

# GREECE 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Greece is a constitutional republic and multiparty parliamentary democracy. Legislative authority is vested in the unicameral parliament. In 2015 the country held parliamentary elections that observers considered free and fair. A coalition government formed by the SYRIZA and ANEL parties and headed by Prime Minister Alexis Tsipras leads the country.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included allegations of torture; criminalization of libel and violent attacks on journalists; allegations of refoulement of asylum seekers; official corruption; and instances of violence based on ethnic, anti-foreigner and LGBTI animus.

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

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices and provide safeguards for criminal suspects, undocumented migrants, and asylum seekers in detention. There were reports, however, that police at times mistreated and abused undocumented

migrants, asylum seekers, and Roma (also see section 2.d., Abuse of Migrants, Refugees, and Stateless Persons, and section 6, National/Racial/Ethnic Minorities).

On April 18, the Council of Europe commissioner for human rights wrote to the ministers for justice and for citizen protection concerning “four well-documented cases of migrants,” who claimed to have been victims of severe beatings by police officers in Samos and Chios islands, in November 2016 and January and February 2017. The minors reportedly suffered loss of hearing, knee dislocation, and broken bones in their feet. The commissioner’s letter also described the alleged “torture” of three Greek Roma nationals by officers of the Western Attica Police Division, who severely beat the three during an interrogation in October 2016. On May 15, the government responded that in all cases for which a complaint was filed, authorities initiated preliminary inquiries to determine whether the police officers involved had committed any offenses for which penalties would be imposed.

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

Prison and detention center conditions, including holding cells, did not always meet national or international standards. Problems included overcrowding; inadequate supplies of resources such as blankets, clothing, and hygiene products; inadequate diet and sanitation; lack of access to health care and medical treatment; and lack of recreational activities. There were some allegations of police mistreatment or abuse of migrants and refugees, including minors, at police stations and detention facilities throughout the year (also see section 2.d., Abuse of Migrants, Refugees, and Stateless Persons). On April 28, the alternate minister for citizen protection reported to parliament that an October 2016 preliminary judicial investigation into the case of five Syrian minors alleging police mistreatment at the Omonia police station in Athens was put on hold for lack of evidence proving the allegations and the racist motive of the implicated police staff.

Physical Conditions: Overcrowding continued to be a problem in some detention and registration centers, especially in northern Aegean islands, and in police holding cells in areas where no predeparture center was operating. With respect to prisons, the number of inmates was below maximum capacity. Some underage migrants, including asylum-seeking unaccompanied minors, were held in “protective custody” in the same quarters as adults or in overcrowded and underresourced police stations with limited access to outdoor areas (see section 6, Displaced Children). According to government and nongovernment agencies, including the National Solidarity Center and the ombudsman, access was at times inadequate to quality food, sanitation, heating, ventilation, lighting, medical care,

and recreational activities. On September 6, the Movement United Against Racism and the Fascist Threat visited a predeparture center in Korinthos, where 800 migrants were detained, and reported that sick individuals had no access to proper medical care, while food was of poor quality and water often nonpotable. On September 25, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its findings from 2016 visits to Athens, Thessaloniki, and selected island Reception and Identification Centers (RICs), criticizing the government for the conditions in some detention centers. The CPT delegation found overcrowding in the Moria RIC on Lesbos and the Vial RIC on Chios, with food problems, high levels of violence, inadequate provision of basic health care and drinking water, and inadequate assistance to vulnerable groups. The report also highlighted “continued and regular” detention of hundreds of unaccompanied minors for long periods in poor living conditions with inadequate care.

Police detained undocumented migrants and asylum seekers. Police also detained rejected asylum applicants due to return to Turkey, some migrants waiting to return home under the International Organization for Migration’s Assisted Voluntary Return program, and migrants suspected of committing a crime in preremoval centers.

Administration: Independent authorities investigated credible allegations of inhuman conditions. The Ministry of Justice, Transparency, and Human Rights increased transparency in detention-related statistics by publishing on a bimonthly basis the design capacity per prison facility and the occupancy rate.

Independent Monitoring: The government generally permitted independent authorities and nongovernmental observers to monitor prison and detention center conditions. The government restricted access to RICs and official camps for migrants and asylum seekers to nongovernmental organizations (NGOs), diplomatic missions, and foreign and domestic journalists, often requiring them to submit formal access requests with advance notice for each specific site. Citing very high demand or security concerns, authorities denied or postponed access on several occasions.

Improvements: The government made several administrative and legislative improvements to conditions in prisons, including access to education for convicts. On September 21, parliament passed an amendment redefining the rules for conditional release of prisoners in order to alleviate overcrowding in prisons. Prisoners would be able to apply for release once they had served at least 10

percent of a sentence that was less than three years, 20 percent of a three- to five-year sentence, 40 percent of a five to 10-year term, and 50 percent of a term exceeding 10 years, and would be required to wear an electronic monitoring bracelet and appear at a police precinct at regular intervals. The amendment included language that barred prisoners serving time for serious criminal offenses from the new rules for conditional release, including prisoners convicted of crimes involving children.

On April 7 and July 27, the Ministry of Justice, Transparency, and Human Rights reported on the launching of a “second chance” school inside the prison facilities of Chania and Malandrino. According to the ministry, there were six such schools to promote education among prisoners who had not completed nine years of obligatory education. Also on July 27, the minister for justice, transparency, and human rights inaugurated a child-friendly space in the Malandrino prison to enable visitation by inmates’ children in a humane environment.

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

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

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

Police are responsible for law enforcement, border security, and the maintenance of order, under the authority of an alternate minister for citizen protection, who is subordinate to the Ministry of Interior and Administrative Reconstruction. The Coast Guard is responsible for law and border enforcement in territorial waters under the authority of the Ministry of Maritime Affairs and Island Policy. The armed forces, under the authority of the Ministry of Defense, and police jointly share law enforcement duties in certain border areas. Civilian authorities maintained effective control over the police, Coast Guard, and armed forces, and the government had effective mechanisms to investigate and punish abuse.

NGOs reported incidents of security forces committing racially and hate-motivated violence. In an April 4 report, the Racist Violence Recording Network (RVRN), a network of NGOs coordinated by the National Commission for Human Rights and UNHCR, reported fewer incidents of racist violence involving law enforcement officials in 2016 compared with the previous year. The RVRN found that six of the 95 incidents recorded were perpetrated by law enforcement officials. No

further data on internal investigation results or penalties to offenders were available.

The Office of the Ombudsman has authority to conduct independent investigations of incidents of alleged impunity and abuse of authority by police, coast guard, fire brigade, and prison personnel. The ombudsman may informally investigate such instances on his own or following allegations or referrals by the competent ministers and secretaries general. The ombudsman must issue a report of findings within three months after initiating an investigation. During the year the ombudsman issued two special reports: one on migration flows and refugee protection, and the other on the return of third-country nationals.

Universities, NGOs, international organizations, and service academies provided police training on combatting hate crimes and human trafficking, and safeguarding human rights.

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

The law requires judicial warrants for arrests, except during the commission of a crime, and prohibits arbitrary arrest. Police generally followed these provisions. Within 24 hours of detention, the law requires police to bring detainees before a magistrate, who then must issue a detention warrant or order the detainee's release. Detainees are promptly informed of charges against them. Pretrial detention may last up to 18 months, depending on the severity of the crime, or 30 months in exceptional circumstances. A panel of judges may release detainees pending trial. Expedited procedures may be applied to individuals accused of misdemeanors. Individuals are entitled to compensation from the state if found to have been unlawfully detained.

Authorities generally respected the law allowing detainees to contact a close relative or third party, consult with a lawyer of their choice, and obtain medical services. Since police are required to bring detainees before an examining magistrate within 24 hours of detention, the short time period in some instances may limit detainees' ability to present an adequate defense. Defendants may request a delay to prepare a defense. Bail and restriction orders are available for defendants detained on felony charges and on lesser charges unless a judicial officer deems the defendant a flight risk.

Rights activists and the media reported instances in which foreign detainees had limited access to court-provided interpretation or were unaware of their right to

legal assistance. Indigent defendants facing felony charges received legal representation from the bar association. NGOs and international organizations provided limited legal aid to detained migrants and asylum seekers.

Arbitrary Arrest: Human rights activists criticized the detention of some asylum applicants and rejected asylum seekers, arguing that means other than detention, such as periodically presenting themselves to police, should be used. On April 24, *The Journalists' Newspaper* reported that police in Lesbos detained a Syrian migrant whose asylum application was rejected. He was placed in a holding cell together with suspects of penal offenses, pending a Council of State decision about Turkey being a safe third country.

Pretrial Detention: Prolonged pretrial detention remained a problem, resulting from courts being overburdened and understaffed. Pretrial detention is authorized under certain conditions, including when there is a flight risk or when the court is concerned that the suspect may commit additional crimes. With the exception of negligent homicide, which by law is a misdemeanor, pretrial detention is only used for felony charges. In case of acquittal through a final court decision, the affected individual may seek compensation for time spent in pretrial detention. Some legal experts criticized what they considered to be the excessive use of this measure. In addition, procedures for compensation were time-consuming and the amounts offered were relatively low (9-10 euros (\$10.80-\$12.00) per day of imprisonment). On January 1, the Ministry of Justice, Transparency, and Human Rights reported that approximately 30 percent of those with pending cases were in pretrial detention.

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

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality. Observers reported the judiciary was at times inefficient and sometimes subject to influence and corruption. Authorities respected court orders.

#### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. The law grants defendants a presumption of innocence, and defendants have the right to be informed promptly and thoroughly of all charges. Delays were mostly due to backlogs of pending trials and understaffing. Trials are public in most instances. Defendants have the

right to communicate and consult with an attorney of their choice in a timely manner. The government provides attorneys to indigent defendants facing felony charges. Defendants may be present at trial, present witnesses and evidence on their own behalf, and question prosecution witnesses. Defendants have the right of appeal. Defendants who do not speak Greek have the right to free interpretation through a court-appointed interpreter, although some NGOs criticized the quality and availability of interpretation.

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

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

The judiciary was generally independent and impartial in civil matters. The law provides citizens with the ability to sue the government for compensation for alleged violations of rights. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies including the ECHR.

### **Property Restitution**

The government has laws and/or mechanisms in place for the resolution of Holocaust-era claims, including for foreign citizens, and NGOs and advocacy groups reported that the government made significant progress on this matter. Many Holocaust-era property claims have been resolved, but several issues remained open. The Jewish community of Thessaloniki had a pending legal case against the Federal Republic of Germany for forced payments from the Jewish community to the occupation authorities in 1942, and it also had a pending case against the Russian government for its retention of the community's prewar archives. Additionally, the Jewish Historical Institute of Warsaw held a number of religious artifacts allegedly stolen from the Jewish community of Thessaloniki in 1941; the community requested the return of these items. The Organization for the Relief and Rehabilitation of Jews in Greece (OPAIE) also claimed 100 properties owned by Jews before the war on the island of Rhodes, which are occupied by

Greek government facilities. The Supreme Court issued a ruling in favor of OPAIE for one of the properties.

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

The constitution and law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

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

#### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: The constitution and law provide for freedom of expression but specifically allow restrictions on speech and prohibit inciting others to actions that could provoke discrimination, hatred, or violence against persons or groups, based on their race, color, religion, descent, national or ethnic origin, sexual orientation, gender identity, or disability, or who express ideas insulting to persons or groups on those grounds. On July 21, the NGO Greek Helsinki Monitor (GHM) reported that the anti-racism prosecutor had opened 150 criminal files for hate speech and other hate crimes, mostly based on GHM's reporting. GHM asserted that hate speech was often treated in the country within the context of freedom of expression, despite international and European law and ECHR rulings dissociating the two. On September 28, a misdemeanors court in Athens examined one such case, sentencing parliament member Ilias Kasidiaris to six months' imprisonment for inciting crime. The sentence was suspended for three years, to be served only if he commits a repeat offense in that period. The court found that a speech delivered by Kasidiaris, in the western Athens suburb of Aspropyrgos in 2015, incited others to criminal activity. The speech implicitly targeted local Roma population encouraging non-Roma residents to "get rid of the human garbage."

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction.

On August 8 parliament restored to an independent agency, the National Radio and Television Council, the authority to issue television permits. The Council of State had ruled in October 2016 that it was unconstitutional for the government to do so or to limit their number.

Violence and Harassment: Journalists were subjected to physical attack, harassment, or intimidation due to their reporting in at least two known instances.

On February 28, a group of 26 parliament members asked the minister of justice, transparency, and human rights for a report on attacks by members of the extreme right against journalists reporting on the refugee issue on Chios and Lesbos islands.

On April 24, a group of 10 unidentified persons entered the offices of the *Kathimerini* newspaper in Thessaloniki, spraying the walls, shouting slogans, and dropping leaflets reading “whoever is targeting occupations, revolutionary groups and prisoners of war, is targeting themselves” and “the only piece of good news is a stone thrown at the head of a journalist.” Police reported no arrests following this incident.

Censorship or Content Restrictions: On April 19, the government launched an online media register that included basic details of 231 websites in accordance with a 2016 law requiring news websites to register their legal status, number of employees, detailed shareholder information, and the tax office they fall under. Once registered, these websites are accredited to accept funding through state advertising, to cover official events, and to benefit from research and training programs of the National Center of Audiovisual Works. Listed companies should be based in the country. All registered websites had to display their certification on their homepage. Although registering was an open and not obligatory process, outlets failing to do so could be excluded from the accreditation benefits. The Ministry of Digital Policy, Telecommunications, and Information asserted that the registration was to increase transparency in the sector. On April 3, the National Broadcasting Council fined private television channels SKAI, MEGA, ANT1, and EPSILON TV between 15,000 and 50,000 euros (\$18,000 to \$60,000) on the grounds that their coverage of the 2015 referendum was not impartial or in accordance with legal provisions.

Libel/Slander Laws: The law provides criminal penalties for defamation. On January 10, police arrested the editor and the news director of the Parapolitika media group in response to a lawsuit against them filed by the defense minister accusing them of libel and attempted extortion. On February 1, a first instance

court in Athens acquitted the news director of both charges but convicted the editor, sentencing him to a 23-month suspended sentence for three years, to be served only if he commits a repeat offense during that period. The latter filed an appeal.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 69 percent of the population used the internet in 2016.

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

There were no government restrictions on academic freedom or cultural events.

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

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **Freedom of Association**

Although the constitution and law provide for freedom of association, the government continued to place legal restrictions on the names of associations of nationals that self-identified as ethnic Macedonian or associations that included the term “Turkish” as indicative of a collective ethnic identity (see section 6). Such associations, despite the lack of legal recognition, continued to operate.

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

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with UNHCR, the International Organization for

Migration (IOM), and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: According to a wide range of credible sources, including international NGOs, authorities did not always provide adequate security or physical protection to migrants and asylum seekers. In unofficial camps, such as Elliniko (the former Athens airport), and in some parks and squares, such as Pedion Tou Areos in Athens, migrant and refugee minors were allegedly sexually exploited. Protection for vulnerable women and children was not always adequate due to insufficient law enforcement coverage. Some incidents of gender-based violence, including domestic violence, sexual harassment, and rape, were also recorded in organized camps, but authorities were limited in their ability to take legal action against perpetrators unless their victims agreed to press formal charges. On July 17, the Research Center for Gender Equality (KETHI), a private think tank operating under the supervision of the Ministry of Interior, reported that based on conversations from October to December 2016 with 134 migrant and refugee women who had been temporarily sheltered in government-run homes for victims of gender-based violence, only a relatively small number were seeking legal or psychosocial assistance; most women were primarily seeking temporary protection and shelter. The women cited fear of retaliation, of disrupting links with their families and communities, and of losing access to asylum as reasons they did not seek legal recourse. Notwithstanding the low numbers, KETHI reported there was an increasing trend among victims to request government assistance.

According to the law, periods of absence from the country by documented migrants should not impede the renewal of a residency permit.

### **Protection of Refugees**

During the year the flow of migrant and asylum seekers to the country from the Middle East, Africa, and Asia continued, albeit in much lower numbers than in the two previous years. The March 2016 EU-Turkey Statement, combined with the closing of the northern borders, turned the country into a host country for migrant and refugee populations. As of October 31, UNHCR figures indicated 46,462 migrants and asylum seekers were residing throughout the country.

Refoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened

because of their race, religion, nationality, membership in a particular social group, or political opinion.

On May 24, a group of eight Turkish nationals arrived through the land border with Turkey (Evros River crossing) and expressed the wish to apply for asylum. They included three minors and journalist Murat Capan, who had been sentenced in absentia by a Turkish court to 22.5 years of prison for allegedly attempting to overthrow that country's government. According to the NGO Hellenic League for Human Rights, they were subsequently placed in a van that reportedly transferred them to a group of five armed men with masks, who silently led them back to Turkey across the river. Turkish authorities took Capan into custody, and he was sent to a prison in Turkey.

On June 23, media reported that the NGO Network for the Social Support of Refugees and Migrants denounced police officers and hooded men in Didymoticho, in northern Greece, for forcibly returning 10 Syrian nationals to Turkey, despite the fact that they had expressed the wish to apply for asylum in Greece. One member from the group reported that police had arrested them all and led them to a detention facility with 200 others, including families with children. The same witness alleged that some hours later, the 10 Syrians were ordered to enter a van that took them to a river, where armed men in uniforms forced them to get on dinghies that eventually returned them to Turkey.

The Hellenic League for Human Rights, UNHCR, the International Federation for Human Rights (FIDH), and Council of Europe Commissioner for Human Rights Nils Muiznieks requested a thorough investigation of reported refoulement incidents. On July 30, the minister for migration policy denied that government authorities were practicing unlawful returns.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees through an autonomous asylum service under the authority of the Ministry of Migration Policy. The law requires that applicants have access to certified interpreters and allows applicants to appeal negative decisions and remain in the country while their appeals are examined.

Authorities worked with NGOs, international organizations, and the European Asylum Support Office to inform undocumented migrants awaiting registration in the asylum system, as well as non-EU foreign national detainees, about their rights and asylum procedures and IOM-assisted voluntary return programs. UNHCR also

assisted the government with briefings and distribution of multilingual leaflets and information packages on asylum and asylum procedures.

On January 26 the Supreme Court ruled against the extradition of eight Turkish Air Force officers who filed asylum applications in the country. They were accused of plotting a coup against the Turkish government. According to press reports, the court determined that the eight officers were unlikely to face a fair trial if returned to Turkey and determined that they could be subjected to torture. Turkey subsequently submitted a second extradition request to Greece, which was also denied in May on the same basis as the first ruling. As of November 30, the asylum cases were still under consideration by an appeals committee.

Human rights activists and NGOs working with asylum applicants reported long waits for asylum appeals decisions due to backlogs in the appeals process. For most of the year, appeals judges were awaiting a ruling from the Council of State on whether Turkey was considered a safe third country for rejected applicants, particularly Syrians, to which to return. On September 22, media and human rights activists reported that the Council of State plenary rejected the appeal by two Syrian asylum seekers who claimed that Turkey was not a country of safe return. The council noted that Turkey had ratified the Geneva Convention and agreed on a joint action plan with the European Union to support Syrian nationals in need of international protection. The council further noted that the two Syrians who filed the appeal had relatives in Turkey. The council rejected the applicants' claims that their lives and freedom would be at risk in Turkey and that Greece would violate the European Convention on Human Rights by returning them to Turkey. Several experts expressed the view that this decision would affect numerous other similar cases.

Asylum applicants from countries other than Syria complained that their asylum applications were delayed while Syrians were prioritized. Many asylum seekers also complained about difficulty scheduling an appointment and then in connecting with the Asylum Service system via Skype. International organizations, NGOs, and human rights activists reiterated the previous year's concerns about problems related to the asylum system, including the lack of adequate staff and facilities; difficulties in registering claims; questions about the expedited nature and thoroughness of the examination of initial claims and appeals; insufficient welfare, integration, counseling, legal, and interpretation services; discrimination; and detention under often inadequate and overcrowded conditions inside the Reception and Identification Centers (RICs).

Safe Country of Origin/Transit: The country adheres to the Dublin III Regulation, according to which authorities may return asylum seekers to the EU member state of first entry for adjudication of asylum claims.

In March 2016 the EU and Turkey issued a joint statement on migration. According to the agreement, every undocumented migrant crossing from Turkey into the Greek islands would be confined to a RIC for up to 25 days, during which time the individual would have the opportunity to apply for asylum in Greece. Individuals opting not to apply for asylum or whose applications were deemed unfounded or inadmissible would be returned to Turkey under the terms of the agreement.

With the help of NGOs, some applicants whose applications were rejected challenged the legal validity of these decisions before the Council of State, arguing that Turkey was not a safe third country to which to return. A September 22 ruling rejected their arguments and claims.

Freedom of Movement: Undocumented migrants arriving at Greek islands after March 2016 were subjected to special border reception and registration procedures, in closed facilities for up to 25 days. After this 25-day period, undocumented migrants remaining in those facilities were generally allowed to enter and exit. Undocumented migrants were prohibited from travelling to the mainland unless they filed asylum applications deemed admissible by the asylum authorities. Once asylum applications were filed, found admissible, and in process, migrants could move to an accommodation center on the mainland. There was no restriction on movement in or out of the accommodation centers. The National Commission for Human Rights, and NGOs, including Human Rights Watch (HRW), Doctors without Borders, and the Greek Council for Refugees, expressed concerns, objecting to detention of incoming migrants and asylum seekers under the EU-Turkey statement. On October 24, 19 local and international human rights organizations sent a joint letter to Prime Minister Tsipras calling for an end to the “containment policy” of keeping asylum seekers on the islands and to the deterioration of conditions in the five RICs operating in the north Aegean islands.

Unaccompanied minors were also placed under “protective custody” due to lack of space in specialized shelters. In a July 31 press statement, the ombudsman reported that from the beginning of June until July 31, 77 unaccompanied minors were placed under protective custody in Thessaloniki, with only 13 of them being eventually processed to proper facilities designated for their needs. Inquiries of the ombudsman, conducted in detention and reception facilities on July 17-19, showed

that a considerable number of unaccompanied minors remained in police stations under protective custody for weeks, in the absence of adequate shelters for all.

Employment: Recognized refugees and holders of asylum-seeker papers were entitled to work, although this right was not widely publicized or consistently enforced.

Access to Basic Services: Legally, services such as shelter, health care, education, and judicial procedures were granted to asylum seekers in possession of a valid residency permit; however, staffing gaps and overcrowded migrant sites limited certain asylum seekers' access to these services. Legal assistance was limited and was usually offered via volunteer lawyers and bar associations, NGOs, and international organizations.

There was improvement in housing conditions at reception facilities on the mainland. RICs on the islands faced problems, mostly due to lack of space, which resulted in congestion and in the use of camping tents to supplement the larger, air-conditioned, and sturdier prefabricated houses. Living conditions were more difficult during the winter and summer. In January three deaths of asylum seekers were recorded at the RIC in Moria, Lesbos, allegedly related to inadequate heating. According to a January 18 report by HRW, accommodation for individuals with disabilities at most sites was inadequate. Connections to sewage systems and electric power were at times nonexistent or problematic.

Asylum seekers were hosted in reception camps and facilities operating under state management or supervision, or administered by UNHCR, IOM, or NGOs. Vulnerable asylum-seeking individuals and relocation candidates were also eligible to be sheltered in apartments via a housing scheme implemented by UNHCR, in cooperation with some local municipalities and NGOs. On October 31, UNHCR reported that more than 36,000 asylum seekers had been accommodated in apartments, hotels, and other facilities across the country since the launch of UNHCR's Accommodation and Services Scheme in 2016. Recognized refugees were generally not eligible for this program; however, starting on August 1, the minister of migration policy announced a program to allow 1,014 recently recognized refugees participating in UNHCR's housing program to request six-month extensions in the program. By law refugees are eligible for public housing, but all housing programs were suspended due to government austerity measures.

The Ministry of Migration Policy with its Reception and Identification Service, assisted by the Ministry of Defense and/or some municipalities, managed a number

of facilities, where new arrivals were detained without permission to leave the center for up to 25 days. Administrative and facility management staff working in these centers usually consisted of some permanent state employees, often detached from their regular services, eight-month contracted personnel under a government-run employment scheme, as well as NGO and international organization-contracted staff. Media reported cases, especially in the islands, in which the assigned staff was inadequate or improperly trained.

All residents in the country are entitled to emergency medical care regardless of legal status. Medical volunteers, medical doctors contracted by NGOs, and the Hellenic Center for Disease Control and Prevention, as well as army medical doctors, provided basic health care in camps, with emergencies or more complex cases referred to local hospitals. A number of NGOs noted inadequate psychological care for asylum seekers and refugees, especially on the islands. Some individuals suffering from chronic diseases continued to face problems related to obtaining proper medication. There were reports of inadequate health care for pregnant women. Hospitals were often overburdened and understaffed, creating gaps in the provision of services for asylum seekers and local residents.

Following their arrival, migrants and refugees were registered by police and the Reception and Identification Service. Authorities recorded the asylum-seeker's personal data, took fingerprints, and verified his or her identity. International organizations and NGOs provided basic information on the asylum process, assisted voluntary return and international protection, and conducted medical screenings to identify vulnerable individuals. Doctors without Borders criticized the authorities for failing to identify asylum seekers with nonvisible vulnerabilities, such as victims of torture. Doctors without Borders and other NGOs also criticized gaps in the vulnerability assessment, which they alleged exacerbated health and mental health problems and deprived some individuals eligible for transfer to the mainland of their chance to leave the congested living conditions in the RICs. Segregation of vulnerable groups was not always feasible at some sites. Credible observers reported several violent incidents involving asylum seekers, including fistfights, stabbings, and gender-based violence (see section 2.d., Abuse of Migrants, Refugees, and Stateless Persons).

Durable Solutions: The government participated in the 2015 EU relocation scheme, and, as of September 27, the European Commission reported the relocation of 20,323 asylum seekers from Greece to other EU member states. Asylum seekers were eligible for relocation under this scheme only if they arrived before the implementation of the EU-Turkey Statement on March 20, 2016, and if

they held nationality from a country that would receive international protection recognition in 75 percent of member states. The IOM offered voluntary returns to rejected asylum seekers or for those who renounced their asylum claims. The government reported approximately 5,000 voluntary returns by November 22. The government cooperated with international organizations and NGOs to facilitate enrollment of all migrant children on the mainland in schools.

Temporary Protection: As of June 30, the government provided temporary protection to approximately 305 individuals who may not qualify as refugees.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: In 2015 the country held parliamentary elections that observers considered free and fair. As a result of the elections, Prime Minister Alexis Tsipras formed a governing coalition consisting of the SYRIZA (Coalition of the Radical Left) and ANEL (Independent Greeks) parties.

Participation of Women and Minorities: No laws limit the participation of women and/or members of minorities in the political process, and they did participate.

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

The law provides criminal penalties for corruption by officials, but the government did not always implement the law effectively. Officials sometimes engaged in corrupt practices with impunity. Observers expressed concern over perceived high levels of official corruption. Permanent and ad hoc government entities charged with combating corruption were understaffed and underfinanced.

Corruption: Reports of official corruption continued. On March 1, an appeals court prosecutor indicted 11 individuals, including a businessman and a former high-ranking defense ministry official, in connection with the purchase of military helicopters in 2003. According to the prosecutors, the contract for the purchase of helicopters violated both the law and the guidelines of the Ministry of Defense, resulting in losses for the state budget.

On April 20, an economic prosecutor brought felony charges against a former Bank of Greece (BoG) governor, the former chairman of a private bank, and a number of executives from both banks, for actions in 2009 that allegedly harmed the reserves of pension funds. The charges against the former BoG governor were repeated breach of trust, in conjunction with the aggravating circumstance of the law against state embezzlers. The prosecutor found that the BoG, through its governor, did not protect the reserves of the pension funds, resulting in the loss of millions of euros in favor of the private bank. An investigative magistrate took over the case.

On October 30, a former defense minister was sentenced to 19 years in prison on charges of receiving bribes for defense contracts during his term.

The government intensified efforts to combat tax evasion by increasing inspections and crosschecks among various authorities; however, media reported allegations of tax officials complicit in individual and corporate tax evasion. On July 27, the Independent Authority for Public Revenue announced that nine of its employees in customs and tax services were found to have assets of questionable origin.

On July 28, a three-member felony court convicted a former minister of transportation of money laundering and issued an eight-year suspended sentence. Judges ruled that the former minister had received a bribe for a contract signed in 1997 under his authority.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected officials, including private-sector employees, such as journalists and heads of government-funded NGOs. Several agencies are mandated to monitor and verify disclosures, including the General Inspectorate for Public Administration, the police internal affairs bureau, the Piraeus appeals prosecutor, and an independent permanent parliamentary committee. Declarations were made publicly available, albeit with delays. The law provides for administrative and criminal sanctions for noncompliance. Penalties range from two to 10 years' imprisonment and fines of from 10,000 to one million euros (\$12,000 to \$1.2 million).

On July 13, an appeals court upheld the sentences imposed on a former minister and his wife after their conviction for submitting an inaccurate income and asset disclosure for the year 2010 and also failing to include in it money deposited in a bank account in Switzerland, amounting to 1.31 million euros (\$1.57 million).

Each of them was sentenced to four years' imprisonment, convertible to a fine of 10 euros (\$12) per day, in addition to a fine of 10,000 euros (\$12,000).

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, with the exception of restricted access to reception and detention facilities for migrants on the islands and--in certain circumstances--to official camps in the mainland. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Ombudsman, a state body considered independent and effective, investigated complaints of human rights abuses by individuals. Five deputy ombudsmen dealt with human rights, children's rights, citizen-state relations, health and social welfare, and quality of life problems, respectively. The office received adequate resources to perform its functions. In its 2016 annual report, the office reported receiving 11,915 complaints, of which 80 percent were considered to have been satisfactorily resolved.

The autonomous, state-funded National Commission for Human Rights (NCHR) advised the government on protection of human rights. The NCHR was considered independent, effective, and adequately resourced.

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

#### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a crime punishable by penalties ranging from five to 20 years' imprisonment. The law applies equally to all survivors, regardless of their sex. Domestic violence is a crime with penalties from two to 10 years' imprisonment. Authorities generally enforced the law effectively. Police recorded 68 rapes and 29 attempted rapes from January to June, a decrease compared with the same period in 2016. Police claimed to have identified the perpetrators in 82 percent of these cases.

According to the secretary general for gender equality and NGOs, domestic violence--including spousal abuse--continued to be a problem. The government

and NGOs made medical, psychological, social, and legal support available to rape survivors.

Female Genital Mutilation/Cutting (FGM/C): On April 23, media reported an NGO employee's allegation that in Athens there were Muslim girls forced by their families and communities to be subjected to female genital mutilation. The NGO employee said that such practices took place in apartments in central Athens and that there were major health risks. On May 3, the head of the Supreme Court ordered the Athens first instance court prosecutor to initiate a preliminary judicial investigation of the matter. The results of this investigation were not available as of late November.

Sexual Harassment: The law prohibits sexual harassment and provides penalties ranging from two months to five years in prison. In its 2016 report on gender and equality, the ombudsman reiterated previous findings about the difficulty in substantiating sexual harassment claims due to lack of evidence, victims' fear of repercussions of reporting cases, and the reluctance of witnesses to take sides. In his reports from previous years, the ombudsman had also noted the absence of a policy against sexual harassment in most private and public workplaces, emphasizing that employers were often ignorant of their legal obligations when employees filed sexual harassment complaints.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The constitution provides for equality between women and men. The government effectively enforced laws promoting gender equality, which provided for women to enjoy the same legal status and rights as men, with exceptions related to the practice of sharia law by the Muslim minority of Thrace.

According to the Secretariat for Gender and Equality, women held approximately 9 percent of positions in the managing boards of publicly listed companies.

On February 21, the national employment agency announced that more than 60 percent of registered unemployed persons were women.

The government recognizes sharia applied by muftis as the law regulating family and civic matters for the Muslim minority of Thrace, with local courts routinely ratifying the muftis' decisions. Muslims married by a government-appointed mufti were subject to sharia family law. Members of the Muslim minority also had the right to a civil marriage and the right to take their cases to civil court. Muslim women in Thrace could choose to be subject to sharia as interpreted by official muftis. The NCHR advised the government to limit the powers of muftis to religious duties because they might otherwise restrict the civil rights of citizens. Legislation provides that the courts shall not enforce any decisions by the muftis that contravene the constitution or international human rights treaties.

## **Children**

Birth Registration: Citizenship is derived from one's parents at birth; a single parent may confer citizenship on a child. Parents are obliged to register their children within 10 days of birth. The law allows belated birth registration but imposes a fine.

Child Abuse: Violence against children, particularly migrant, refugee, street, and Romani children, remained a problem. The law prohibits corporal punishment and mistreatment of children, but government enforcement was generally ineffective. Welfare laws provide for treatment and prevention programs for abused and neglected children as well as for alternative family care or institutionalization. Government-run institutions were understaffed, however, and NGOs complained of insufficient places for all children who required alternate placement, including for unaccompanied minors who by law are entitled to special protection and should be housed in special shelters (see also section 2.d.).

On August 2, Human Rights Watch (HRW) addressed a letter to the minister for migration policy reiterating findings from previous reports that unaccompanied children were often held for long periods in small, overcrowded, and unsanitary police station cells, at times with unrelated adults, thus increasing their risk of abuse and sexual violence.

Early and Forced Marriage: The legal age for marriage is 18. While official statistics were unavailable, NGOs reported that child marriage was common in the small Romani community, with Romani girls often marrying between the ages of 15 and 17 (some as young as 13) and Romani boys marrying between the ages of 15 and 20. State-appointed muftis in Thrace noted that the marriage of children under the age of 15 was not allowed and that marriages involving minors between

the ages of 16 and 18 required a prosecutor's decision. A limited, yet unknown, number of marriages of children under 18 occurred in Athens and among the Muslim minority, with the permission of a prosecutor.

Sexual Exploitation of Children: The legal age of consent is 15. The law criminalizes sex with children under the age of 15. The law prohibits the commercial sexual exploitation of children and child pornography and imposes penalties if the crime was committed using technology in the country. Authorities generally enforced the law. Throughout calendar year 2016, police arrested 28 individuals for being implicated in online child pornography.

Displaced Children: According to EKKA data, as of June 30, there were 18,500 refugee and migrant children residing in the country. Local and international NGOs attested that unaccompanied minors were not always properly registered, at times lacked safe accommodations or legal guardians, and were vulnerable to homelessness, labor, and sexual exploitation, including survival sex. According to EKKA data, as of November 15, all 1,151 shelter spaces designated for minors were filled. EKKA reported that an estimated 3,250 unaccompanied minors were residing in the country.

Institutionalized Children: Some media and NGO reports alleged police abuse of unaccompanied minors in migrant registration and detention centers (see section 2.d.). Local and international organizations, including the ombudsman, condemned the use of protective custody for unaccompanied minors for prolonged periods, often in unsanitary, overcrowded conditions, resulting from a lack of available spaces in specialized shelters.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

Local Jewish leaders estimated the Jewish community had approximately 5,000 individuals. Anti-Semitic rhetoric remained a problem, particularly in the extremist press, social networking sites, and certain blogs. The Central Board of Jewish Communities (KIS) continued to express concern about anti-Semitic comments by some journalists in mainstream media and by some Greek Orthodox Church leaders. KIS also reiterated concern about political cartoons and images in

mainstream media mocking political controversies through the use of Jewish sacred symbols and comparisons to the Holocaust or through equating “Jews” and “Nazis.”

On January 12, Alpha TV morning television show host Dimos Verykios stated “the global banking system is controlled by two main groups... the Jewish lobby... or masons.”

On April 28, Metropolitan of Piraeus Seraphim issued a statement about a Holy Synod decision not to appoint him, as initially planned, as the Greek Orthodox Church’s representative to a ceremony in Jerusalem for lighting the Holy Light of Easter. In his statement Seraphim claimed that he was replaced by another Metropolitan because Israel declared him “persona non grata.” He accused Israel of interfering with the Church’s issues. He specified that his views were not anti-Semitic but anti-Zionist and that Orthodox Christians stand against Zionism and especially against the wing of Zionism that he believes seeks world domination. Seraphim accused all the other Christian doctrines of favoring the Jews and quoted the *Protocols of the Elders of Zion*, referring to freemasonry and other international entities as the arms used by Zionism to infiltrate and manipulate the government.

On July 7, human rights activists reported on social media that unknown perpetrators had vandalized the Athens Holocaust monument by writing with a marker, “Hi, my name is death!” Separately, on July 11, police reported the arrest of four male individuals for shattering the marble facade on the Holocaust monument in Kavala, in northern Greece. The attack was condemned by the city, government officials, including the national Ministry of Foreign Affairs, and various political parties.

On July 17, “Father Kleomenis,” an excommunicated Old Calendarist monk, posted a video on social media showing him in front of the Greek Jewish Martyrs Holocaust Monument in Larisa, cursing the Jews, denying the Holocaust, spitting, kicking, and throwing eggs at the monument and calling for its destruction. On the same day, anti-Semitic leaflets were distributed around the area. The Holy Synod of the Greek Orthodox Church and the local Metropolitans of Larisa and Tyrnavos issued statements disassociating themselves from Kleomenis and condemning his actions. The municipality of Larissa also issued a statement denouncing the attack. The secretary general for human rights and the secretary general for religious affairs each independently referred the case to the public prosecutor, the racist crimes department of the police, and the cybercrime police department, with relevant evidence, for investigation. According to KIS, the president of the Jewish

community of Larissa and the NGO Greek Helsinki Monitor separately filed complaints against the perpetrators. On July 19, the prosecutor in Larissa filed a lawsuit against Kleomenis and three others for vandalizing the Holocaust Memorial and violating the law against racism.

On March 21, KIS welcomed parliament's adoption of an amendment allowing the descendants of Greek Jewish citizens to obtain Greek citizenship if they wished. The amendment addressed a legal gap in a relevant 2011 law, which granted this citizenship right only to living Greek Jews who had been forced to leave the country.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

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

Persons with disabilities, including children, continued to have poor access to buildings, transportation, and public areas, which the law mandates they should have, particularly to buildings, ramps for sidewalks, and public transportation vehicles. While the law allows service animals to accompany blind individuals in all mass transit and eating establishments, blind activists maintained that they occasionally faced difficulties when attempting to travel by airplane or bus with service animals or were charged additional fees for transporting them.

In his 2016 antidiscrimination report, the ombudsman reported handling 73 complaints related to persons with disabilities.

There were complaints by parents who wanted to register their children in mainstream schools despite having an official recommendation for enrollment in a special school. The Ministry of Education and the ombudsman reiterated that parents had the right to choose the environment in which their children would be educated, regardless of the child's diagnosis.

On September 13 parliament passed legislation requiring the public administration to communicate with handicapped citizens in a way that is accessible to them, including Greek sign language and Greek Braille. The same law provides for additional leave for parents raising children with autism, Down syndrome, or serious mental disability.

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

While the constitution and law prohibit discrimination against members of minorities, Roma and members of other minority groups continued to face discrimination.

Although the government recognized an individual's right to self-identification, many individuals who defined themselves as members of a minority group found it difficult to express their identity freely and to maintain their culture. A number of citizens identified themselves as Turks, Pomaks, Vlachs, Roma, Arvanites, or Macedonians. Some members of these groups unsuccessfully sought official government identification as ethnic or linguistic minorities. Courts routinely rejected registration claims filed by associations in Thrace with titles including the terms *Tourkos* and *Tourkikos* (Turk and Turkish) when based on ethnicity grounds, although individuals may legally call themselves *Tourkos*, and associations using those terms were not prohibited from operating. Government officials and courts denied requests by Slavic groups to use the term *Macedonian* in identifying themselves, stating that more than two million ethnically (and linguistically) Greek citizens also used the term *Macedonian* in their self-identification.

The government officially recognized a Muslim minority, as defined by the 1923 Treaty of Lausanne, consisting of approximately 100,000-120,000 persons descended from those Muslims residing in Thrace at the time of the treaty's signature and including ethnic Turkish, Pomak, and Romani communities. Some Pomaks and Roma claimed that members of the Turkish-speaking community pressured them to deny the existence of a Pomak or Romani identity separate from a Turkish one and alleged that some Turkish-speaking community members provided monetary incentives to members of the Pomak and Romani community to self-identify as Turkish. In its fifth report on the country in 2015, the European Commission against Racism and Intolerance noted that only two schools in the Thrace region provided secondary bilingual education for minority children in Greek and Turkish.

Roma continued to face widespread governmental and societal discrimination, social exclusion, and harassment, including ethnic profiling by police and alleged abuse while in police custody, discrimination in employment, limited access to education, and segregated schooling. Police conducted large operations in Menidi, in northwest Athens, following the accidental killing of a pupil by a stray bullet during an open-air school event. Non-Roma residents protested against the presence of Roma in Menidi, and unknown perpetrators allegedly linked to the neo-Nazi groups Combat 18 and Unaligned Meander Nationalists set fire to two Romani houses.

Poor school attendance, illiteracy, and high dropout rates among Romani children remained problems. Authorities did not enforce the mandatory education law for Romani children, and local officials often excluded Romani pupils from schools or sent them to Roma-only segregated schools. The government reported that, in addition to special educational programs, low-income families, including Romani families, could obtain an annual allowance for every child enrolled in public school upon submission of a certificate of regular school attendance during the year. The granting of this allowance stopped in September.

In a report issued in April, the Racist Violence Recording Network (RVRN) documented 31 incidents involving racially motivated verbal and physical violence against refugees and migrants in 2016. Eleven of these incidents were reported to police.

Local media and NGOs reported race- and hate-motivated attacks on migrants by far-right groups, including alleged supporters of Golden Dawn (GD), whose members of parliament publicly expressed anti-immigrant, anti-Muslim, anti-Semitic, and homophobic views. During the year the trial continued of 69 GD members, including 18 current and former members of parliament. They were charged with weapons crimes and operating a criminal enterprise.

Courts issued prison sentences in cases relating to attacks on foreigners. On April 24, two alleged GD members, accused of launching an attack against migrants at the Souda camp in Chios, were given 18-month and seven-month suspended prison sentences by a local court. The defendant with the longer sentence was also fined 10,000 euros (\$12,000).

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

Antidiscrimination laws specify sexual orientation or gender identity. The law includes sexual orientation and gender identity as aggravating circumstances in hate crimes, and crimes targeting sexual orientation or gender identity are included in the official mandate of offices combating racist and hate violence. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) activists alleged that authorities were not always motivated to investigate incidents of violence against LGBTI individuals and that victims were hesitant to report such incidents to the authorities due to lack of trust. Violence against LGBTI individuals remained a problem, and societal discrimination and harassment were widespread despite advancements in the legal framework protecting such individuals.

In its 2016 report, the RVRN documented fewer instances of violence against LGBTI individuals compared with 2015, noting however that the number remained high. In 2016 RVRN recorded 46 incidents of attacks based on sexual orientation and another 10 based on gender identity. Seven of these incidents resulted in injuries. The complaints mostly referred to discrimination in the field of education and vocational training and discrimination relating to access to services and goods.

On June 6, the prime minister gave an interview to an LGBTI magazine in support of LGBTI rights, human rights, and individual freedoms. This was the first time the country's prime minister had given an interview to the LGBTI press.

On October 13, parliament passed a bill on gender identity recognition. The bill allowed, for the first time, unmarried transgender individuals over the age of 15 to change their gender on identity documents without undergoing gender reassignment surgery. The law requires a judge to validate the change based on the individual's external appearance.

The 13th Athens Pride Parade took place in June. Government officials, including the minister of finance, the secretary general for transparency and human rights at the Ministry of Justice, Transparency, and Human Rights, three deputy mayors of Athens, and a deputy representing the parliament speaker, attended and addressed participants. For the sixth time, a gay pride parade under the auspices of the local mayor also took place in Thessaloniki in June.

The Ministry of Education, Research, and Religious Affairs decision to include a “thematic week” in the year’s middle school program, partly dedicated to gender identity issues, triggered negative reactions from some societal leaders.

### **HIV and AIDS Social Stigma**

While the law prohibits discrimination with respect to employment of HIV-positive individuals, societal discrimination against persons with HIV/AIDS remained a problem. Persons with HIV/AIDS were exempt from serving in the armed forces on medical grounds. A presidential decree provides the ability of professional military staff members to leave for medical reasons, including if a member diagnosed with AIDS does not respond to treatment, but there were no reports of military staff dismissals under this provision. There were also no reports of employment discrimination in the private or civil service sector on the grounds of HIV/AIDS during the year.

## **Section 7. Worker Rights**

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

The law provides for the right of workers, with the exception of members of the military services, to form and join independent unions, conduct their activities without interference, and strike. In July 2016 parliament passed a law allowing armed forces personnel to form unions, while explicitly prohibiting strikes and work stoppages by those unions. Police also have the right to organize and demonstrate but not to strike.

The law does not allow trade unions in enterprises with fewer than 20 workers and places restrictions on labor arbitration mechanisms. The law also generally protects the right to bargain collectively but restricts that right for persons under the age of 25. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. The law allows company-level agreements to take precedence over sector-level collective agreements in the private sector. Civil servants negotiate and conclude collective agreements with the government on all matters except salaries.

There are some legal restrictions on strikes, including a mandatory four-day notification requirement for public utility and transportation workers and a 24-hour notification requirement for private-sector workers. The law mandates minimum staff levels during strikes affecting public services. The law also gives authorities

the right to commandeer services in national emergencies through civil mobilization orders. Anyone receiving a civil mobilization order is obliged to comply or face a prison sentence of at least three months. The law exempts individuals with a documented physical or mental disability from civil mobilization. The law explicitly prohibits the issuance of civil mobilization orders as a means of countering strike actions before or after their proclamation.

The government generally protected the rights of freedom of association and collective bargaining and effectively enforced applicable laws. Penalties for violations of laws on freedom of association and collective bargaining, which provide for fines of 3,000 euros (\$3,600) and minimum three-month prison sentences, reportedly were insufficient to deter violations in all cases. Courts may declare a strike illegal for reasons including failure to respect internal authorization processes and secure minimum staff levels, failure to give adequate advance notice of the strike, and introduction of new demands during the course of the strike. Unions complained that this deterred some members from participating in strikes. Administrative and judicial procedures to resolve labor problems were generally subject to lengthy delays and appeals.

There were reports of antiunion discrimination. On January 24, media reported that a first instance court in Drama, in the north, annulled the dismissal of a female unionist that occurred in February 2016. The court ordered the employers to pay her all lost wages as well as compensation for damages. On June 1, the Union of Dock Workers in Piraeus and the Union of Workers and Employees in Commercial and Service Providing Businesses in Patras reported two separate cases of what they viewed as illegal dismissals of active union members.

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

The law prohibits all forms of forced or compulsory labor and provides additional protections for children, limiting their work hours and their work under certain conditions. Although several government entities, including the police antitrafficking unit, worked to prevent and eliminate labor trafficking, there were reports of forced labor of women, children, and men, mostly in the agricultural sector. Forced begging (also see section 7.c.) mostly occurred in metropolitan areas and populous islands, focusing on popular metro stations, squares, and meeting places. Penalties for violations included more than 10 years in prison and fines of up to 100,000 euros (\$120,000) but were not sufficient to deter violations.

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

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

The minimum age for employment in the industrial sector is 15, with higher limits for some activities. The minimum age is 12 in family businesses, theaters, and cinemas. A presidential decree permits children who are 15 or older to engage in hazardous work in certain circumstances, such as when it is necessary as part of vocational or professional training; in this case a worker should be monitored by a safety technician or a medical doctor. Hazardous work includes work that exposes workers to toxic and cancer-producing elements, radiation, and other similar conditions.

The Labor Inspectorate is responsible for enforcing child labor laws, with penalties for violators ranging from fines to imprisonment. Information is not available on whether the penalties were sufficient to deter violations. Employers generally observed child labor laws in the formal economy. Trade unions, however, alleged that enforcement was inadequate due to the inspectorate's understaffing. The government did not adequately protect exploited children.

Child labor was a problem in the informal economy. Younger family members often assisted families in agriculture, food service, and merchandising, on at least a part-time basis. Family members compelled some children to beg, pickpocket, or sell merchandise on the street, or trafficked them for the same purposes. The government and NGOs reported the majority of such beggars were indigenous Roma or Bulgarian, Romanian, or Albanian Roma. There were reports that unaccompanied migrant children were particularly vulnerable to labor exploitation and worked mainly in the agricultural and, to a lesser extent, manufacturing sectors. In June 2016 media reported that an estimated 50,000 minors were working in the country.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment based on race, religion, national origin, color, sex (including pregnancy), ethnicity, disability, or age.

The government did not always effectively enforce these laws and regulations. Penalties provided by law were not sufficient to deter violators. Penalties included

prison sentences up to three years and fines up to 5,000 euros (\$6,000). Discrimination with respect to employment and occupation based on race, sex (including pregnancy), disability, sexual orientation, and gender identity occurred. There was discrimination against migrant workers (see section 7.e.).

In its 2016 report for gender and equality, the ombudsman reiterated findings from previous years about illegal dismissals from employment and changes in work terms imposed by private-sector employers due to pregnancy. Of 73 complaints of disability-related discrimination examined by the ombudsman in 2016, 23 cases concerned discrimination in employment.

The Greek Transgender Support Association criticized discrimination against transgender individuals in overall employment, which the association stated led to limited access to housing and medical care.

On January 5 and February 16, media reported two separate cases of individuals dismissed from a private business and the police academy, respectively, alleging discrimination on health grounds. The first case referred to an employee with multiple sclerosis who was in the probation period, and the second to a police cadet suffering from Hepatitis B.

#### **e. Acceptable Conditions of Work**

The national minimum wage in the private sector for unspecialized workers age 25 or older was 26.18 euros (\$31.40) per day and for workers below 25 years of age, 84 percent of that amount, or 22.83 euros (\$27.40) per day. These wages were above the poverty income level.

The maximum legal workweek is 40 hours. The law provides for at least one 24-hour rest period per week, mandates paid vacation of one month per year, and sets limits on the amount of overtime work. The law regarding overtime work requires premium pay, and employers must submit information to the Ministry of Labor for authorization. Premium pay ranged from 20 to 75 percent of the daily wage, based on the total number of extra hours and the day (Sundays, holidays, nights, etc.). Employers also provided compensatory time off. These provisions were not always effectively enforced in all sectors, particularly in tourism, agriculture, and the informal economy or for domestic or migrant workers.

Wage laws were not always enforced. Unions and media alleged that some private businesses were forcing their employees to return part of their wages and

mandatory seasonal bonuses, in cash, after depositing them in the bank. Other employees were forced to declare falsely and sign that they had received their bonuses, although they had not. Several employees were officially registered as part-timers but in essence worked additional hours without being paid. Overtime work was not always registered officially and paid accordingly. In other cases employees were paid after months of delays and oftentimes with coupons and not in cash. Cases of employment for up to 30 consecutive days of work without weekends off were also reported. Such violations were mostly noted in the tourism, agriculture, and housekeeping services sectors.

On June 16, an Athens First Instance Court ruled that a member of parliament had violated labor laws in the period 2011-15 and was asked to pay compensation of 6,601.94 euros (\$7,920) to a female former employee. The employee was not registered under the member of parliament's name but appeared to be a staff member of a supermarket. She alleged that she was working overtime without being paid accordingly.

On April 6, media reported that an Athens court handed prison sentences of 10 years to the owners of Athens Ledra hotel for failing to pay wages and bonuses to their employees. In addition to the prison sentences, it ordered payment of 10,000 euros (\$12,000) as a condition for employers to pursue an appeal.

The law provides for minimum standards of occupational health and safety, setting the responsibility for identifying unsafe situations on occupational safety and health experts and not the workers. Workers have the right to file a confidential complaint with the labor inspectorate regarding hazardous working conditions and to remove themselves from such situations without jeopardizing their employment. On April 9, the Supreme Court ruled in favor of an employee who was permanently handicapped as a result of a workplace accident and ordered the employer to retain him in the business. The court ruled that the business had not taken all necessary measures to protect the employee. The court also ordered the payment to the plaintiff of lost wages amounting to 15,000 euros (\$18,000).

According to government statistics, there were 6,515 workplace accidents in 2016, resulting in 73 fatalities. On June 11, the daily newspaper *Kathimerini* cited data from the Union of Labor Health Inspectors reporting a 7 percent increase in labor accidents in 2017, compared with 2016. On August 10, the daily newspaper *Rizospastis* reported on eight cases of fatal labor accidents occurring within a period of 45 days. According to the Union of Labor Health Inspectors, throughout the period 2015-2016, authorities conducted approximately 45,000 inspections

related to issues of health and safety at work and ordered fines for the offenders amounting to seven million euros (\$8.4 million).

The Labor Inspectorate is responsible for enforcement of labor legislation. The Ministry of Labor is responsible for all concerns regarding occupational safety and health at the national level. The Directorate of Security and Health in Labor, under the General Directorate for Labor and Labor Inclusion, and the Labor Inspectorate are the principal competent government authorities. The inspectorate's mandate includes the private and public sectors, except for domestic employment, mining, and marine shipping (which fall under the Ministry of Economy, Development, and Tourism and the Ministry of Maritime and Island Policy). Labor experts characterized health and safety laws as satisfactory but stated that enforcement by the Labor Inspectorate was inadequate.

The number of inspectors authorized to conduct labor inspections reportedly exceeded 1,000, including labor inspectorate personnel and staffs of the Ministry of Labor, Social Security, and Social Solidarity, the Social Insurance Fund, the Economic Crimes Division of the police, and the independent Authority for Public Revenue. Despite government efforts to increase inspections for undeclared, under-declared, and unpaid work, trade unions and media alleged that enforcement of labor standards was inadequate in the shipping, tourism, and agricultural sectors. Enforcement was also lacking among enterprises employing 10 or fewer persons.

Businesses found hiring undeclared employees were closed by the authorities for a few days and if repeatedly found violating the law the business could be permanently closed. Fines for undeclared employees could be as high as 10,500 euros (\$12,600) for each undeclared employee over age 25 and 9,197 euros (\$11,000) for each undeclared employee under age 25. On April 13, media reported that the level of such fines, combined with their automatic imposition by the authorities without due process, was legally questionable. Courts requested an opinion from the Council of State as to whether the principle of proportionality of the penalty was followed with respect to these fines. The council's opinion was pending as of November.

On September 13, parliament passed new legislation providing for the temporary closure of businesses in cases where employers repeatedly violate the law concerning undeclared work or safety. Under the same law, employers are obliged to declare in advance their employees' overtime work or changes in their work schedules. The legislation also provided for social and welfare benefits to be granted to surrogate mothers, including protection from dismissal during

pregnancy and after childbirth. Courts are required to examine complaints filed by employees against their employers for delayed payment within two months after their filing, and to issue decisions within 30 days after the hearing.