



# Greece

## Country report for use in Canadian refugee claims based on persecution on the basis of sexual orientation or gender identity

Produced: January 2015

By: Sexual Orientation and Gender Identity Working Group

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### I. Introduction

Greece has, in recent years, taken steps to bring its laws and policies into accordance with standards set by the European Union. Despite these efforts, Greece has been consistently identified by various advocacy groups as falling behind other EU member states in its legal treatment of LGBT issues and in societal attitudes toward its gay and lesbian citizens.

Greek law remains at odds with international human rights norms in several respects. At the time of this report, competing forces are actively pushing Greece in opposite directions: on the one hand, political pressure from within the country and from the European Union has resulted in the recent addition of sexual orientation to the list of enumerated grounds protected by anti-discrimination laws; on the other hand, the highly influential Greek Orthodox Church continues to speak out against legal reform using homophobic rhetoric, and the neo-Nazi political party "Golden Dawn" is in a stronger position than ever before with 18 seats in the Hellenic Parliament as of the 2012 elections.

There are no laws prohibiting same-sex sexual intercourse between consenting adults in Greece. However, the age of consent for a man engaging in same-sex sexual conduct with another man is 17, as opposed to 15 for opposite-sex couples; it is the only country in the European Union that has yet to repeal its unequal age-of-consent laws. The state does not allow any form of marriage for same-sex couples, including common law unions. LGBT families are excluded from basic protections such as reunification, and from adoption and surrogacy rights. In 2008, Greece passed a new law recognizing civil union partnerships for



opposite-sex couples only, which the European Court of Human Rights determined to be in contravention of the European Convention on Human Rights.

Gay Pride Parades have not faced government opposition in Greece and have drawn thousands of participants in Athens and Thessaloniki. Some violent incidents at the parades have been reported in recent years, and several officials of the Greek Orthodox Church have publicly condemned the events. Church representatives have, in general, been vocal in the press about their anti-gay views: in a nine-page statement released in 2013, a bishop of the Church threatened to excommunicate MPs who vote for a Ministry of Justice initiative to grant civil partnerships to same-sex couples. Several reports indicate that violence against LGBT individuals is on the rise in Greece (they tend to link this increase with the start of the economic crisis in 2009). Media reports have indicated that the police may be discouraging victims from reporting the crimes, and may themselves be targeting the transgender community by conducting sweeps where individuals are arrested under suspicion of prostitution.

Taken together, the evidence shows that LGBT persons face added barriers not encountered by heterosexual citizens in their daily life, despite the inclusion of Greece on Canada's Designated Country of Origin (DCO) list. While the recent European Court of Human Rights case of *Vaillanatos and Others v. Greece* and amendments to Greek legislation to add sexual orientation as an enumerated ground are promising steps, the DCO regime does not reflect the restrictive climate experienced by LGBT Greek citizens. As well the DCO list does not account for the ongoing economic and governmental crises being experienced in Greece – with the economic situation and ongoing doubts about Greece's position inside the EU and the Eurozone, the government may be unable or unwilling to take further steps to protect or equalize the standing of its LGBT citizens.

## II. Legislation

### 1. The Constitution of the Republic of Greece

Online: <http://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf>

- **Article 4 guarantees that all Greeks are equal before the law.**
- **Article 5 guarantees that all persons have the right to develop their personality and to participate in the “life of the country.” It also provides that the life, honour, and liberty of individuals shall not be the subject of discrimination. However, sexual orientation is not an enumerated ground.**



- **Article 21 provides that marriage and the family are the cornerstones of the state, but neither “marriage” nor “family” is defined in the Constitution.**
- **Article 25 provides that private citizens must also respect one another’s constitutional rights. This provision could be used to protect the constitutional rights of employees of private employers and not only those employed by state entities.**

**Article 4, S. 1:** All Greeks are equal before the law

**Article 5, S. 1:** All persons shall have the right to develop freely their personality and to participate in the social, economic and political life of the country, insofar as they do not infringe the rights of others or violate the Constitution and the good usages.

**Article 5, S. 2:** All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race, or language and of religious or political beliefs.

**Article 21, S. 1:** The family, being the cornerstone of the preservation and the advancement of the Nation, as well as marriage, motherhood and childhood, shall be under the protection of the State.

**Article 25, S. 1:** The rights of man as an individual and as a member of the society and the principle of constitutional welfare state are guaranteed by the State. All agents of the State shall be obliged to ensure the unhindered and effective exercise thereof. These principles also apply to relations between the private individuals to which they pertain.

## 2. Penal Code

Online: <http://www.ageofconsent.com/greece.htm>

- **Article 347: Sexual activity for individuals of the same sex is lawful at the age of 17. The legal age of consent for opposite sex couples is 15.**

**Article 347:** Sodomy committed by an adult through the seduction of a person under seventeen (17) years of age, or for financial gain, shall be punished with imprisonment for at least three (3) months.

**Note\*** the law does not specify an age of consent for same sex sexual activity between women.



3. **Law no. 3304/2005: Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation**

Online: <http://www.lexadin.nl/wlg/legis/nofr/eur/lxwegri.htm>

Summary:

[www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GRC.19EN.doc](http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GRC.19EN.doc)

- **Article 16 (1) prohibits discrimination by employers and by those who provide goods or services to the public by threat of fine or imprisonment.**
- **Article 20 (2) allows the Greek Ombudsman to examine discrimination complaints in the public sector.**
- **Article 22 empowers the Labour Inspectorate to examine discrimination in private sector employment.**

**Article 16.1:** An infringement of the prohibition of discriminatory treatment by an employer, concerning the conclusion or the refusal to conclude a labor relationship, as well the latter's operation or termination, is considered as a breach of labor legislation and is sanctioned by a fine. [...] whoever violates the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or religious or other beliefs, disability, age or sexual orientation, with respect to the supply of goods or the offer of services to the public is punished with six months' imprisonment and a fine of 1.000 –5000 euros.

**Article 20 (2):** The Office of the Ombudsman examines complaints for alleged violations of the principle of equal treatment by services of: a) the public sector, b) local and regional authorities, c) other public bodies, state private law entities, public corporations, local government enterprises and undertakings whose management is directly or indirectly determined by the state by means of an administrative decision or as a shareholder. In fulfilling this task, the Office of the Ombudsman has an expanded scope of action

**Article 22:** The Labor Inspectorate (SEPE) takes up cases of alleged discrimination in the fields of occupation and employment, other than those falling within the competence of the Office of the Ombudsman. SEPE can conduct investigations or controls and also impose administrative sanctions and lodge a complaint in case of violation of criminal law provisions..

**\*Note:** Law 3304/205 has given rise to minimal case law.

**\*Note:** Until the September 2014 amendment of the penal code there was no mention of transgender persons in Greek law, and it is not clear to what



extent transgender persons are covered by legislation prohibiting discrimination on the basis of sexual orientation or on the basis of sex. Despite this ambiguity, sex reassignment is practiced in Greece and has, at least once, been covered by the general healthcare and pension fund, IKA. After sex modification is successfully completed, the individual has the right to change his/her name, following a relatively straightforward procedure (See FRALEX Report cited below).

#### 4. Law No. 3094/2003: The Ombudsman and other provisions

Online: [http://www.synigoros.gr/?i=stp.en.law2477\\_97](http://www.synigoros.gr/?i=stp.en.law2477_97)

- **Article 1 outlines the mission and main purposes of the Ombudsman**
- **Article 3 outlines the jurisdiction of the Ombudsman**
- **Article 4 provides the Ombudsman with the power to make a report of their findings to the relevant Minister and authorities upon the conclusion of each investigation and to make public a refusal to accept the recommendations of that report, but no ability to impose sanctions or otherwise grant remedies himself.**

**Article 1(1):** The independent authority entitled "The Ombudsman", has as its mission to mediate between citizens and public services, local authorities, private and public organizations as defined in article 3, par. 1 of this Law, with the view to protecting citizens' rights, combating maladministration and ensuring respect of legality. The Ombudsman also has the mission of defending and promoting children's rights.

**Article 3(1):** The Ombudsman has jurisdiction over issues involving services of: a) the public sector, b) local and regional authorities, c) other public bodies, state private law entities, public corporations, local government enterprises and undertakings whose management is directly or indirectly determined by the state by means of an administrative decision or as a shareholder...For the protection of children's rights the Ombudsman also has jurisdiction over matters involving private individuals, physical or legal persons, who violate children's rights, pursuant to the terms and conditions laid down in article 4.

**Article 3(3):** The Ombudsman shall investigate individual administrative acts or omissions or material actions of public officials, which violate rights or infringe upon the legal interests of physical or legal persons. In particular, the Ombudsman shall investigate cases in which an individual or collective public body: i) by an act or omission, infringes upon a right or interest protected by the Constitution and the legislation; ii) refuses to fulfill a specific obligation imposed by a final court decision; iii) refuses to fulfill a specific obligation imposed by a



legal provision or by an individual administrative act; iv) commits or omits a due legal act, in violation of the principles of fair administration and transparency or in abuse of power.

**Article 3(5):** The Ombudsman delegates authority to the Deputy Ombudsmen and supervises and coordinates their work. The Ombudsman shall draw up an annual report, explaining the work of the Authority, presenting the most important cases and formulating recommendations for the improvement of the public services and the adoption of the necessary legislative measures.

The report of the Ombudsman is submitted in March each year to the Speaker of Parliament and discussed according to the House Rules and published in a special edition of the National Stationery Office. The Ombudsman may present to the Prime Minister and the Speaker of the House special reports during the year, which are communicated to the relevant Minister in each case.

**Article 4(6):** On completion of the investigation, if required by the nature of the case, the Ombudsman shall draw up a report on the findings, to be communicated to the relevant Minister and authorities, and shall mediate in every expedient way to resolve the citizen's problem.

In his recommendations to public services, the Ombudsman may set a time-limit within which the services have an obligation to inform him of the actions taken in implementation of his recommendations or of the reasons for which they cannot accept them. The Ombudsman may make public the refusal to accept his recommendations, if he considers that this is not sufficiently justified.

#### 5. **Greek Penal Code (following the amendment by Law no. 4285/2014)**

Online: <http://www.legislationline.org/topics/country/27/topic/4>

- **Article 81(a) of the Penal Code was recently amended to include hate crimes on the basis of sexual orientation and gender identity. These crimes now carry mandatory minimum sentences.**

**Article 81(a):** If an act is committed out of hatred on the grounds of race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability, of the person against whom the attack is committed, the minimum limit of the sentence rises...

#### 6. **Law 3719/2008: on the Reform of Family Life and Other Articles including Children and Society**



ECHR Judgment Online:

[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001128294#{\"ite mid\": \"001-128294\"}}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001128294#{\)

- **Greece passed a Civil Partnership law applicable only to opposite-sex couples.**
- **The European Court of Human Rights in the case of *Valliantos and Others v. Greece* struck down this law. It has yet to be replaced.**

**Section 1:** A contract between two different-sex adults governing their life as a couple (“civil union”) shall be entered into by means of a notarised instrument in the presence of the parties.

### III. Case Law

#### *Canadian Jurisprudence*

No reported Canadian jurisprudence was found. Sources investigated include:

#### 1. LexisNexis Quicklaw

##### *Canadian Court and Tribunal Case Law, Federal Jurisdiction*

Search terms: Gree! AND LGBT OR gay OR lesbian OR bisexual! OR homosexual! OR sexual orientation OR sexual identity

##### *Federal Court of Canada, Group Source*

Search terms: Gree! AND LGBT OR gay OR lesbian OR bisexual! OR homosexual! OR sexual orientation OR sexual identity

#### 2. WestLawNext Canada

##### *Immigration Cases and Decisions*

Search terms: Greece and LGBT OR gay OR lesbian OR bisexual! OR homosexual! OR "sexual orientation" OR "sexual identity"

#### 3. The Michigan-Melbourne Refugee Caselaw Site - [www.refugeecaselaw.org](http://www.refugeecaselaw.org)

Search terms: Greece, Greek

#### *European Court of Human Rights (ECtHR) Jurisprudence*



1. Case of *Vallianatos and Others v Greece* (November 2013)

Online: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-128294#{"itemid":\["001-128294"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-128294#{)

- **The complainants challenged the validity under the European Convention on Human Rights (ECHR) of the Greek Civil Partnership law, which made a legal alternative to marriage (civil unions) available to heterosexual couples only.**
- **The complainants relied on Article 14 in conjunction with Article 8 of the ECHR, arguing that the law infringed on their right to respect for their private and family life (protected by Article 8) and amounted to discrimination between same-sex and opposite-sex couples (under Article 14).**
- **The ECtHR rejected the argument of the Greek government that the law was designed for the protection of children born outside of marriage, as civil partnerships were available to different-sex couples regardless of whether or not they had children, and there was no legal impediment to the government enacting separate legislation protecting such children while still allowing same-sex couples to engage in civil partnership (paragraphs 83 and 85-89).**
- **The ECtHR also rejected the argument that same-sex couples could just as easily regulate their affairs (such as property division, inheritance and other arrangements) by means of a regular contract. They noted that unlike opposite-sex couples, same-sex couples had no other means of having their relationship legally recognized and thus had “a particular interest in entering into a civil union”. (Paragraph 90)**

The fact that there is no existing Canadian jurisprudence recognizing Greek refugee claimants based on their LGBT status, combined with the outcome of the recent *Vaillanatos and Others v. Greece* at the ECtHR and the current placement of Greece on Canada's DCO list means there is little legal basis for the recognition of future claimants. The shortened time span available for claimants under the DCO regime and the outcome of *Vaillanatos* will make it extremely difficult to rebut the presumption of state protection before the Immigration and Refugee Board of Canada.



## IV. Government Reports

### *Council of Europe*

1. Council of Europe Commissioner for Human Rights, "Report by Nils Muiznieks, Commissioner for Human Rights, Following his Visit to Greece, From 28 January to 1 February 2013" (April 2013)

Online:

<https://wcd.coe.int/ViewDoc.jsp?id=2053611&Site=CommDH&BackColorIntranet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>

- **LGBT persons have been targeted by hate speech and violence, both of which are on the rise.**
- **The current increase in manifestations of intolerance and racist violence are to be viewed in the context of the acute economic and social crisis, ongoing since 2009 – severe fiscal austerity plans have adversely affected living standards and social welfare in the country.**
- **The rise in hate-speech has been associated with members and supporters of the 'Golden Dawn,' a neo-Nazi party that won 6.9% of votes in the national election of June 2012 and 18 seats in Greek Parliament.**
- **During the Golden Dawn electoral campaign of 2012, this party made extensive use of anti-migrant messages, and leaders of the party have frequently used racist, anti-Semitic, and homophobic rhetoric, including inside the Greek Parliament.**

This report follows a visit to Greece by the Council of Europe Commissioner for Human Rights from 28 January to 1 February 2013. The visit focused on the protection of human rights in the context of a steep increase in manifestations of intolerance, racism, and other hate crimes in the country, at which the Commissioner had publically expressed his grave concern. The report focuses on the following human rights issues: Intolerance and hate crimes – the need for urgent action; Combating the impunity of perpetrators of hate crimes and victim's access to justice and protection; The role of law enforcement in combating racist and other hate crimes; Asylum and immigration law and practice – certain major shortcomings that need to be addressed. The report also contains conclusions and recommendations to the Greek authorities.

### *United States of America*



1. US Department of State, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices for 2013: Greece" (2013) Online:

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220284#wrapper>

- The legal age of consent for opposite-sex sexual acts is 15, for same-sex sexual acts between men the age of consent is 17, and the law does not specify an age of consent for same-sex sexual acts between women.
- The Homosexual and Lesbian Community of Greece (OLKE) criticized the age of consent laws in Greece, which do not specify an age of consent for lesbians and establish a higher age of consent for gay men than for heterosexual sex. They claim this constitutes discrimination.
- Mayors in the country's five largest cities signed a joint statement in support of diversity and anti-discrimination.
- The Athens metro declined to sell advertising space to Athens Pride for the June Pride Parade; The National Television and Radio Council also refused to advertise the event as a pro-bono public service announcement.
- The local Orthodox bishop of Northern City of Thessaloniki pronounced the Pride Parade unacceptable and called on his followers to oppose it. A counter-parade organized by the Greek Orthodox Citizens of Thessaloniki occurred simultaneously, without incident.
- In April and June 2013, victims reported two separate homophobic attacks in central Athens – police did not make arrests in the two cases.
- On September 20<sup>th</sup> 2013, the Racist Violence Recording Network reported an increase in attacks against LGBT members during the first eight months of the year.
- The Bureau of Health accepted recommendations and organized an educational program to combat homophobia.
- Transgender people suffer institutional and social discrimination:
  - Transgender people are exempt from military service on disability grounds.
  - In May 2013, the legal advisor to the Ministry of Education's monitoring committee for the prevention of bullying refused to attend a meeting because a transgender individual was in attendance.



- **In July 2013, members of the Hellenic Front destroyed microphones and effectively ended a gather in Larisa of transgender persons who were protesting their eviction from their offices by a local businessperson.**
- **On October 1st 2013, activists for the rights of transgender people reported that classmates poured gasoline on and threatened to burn a 25 year old transgender person.**

This report contains a comprehensive summary of human rights problems and practices in Greece. It includes an overview of the issues affecting LGBT persons and communities in Greece. The section entitled “Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity,” details both the positive and negative occurrences that have taken place over the past year. For example, the report notes that the mayors of five of the largest cities signed a joint statement in support of diversity and anti-discrimination; however, on September 20, 2013, the Racist Violence Recording Network reported an increase in attacks against LGBT members during the first eight months of the year.

This document indicates that although positive steps have been made in certain political and judicial spheres, discrimination and prejudice against members of the LGBT community is still pervasive.

## **V. Reports from International Agencies and Non-Governmental Organizations**

### ***Amnesty International:***

1. “Because of Who I Am: Homophobia, Transphobia and Hate Crimes in Europe” (September 2013)  
Online:  
<http://amnesty.ie/sites/default/files/Because%20of%20who%20I%20am.pdf>
  - **Local NGOs have complained that, in practice, the police and judicial authorities regularly fail to take alleged hate motives into account when investigating and prosecuting hate crimes.**
  - **The establishment of special police directorates and local units in December 2013 may contribute to addressing this problem, but these units and directorates have only been set up to tackle hate crimes on the grounds of race and not crimes**



**perpetrated on other prohibited grounds such as sexual orientation and gender identity.**

- **In 2013, the national NGO Network for Recording Racist Violence started to collect data on hate crimes motivated by sexual orientation and gender identity: to date, two cases have been reported.**
- **No official data on homophobic and transphobic hate crime are collected.**

This report examines the quality of life of LGBT individuals living in the European Union. It documents first hand stories.

2. **“A Law Unto Themselves, a culture of abuse and impunity in the Greek Police” (April 2014)**

Online: <http://www.enetenglish.gr/resources/article-files/eur250052014en1.pdf>

- **The unlawful behaviour of law enforcement personnel has not been happening in a vacuum – it has been supported and even encouraged by a series of state policies implemented by the Greek police against vulnerable groups.**
- **Such policies include the mass sweep operation ceded “Xenios Zeus” to clamp down on irregular migrants, police raids at Roma settlements and ID checks of transgender women, all of which give rise to human rights violations such as racial profiling and arbitrary deprivation of liberty.**
- **In the past few years, Greece has seen a sharp rise in racist violence and intolerance.**
- **Factors behind the rise include:**
  - **The impact of the economic crisis.**
  - **Concerns of the general population over migration.**
  - **The perceived links of migrants with crime and urban degradation in neighborhoods of Athens where a large number of refugees and migrants live.**
  - **Pre-existing social intolerance to ethnic minorities, migrants and the LGBT community.**
- **These factors created a fertile ground for far right political parties and groups.**
- **Golden Dawn, a neo-Fascist party, won 18 seats for far right political parties and groups, and is, according to recent opinion polls, a third party in voters preferences.**

***European Union Agency for Fundamental Human Rights (FRALEX)***



1. "Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States – Part II: The Social Situation (Updated Version) (March 2009)
  - **Greece is among the top three EU nations whose populations oppose same-sex marriage and adoption rights, alongside Lithuania and Poland.**
  - **LGBT NGO OLKE reported that law enforcement officials intimidate and harass individuals in public places known to be meeting points for gay men.**
  - **Found some research evidence demonstrating that one in four employers were 'reluctant' to call in candidates known or presumed to be gay for job interviews.**
  - **In Greece, Orthodox church representatives participate in political debate around LGBT rights, typically mobilizing and lobbying against the adoption of such rights.**
  
2. "Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity, Greece" (February 2010)  
Online: [http://fra.europa.eu/sites/default/files/fra\\_uploads/1352-LGBT-2010\\_thematic-study\\_EL.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1352-LGBT-2010_thematic-study_EL.pdf)
  - **In Greece, discrimination on the basis of sexual orientation is dealt with together with all other forms of prohibited discrimination and receives no specified provisions.**
  - **Greece has fulfilled its obligations under the relevant EC directives in a 'minimalistic' and procedurally cumbersome manner.**
  - **Greece does not recognize family outside marriage – any considerations of residence or reunification rights to same sex partners of LGBTs is formally excluded.**
  - **Transgender and transsexual people are a legal 'non-issue': no legal text directly refers to any of the aspects of their experience**
  - **Overall, homophobia within the Greek society is existent but dormant - one may observe:**
    - **Indifference on the part of unconcerned parties.**
    - **Deception and lack of trust on the part of parties directly concerned with LGBTs and their organizations.**
  - **Tacit acquiescence to homophobia is nurtured by a number of factors which are peculiar within Greek society:**
    - **The dominant role of the Greek Orthodox Church in Greek society and its openly homophobic stance.**



- The macho and/or homophobic discourse of the vast majority of politicians.
- The negative imagery put forward by the media.
- The role of the police.
- The absence of sexual education in schools.
- The unwillingness of all the governments to pay attention to substantiated LGBT claims or legislate in accordance with such claims.
- Homophobia and discrimination on the basis of sexual orientation remain, to a large extent, 'unspoken' legal issues under the Greek legal system.
- There is a deficit in information concerning rates of homophobia in Greece, this deficit represents a failure to acknowledge homophobia as a legitimate social concern.

***International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)***

1. "Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People – 2013: Greece" (2013)  
Online: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5195f11a0&skip=0&query=Homophobia&coi=GRC>
  - **Bias motivated violence:**
    - In October 2013, OLKE recorded six homophobic attacks perpetrated by extreme-right groups
    - The number of homophobic attacks is on the rise due to the increasing social presence of far-right groups, including Golden Dawn, which results in a higher level of hate violence.
    - In November 2013, 12 men physically assaulted a group of volunteers distributing anti-homophobic flyers in Athens.
    - The Racist Violence Recording Network, National Commission for Human Rights, the Office of the UN High Commissioner for Refugees in Greece, and 18 NGOs all claim that far-right groups such as Golden Dawn party are spreading hatred against the LGBTI community.
  - **Public opinion:**
    - According to Eurobarometer 2012, 65% of Greeks believe sexual orientation discrimination is widespread.



- **This is slightly above the EU27 average (46%). 64% believe gender identity discrimination is widespread - This is slightly above the EU27 average (45%).**
- **Greeks scored 4.5 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country - This is significantly below the EU27 average (6.6). Greeks scored 3.7 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7).**

This report reviews the human rights situation of lesbian, gay, bisexual, transgender, and intersex people in 2013. It outlines key events that have occurred in the following areas: Bias motivated violence; Equality and non-discrimination; Police and law enforcement; Freedom of assembly; Freedom of expression; and Public opinion.

Bias motivated violence and public opinion are the only sections not yet covered by in the above section of *Government Reports*, specifically, US Department of State, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices for 2013: Greece

***UN Working Group on the Universal Periodic Review Reports (Office of the High Commissioner for Human Rights):***

1. International Covenant on Civil and Political Rights, Human Rights Committee: "Consideration of reports submitted by States parties under article 40 of the Covenant: Second periodic reports of States parties due in 2009, Greece" (January 2014)  
Online:  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGRC%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGRC%2f2&Lang=en)
  - **There are no restrictions on the ground of sexual orientation with regard to the enjoyment of all human rights, including freedom of expression and freedom of assembly.**
  - **Some recent developments include the annual gathering-manifestation of LGBT persons (pride parade) in Athens which was supported and organized under the auspices of the Mayor of Athens; the recognition by the competent court and creation of an Association for the protection of transgender persons;**



**the existence of many relevant web blogs as well the action of LGBT NGOs for the support and promotion of sexual diversity in Greece.**

- **Same-sex partnerships are not recognized under the legislation currently in place, while same-sex marriages have been considered as null and void by the Greek case law.**

This periodic report focuses on the concluding observations of the Human Rights Committee adopted on 31 March 2005 and published on April 2005, while also covering additional developments in the field of civil and political rights during recent years.

## VI. Media Reports

1. "Greek laws 'fall short' as racist and homophobic violence surges," Helena Smith, The Guardian, 7 September 2014.  
Online: <http://www.theguardian.com/world/2014/sep/07/greek-laws-anti-discrimination-racist-homophobic>
  - **Even though the new bill toughens criminal sanctions for those inciting hatred, discrimination, and violence, human rights groups fear that widespread opposition from right-wing forces and the church discourage the reporting of violent crimes and appropriate responses by police and the judiciary.**
2. "Bishop threatens to excommunicate Greek MPs who vote for gay unions," Helena Smith, The Guardian, 4 December 2013.  
Online: <http://www.theguardian.com/world/2013/dec/04/greek-bishop-threatens-excommunicate-gay-unions>
  - **A leading Greek bishop warned Greek lawmakers that they risk incurring the wrath of God and would be excommunicated if they vote in favour of legalizing same-sex civil partnerships.**
  - **In a public letter, the bishop said, "For the church fathers, homosexuality is the most disgusting and unclean sin ... Such relationships are an insult against God and man ... an unnatural aberration not even observed in animals."**
3. "MEPs condemn transphobic police crackdown in Greece," Scott Roberts, globalgayz.com, 3 July 2013.  
Online: <http://archive.globalgayz.com/europe/greece/meps-condemn-transphobic-police-crackdown-in-greece/>



- **According to this article, since 2012, police in Athens and Thessaloniki have been arresting transgender individuals under the pretext of ID verification and identifying the women as sex workers.**
4. “Gay people Living in Fear in Greece,” Fragkiska Magaloudi, The Huffington Post, 25 November 2012.  
Online: [http://www.huffingtonpost.co.uk/fragkiska-megaloudi/greece-gay-people-living-in-fear\\_b\\_2175056.html](http://www.huffingtonpost.co.uk/fragkiska-megaloudi/greece-gay-people-living-in-fear_b_2175056.html)
- **This article documents a gay couple being verbally assaulted before a security guard prevented a fight from breaking out.**
  - **The article also puts the incident in the context of the rise in hate crime occurrences since the financial crisis and the rise of the Golden Dawn Party.**
  - **The article reports that few cases are reported to police and that the police encourage complainants to drop charges. Very few cases are actually prosecuted.**
  - **LGBT people are “afraid to go out” and “don’t dare hold hands in public.”**
5. “Neo-Nazi thugs threaten safety of Greek gays,” Matthew Jenkin, globalgayz.com, 8 November 2012.  
Online: <http://archive.globalgayz.com/europe/greece/neo-nazi-thugs-threaten-safety-of-greek-gays/>
- **A gang of thugs who claimed to be members of the Golden Dawn Party attacked volunteers distributing anti-homophobic flyers in Athens.**
6. “Gay pride rally in Greece is attacked,” globalgayz.com, 23 June 2012.  
Online: <http://archive.globalgayz.com/europe/greece/gay-pride-rally-in-greece-is-attacked/>
- **Eggs and plastic bottles of water were thrown at the 400 marchers in the 2012 gay pride parade in the city of Thessaloniki.**

## VII. Scholarship

1. Drosos, S., and Constantinides, A. “The Legal Situation of Same-Sex Couples in Greece and Cyprus” in Same-Sex Couples before National,



Supranational and International Jurisdiction. D. Gallo et al (eds). Springer-Verlag Berlin Heidelberg 2014.

Online: [http://link.springer.com/chapter/10.1007/978-3-642-35434-2\\_13](http://link.springer.com/chapter/10.1007/978-3-642-35434-2_13)

- **Examines marriage and civil union laws and the narrow reading given them in Greek and Cypriot jurisprudence.**
- **Discusses societal religious attitudes toward homosexuality in both countries and their influence on the legal system.**

2. Drydakis, Nick "Sexual orientation discrimination in the labour market." Labour Economics 16 (2009), Elsevier 2009.

Online:

<http://www.sciencedirect.com/science/article/pii/S0927537108001322>

- **Examines discrimination faced by gay men looking for private-sector employment in Greece; the author finds such discrimination exists at "alarming high levels."**

3. Gerhards, Jurgen "Non-Discrimination towards Homosexuality: The European Union's Policy and Citizens' Attitudes towards Homosexuality in 27 European Countries." Journal of International Sociology, Vol. 25(1): 5 - 28 January 2010.

- **Analyzes influence of membership in the European Union and its gay rights legislation on societal attitudes in various European countries.**
- **Limited mention of Greece, but includes country-specific data on citizens' attitudes toward LGBT rights.**

4. Hatzopoulos, Vassilis "Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity - Thematic study Greece." Centre for European Constitutional Law, Fundamental Rights Agency 2010.

Online: <http://www.econbiz.de/Record/legal-study-on-homophobia-and-discrimination-on-grounds-of-sexual-orientation-and-gender-identity-thematic-study-greece-hatzopoulos-vassilis/10009640792>

- **Comprehensive review of the legal treatment of LGBT issues in Greece as of 2010.**
- **Topics include anti-discrimination measures, recognition of family status, freedom of movement and assembly, transgender issues, more.**



5. Johnson, Paul "Homosexuality and the European Court of Human Rights."  
Routledge 2013
  - **A comprehensive study of jurisprudence of the European Court of Human Rights.**
  - **Discusses inequality in age of consent laws with specific note about Greece; other incidental mentions of Greece.**