

**HELLENIC REPUBLIC**  
**GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS**

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<b>Major Issues of Racial Discrimination in Greece<sup>1</sup> – Proposals on the Modernisation of Greek Legislation and Practice<sup>2</sup></b>
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### **I. Introductory Remarks**

The principle of non-discrimination on grounds of ‘racial’ origin is now established as one of the fundamental principles of international customary law.<sup>3</sup> Thus, one of the fundamental civil rights which has been recognised by all the member states of the European Union, by means of the Charter of Fundamental Rights of the EU (2002),<sup>4</sup> is freedom from “any discrimination based on any ground such as ... race, colour, ethnic ... origin, genetic features, language, religion or belief ... membership of a national minority ...”.<sup>5</sup> The Charter of Fundamental Rights expressly prohibits, *inter alia*, the above forms of discrimination. The European

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<sup>1</sup> The term ‘racial discrimination’ or ‘racism’ is used in this document, basically, in the sense of Article 1.1 of the International Convention on the Elimination of All Forms of Racial Discrimination (1966), Legislative Decree 494/1970 (OG A’ 77), according to which this term “shall mean any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms ...”. The term ‘race’ is now rightly regarded as a ‘social contrivance’ made up of individual and social characteristics of individuals, including their religion, culture, nationality and ethnic origin. See, *inter alia*, S. Fredman, “Combating Racism with Human Rights: The Right to Equality”, in S. Fredman (ed.), *Discrimination and Human Rights - The Case of Racism* (OUP, Oxford 2001) pp. 9-14.

<sup>2</sup> Rapporteurs: N. Frangakis, 2<sup>nd</sup> Vice-President, NCHR and N. Sitaropoulos, PhD (Law), LLM, Legal Officer, NCHR.

<sup>3</sup> Like the prohibition of genocide and the ban on torture and inhuman or degrading treatment or punishment: see I. Brownlie, *Principles of Public International Law* (5<sup>th</sup> ed., Clarendon Press, Oxford 1998) p. 530; M. Ragazzi, *The Concepts of International Obligations Erga Omnes* (Clarendon Press, Oxford 1997) pp. 118-131. See also Human Rights Committee, *General Comment No. 18 - Non-discrimination* (10.11.1989) and United Nations General Assembly, *Draft Declaration of the World Conference against Racism*, UN Doc A/CONF.189/4 (20.08.2001).

<sup>4</sup> Official Journal of the European Communities C 364/1 (18.12.2000).

<sup>5</sup> Article 21 par. 1 of the Charter of Fundamental Rights of the EU.

states, by means of this Charter, have also clearly undertaken the positive obligation of respect for the “cultural, religious and linguistic diversity” of Europe.<sup>6</sup>

Nevertheless, according to the European Parliament, racism, in the sense of discrimination on the above grounds, not only continues to exist in the countries of the EU, but is also taking on particularly disturbing forms in certain instances. The application, in particular, of new technologies (e.g., the Internet) has resulted in the appearance of well thought-out, complex contemporary racism which requires the special attention and vigilance of the EU countries.<sup>7</sup> The European Parliament, in its report on human rights to the EU in 2000, expressed its particular concern about racist violence directed chiefly against foreign immigrants and against Roma in many countries of the EU, including Greece. This racist violence stems not only from state organs,<sup>8</sup> such as police forces, but from citizens of the states of the EU.<sup>9</sup> Recent empirical research projects in Europe have shown that in Greece the ‘negative attitude’ on the part of citizens towards minorities in general exceeds the average for the EU, and that it has the lowest level of agreement with the proposition that racial, religious and cultural diversity is to the country’s benefit.<sup>10</sup>

Particularly violent acts, unprecedented for modern Greek society, on the part of Greek citizens and of public (police) officials in the years 1999-2001 particularly against foreign immigrants living lawfully in Greece,<sup>11</sup> and against members of the Roma community,<sup>12</sup> have made it

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<sup>6</sup> *Ibid*, article 22.

<sup>7</sup> European Parliament, *Report on the situation as regards fundamental rights in the European Union (2000)*, Final, Doc A5-0223/2001 Rev, (21.06.2001) p. 64.

<sup>8</sup> This concerns the issue of ‘institutional racism’, see below.

<sup>9</sup> *Ibid*, 64-65.

<sup>10</sup> See, European Monitoring Centre on Racism and Xenophobia, *Attitudes towards Minority Groups in the European Union* (March 2001) pp. 12, 25, 34, 45-46.

<sup>11</sup> See, *inter alia*, the case of *Kazakos*, who in 1999 murdered two immigrants and wounded seven more (see *Eleftherotypia* newspaper, 13.03.2001, 61, 01.03.2001, 61). *Kazakos* was sentenced on 28.02.2001 by the Athens Jury Court to two life sentences and 25 years imprisonment. See also the case of *Tzia*, where, in August 2001, three Albanian workers were beaten up by Greek citizens (see *Eleftherotypia*, 23.08.2001, 43) and the case of *Loutra*, Lesvos, from which 150 Albanian immigrants who had been living there were ‘ostracised’ by the residents of *Loutra*, following a violent incident involving Albanians and local people (see *Eleftherotypia*, 06.08.2001, www.enet.gr).

clear that the Greek State must proceed immediately to the introduction and implementation of new, integrated legislation on protection from and the elimination of 'racial discrimination' in Greece.

## **II. Major Problems in Greek Legislation and Practice Emerging from Reports of the United Nations and the Council of Europe**

### **1. Comments of the UN Committee on the Elimination of Racial Discrimination**

The UN Committee on the Elimination of Racial Discrimination (CERD) examined on 16 and 19 March 2001 four periodical reports submitted by Greece in fulfillment of its obligation stemming from the International Convention on the Elimination of all Forms of Racial Discrimination (LD 494/1970, OG A' 77). On 22 March 2001, CERD recorded the following principal comments, *inter alia*, following the presentation of a number of positive developments in Greece:<sup>13</sup>

**(a) Education:** CERD stresses the need for the creation of educational programmes at all levels in Greece to combat negative stereotypes and to promote the aims of the above International Convention.

**(b) Dialogue with minority groups:** CERD encourages the Greek authorities to engage in further dialogue with representatives of the Roma, the Pomaks, the Albanians and other minority populations, with a view to the necessary extension of the multilingual educational programmes and policies available.

**(c) Former article 19 of the Greek Nationality Code:** Following the rescinding of this provision, CERD proposes that the Greek authorities should discover and implement corrective measures in this connection,

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<sup>12</sup> See Ombudsman, *Annual Report 2000* (Athens 2001) [in Greek] pp. 65-66; European Commission against Racism and Intolerance, *Second Report on Greece of 10 December 1999* (Strasbourg, 27.06.2000) pp. 15-16.

<sup>13</sup> Committee on the Elimination of Racial Discrimination, *Concluding Observations: Greece*, CERD/C/Add. 119 (27.04.2001).

including the restoration of the nationality of those persons who have been deprived of it in the past by the implementation of the above provision.

**(d) Making known the Intenational Convention:** CERD recommends that the Greek authorities should take the measures necessary for an increase in knowledge and sensitisation on the part of the organs of public order as to the principles of the International Convention. It also recommends to the Greek authorities the wide dissemination of the national report and CERD's comments by the above authorities to all, including the minority populations.

**(e) Recourses to CERD:** CERD encourages Greece to make the declaration of Article 14 of the Convention, as soon as possible, in order to make possible the submission of appeals by individuals or groups of individuals.

## **2. Report of the European Commission against Racism and Intolerance**

In the second report on Greece of the European Commission against Racism and Intolerance (ECRI), adopted on 10 December 1999,<sup>14</sup> the Commission acknowledged that in recent years there had been an increased awareness on the part of the Greek authorities of the need to deal with the challenges posed by a new multi-cultural Greek society. In this context, Greece has taken measures to combat racism and intolerance, *inter alia*, by the implementation of an action plan and of initiatives concerning special minority groups, the establishment of procedures for the legitimisation of illegal aliens and the abolition of Article 19 of the Nationality Code.

Nevertheless, the ECRI stresses in the same report, *inter alia*, a series of particularly problematic points which Greece should deal with immediately:

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<sup>14</sup> European Commission against Racism and Intolerance, *Second Report on Greece*, Doc CRI, 2000 (27.06.2000) p. 32.

**(a) Action pending in connection with the ratification and implementation of human rights protection conventions:** ECRI has submitted the following recommendations: Greece should proceed to the ratification of the European Framework Convention for the Protection of National Minorities, the signing and ratification of the UNESCO Convention against Discrimination in Education and of the European Charter for Regional or Minority Languages, the ratification of the Revised European Community Charter and the European Convention on the Legal Status of Migrant Workers and of the Convention on Nationality, and the signing and ratification of the Convention on the Participation of Foreigners in Public Life at Local Level. More specifically in connection with the UN Convention on the Elimination of all Forms of Racial Discrimination, ECRI stresses that Greece should immediately set up the national organisation stipulated by article 14.2 of the above Convention, to accept and examine the relevant applications (recourses) of individuals or groups of individuals before these reach the competent Commission of the same Convention.

**(b) Necessary amendments to Greek criminal legislation:** The ECRI notes that Greek anti-racist legislation (Law 927/1979, as amended by Law 1419/1984 and article 39, par. 4 of Law 2910/2001) is defective. Moreover, that legislation which already exists has remained a dead letter. The ECRI proposes the following reforms in this field: (a) the establishment of legislation to give the right to unions of persons, as well as natural persons, to lodge civil actions; (b) the introduction into the legislation as impermissible grounds for racist behaviour national origin, language and colour; (c) the introduction in the case of common crimes of an aggravating factor when they are of a racist or xenophobic nature.

**(c) Introduction of anti-racist provisions of civil and administrative law:** The ECRI points out that in Greece there is no legislation dealing with discrimination in education, the finding of a home, work, and public services and public-benefit services. Nor is there any special authority charged with dealing with these issues. Hence emphasis

is attached to the importance of the introduction of integrated legislation to cover discrimination in all areas of society and to provide effective protection, on the model of other European states. Furthermore, the need for there to be a special service unit responsible for supervising and monitoring the implementation of this legislation is stressed.

**(d) Reinforcement of the education and sensitisation of the Greek public:** The ECRI stresses in the same report the existence of an immediate need for the education of the Greek public in connection with the existence and the benefits of a multi-cultural society and of cultural diversity. The main target groups should be schoolchildren and occupational groups such as public servants and functionaries and the national legal community, as well as all those involved in the mass media.

**In this context, it is desirable to note that Greece should also proceed immediately to the ratification of the Twelfth Protocol of the European Human Rights Convention<sup>15</sup> on the combating of discrimination, which it signed in 2000.** The first article of this Protocol lays down as a general principle the prohibition of discrimination in the “enjoyment of rights provided by law” on grounds, *inter alia*, of race, colour, religion, national origin or relation to an ethnic minority.

### **III. Proposals on the Modernisation of the Greek Legislative Framework and Practice on the Combating of Racial Discrimination**

Since 1979, the only act of legislation on the combating of racial discrimination in Greece has been the criminal Law 927/1979 (OG A' 139) “Concerning the punishment of acts or activities aimed at racial discrimination”, as amended by article 24 of Law 1419/1984 (OG A' 28) and article 39, par. 4 of Law 2910/2001 (OG A' 91). Law 927/1979 contains,

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<sup>15</sup> ETS No. 177. The Twelfth Protocol was tabled for signing by the member-states of the Council of Europe on 04.11.2000. Greece signed it on 04.11.2000, but has not yet ratified it.

and is limited to, three substantive penal provisions in which an effort is made to categorise and punish racial discrimination in Greece.

In the first article of the above (amended) law,<sup>16</sup> in which protection is accorded to the good in law of public order, the punishment by the courts is stipulated of persons who publicly, orally or in the press or in written texts or pictorially or by any other means intentionally incite others to acts or activities which can cause discrimination, hatred or violence against a person or a group of persons by reason of their racial or national origin or their religion. In the second article of the law, in which the 'honour' of the individual is protected, punishment by the criminal courts is stipulated of those persons who publicly, orally or in the press or in written texts or pictorially or by any other means express ideas which are insulting to a person or a group of persons on the above-mentioned grounds. The third provision of article 3 of Law 927/1979, in specifying the possible forms of discrimination provided for in the first article, stipulates the punishment by the criminal courts of persons who as their occupation supply goods or offer services and refuse to provide an individual with these, again on the same grounds, or make their provision conditional upon these grounds (racial or national origin or religion).

One of the reasons for the non-implementation of this anti-racist legislation up to the present has been article 4 of Law 927/1979, which set as a condition for the activation of this law the existence of a complaint on the part of the victims in each case. This condition was removed by the provision, previously cited, of the law on aliens 2910/2001 and prosecution is now initiated *proprio motu*. In this context, it should be noted that Law 2910/2001 also contains provisions which are not only contrary to rules of international human rights law, but to the very principle of non-discrimination on 'racial grounds'.<sup>17</sup> A second major reason for the

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<sup>16</sup> For a commentary on the relevant provisions see, *inter alios*, C.T. Anthopoulos, *Protection against Racism and Freedom of Information*, [in Greek] (Papazisis Publications, Athens 2000) pp. 125-151.

<sup>17</sup> See, *inter alia*, Hellenic Data Protection Authority, "Opinion No. 86/2001, 19.06.2001", [in Greek] *Poinikh Dikaiosinh* 10/2001, which proposes the rescinding, as unlawful, of the provision of article 54, par. 2 of Law 2910/2001, which provides for an obligation on the managers of hotels, clinics, etc. to

defectiveness and ineffectiveness of the Greek legislation currently in force is its restriction to the level of criminal provision and penalties, since it overlooks entirely the civil and public (administrative) law aspects of the issue in question.

Hence, **the following general principles of reform of Greek anti-racist legislation are proposed:**

## **A. Substantive Provisions**

**Provisions of Greek civil, administrative and penal law should provide for the absolute prohibition of racial discrimination.**

### **1) Meaning of discrimination**

It is proposed that the concept of discrimination as this has been proposed by article 2 of Directive 2000/43/EC, on the implementation of the principle of equal treatment of persons regardless of their racial or ethnic origin, should be introduced and implemented:<sup>18</sup>

**Direct discrimination** shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin.

**Indirect discrimination** shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a

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inform the police or the aliens' and immigration bureau of the arrival and departure of aliens whom they accommodate.

<sup>18</sup> *Official Journal of the European Communities* L 180, 19.07.2000. It should be noted that the Directive introduces **minimum conditions** for the implementation by the member states of the principle of equal treatment, leaving to these member states scope for the introduction or maintenance of more favourable provisions: see par. 25 of the preamble of the Directive and a general review of the Directive in D. Chalmers, "The Mistakes of the Good European", in S. Fredman (ed.), *op. cit.*, pp. 193-249 and in I. Chopin and J. Niessen (eds.), *The Starting Line Group and the Incorporation of the Racial Equality Directive into the National Laws of the EU Member States and Accession States*, (Commission for Racial Equality/Migration Policy Group, London/Brussels March 2001) ([www.cre.gov.uk](http://www.cre.gov.uk)). Furthermore, this Directive does not contain a definition of the concept of 'racial or ethnic origin', leaving to the competent organs of the member states a broad framework for 'essentialist interpretation' and effective implementation of the above concept. See D. Chalmers, *ibid*, pp. 212-218. This Directive is linked with Directive 2000/78/EC, *establishing a general framework for equal treatment in employment and occupation*, (*Official Journal of the European Communities* L 303, 02.12.2000, 16-22) the purpose of which is the combating of discrimination "on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation".

racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

**Harassment** shall be deemed to be discrimination ... , when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment ...

**An instruction to discriminate** against persons on grounds of racial or ethnic origin shall be deemed to be [racial/ethnic] discrimination.

## **2) Field of implementation of anti-racist legislation**

According to article 3 of Directive 2000/43/EC cited above, the field of application of the relevant anti-racist legislation must include **all persons in the public and in the private sector, including public agencies, as regards:**

**“(a) conditions for access to employment, to self-employment and to occupation,** including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;

**(b) access to all types and all levels of vocational guidance, vocational training, advanced vocational training and retraining,** including practical work experience;

**(c) employment and working conditions,** including dismissals and pay;

**(d) membership of and involvement in an organisation of workers or employers,** or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations;

**(e) social protection,** including social security and health care;

**(f) social advantages;**

**(g) education;**

**(h) access to and supply of goods and services which are available to the public, including housing.**<sup>19</sup>

### **3) Special behaviours and areas in need of particular handling by Greek legislation**

**a) Mass Media:**<sup>20</sup> In the field of the mass media, it is desirable that the following general rules or practices should be established: (a) the compilation of a list of characteristics which are not permitted to form the basis for racial discrimination; (b) in news programmes, the use of value-judgment ‘racial’ expressions to describe persons in such a way as to indicate in a generalised and abstract way lack of worth or worth should be avoided. More particularly, in the case of unsolved crimes or those being investigated, speculation as to the ‘racial’ characteristics of the perpetrators should be avoided, even if this has statistical support; (c) all ‘racial’ groups should have sufficient and equal access to the mass media to express their thinking on various issues and, more particularly, to take part in discussion and social debate programmes; (d) the mass media should introduce, by virtue of a legislative obligation to this effect, a ‘social messages’ broadcast,<sup>21</sup> information broadcasts and discussions with a view to the elimination of ‘racial discrimination’ in Greek society.

**(b) Mandatory separation of populations:** The mandatory separation of populations should be expressly prohibited, unless there is a lawful purpose served by this practice and the principle of proportionality is observed.

**(c) Unions of persons or contacts with individuals with racial discrimination as their purpose:** The legislation should be clear

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<sup>19</sup> It should be noted that the field of application of anti-racist legislation does not cover different treatment on grounds of nationality and does not affect the provisions and prerequisites which concern the acceptance and residence of subjects of third countries and stateless persons in the territory of member states, nor treatment which stems from the legal status of the subjects of third countries and stateless persons in question (see article 3, par. 2, Directive 2000/43).

<sup>20</sup> See Special Committee for Statutory Proposals, “Προτάσεις για μεταρρυθμίσεις της νομοθεσίας μας, με σκοπό την ευθυγράμμιση της με τις αρχές της Οικουμενικής Διακήρυξης των Δικαιωμάτων του Ανθρώπου”, *Ποινική Δικαιοσύνη*, 5/2000, 562, p. 569 (N. Frangakis).

<sup>21</sup> The 4th Sub-commission of the NCHR has already planned the promotion of this practice in collaboration with Hellenic Radio and Television.

that discrimination which stems from unions or contacts of persons set up with the purpose of racial discrimination is prohibited.<sup>22</sup>

**(d) Publication of an intention to practise racial discrimination:** Even if there is no specific victim of racial discrimination but the relevant intention has already been made public (e.g., through advertisements offering employment), this intention should be prohibited by law.

**(e) Manifestation of racial discrimination at sporting events:** The penal legislation should provide for the prohibition of any kind of manifestations within the framework of sporting events which occur with the purpose of promoting racial violence or racial discrimination.<sup>23</sup>

**(f) Protection of (likely) victims:** Special protection should be provided by law for individuals who supply the authorities with evidence, information or other assistance in connection with any violation of anti-racist legislation.

#### **4) Positive action**

The Greek civil and administrative legislation should provide for the mandatory taking of measures on the part of the Administration with a view to the prevention or counterbalancing of disadvantages arising by reason of racial discrimination.<sup>24</sup> In this connection, it is also desirable that 'special equality programmes' should be instituted by the Greek State and all the organisations associated directly or indirectly with it.

### **B. Procedural Provisions**

**1) Defence of the rights of the victims of racial discrimination:** The Greek civil, administrative and penal legislation, in accordance with article 7 of Directive 2000/43/EC, must ensure that every

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<sup>22</sup> See also article 4 (b) of the International Convention on the Elimination of all Forms of Racial Discrimination (1966).

<sup>23</sup> See Council of Europe Committee of Ministers Recommendation R (2001) 6 *on the prevention of racism, xenophobia and racial intolerance in sport* (18.07.2001).

<sup>24</sup> *Ibid*, article 5.

person who regards him/herself as having been prejudiced by failure to observe the principle of equal treatment, even if the relation in the context of which it is likely that the discrimination took place no longer obtains, has access to judicial and/or administrative procedures, including, where this is seen as indicated, conciliatory procedures, for the fulfilment of the obligations stemming from the present Directive.<sup>25</sup>

In addition, it should be ensured by means of legislation that unions, organisations or other legal persons which have, on the criteria of Greek legislation, a *locus standi* to ensure that the provisions of the present Directive are observed are able to initiate either in the name of the plaintiff/applicant or in his/her defence, and with his/her approval, any judicial and/or administrative procedure stipulated for the fulfilment of the obligations stemming from the present Directive.

**2) Burden of proof:** In order to ensure that when a person who considers him/herself wronged by racial discrimination invokes, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it will be incumbent upon the defendant/respondent to prove that there has been no breach of the principle of non-discrimination.<sup>26</sup>

**3) Special legal aid:** Special legal aid should be provided for and given to victims of racial discrimination. The Plenum of the NCHR on 25 June 2001 discussed the issue of legal aid in cases of the violation of Law 927/1979 “*Concerning the punishment of acts or activities aimed at racial discrimination*”, as amended by Law 1419/1984. At this meeting of the Plenum, two views were expressed: according to the first, the criterion of being well-grounded in principle should not be applied here, given that this is a particularly vulnerable category of persons, and because this law has never been implemented up to the present chiefly because of

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<sup>25</sup> See also UN Commission on Human Rights, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law*, E/CN.4/2000/62 (18.01.2000) (Annex).

<sup>26</sup> See article 8 of Directive 2000/43/EC.

difficulties in connection with the provision of legal aid. According to the second view, there is no need for any differentiation.<sup>27</sup>

**4) Imposition of sanctions:** In the case of civil and administrative procedures, apart from the compensation of the victims, provision should be made for full reparation and moral satisfaction chiefly by means of the publication of the relevant decisions.<sup>28</sup> In the case of criminal proceedings, it is desirable that, apart from the penalties, an obligation to carry out community service should be alternatively imposed.

**5) Vicarious liability:** Vicarious liability in cases of racial discrimination should be established in civil, administrative and criminal law.

### C. Social Dialogue

In accordance with articles 11 and 12 of Directive 2000/43/EC, the Greek State should take the measures necessary to support a social dialogue with its main social partners in order to promote equal treatment, including the monitoring of practices in the workplace, collective agreements, codes of ethics, research or the exchange of experiences and correct practice.

Particular emphasis should also be placed with all the non-governmental organisations competent *ratione materiae* which have a *locus standi* on their contributing to the combating of racial discrimination, with a view to the promotion of the principle of equal treatment.

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<sup>27</sup> See proposals in this connection of the NCHR on legal aid in Greece, 25.06.2001.

<sup>28</sup> See also article 6 of the International Convention on the Elimination of all Forms of Racial Discrimination (1966).

## D. Bodies for the Promotion of Equal Treatment

It is judged to be desirable, as stressed also in article 13 of Directive 2000/43/EC,<sup>29</sup> that the Greek State should appoint a body or bodies for the promotion of the principle of equal treatment without racial discrimination. The NCHR could act as co-ordinating organ for the above bodies. These bodies would have, *inter alia*, the following competences:

(a) Action for the elimination of ‘institutional racism’<sup>30</sup> in Greece, that is, discrimination which is inherent and has established itself in the state mechanisms and in the structures of Greek society. This is particularly complex, long-term process which is directly linked with the issue of education and the promotion of human rights in Greece, not only within the framework of public organs but also of the population at large.<sup>31</sup>

(b) Provision of independent aid to victims of racial discrimination.

(c) Carrying out of independent research into forms of discrimination.

(d) Publication of independent reports and formulation of recommendations on the issues in question.

20.12.2001

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<sup>29</sup> The relevant institutional model which led to this provision in the Directive was the British Commission for Racial Equality ([www.cre.gov.uk](http://www.cre.gov.uk)), see D. Chalmers, *op. cit.*, p. 211. See also ECRI General Policy Recommendation No. 2, *Specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level*, Annex 1, in I. Chopin, *op. cit.*, 55.

<sup>30</sup> In Sir William Macpherson’s report on the *Stephen Lawrence case (The Stephen Lawrence Inquiry)*, ‘institutional racism’ was defined as “the collective failure of a [public] organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”: Commission for Racial Equality, *The Stephen Lawrence Inquiry - Implications for Racial Equality* (CRE, London March 1999) p. 2. On the concept of ‘institutional racism’ see J. Bourne, “The life and times of institutional racism” in *Institute of Race Relations (ed.), The Three Faces of British Racism - A Special Report* (IRR, London 2001) pp. 7-20.

<sup>31</sup> Activity in this connection has been undertaken by the 4<sup>th</sup> Sub-Commission of the NCHR. See also article 7 of the International Convention on the Elimination of all Forms of Racial Discrimination (1966).