, 2014, p. 82

¹⁸⁴ NGO Antigoni, *Annual Report 2014: Recording of phenomena, issues and incidents of racism, discrimination, xenophobia and Research Studies or Good Practices of Management at 6 critical fields of Employment, Legislation, Education, Housing, Racist Violence and Health & Welfare*, p. 60.

¹⁸⁵ Among which *S.D. v. Greece* (ECtHR, 2009), *A.A. v. Greece* (ECtHR, 2010), *M.S.S. v. Belgium and Greece* (ECtHR, 2011), *A.F. v. Greece* (ECtHR, 2013), *B.M. v. Greece* (ECtHR, 2014).

¹⁸⁶ United States Department of State: Bureau of Democracy, Human Rights, and Labour, *Country Reports on Human Rights Practices for 2013: Greece*, p. 4.

punishment. There are three illustrative examples. In February 2014, a detainee reported of having been hit on the head by a custodial because he asked him for a painkiller¹⁸⁷. In September 2014 policemen interrupted the detainees during prayer hour to count them. When the detainees asked them to wait, they started to insult and beat them¹⁸⁸. In March 2013, a detainee claimed that he was handcuffed to the centre's fence overnight, after being hospitalised because of wounds inflicted at his hands¹⁸⁹. Not far away, in Athens airport the CPT has recorded cases of humiliation and physical violence against the detainees by the police authorities¹⁹⁰.

In Peloponnese, Corinth, detainees also complained of beatings and inhuman treatment. Among the complaints, some claimed that they were made to eat pork although they were Muslims, whereas other alleged that they were pushed to drink water from inside the toilet¹⁹¹. A detainee also reported that he was beaten after the custodial staff discovered self-inflicting wounds on him¹⁹².

Problems are also evident in northern Greece. Beatings were reported in Komotini detention centre during and after the riot of October 2012¹⁹³. Namely, the days after the riot, police officers were allegedly entering from cell to cell, beating up the detainees with their batons indiscriminately¹⁹⁴. Moreover in Thessaloniki, in March 2013, there was an incident of use of teargas when a migrant detainee asked for a medical examination¹⁹⁵. In 2012, Pro Asyl recorded more than ten incidents of abuses against the detainee migrants in Evros centres. In August 2010, detainees protesting against their detention conditions were pushed off by the guards using a high-pressure water jet and then beaten indiscriminately in their cells¹⁹⁶. In April and December more protests erupted which were also suppressed with the use of disproportionate force¹⁹⁷, whereas a detainee who tried to escape was severely beaten and was not allowed to be

¹⁸⁷ NGO Antigoni, *Annual Report 2014: Recording of phenomena, issues and incidents of racism, discrimination, xenophobia and Research Studies or Good Practices of Management at 6 critical fields of Employment, Legislation, Education, Housing, Racist Violence and Health & Welfare*, p. 107.

¹⁸⁸ Idem, p. 98.

¹⁸⁹ CPT, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013*, 2014, p. 38.

¹⁹⁰ CPT, *Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 19 to 27 January 2011*, 2012, p. 13.

¹⁹¹ NGO Antigoni, *Annual Report 2014: Recording of phenomena, issues and incidents of racism, discrimination, xenophobia and Research Studies or Good Practices of Management at 6 critical fields of Employment, Legislation, Education, Housing, Racist Violence and Health & Welfare*, p. 133.

¹⁹² Idem.

¹⁹³ Amnesty International, *A law unto themselves: A culture of abuse and impunity in the Greek police*, 2014, pp. 17-18.

¹⁹⁴ CPT, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013*, 2014, pp. 38-39.

¹⁹⁵ NGO Antigoni, *Annual Report 2014: Recording of phenomena, issues and incidents of racism, discrimination, xenophobia and Research Studies or Good Practices of Management at 6 critical fields of Employment, Legislation, Education, Housing, Racist Violence and Health & Welfare*, p. 133.

¹⁹⁶ Pro Asyl, *"Walls of Shame" Accounts from the inside: The detention centres of Evros*, 2012, pp.76-77.

¹⁹⁷ Idem, p. 78.

hospitalised¹⁹⁸. The CPT was also informed of beatings of the detainees in the visitors' room during their inspection in 2011, as well as in 2014¹⁹⁹.

Finally, concerning return procedures, the Ministry of Public Order is working closely with the IOM for voluntary returns. Although this is a desirable collaboration, the consent of the migrants to participate in the procedures is not always 'voluntary' as such. In particular, there have been many reports that the police apply psychological and physical pressure in order to persuade the migrants into signing the relevant forms²⁰⁰. In addition, there are many cases where asylum seekers were deported back to their country of origin, in breach of the country's international obligation to refrain from refoulement. One such recorded case of refoulement took place in May 2013 and concerned a Turkish asylum applicant²⁰¹. Another case was witnessed by the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks himself, and concerned the imminent return of a Syrian national²⁰². In addition, Amnesty International was informed of various incidents of police violence against detainees transferred from Amygdaleza to the Athens airport under deportation procedures²⁰³.

7.3. Deficient treatment of victims of human trafficking

The responsibility to identify and protect victims of trafficking falls primarily to the police. However, non-governmental organisations also play an important part in assisting and guiding the victims²⁰⁴. The police are expected to use preventive and suppressive measures in order to identify the victims and apprehend the traffickers. It is important that border police are adequately trained to meet the requirements of the identification and investigation or prosecution processes. Prevention measures include interception of traffickers on the border and early identification of potential victims²⁰⁵, since usually the victims ignore the fact that they are being trafficked.

In practice many victims of trafficking are treated as violators of immigration and aliens law, if found to be of irregular status²⁰⁶. The victims that are fuelled into the sex industry they are arrested for "practicing prostitution" and no investigation on

¹⁹⁸ Idem.

¹⁹⁹ CPT, *Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 19 to 27 January 2011*, 10 January 2012, p. 12, and CPT, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013*, 2014, p. 38.

²⁰⁰ MMO, *Immigrants, racism and the new xenophobia of Greece's immigration policy*, 2014, p. 10.

²⁰¹ GCR, *Access to Protection: a Human Right*, 2014.

²⁰² CoE, *Report following the visit of the Commissioner for Human Rights Nils Muižnieks to Greece from 28 January to 1 February 2013*, 2013, p. 29.

²⁰³ 'Greece: systematic and prolonged detention of irregular migrants and Asylum-seekers provokes riot', Amnesty International, 13 August 2013, at <http://www.amnesty.org/en/library/asset/EUR25/014/2013/en/701f8e63-2d2c-4abb-9498-7e80f39c8c2f/eur250142013en.pdf>.

²⁰⁴ Geneva Centre for the Democratic Control of Armed Forces, *European Internal Security and migration dynamics: Forced and irregular migration in Schengen and the European neighbourhood*, 2014, p. 14.

²⁰⁵ Idem, p. 18.

²⁰⁶ Sassen S., 2002, p. 7.

whether they are victims of trafficking is carried out²⁰⁷. In reality they are “sex slaves”, as they are living and working in confinement or in a controlled environment, where they are regularly abused²⁰⁸.

The testimony of trafficking survivors or of witnesses is a determinative factor in prosecuting the perpetrators. However, testimonies are not always easy to acquire. In most cases the victims fear and do not trust the police. They fear the possibility of imprisonment, or deportation if in an irregular situation, and mistrust them, namely because of incidents where traffickers pay the police so as to turn a blind eye²⁰⁹; In both cases the intervention of NGOs can be vital in establishing a safe and confidential environment for the victims so as to help them testify²¹⁰.

Greek authorities have taken a lot of measures in combating human trafficking and their handling is considered adequate²¹¹. Examples include the successful handling of the case of strawberry pickers in Manolada (2013) and the farm workers in Aitoliko²¹². The Greek police are also complimented for cooperating with various NGOs as well as with foreign authorities²¹³.

7.4. Shortcomings in recording and investigating the racist crime

The recording and investigation of racist incidents is primarily the responsibility of state authorities. States ought to pursue the recognition of racist crime, protect the victims and witnesses, locate and prosecute the offenders. The efficiency to address such incidents depends on the possibility of the victims and witnesses to lodge their complaint under a safe and confidential procedure. However, these guarantees are not always evident, either in an institutional level, or in practice.

In this context, ECRI's contribution has been very important. According to the Committee's recommendations, the police must efficiently investigate racist offences²¹⁴, establish a system of recording and monitoring racist incidents and encourage victims and witnesses to report such incidents²¹⁵. It is important to note that the ECtHR has ruled that inadequate investigation for the identification and prosecution of the perpetrators of racially- motivated violent acts is “*unacceptable*”²¹⁶. Subsequently, the Committee

²⁰⁷ Mediterranean Centre for Gender Studies, *Mapping the Realities of Trafficking in Women for the purpose of sexual exploitation in Cyprus*, 2007, p. 34.

²⁰⁸ Sassen S., 2002, p. 8.

²⁰⁹ Institute for the Study of International Migration, *The legal and normative framework of international migration: A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration*, 2005, p. 26.

²¹⁰ Idem.

²¹¹ NGO Antigoni, *Annual Report 2014: Recording of phenomena, issues and incidents of racism, discrimination, xenophobia and Research Studies or Good Practices of Management at 6 critical fields of Employment, Legislation, Education, Housing, Racist Violence and Health & Welfare*, pp. 120-122.

²¹² For more information see United States Department of State: Bureau of Democracy, Human Rights, and Labour, *Country Reports on Human Rights Practices for 2013: Greece*, p. 43.

²¹³ Idem, pp. 120-122.

²¹⁴ Paragraph 11 of the Recommendation (ECRI, *General policy no.11 on combating racism and racial discrimination in policing*, 2007, p.16).

²¹⁵ Idem, pp.16-18.

²¹⁶ *Šečić v. Croatia*, (ECtHR, 2007), p. 11.

created a list including the specific steps that have to be taken in order to secure a thorough investigation procedure. These are “*sensitivity towards the victim; action to be taken at the scene to secure evidence; location and questioning of witnesses; seeking the suspect; exploring possible links with organised racist, including neo- Nazi and skinhead, groups; proceeding with a detailed victim statement*”²¹⁷.

Furthermore, the Committee suggested that the police use a “*racist incident report form*” which has to contain all relevant data concerning the incident²¹⁸. Each case must be filed into a database, so as to enable the authorities to monitor the progress of each case, and to have a general picture on incidents reported and prosecutions carried out²¹⁹. Finally, concerning the encouragement of victims and witnesses to report, the police must guarantee that the procedures are confidential and that victims and witnesses are protected against any victimisation²²⁰. Collaboration with the local organisations may also be helpful, especially in cases of migrants lacking proper documentation, where the organisations may act as intermediaries²²¹. Nonetheless, the Committee’s recommendations are not always implemented in practice.

The issue of addressing the racist crime is highly problematic in Greece. In the institutional context there are special Units for Combating Racist Violence and a telephone hotline (11414), which operates in a 24 hour basis²²². The Units were established on 7 December 2012 in order to *ex officio* “*prevent and prosecute crimes committed against persons or group of persons exclusively and only because of their racial or national origin or their religion*”²²³. For the year 2014 the Units have recorded incidents with a possible racist motive, of which 57 were forwarded for prosecution. Moreover, the telephone centre (hotline 11414) recorded 27 calls²²⁴.

Whereas these initiatives were certainly a very positive step in addressing incidents of racist violence, many organisations criticized the fact that the hotline doesn’t have any interpreters available and doesn’t provide any information on the processes, but rather suggests that the victims lodge their complaint to a police station²²⁵. Furthermore, there have been cases where the victims were asked to pay a fee of €100 to lodge their complaint²²⁶, a practice that violates Article 5 of Law 4285/2014, which expressly prohibits fees in cases of racist incidents²²⁷. Moreover, procedural guarantees for victims

²¹⁷ ECRI, *General policy no.11 on combating racism and racial discrimination in policing*, 2007, p.16.

²¹⁸ Paragraph 12 of the Recommendation (Idem, p.17).

²¹⁹ Idem.

²²⁰ Paragraph 13 of the Recommendation (Idem, p.18).

²²¹ Idem.

²²² National Commission for Human Rights (NCHR), *Annual Report 2012-2013*, p. 109. Apart from the action of the specialised Units the police bears the general obligation to investigate the racist motives of each recorder case, collect relevant information and prosecute the perpetrators, according to the Police Circular 7100/4/3 of 2006.

²²³ Presidential Decree 132/2012.

²²⁴ RVRN, *2014 Annual Report*, 6 May 2015, p. 18.

²²⁵ ECRI, *ECRI report on Greece (fifth monitoring cycle) adopted on 10 December 2014*, 2015, p. 27.

²²⁶ CoE, *Report following the visit of the Commissioner for Human Rights Nils Muižnieks to Greece from 28 January to 1 February 2013*, 2013, p. 19.

²²⁷ The fee of €100 concerns cases which are not prosecuted *ex officio* and are considered under the Criminal Law (see Article 46 of the Code of Criminal Procedure). Thus, they differ from cases linked to racist violence and racist crimes, which are examined *ex officio* by the specialised Unites.

of irregular status are absent; when they arrive at the police station to report their complaint they are instantly arrested because of their irregularity²²⁸. Lastly, the competence of the units doesn't cover the areas of sexual orientation and gender.

In practice, the majority of racist attacks are either not reported, or they are reported but not recorded, or they are recorded but not as racist incidents as such²²⁹. Except the obvious fear for arrest that stands for irregular migrants, many victims refrain from bringing their complaints towards the Greek police due to the fact that many officers were found to be associated with the political party of Golden Dawn, which is well-known for its racist and xenophobic political rhetoric²³⁰. The mistrust of the victims and witnesses towards the police is also reinforced by complaints of inertia, reluctance or in some extreme cases, refusal of the officers to record an incident or to arrest the offenders²³¹. Other problems include delays in carrying out the investigations, failure to take preventive action, discouragement of the victims and lack of sensitivity for victims belonging to vulnerable groups, as well as superficial examination of the cases²³². In some cases the police officers were reported of suggesting to the victims that they had to fight back themselves²³³.

In order to get a better picture it is important to refer to certain illustrative cases. For example, on 10 May 2011 the killing of a Greek man by migrants in Athens triggered a series of attacks on foreigners, resulting to the death of a Bangladeshi migrant and the hospitalisation of many others²³⁴. On 12 May an anti-immigrant demonstration resulted in a manhunt; the demonstrators chased migrants on sight, punched and kicked them with bats²³⁵. According to a subsequent police statement transfers to the police stations were made, but none of the persons transferred were known of being prosecuted afterwards²³⁶.

In another case that took place on January 2012, an Afghan asylum seeker reported that certain persons wearing black coloured clothes vandalised her house²³⁷. The woman claimed that although she indicated the suspects to the policemen, they did not arrest them²³⁸. With the contribution of the HRW she managed to lodge her complaint to the local police station, and some days later she was informed by the prosecutor's office that "*daily foot and car patrols were dispatched*"²³⁹. In April she faced another incident as the same people sprayed tear gas into her apartment²⁴⁰. She immediately called the

²²⁸ NCHR, *Annual Report 2012-2013*, p. 109.

²²⁹ For example the Greek Ombudsman has noted the difference between formal and informal recording of racist incidents. Namely for the year 2012, whereas the organisation has recorded more than 250 cross-checked incidents, the police kept records of merely 84 cases. (The Greek Ombudsman, *The phenomenon of racist violence in Greece and how it is combated*, 2013, p. 2).

²³⁰ ECRI, *ECRI report on Greece (fifth monitoring cycle) adopted on 10 December 2014*, 2015, p. 22.

²³¹ The Greek Ombudsman, *The phenomenon of racist violence in Greece and how it is combated*, 2013, p. 2.

²³² *Idem*, p.3.

²³³ HRW, *Hate on the streets: xenophobic violence in Greece*, 2012, p. 77.

²³⁴ *Idem*, pp. 45-48.

²³⁵ *Idem*.

²³⁶ *Idem*, p. 49.

²³⁷ *Idem*, pp. 50-51.

²³⁸ *Idem*.

²³⁹ *Idem*, pp. 52-53.

²⁴⁰ *Idem*, p. 53.

police, who according to her allegations came, took her statement and urged her to move out; no subsequent investigation was made²⁴¹.

Another victim of racist violence, an Afghani asylum seeker, reported on December 2012 that he was attacked, beaten and robbed by a group of assailants²⁴². The victim alleged that he called the police and pursued his attackers²⁴³. However when the police came they asked for his papers and suggested that he should file a complaint; they did not pursue the perpetrators²⁴⁴. The victim did as said but left soon because of the grave pain²⁴⁵. He claimed that although he was beaten no attention was paid to him²⁴⁶.

8. (Non-) Accountability for police abuses

A state of rule of law that respects human rights must have a strict stance when it comes to punishing those responsible for violations, whereas it has to ensure that victims have access to effective redress/ remedy²⁴⁷. Law enforcement officials are no exception to the rule. The police are a public institution and as such are publicly accountable and must be subjected to scrutiny whenever allegations of ill-treatment occur.

The state has to make sure that suitable complaint mechanisms against the police are in place in order to ensure that appropriate disciplinary measures are taken so as the offenders are adequately punished, ensuring accountability and thus securing public trust in the system of delivering justice²⁴⁸. Authorities must also guarantee that the victims have access to an effective remedy/ redress. At this point it is important to note that it is better for the complaint mechanisms to take form of an independent body, rather of a complaint mechanism internal to the police, as according to observations of ECRI, victims tend to lack confidence on the later²⁴⁹.

The legal framework regulating the sanctions imposed in cases of violations by police officers in Greece is the Police Disciplinary Law (P.D. 120/2008). Sanctions include dishonourable discharge, dismissal, and lay off depending on the severity of the violation²⁵⁰. Allegations of ill-treatment are subject to an administrative inquiry when instructed by the superior officer to the offender, or a criminal investigation²⁵¹. An administrative inquiry is ordered in cases of torture and other violations of human dignity, which incur severe disciplinary sanctions²⁵². The complainant is informed about the outcome of the complaint; he or she is not permitted during the disciplinary hearings and cannot appeal against the outcome²⁵³.

²⁴¹ Idem, p.54.

²⁴² Idem.

²⁴³ Idem. pp. 52-53.

²⁴⁴ Idem.

²⁴⁵ Idem.

²⁴⁶ Idem.

²⁴⁷ *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, UN, 1985.

²⁴⁸ Idem.

²⁴⁹ ECRI, General policy no.11 on combating racism and racial discrimination in policing, 2007, p. 15.

²⁵⁰ *Articles 10-11* (P.D. 120/2008).

²⁵¹ Amnesty International, *Police violence in Greece: not just isolated incidents*, 2012, p. 42.

²⁵² Idem.

²⁵³ Idem.

On the other hand, the mechanisms that are currently in place in order to investigate complaints against the police personnel are the Office for Incidents of Arbitrary Conduct by Law Enforcement Officials, which was established in 2011 within the Ministry of Public Order and Citizens' Protection and is not yet operational²⁵⁴, the Public Prosecutor, and the Greek ombudsman. The role of the Racist Violence Recording Network is also important in this respect. For the year 2014 the Network has recorded 21 incidents of racist violence, including physical and verbal harassment, where the perpetrators were police officers²⁵⁵.

As a first general observation, there is lack of public trust in the work of the Greek police due to the significant number of reported cases of ill-treatment committed by the police officers²⁵⁶, which the Greek authorities acknowledge as only “*isolated incidents*”²⁵⁷. Usually cases are either superficially investigated or the perpetrators are not adequately punished, which has resulted in the creation of a general environment of limited accountability, impunity and unfairness. According to the observations of the Greek Ombudsman for example, disciplinary investigations of complaints against the police do not bear satisfactory results²⁵⁸.

Problems persist in conducting prompt, thorough, effective and impartial investigation, as well as in prosecuting and punishing the offenders, including delays in criminal proceedings and failure to guarantee the right to an effective remedy. In addition decisions by the ECtHR finding violations and awarding damages in several cases do not seem to be enforced by the national authorities in the domestic level as such²⁵⁹. Concerning the disciplinary inquiries many lawyers and NGOs have reported delays and flaws resulting into the acquittal of offenders or in imposing lesser sanctions²⁶⁰. Some illustrative cases of these problems are presented below.

In December 2004, police officers reportedly ill-treated a group of Afghan nationals, including minors, at a guesthouse in Aghios Panteleimon, while searching for an Afghan fugitive²⁶¹. Two of the migrants who were transferred to the local police station claimed that they were subjected to torture during interrogation, but did not lodge an official complaint, fearing deportation due to their irregular status²⁶². The officers involved were charged with causing bodily harm and their case was officially considered

²⁵⁴ By virtue of Law 3938/2011 and P.D.78/2011. The law provides that the Office may act *ex officio*, or after a complaint has been brought to it, or following the verdict of the ECtHR alleging violation of relevant articles of the European Convention.

²⁵⁵ RVRN, *2014 Annual Report*, 6 May 2015, p. 13.

²⁵⁶ CoE, *Report following the visit of the Commissioner for Human Rights Nils Muižnieks to Greece from 28 January to 1 February 2013*, 2013, p. 21.

²⁵⁷ Amnesty International, *Police violence in Greece: not just isolated incidents*, 2012, p. 23.

²⁵⁸ The Greek Ombudsman, *The phenomenon of racist violence in Greece and how it is combated*, 2013, p.4.

²⁵⁹ See for example the case of *Zontul v. Greece* (ECtHR, 2012), where the ECtHR concluded that the treatment of the applicant amounted to torture, while the national courts classified the treatment as an offence against human dignity.

²⁶⁰ Amnesty International, *A law unto themselves: A culture of abuse and impunity in the Greek police*, p.40.

²⁶¹ Amnesty International, *Police violence in Greece: not just isolated incidents*, p. 28-29.

²⁶² *Idem*.

by the court in December 2011²⁶³. Although the Court had initially handed down prison sentences to them, they were eventually released after suspension was granted²⁶⁴. The sentences were later converted to fines of misdemeanour by the Court²⁶⁵. In 2013 the Commissioner for Human Rights of the Council of Europe was informed that the case was brought to the ECtHR²⁶⁶.

In June 2011, a woman from Iran reported that she was sexually harassed by a police officer in the detention centre she was kept, in Evros²⁶⁷. The woman alleged that the officers were approaching the detainees regularly and having sexual relations with them in exchange for basic goods. After she has made her complaint the woman was severely beaten by her inmates for uncovering the scandal. One year later the criminal procedure against the police officer who has abused her was still pending.

In 2012 Amnesty International was informed of an incident of abuse against the unaccompanied children held in Amygdaleza Centre prior to their visit²⁶⁸. The allegations included the use of force and inhuman treatment. The organisation raised the issue to the authorities but was informed that the preliminary inquiry that was conducted did not bear any results. However, it was made known to them that due to the seriousness of the allegations the investigation would continue. No further updates have been received so far.

Finally, following the prosecution of Golden Dawn members in October 2014, allegations concerning police abuses by officers directly or indirectly linked to them were considered as well. The majority of the cases that were brought to the attention of the General Attorney are still in pending status or ended in their acquittal; in 41 of them charges were pressed against the perpetrators resulting in their arrest²⁶⁹. In 2014 there was also another case where police officers beaten an unpaid worker from Afghanistan in order to make him quit his job, after the request of his employer²⁷⁰. The case was brought to the prosecutor.

9. Police training systems on human rights and multicultural policing in Greece

Police training is the responsibility of the Police Academy. The Academy offers lessons directed into the three distinct groups of the police staff, which are: low rank recruits (police Constables); high rank recruits (police Sergeants); and officers of any rank that have already received basic training and need or desire further knowledge on more specific matters. Concerning the latter, the lessons offered are referred to as

²⁶³ Idem.

²⁶⁴ Idem.

²⁶⁵ Idem.

²⁶⁶ CoE, *Report following the visit of the Commissioner for Human Rights Nils Muižnieks to Greece from 28 January to 1 February 2013*, 2013, p. 24.

²⁶⁷ Pro Asyl, *"Walls of Shame" Accounts from the inside: The detention centres of Evros*, 2012, p.79.

²⁶⁸ Amnesty International, *Police violence in Greece: not just isolated incidents*, 2012, p. 18.

²⁶⁹ NGO Antigoni, *Annual Report 2014: Recording of phenomena, issues and incidents of racism, discrimination, xenophobia and Research Studies or Good Practices of Management at 6 critical fields of Employment, Legislation, Education, Housing, Racist Violence and Health & Welfare*, p. 132.

²⁷⁰ Idem, pp. 107-108.

specialized training or *specialized seminars*, whereas regarding the recruits there are two different schools, namely the School of Police Constables and the School of Police Sergeants.

As a first general comment it is clear that even if the Academy's training system is established in a way so as to offer efficient knowledge concerning the challenges of modern policing in general, there seem to be various deficiencies insofar human rights and multicultural relations are concerned, as well as in the specialised courses that take place in the context of continuous training of the police personnel²⁷¹. In particular, issues relevant to the treatment of third country nationals and policing of multicultural societies are either absent from the training curricula or insufficiently approached²⁷².

Moreover there is quite an indicative example concerning the personnel of the Greek Police Units for the Recording of Racial Violence. According to the findings of the RVRN the staff of the Units receives just a two days training, which is clearly inadequate and unsatisfactory for the work they are required to carry out²⁷³. In addition concerning the quality of the knowledge provided, there have been claims on behalf of the recruits that the courses are purely theoretical and do not provide practical recommendations²⁷⁴.

9.1. The Greek Police Academy

The Greek Police Academy was founded in 1995. Prior to the founding of the Academy police training was carried out by regional Schools of Police Training established in 1984. The training that takes place at the School of Constables of the Greek Police Academy lasts for five semesters, whereas the training at the School of Sergeants lasts for eight semesters²⁷⁵. During the trainings the recruits experience intensive lectures on theories and practice of policing, whereas the lecturing material is set strictly by the Government²⁷⁶.

Concerning education on human rights the Academy offers a course on Constitutional Law and Human Rights to the recruits of both Schools in the first year of their training²⁷⁷. The course is compulsory and it is held in two semesters of thirty

²⁷¹ See for example the ignorance of the request made by the Greek National Commission for Human Rights in 2010, to the Deputy Minister of Citizens' Protection, concerning the adopting of a more interactive human rights training programme. (NCHR, *Annual Report 2012-2013*, pp. 90-91).

²⁷² See for example the Recommendation of the Human Rights Council of the UN, according to which Greece must "*improve the human rights training of all persons working in the area of migration*". In HRC, Report of the Special Rapporteur on the human rights of migrants: Mission to Greece (Addendum), 2013, p. 21.

²⁷³ RVRN, *2014 Annual Report*, 2015, p. 18

²⁷⁴ HRW, *Hate on the streets: xenophobic violence in Greece*, 2012, pp.75-76.

²⁷⁵ Article 2-3, *Law 2226/94, Entry- Training and Postgraduate Training in the Schools of the Police Academy*, Greek Government, 1994.

²⁷⁶ The observation is based on the input of Professor *Nikolopoulos E.* (interview on March 2015). Concerning the Professor's course on Constitutional Law and Human Rights, the teaching material is indicated by the state and must be taught mandatorily. Diversions are not permitted. Elaborations or additions are in the discretion of the lecturer and depend on the teaching time provided, which is usually insufficient.

²⁷⁷ Greek Police Academy, *Study Guide*, 2007.

hours²⁷⁸. In the first semester the recruits have lectures about the Greek Constitutional Law and in the second, about the general theory of human rights such as the right to property, security and liberty²⁷⁹. The main legislative framework under which human rights are examined is the National Constitution²⁸⁰. According to the observations of the professor, the curriculum is very general and too restrictive; the time for teaching is not enough and the recruits do not seem very interested on learning about the subjects²⁸¹. Finally, there is no participation of other experts or of members belonging to NGOs.

In addition, there is also a School of Postgraduate Education and Training, which aims at informing and training the police officers in contemporary police matters of “*general or special interest*”²⁸². For example, throughout the previous years the Academy introduced various specialised courses on racism and xenophobia, human trafficking, and screening and return procedures of irregular migrants²⁸³. Moreover, the Academy is collaborating with the office of the UNHCR in Greece in offering regular seminars on asylum procedures with a special focus on the needs of vulnerable groups and unaccompanied minors²⁸⁴. Finally, on 2-4 June 2014 the Academy organised a course on irregular migration in Athens, in the context of the CEPOL partnership²⁸⁵.

9.2. The need to strengthen police training on human-rights

The duty of the police is to maintain law and order, to preserve peace in the society, to prevent, combat and detect crimes, and to protect and respect the fundamental human rights and freedoms²⁸⁶. By protecting human rights the police ensure security and social peace. As in any public service organisation, training is very important in ensuring that future and current police officers possess the necessary knowledge, skills and attitudes to conduct themselves in a professional manner while providing a high quality service to the public. In order for a training to offer sufficient, useful and up-to-date knowledge, the drafters of the curricula, as well as the trainers, must make sure that the lessons reflect the trends of the contemporary social reality.

An effective training on human rights must not be limited on theory; policing is an operational function and as such a more interactive and practical approach is required²⁸⁷. The importance of such a training has been recognized by various international and regional organisations, among which the UN. In particular, according to the UN Declaration on Human Rights Education and Training

²⁷⁸ Interview with Professor *Nikolopoulos E.* (March 2015).

²⁷⁹ *Idem.*

²⁸⁰ *Idem.*

²⁸¹ *Idem.*

²⁸² Article 5, *Law 2226/94, Entry- Training and Postgraduate Training in the Schools of the Police Academy*, Greek Government, 1994.

²⁸³ FRA, *Racism, discrimination, intolerance and extremism: Learning from experiences in Greece and Hungary*, 2013, p. 14.

²⁸⁴ GCR, *Access to Protection: a Human Right (Greece)*, 2014.

²⁸⁵ CEPOL course “*Markets related to illegal immigration: detecting / tackling / repatriating*”, European Police University, available [here](#).

²⁸⁶ CoE, *The European code of police ethics*, 2002, p. 7.

*“Human rights education contributes to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding, and by developing their attitudes and behaviours to empower them to contribute to the building and promotion of a universal culture of human rights.”*²⁸⁸

Training on human rights should aim at empowering the trainees to respect and protect the rights of others²⁸⁹, by providing information on human rights theory and practices and on the links of human rights with law enforcement²⁹⁰. In particular, the curriculum should include an introductory lesson on the history and philosophy of human rights and on the relevant legal documents²⁹¹. The training should provide specific information on the rights and obligations of the police in relation to a human rights-based policing²⁹². Finally, it is desirable that representatives from several international, regional and national organisations, such as national human rights institutions or NGOs are involved in the training process²⁹³.

It is interesting to note that there are several handbooks containing practical guidelines on the training of the police on human rights. The most inclusive has been produced by the UN²⁹⁴ and has been edited several times over the years in order to reflect the ever-changing trends in policing and human rights. The handbook’s contents are organised in two broad categories covering concerns of human rights during the practice of specific police functions (investigations, arrest, detention, use of force), and in relation to the vulnerable groups of rights holders (minors, women, refugees)²⁹⁵. The suggested principles are presented in two separate headings in order to address all officers in general and the Command and supervisory officials in particular.

Some common principles included in the Handbook are: the obligation of the police personnel to protect the members of the society and treat them all in a fair and equal manner²⁹⁶; to respect the dignity of the persons²⁹⁷, the right to security of the person, the right to a fair trial, and the right of the persons to privacy²⁹⁸. In addition, the officers must be fully aware that they must only use force when strictly necessary and to the minimum extent required under the circumstances, that everyone has the right to life

²⁸⁷ For example, interactive trainings may include role-plays, practical exercises, working groups, open discussions, and video presentations.

²⁸⁸ *Declaration on Human Rights Education and Training*, UN, 2011.

²⁸⁹ *Idem*.

²⁹⁰ Organization for Security and Co-operation in Europe (OSCE), *Guidelines on Human rights for Law Enforcement Officials*, 2012, p. 15.

²⁹¹ The legal documents should be the international core human rights instruments as issued by the UN. However in the case of Greece and Cyprus as in other European states, curriculum must also include the regional human rights framework of the EU and the CoE.

²⁹² The trainers must clarify the difference between *positive* (obligation to take action) and *negative* obligations (obligation to refrain from action) and must also make a specific reference to human rights violations and redress mechanisms, including explanations on what a violation is, how is caused, what the consequences are.

²⁹³ OSCE, *Guidelines on Human rights for Law Enforcement Officials*, 2012, p. 20.

²⁹⁴ The referral concerns the UN’s “*Professional Training Series No. 5*”.

²⁹⁵ OHCHR, *Human Rights Standards and Practice for the Police*, 2004, p. V.

²⁹⁶ *Idem*, p. 4.

²⁹⁷ *Idem*, p. 7.

²⁹⁸ *Idem*, p. 10.

and security, and that torture, degrading treatment and punishment is prohibited²⁹⁹. It is important that the police trainees also receive special training on the human rights of trafficking victims, asylum seekers and of irregular migrant detainees³⁰⁰. Finally, the trainees must be persuaded to promptly refer human rights violations to their senior officers and to the public prosecutor, in order to ensure accountability³⁰¹.

9.3. Lessons on policing a multicultural society

The police are a public institution and as such they must serve the public regardless of racial background and residing status³⁰². It is necessary that the police carry out their role as the guardians of public order and social peace without discrimination. Thus they must ensure that the members of migrant communities are treated in a fair manner and in accordance with human rights, since fair treatment strengthens public confidence and trust in the work of the police³⁰³. When dealing with different ethnic groups the police officers are faced with numerous challenges that threaten the fairness of the treatment, such as prejudices, ethnocentrism, racism and xenophobia³⁰⁴. Adequate and professional training on *multicultural relations*³⁰⁵ can create a police force that is able to respond to the needs of a multicultural society.

According to a research comprised by experts in the context of a CoE project, there are five “*stages of development of the training response*” in relation to multicultural relations³⁰⁶. In the first stage the issues are not addressed as such, or are included in the broader category of “*human rights*”³⁰⁷. In the next stage training is provided only for officers working in sectors relevant to migration; the third stage concerns the inclusion of specific topics in general topics; in the fourth stage special training is provided for all officers in form of special projects and seminars; and finally for the fifth stage, the most desired one, issues on multicultural relations are fully integrated into all training programs³⁰⁸.

Training on multicultural relations can provide the police personnel with enough knowledge to form a view on the background of the various migrant communities and sensitise them towards their needs³⁰⁹. However, a blunt provision of information about

²⁹⁹ Idem, p. 23.

³⁰⁰ This especially important for police forces in states with vast numbers of the aforementioned groups of persons, such as Greece. Except from offering knowledge on the rights of the groups, the trainers must also ensure that they also provide specific guidelines for the handling of each group.

³⁰¹ Amnesty International, *10 Basic human rights standards for law enforcement officials*, 1998, p. 17.

³⁰² Goodey J., 2009, p. 159.

³⁰³ Centre for European Policy Studies, *The Criminalisation of Migration in Europe: A State-of-the-Art of the Academic Literature and Research*, 2013, p. 11.

³⁰⁴ CoE, *Police training concerning migrants and multicultural relations: Practical guidelines*, 1993, p.14. It is important to note that even if the report was published in 1993, the identified challenges and the guidelines proposed are still very much applicable.

³⁰⁵ “*Multicultural relations*” are the relations between the members of various migrant communities, including manifestations of racial violence and xenophobia against them by nationals.

³⁰⁶ CoE, *Police training concerning migrants and ethnic relations: Practical guidelines*, 1993, p.155.

³⁰⁷ Idem.

³⁰⁸ Idem.

³⁰⁹ CoE, *Police training concerning migrants and ethnic relations: Practical guidelines*, 1993, p.14.

history and culture is not adequate. Knowledge is not enough to ensure that possible abusive and discriminative behaviour on behalf of the police personnel won't exist; it is more a matter of prejudiced attitudes and stereotypes, such as how the officers view migration in relation with crime, and poor communication skills³¹⁰. In particular, concerning personal attitudes, training is not expected to change them, but to raise the awareness of the trainees regarding their personal opinions and views on matters of ethnicity and cultural differences.

Thus, it is necessary that training is continuous in order to reflect the dynamics of the society. Continuous training occurs in a two-level basis, commonly identified as “*initial training*” and “*in-service training*”³¹¹. Initial training concerns police recruits, whereas in-service training concerns officers who in need of briefing or who wish further development of their capacities on subjects relevant with migrants and multicultural relations.

According to the relevant *Practical Guidelines* produced by experts in the context of a CoE project, the general aim of police training on migrants and multicultural relations is “*to promote in the police service the equal and fair treatment of all members of the public according to their individual needs*”³¹². Particular objectives include the provision of knowledge on the history and culture of the migrant communities and on relevant legislations regarding migrants and discrimination; the development of better communication skills; the sensitisation of the trainees on the needs of the migrants; and the abolition of prejudices and stereotypes concerning migrants, as well as the role of the police in a diverse society³¹³.

Concerning the methods of carrying out the training, the above-mentioned *Practical Guidelines* suggest a combination of methods³¹⁴. Teaching methods must not be limited to lectures; role-plays, practical exercises, simulations, group discussions and audiovisual presentations are equally important³¹⁵. In addition, personal contact of the trainees with members of migrant communities and participation of organisations associated with them in the training procedure can prove very useful in offering a feedback on the needs of the migrants and the challenges that the trainees may face when dealing with them³¹⁶.

An inclusive training on multicultural relations should adequately address issues relating to diversity and cultural communication, discrimination, racism and xenophobia, and prejudices. The need to train the police on cultural and religious diversity has already been identified by the ECRI in 2007³¹⁷. In order to achieve these objectives it is necessary that trainees realize the diverse nature of the societies they are living in. They must be provided with adequate information on the cultural and religious background of the

³¹⁰ Idem, p.157.

³¹¹ Idem.

³¹² Idem, p.20.

³¹³ Idem, p.21.

³¹⁴ Idem, pp.33-38.

³¹⁵ Idem, p.33.

³¹⁶ Idem, pp.36-37.

³¹⁷ Paragraph 16 of the Recommendation. ECRI, *General policy no.11 on combating racism and racial discrimination in policing*, CRI (2007)39, 29 June 2007, p.19.

migrant communities, so as to be able to adapt the way they treat a suspect, a witness, or a victim depending on the needs of each specific category³¹⁸. It is important that the trainers exercise caution when lecturing about diversity so as not to overly heighten the differences between the local and the migrant population³¹⁹, but rather focus on the needs of the relevant communities and the role of the police in ensuring that the rights of the members belonging to them are respected and protected³²⁰.

In order to carry out the last mentioned function the trainees must also be able to effectively communicate with the relevant migrant groups in inter-cultural situations. It is necessary that police officers do not solely depend on interpreters for an effective communication neither on the ability of the migrant to speak the native language properly³²¹. At this point it is important that the trainers and the trainees must be aware of the four ways of communicating, which is verbal, para-verbal, nonverbal and visual communication³²². Verbal communication is manifested through the use of words and is of spoken or written form, whereas para-verbal communication refers to the way these words are articulated³²³. Para-verbal communication must be given proper attention, since for example a harsh voice pitch or a speedy speech may create misunderstandings or even sever the communication completely. Nonverbal communication includes the *body language, posture, proximity, facial expressions, gestures, and eye contact*, whereas visual communication relates to visual components, such as what the speaker wears or holds in their hands³²⁴.

To continue, the need to address racism and xenophobia in police training has been highlighted by many organisations in various reports and guidelines³²⁵. The European Code of Police Ethics is also making a referral on the matter³²⁶. The trainers must ensure that trainees are aware of the problematic nature of racism and xenophobia and of the relevant legislative framework. In particular, it is necessary that trainers offer insight on issues of racial discrimination, racial violence and racial profiling. Racism, no matter the form it is manifested, damages public trust and creates insecurity³²⁷. It is important that the police are sensitised towards the victims and that they address racist incidents effectively. Police officers who are appointed in special police units against the racist crime must receive explicit guidance on the entire procedure of recording a case, investigating and prosecuting.

Concerning the much-debated issue of racial profiling, additional efforts must take place in order to ensure that the issue is adequately addressed. In particular, the trainees must gain a clear picture of when and why certain behaviours may constitute racial profiling, why racial profile is ineffective and unlawful and how to avoid it. For

³¹⁸ Shusta R., et al, 2005, p. 18.

³¹⁹ FRA, *Preventing discriminatory ethnic profiling in the EU*, 2010, p. 52.

³²⁰ Srinivasan N., Hearn L., 2000, p. 312.

³²¹ CoE, *Police training concerning migrants and multicultural relations: Practical guidelines*, 1993, p.29.

³²² Key & Key Communications, *Our Communication Concept*, 2012, p.5.

³²³ Idem.

³²⁴ Idem.

³²⁵ See for example FRA, *Preventing discriminatory ethnic profiling in the EU*, 2010, and ECRI, *General policy no.11 on combating racism and racial discrimination in policing*, 2007.

³²⁶ CoE, *The European code of police ethics*, 2002, p. 10.

this reasons trainees must receive adequate training on the importance and ways of establishing reasonable suspicion. In order for the training on reasonable suspicion to be more comprehensive it is necessary that trainers use practical examples³²⁸. Discussions must also address the practice of stop and search operations. Police officers must state the reason for the stop from the very beginning, and be courteous throughout the checks³²⁹. The trainees must recognize the negative impact of an unprofessional and disrespectful conduct, which is in general utterly harmful for the public image of the police, and for the relations between the police and the migrant communities, in particular.

No matter how much knowledge an individual officer may have acquired, prejudiced attitudes do not leave. Thus, the desired outcome from addressing prejudices is not to eliminate them, but to teach police officers ways to keep them in check and in consistence with professional ethics while executing their duties³³⁰. In particular, lessons on prejudice should include discussions on how stereotypes and subsequent prejudice is formed and on its negative impact on the fair and equal treatment of people of different ethnicity³³¹.

Conclusions

The countries on the southeast border of Europe are the main entry points for migrants seeking a better life in the EU. However, the quality of their reception conditions, the access to asylum and the treatment received has been considered by many organisations to be far from satisfactory. Migrants face the risk of push-backs in the border of Greece with Turkey, while irregular migrants are put under systematic and prolonged detention.

The Greek society perceives migration as a problem. Intolerance, racism and xenophobia towards migrants represent a large portion of the society, as they are viewed as a burden to economy, especially in the aftermath of the economic crisis. Populist and ethnocentric perceptions and racist rhetoric by certain political parties rose to new heights. Migrants are being criminalised and are considered as a threat to social cohesion. As such the two states have endorsed securitising acts, such as fortification of their borders, strict regulations on movement, residence and integration and extensive measures on migration control that seem.

According to the findings, the police retain an approach towards migrants that seems to lack safeguards for basic human rights. Reports of organisations show discriminatory behaviour and abuses against migrants by the police. The institution has been criticised nationally and internationally for the extensive use of racial profiling in identification checks and large-scale operations. Moreover, encounters of migrants with

³²⁷ CoE, *Police training concerning migrants and ethnic relations: Practical guidelines*, 1993, p.26.

³²⁸ ECRI, *General policy no.11 on combating racism and racial discrimination in policing*, 2007, p.12.

³²⁹ FRA, *Preventing discriminatory ethnic profiling in the EU*, 2010, p. 61.

³³⁰ CoE, *Seminar by dr. Robin Oakley on human rights and the police: police training concerning migrants & national minorities*, 1995, p. 4.

³³¹ CoE, *Police training concerning migrants and ethnic relations: Practical guidelines*, 1993, p.26.

the police are mostly characterised by incidents of verbal and bodily harassment. At the same time, migrants in detention and deportation procedures are systematically ill-treated.

Thus migrants face a perilous dead-end concerning the protection of their basic human rights. The accessibility of victims of racist crimes or of trafficking to the report and investigation procedures of the police is problematic, especially since these procedures are enacted by complaint mechanisms that are internal to the police. Problems persist in conducting prompt, thorough, effective and impartial investigation, as well as in prosecuting and punishing the offenders, including delays in criminal proceedings and failure to guarantee the right to an effective remedy. Furthermore, the situation is aggravated by the culture of non-accountability and impunity for police misconduct.

The above-mentioned observations demonstrate that the obligation of the police to protect the human rights of any person regardless nationality is not realized to the fullest. Training on human rights ensures that the trainees realise the importance of respecting and protecting the rights of others, receiving all the necessary knowledge and forming skills and attitudes towards professional and sound policing. Moreover, considering the cultural diversity of the Greek society, trainings should emphasise on migrants and multicultural relations.

According to the findings, the essential knowledge on theories and practices concerning human rights and multicultural policing are lacking in Greece. Thus the Greek police leadership should definitely make more efforts in introducing human rights training, as well as courses on multicultural policing in the curricula of the Academy. To reach such an achievement several points must be made out, beginning with the acknowledgement that training alone is not expected to incur a massive and meaningful change. Regardless of the quality and the quantity of the training received, when a police candidate is exposed to real life situations their behaviours and consequent actions change over time. Therefore, it is important that the police leadership make a clear commitment against racism, xenophobia, discrimination, and ill-treatment of non nationals, and that low rank police officers receive explicit instructions and clear orders.

Moreover, the handling of cases of racist incidents as well as the data recording processes should be enhanced, and the accountability for police officers perpetrators of racist crimes or human rights abuses, restored. In addition, the police should consider building bridges of trust and co-operation with migrant communities as well as with NGOs associating with them. This policy can be particularly beneficial in helping the police to obtain a better picture on the needs of migrants³³². It can also relieve negative stereotypes by cultivating cultural sensitivity³³³.

Police leadership should consider combining the training on human rights and multicultural policing with initiatives that promote cultural diversity and strengthen the police-migrant communities bond. At this point it is important to mention that certain initiatives have already been taken towards that goal. In particular, in April 2015 the

³³² This policy of “customer perspective” includes the development of “proactive mechanisms for determining the needs of the public relative to the police function” and the use of “routine surveys of citizen and advisory groups to accomplish this goal” (Shusta R., et al, 2005, p. 30).

³³³ Srinivasan N., Hearn L., 2000, p. 313.

Greek Ministry of Citizen Protection has decided to set up an open procedure in several districts throughout the country in order for citizens, NGOs and institutions to provide their comments and advice to the local police stations³³⁴.

Finally, since the police reflect the perceptions of the society, it would be most desirable to witness a true reform not only in the context of police training, but in a general, national level. It is important that Greece realises that migrants, regardless of their status, are not criminals. The officials as well as the citizens should therefore become more sensitive to the needs of asylum seekers. Thus it is necessary that the government takes more holistic actions against xenophobic and racist perceptions; they should begin with the children at the earliest stages of their education, since the children are the future and therefore a change is more feasible.

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³³⁴ *'The Time of the Citizen, of Bodies and Social Partners is established in the Greek Police'*, Greek Ministry of Citizen Protection, 15 April 2015, available [here](#).

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