

21 January 2014

**On behalf of all the signatories:  
La Ligue de Droits de l'Homme, Belgium  
22, rue de Boulet  
1000 Brussels**

**To: President of the European Parliament Mr Martin Schulz  
CC: Petitions committee, Economic and Monetary Affairs Committee, Othmar Karas MEP and Liem Hoang Ngoc MEP, heads of the Parliament's inquiry on the Troika**

President Schulz,

Since the 1<sup>st</sup> January 2014, and for the next 6 months, the Greek government is holding the rotating Presidency of the Council of the European Union. It constitutes, therefore, the face of one of the EU institutions.

Yet, this face is getting uglier by the day. Already in the fourth year of far reaching and unprecedented austerity measures, dictated by the ECB, the IMF and the European Commission,<sup>1</sup> the country's human rights record is eroding dangerously<sup>2</sup>, for the sake of debt repayment.

The undersigned organisations call the European Parliament to undertake a Report on the situation of Human Rights, the rule of law and democracy in Greece, as it did in the case of Hungary, with the view of initiating a procedure under article 7 of the Treaty of the European Union to hold the Greek government accountable.

Greece is in violation of international human rights standards, also binding for the European Union. Reading the Charter of Fundamental Rights of the EU, it is hard to find a single article that has not been violated by the Greek government during the last three years, as part of the policies it has implemented against its own people.

We respectfully describe here briefly only what we consider to be the most important violations within the last three years, referring to human dignity (art. 1), the right to the integrity of the person (art.3), prohibition of torture and inhuman or degrading treatment (art.4), freedom of expression and information (art.11), freedom of assembly (art.12), right to education (art. 14), non-discrimination (art. 21), right of collective bargaining and action (art. 28), protection in the event of unjustified dismissal (art. 30), fair and just working conditions (art. 31), health care (art. 35). More particularly:

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<sup>1</sup> Institutions composing the Troika .

<sup>2</sup> See also: The Commissioner of Human Rights, Council of Europe, 04 December 2013 "Safeguarding human rights in times of economic crisis. Issue Paper published by the Commissioner for Human Rights" <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2392948&SecMode=1&DocId=2079144&Usage=2>

## **1. Racist crime impunity**

While the Greek police are conducting discriminatory and abusive sweep operations against migrants and refugees<sup>3</sup>, groups of neo-Nazis were allowed a free hand to terrorize them. During the last two years the Greek government has failed consistently to stop the rise of racist attacks, to the extent that perpetrators were acting with almost absolute impunity. Several testimonies also point to the fact that the Greek police were present in a number of attacks and failed to prevent them, or moved only to arrest the victims, while in others the alleged perpetrators were law enforcement personnel themselves. The Greek Ombudsman in September 2013 [reported](#) that in about one sixth of the reported racist attacks the perpetrators were members of the security forces, perpetrating ill-treatment, torture, robbery, threat, destruction of public documents and illegal arrests, and other violations. Hardly ever anyone was held accountable.<sup>4</sup>

The Minister of Public Order was sitting on a mountain of evidence but only moved to hand over some 32 files with incriminating evidence from Golden Dawn to the Public Prosecutor after the murder of the anti-fascist singer Pavlos Fyssas by a Golden Dawn member and only due to political expediency. Subsequent investigations have also revealed close ties between Greek Police officers and the Golden Dawn. Regrettably, this problem has only been superficially addressed.

## **2. Torture, ill-treatment and other inhuman and degrading treatment**

In the police stations, during demonstrations, or in the EU sponsored detention facilities that function as concentration camps for the undesired, ill-treatment remains widespread. Irregular migrants and asylum-seekers continue to be arbitrarily and in violation of EU legislation deprived of their liberty<sup>5</sup>, while the European Court of Human Rights in several instances found that their detention conditions amount to degrading and inhumane treatment<sup>6</sup>, of which even minors are often not spared<sup>7</sup>. Refugees are systematically ill-treated and pushed back at the borders of the EU by Greek police and coastguards<sup>8</sup>. In many cases Greek police has ill-treated detainees who had the wrong color or the wrong political ideas.<sup>9</sup>

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<sup>3</sup> See also Human Rights Watch: Unwelcome guests: Greek Police Abuses of Migrants in Athens” available at <http://www.hrw.org/reports/2013/06/12/unwelcome-guests-0>

<sup>4</sup> Greek Ombudsman, 2013 Special Report, available [here](#) (in Greek). For similar concerns see : Racist Violence Recording Network, [Press release, October 2012](#)

<sup>5</sup> See Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Greece, 17 April 2013 A/HRC/23/46/Add.4

<sup>6</sup> See European Court of Human Rights, M.S.S. v. Belgium and Greece (no. 30696/09) 21 January 2011

<sup>7</sup> See European Court of Human Rights, Housein v. Greece (no. 71825/11) 28 October 2013

<sup>8</sup> See Amnesty International “Frontier Europe ” July 2013

<https://www.amnesty.org/en/library/asset/EUR25/008/2013/en/d93b63ac-6c5d-4d0d-bd9f-ce2774c84ce7/eur250082013en.pdf>

<sup>9</sup> In one of the most characteristic cases, antifascist activists arrested during a motorbike demonstration were tortured in the Greek Police Headquarters in Athens in September. After the publication of the state

At the same time the competent minister Mr N. Dendias, following the long standing line of competent ministers in Greece continues to deny the systematic abuse, and goes even further by publicly questioning the role of the Court and its Judges' legal competencies<sup>10</sup>. It is thus evident that the continued impunity afforded to the law enforcement personnel is the main cause of such abuses. The extent of this impunity can only be justified by the successive Greek governments' unwillingness to put an end to it.

### **3. Media pluralism restrained, freedom of assembly and association under attack**

Freedom of assembly is under constant attack in Greece. Several Human Rights organisations have repeatedly condemned the excessive use of chemical irritants as means of dispersing largely peaceful demonstrations, the preemptive arrests of demonstrators and the excessive use of force against protestors resulting in many cases in serious or nearly fatal injuries and permanent disabilities<sup>11</sup>. In September 2013, during the antifascist demonstrations that followed the murder of Pavlos Fyssas, the police violently attacked demonstrators, and one of the victims permanently lost his sight after a tear gas canister exploded in his left eye<sup>12</sup>. Too often, video footage recorded people in civilian clothes attacking protestors while the riot police tolerating their actions. Meanwhile, the government has done nothing but praise Greek police for its 'self-restraint'.<sup>13</sup>

In a particular case of citizens' resistance to a catastrophic<sup>14</sup> gold mining project in North-east Halkidiki, the government's response was completely disproportionate and at times outright illegal: riot police making use of chemicals [even in school yards](#), [beating](#) protestors of all ages gathered peacefully, [breaking into houses during the night](#) without any valid reason, arresting [children](#) and [forcing](#) them to [give DNA samples](#), unjustified pre-trial [detentions](#)<sup>15</sup>; and, recently, dozens of people ([of every age](#)) being charged with forming a [criminal organisation](#), under the same article of the Penal Code [used to prosecute Golden Dawn leadership](#), while [interviews](#) given to Greek journalists are considered part of the crime of 'spreading false news' (which has caused a [reaction](#) by the Greek journalists' association).

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pathologists' reports and photos of their bruised bodies in ['The Guardian'](#), the Minister of Public Order publicly threatened to sue the British newspaper for [slander](#), which he never did.

<sup>10</sup> Interview with "Unfollow" magazine available at <http://bit.ly/HqZpml>

<sup>11</sup> <http://www.tovima.gr/society/article/?aid=409659>

<sup>12</sup> ['Tzaneio hospital doctors denounce excessive police violence during anti-fascist demonstrations'](#), TA NEA, 19 September 2013.

<sup>13</sup> <http://www.real.gr/DefaultArthro.aspx?page=arthro&id=77378&catID=1>

<sup>14</sup> The catastrophic gold extraction will erase completely a protected ancient forest and is already [polluting drinking water](#) in the area (toxic concentration of arsenic 5,000 times over legal limits), violating EU standards. See for further details [here](#)

<sup>15</sup> See also Amnesty International, Public Statement : ['Greece: Need for investigation of police conduct towards residents of town objecting gold mining operations'](#) (March 2013)

Journalists and photo reporters have not been spared either from police violence, to the contrary. According to their unions they have become deliberate targets of such abuse<sup>16</sup>. More generally, along with the rise of the repressive State practices, media freedom and pluralism in Greece were also dealt a serious blow. The abrupt and unlawful closing down of the public television and radio broadcaster (ERT)<sup>17</sup> left the country until today without a public broadcaster in any real sense of the term. Meanwhile, journalists who expose corruption or criticize the government, find themselves at risk<sup>18</sup>.

#### **4. Labour rights violated**

Apart from basic civil and political rights, economic and social rights have also been brutally attacked by the government. The CoE Committee of Ministers [decided unanimously](#) on several violations by Greece of the European Social Charter, in February 2013, namely that labour law reforms in Greece violated the right to protection against unjustified dismissal (too long duration of the trial period during which workers can be dismissed without notice) and the right to a fair salary (minimum salary for workers under 25 years of age falling below the poverty line).

The right to strike has also been severely curbed during the last years. In numerous cases the Courts have [found strikes to be 'abusive'](#) and illegal, while in three cases the Greek government has used emergency legislation to stop strikes or thwarted planned ones before happening ([June 2013](#)), in violation of International Law.<sup>19</sup> More recently and in violation of their right to strike, the government has undertaken disciplinary action against the striking administrative personnel of the universities. Furthermore, in violation of due process, before the competent disciplinary committee pronounces its decision, the government had imposed on them the sanction of obligatory work suspension

The Right of collective bargaining has been also brutally attacked by statutory legislation to reduce the minimum wage from 14 February 2012, according to the second Memorandum of Understanding with the Troika and against the opinion of social partners. In November 2012, new legislation was passed under which the minimum wage is - since April 2013 - set by the government rather than through negotiation, without taking into account the results of the social dialogue.<sup>20</sup>

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<sup>16</sup> See for instance several unions (journalists, photo reporters) press releases [here](#) and [here](#), as well as a recent [press release of the International Federation of Journalists](#).

<sup>17</sup> The measure was passed with a special urgent act, without the approval of the Parliament, due to a so-called emergency, and although the Constitution imposes that a law be passed subsequently within 40 days from their adoption or the opening of Parliament session, this has not been done yet.

<sup>18</sup> Kostas Vaxevanis, after revealing the "Lagarde list" containing possible tax evaders faced criminal charges, state TV journalists had their show suspended after criticising the Minister for Citizens Protection and a journalist of the Unfollow magazine received death threats for exposing oil smuggling by a government's protégé.

<sup>19</sup> See Amnesty International: "Greece: Emergency action to thwart teachers' strike unnecessary" (2013), available [here](#). Similar incidents occurred in the case of the Athens metro and sea transport strikes.

<sup>20</sup> ETUI: Collective bargaining in Greece (2013), available [here](#)

## 5. Rights to health and education undermined

The drastic cuts in the education and health budgets have left both systems in shambles, putting the fundamental rights of access to health and education at great risk. The association of Greek hospital doctors accused the government of [destroying](#) the national healthcare system. For three years now, *Médecins du Monde* regards Athens as [a city in humanitarian crisis](#). A recent [BBC documentary](#) bears witness to the dramatic situation in Greek hospitals. Meanwhile, the right to education has been attacked by the sudden elimination of many fields of vocational training in technical high schools, leaving in practise some 20,000 students without schools to continue their training. In September 2013 alone, 16,000 teacher posts in secondary education have been eliminated or suspended. Teaching personnel in secondary education has been reduced by 25% since 2012. Hundreds of schools are closing down, making access to education very difficult especially in remote areas.

## 6. Emergency governance and violation of the rule of law

Dozens of special "acts of legislative content" have been passed under art. 44 of the Constitution, that is, with urgent procedures without Parliament approval. According to the Constitution these procedures are reserved for "exceptional cases of urgent and unpredictable need".<sup>21</sup> Such special acts have been issued regularly without the necessary constitutional conditions being met. Apart from [the closing down of the national TV and Radio broadcaster \(ERT\)](#), they also [provided for the shutdown of public agencies](#), [fiscal consolidation of Ministries and other public bodies controls](#) and [involuntary layoffs](#).

Further, the provisions of the Constitution and Greek Parliament proceedings are being turned into a farce, with MPs being presented hundreds of pages of badly written agreements with the Troika defining the economic policy of the country for the next years, and having to vote on them within a few hours, while the necessary majority required for international agreements, such as the loan agreements, has not been respected<sup>22</sup>. Unfair taxes violating the principle of proportionality have been imposed through the electricity bills, leading to the unlawful penalty of disconnection from the power grid in case the tax is not paid<sup>23</sup>. Further, the government decided to ignore a Court's decision which found unlawful the means of imposition of that tax<sup>24</sup>. Finally, the treatment of the environmental movement of North-east Halkidiki is also symptomatic

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<sup>21</sup> The Constitution of Greece is available [here](#)

<sup>22</sup> Government VP Venizelos had also previously [stated](#), before entering the government that the Memorandum should have been voted, according to the Constitution, by 180 Members' majority.

<sup>23</sup> The Energy Commissioner, when answering a parliamentary question, [stated](#) that such a penalty also violated the EU legislation on the liberalisation of the energy market.

<sup>24</sup> Minister of Economy Stournaras [had issued guidelines](#) that the Public electricity continues to collect a tax judged unlawful by courts, directly defying their decisions.

of the government's total disrespect for the rule of law, in the name of "growth" and of creating an "investment friendly environment"<sup>25</sup>.

### **Decisive action is needed**

All these violations cannot have passed unnoticed by the EU institutions. Nevertheless their silence has been deafening for too long. Human Rights are sacrificed in the name of paying an illegitimate debt<sup>26</sup> which has but increased in these four years, despite the brutal cuts in public spending. This goes against the Guiding principles on foreign debt and human rights adopted by the Human Rights Council of the UN: "Excessive or disproportionate debt servicing that takes away financial resources meant for the realization of Human Rights should be adjusted or modified accordingly to reflect the primacy of Human Rights. Debtor States' budgetary allocations should reflect the priority of Human Rights-related expenditures."<sup>27</sup>

We respectfully submit that, should the European Union want to still call itself a union of democratic values and principles, a union of respect for fundamental rights, it can no more turn a blind eye to the massive and unprecedented violations of Human Rights and democracy in Greece, notably during the last three years.

We call you, therefore, to hold the Greek government perpetrating such violations accountable under article 7 of the Treaty on the European Union before the European Parliament, and before all EU citizens, for violating fundamental rights and democratic principles.

The undersigned organisations coming from the four corners of the European Union are very concerned over the situation in Greece and the rise of the repressive authoritarian State along with the catastrophic austerity policies, and consider that if such a situation

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<sup>25</sup> It involves: a mining company owned by the Greek tycoon Yiannis Bobolas, owner of construction companies and media outlets, permits for gold mining in an area with rare biodiversity, signed by ex Minister of Finances and Environment Papakonstantinou, who is now undergoing trial for economic scandals. Furthermore, the Greek government has made a 'gift' to the mining company of 15,3 million euros, according to the calculations of the European Commission and, for two years now, it has refused to conform to the latter's decision and demand from the company the amount of illegal subsidy due back. The European Court of Justice has very recently issued a [ruling](#) against Greece.

<sup>26</sup> Lack of benefit for the general public is the criterion determining the "illegitimate" character of a debt. In fact, the obligation to repay public debt is not absolute and is valid only for "debts contracted to the general interest of a society" (David Ruzié, *Droit international public*, 17e édition, Dalloz, 2004, p. 93.). The respect of this principle is part of the Guiding Principles of the UN (see next footnote). Consequently, illegitimate debts are the ones contracted against the interests of Peoples. Legitimacy of the Greek debt is questionable since 1) banks speculated against Greece in 2009-2010 borrowing from the ECB in an 1% interest rate and then lending Greece with 6 or 14%, 2) the loan agreement with the Eurozone was never approved in the Greek parliament, 3) a big part of this debt was used to save private banks, 4) debt conditions provided in Memorandums of understanding had disastrous effects for the citizens of the country.

<sup>27</sup> The Human Rights Council of the General Assembly of the UN adopted these principles elaborated by Céphas Lumina, independent expert of the UN in its resolution 20/10 ( Paragraph 23 A/HCR/20/23 [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-23\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-23_en.pdf)

is tolerated, it will also spread in other EU member states, dismantling democracy and social rights and opening up a very dangerous path for Europe.

Yours sincerely,

Serge Kollwelter, Chair of the European Association for the defence of human rights (AEDH) [serge.kollwelter@aedh.eu](mailto:serge.kollwelter@aedh.eu) and Véronique Van der Plancke, Vice-President of the Belgian League of Human Rights [ldh@liguedh.be](mailto:ldh@liguedh.be)

European Attac Network

Alexandra Strickner, Chairwoman of Attac Austria [alexandra.strickner@attac.at](mailto:alexandra.strickner@attac.at)

Geneviève Azam, Spokesperson of Attac France [genevieve.azam@wanadoo.fr](mailto:genevieve.azam@wanadoo.fr)

Marica Frangakis, Founding member of Attac Hellas [frangaki@otenet.gr](mailto:frangaki@otenet.gr)

Matyas Benyik, Chairman of Attac Hungary [benyikmatyas@gmail.com](mailto:benyikmatyas@gmail.com)

Marie Moran, Spokesperson of Attac Ireland [marie.moran@attac.ie](mailto:marie.moran@attac.ie)

Renaud Vivien, Co-General Secretary, CADTM Europe [renaud@cadtm.org](mailto:renaud@cadtm.org)

Felipe Van Keirsbilck, Secretary General of CNE, National union of employees - Belgium  
[u50fvk@acv-csc.be](mailto:u50fvk@acv-csc.be)

Olivier Hoedeman, coordinator of Corporate Europe Observatory  
[olivier@corporateeurope.org](mailto:olivier@corporateeurope.org)

Monica Kosinska, Secretary General of the European Public Health Alliance  
[m.kosinska@epha.org](mailto:m.kosinska@epha.org)

Chiara Filoni, Forum per una Nuova Finanza Pubblica e Sociale -  
Italy [chiarafiloni86@gmail.com](mailto:chiarafiloni86@gmail.com)

Nikos Giannopoulos, member of the coordination, Network for political and social rights (Diktyo) – Greece [diktio@diktio.org](mailto:diktio@diktio.org)

Lonneke Lemaire, Platform Stop Racisme en Uitsluiting – The Netherlands  
[mlemaire@xs4all.nl](mailto:mlemaire@xs4all.nl)

Javier Soralue, Plataforma Auditoría Ciudadana de la Deuda (PACD) – Spain  
[jsoraluce@hotmail.com](mailto:jsoraluce@hotmail.com)

Themis Balasopoulos, chair of the Greek federation municipal workers (POE-OTA)  
[proedros@poeota.gr](mailto:proedros@poeota.gr)

Fiona Dove, Executive Director of the Transnational Institute (TNI) [dove@tni.org](mailto:dove@tni.org)

Georgios Arhontopoulos, Chair of the Union of workers in Thessaloniki water company (SEEYATH) - Greece [gewrgiosa@yahoo.com](mailto:gewrgiosa@yahoo.com)

Petros Constantinou, coordinator of Movement against Racism and Fascist Threat (KERFAA) - Greece [jspg@otenet.gr](mailto:jspg@otenet.gr)

John Hilary, Executive Director of War on Want - United Kingdom  
[jhilary@waronwant.org](mailto:jhilary@waronwant.org)

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