



DANISH INSTITUTE FOR
HUMAN RIGHTS

COWI

The social situation concerning homophobia and discrimination on grounds of sexual orientation in Greece

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A. A Summary of the Overall Situation of LGBT Persons.

- [1]. In Greek society there is no legal recognition of same-sex partnerships and no right to adoption, family benefits, welfare, health, housing, social security or inheritance. Surveys show that the majority of Greeks hold negative attitudes toward partnership rights for same-sex couples. Attitudes are most negative regarding adoption rights of LGBT persons.
- [2]. The Greek Ombudsman deals with discrimination on grounds of sexual orientation in employment in cases concerning the public sector. The Labour Inspectorate Body deals with discrimination cases on the grounds of sexual orientation in employment in the private sector. The number of reported cases on sexual orientation discrimination is remarkably low.
- [3]. Even though Greek society is gradually beginning to accept LGBT spaces and venues, and the issue is becoming less taboo, discrimination, exclusion and verbal violence toward LGBT persons still occur. Few LGBT persons disclose their sexual orientation at work. The role of the Greek Orthodox Church in social and political life acts as a barrier for creating visibility around LGBT issues and promoting the rights of LGBT persons.

B. The Collection of Data

- [4]. The material for this report has been collected from four sources:
 - A legal country report by national legal expert Vassilis Hatzopoulos and professor Petros Stangos, Aristotle University of Thessaloniki.¹
 - A sociological country report reviewing available data on the situation concerning homophobia and discrimination on grounds of sexual orientation by Miltos Pavlou.²
 - Data collected through interviews held in Greece with various stakeholders: LGBT NGO *OLKE*, representatives from *The Ministry of Interior*, *The General Secretariat for Gender*

¹ V. Hatzopoulos (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Greece*. FRALEX.

² Pavlou, M (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

Equality, The Ministry of Health and Social Solidarity and The Greek Ombudsman.

- Data collected through an online questionnaire sent to the stakeholders mentioned above.

[5]. In Greece the lack of any statistical data, official or other, is a prominent feature of the Greek situation concerning homophobia.³

C. Key Findings

Attitudes Toward LGBT persons

- [6]. Surveys examining acceptance and attitudes toward homosexuality were carried out on a European level in 2008 and 2006.
- [7]. The 2008 *Eurobarometer* asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbour?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable'). The figure in Greece was 7.2, with an EU average of 7.9. Romania was the lowest with 4.8.⁴
- [8]. In the 2006 *Eurobarometer*, attitudes toward same-sex marriage were examined in every Member State. Forty-two per cent of EU citizens agreed that such marriages should be allowed throughout Europe; the figure was 15 per cent in Greece (Netherlands scored the highest with 82 per cent and Romania the lowest with 11 per cent). With regard to adoption, the level of acceptance decreases in the EU and in Greece. Thirty-one per cent of Europeans felt that homosexual couples should be allowed to adopt children throughout Europe; in Greece the figure was 11 per cent (Netherlands scored highest with 69 per cent and Poland and Malta the lowest with 7 per cent).⁵
- [9]. A 2007 study by the Greek NGO *Women and Health Initiative* showed less negativity toward sexual orientation. Of 1,000 respondents, 52 per cent were in favour of LGBT civil partnership. The figure was 19 per cent regarding same-sex adoption. According to the *Women and Health Initiative*, one reason their survey showed more positive attitudes than the *Eurobarometer* is that the Ministry of

³ V. Hatzopoulos (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Greece*. FRALEX.

⁴ European Commission (2008) *Special Eurobarometer 296. Discrimination in the European Union: Perceptions, Experiences and Attitudes*, chapter 9.

⁵ Eurobarometer 66 (2006), available at: http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf, pp. 43-46.

Health and the Media published a report showing that ‘*homosexuality is not guilty for the HIV virus infection*’⁶.

- [10]. According to research identifying negative attitudes toward LGBT in Greece, the probability of gay-labeled applicants being invited to a job interview was 26.1 per cent lower than that of straight applicants.⁷
- [11]. The European Values Study implemented in Greece in 1999 shows a contrast in attitudes between ages and education levels. The majority of respondents (58.6 per cent) found homosexuality unjustifiable. The percentage was much higher among persons over 50 (84.7 per cent) and with less education (86.8 per cent), and lower for persons under 30 years of age (44.7 per cent).⁸

C.1. Criminal Law - Hate Crime

- [12]. Hate speech in Greece is regulated exclusively by Law 927/1979 (FEK A 139, 28/06/1979) and incriminates hate speech based on racial origin, nationality and (since a modification introduced in 1984) religion. Sexual orientation is not a ground on which hate speech is prohibited and, therefore, no specific protection is offered to LGBT persons. Sexual orientation is not an aggravating factor in the penal code.⁹
- [13]. There are no official or scientific quantitative data available on hate crime in Greece. Nor are there data on the character of hate crime. No registration of hate crime is performed by police or other public authorities.
- [14]. An interview with the LGBT NGO *OLKE* showed that violent incidents do occur. The most common incidents were verbal assault, followed by physical attacks and sexual harassment. People in cruising areas have been attacked by police officers, yet due to fear LGBT persons are reluctant to report such incidents.¹⁰ LGBT organisations report that police violence has increased in recent years.¹¹

⁶ Women and Health Initiative (2007) *Activity Report, Activity Report – Attitudes and behaviours of Greek society toward sexual orientation*.

⁷ N. Drydakís (2007), *Dual Life for Equal Labour? Sexual Orientation Discrimination in the Greek Labour Market*, Department of Economics, Gallos Campus at Rethymno, University of Crete, Greece, Business Economics and New Technologies Laboratory B.E.N.E.Tec, http://www.soc.uoc.gr/econ/wpa/docs/Sexual_Orientation_Discrimination_in_Greece_Drydakís.pdf

⁸ European Values Study-Greece (1999) www.jdsurvey.net/web/evs1.htm

⁹ V. Hatzopoulos (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Greece*. FRALEX.

¹⁰ Field trip meeting with *OLKE* (Greece, 14 April 2008).

¹¹ Pavlou, M (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

C.2. Freedom of Assembly

- [15]. Freedom of assembly is guaranteed by Article 11 of the Greek Constitution. It is provided that ‘all the Greek citizens have the right to assemble peaceably and unarmed’.¹²
- [16]. There are no considerable barriers to holding Gay Pride events, and Athens Pride enjoys increasing participation each year. Greek society is generally becoming more accepting of LGBT spaces, yet there is an absence of public funding of LGBT social and political activities.¹³

C.3. Family and Other Social Issues

- [17]. LGBT persons in Greece cannot enter into registered partnerships, as no Greek legislation grants legal status to LGBT couples. According to LGBT activists, this creates problems in a number of areas, including inheritance rights and the ability to make decisions as a surrogate in medical care.¹⁴
- [18]. In March 2008 the Government announced the promotion of a law draft introducing the recognition of unmarried couples and granting them legal partnership status through a ‘cohabitation contract’ (σύμφωνο συμβίωσης literally translated as ‘agreement of cohabitation’). According to the government, the law concerns unions between men and women, and will exclude same sex couples.¹⁵
- [19]. LGBT organisations, left-wing political parties and civil society organisations¹⁶ reacted against the law proposal, and the Greek Orthodox Church expressed opposition to the entire partnership law, defining any relationship out of marriage as ‘prostitution’. Currently the *Ministry of Justice* has established a committee to examine the future extension of the Cohabitation Contract.¹⁷ Furthermore, some political parties are in favour of same-sex partnership rights. The Socialist Party, now in opposition, has put forward a draft law recognising same- and opposite-sex unions.¹⁸

¹² V. Hatzopoulos (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Greece*. FRALEX.

¹³ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

¹⁴ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

¹⁵ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

¹⁶ Hellenic League for Human Rights. *A positive but imperfect step*, Press release, www.hlhr.gr

¹⁷ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

¹⁸ See their programmatic framework of 2007, p.77, available at <http://www.pasok.gr/portal/gr/000F4240/Data/Binder1.pdf>.

C.4. The Labour Market

- [20]. Directive 2000/78/EC (the Employment Non-Discrimination Directive) has been transposed into Greek law, alongside Directive 2000/43/EC, (the General Non-Discrimination Directive), as Law 3304/05.¹⁹
- [21]. There is no scientific available data on the experiences of LGBT persons in the labour market. This is partly explained by the fact that the majority of LGBT persons are fearful of coming out at work.²⁰
- [22]. The only available data²¹ produced through discrimination testing methodology show that 1 out of 4 employers is reluctant to call candidates they know or presume are gay ('gay-labeled') to job interviews. This rate is higher for male employers (1 in 3).²²
- [23]. The Greek Ombudsman deals with discrimination on grounds of sexual orientation in employment in cases concerning the public sector. The Labour Inspectorate Body deals with discrimination cases on the grounds of sexual orientation in employment in the private sector. There are only one or two cases per year.²³
- [24]. Homosexuals in the Greek army have been exempted or suspended from military service because of their 'condition', considered to be a pathological and psychiatric disorder.²⁴ Being male and not serving in the Greek army is likely to cause problems in obtaining future employment. A recent case illustrates this phenomenon: Ethniki Insurance Company was fined with €60,000 for refusing to provide a life insurance contract to a client because he was homosexual. The company based its refusal on the argument that the client had not performed his military service and therefore suffered from a health condition.²⁵

¹⁹ (Official Gazette (FEK) A 16, 27/01/05, p. 67-72)

²⁰ Field trip meeting with *OLKE* (Greece, 14 April 2008).

²¹ N. Drydakís (2007), *Dual Life for Equal Labour? Sexual Orientation Discrimination in the Greek Labour Market*, Department of Economics, Gallos Campus at Rethymno, University of Crete, Greece, Business Economics and New Technologies Laboratory B.E.N.E.Tec, http://www.soc.uoc.gr/econ/wpa/docs/Sexual_Orientation_Discrimination_in_Greece_Drydakís.pdf

²² M. Pavlou.(2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

²³ Field trip meeting with the Greek Ombudsman, (Greece, 15 April 2008).

²⁴ Field trip meeting with the Greek Ombudsman, (Greece, 15 April 2008). and M Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report

²⁵ Kathimerini (2008), 'No' to a homosexual, fine to an insurance company, 15.3.

C.5. Education

- [25]. There no official data on LGBT conditions or experiences in Greek primary schools and higher education.²⁶
- [26]. Although no official data exist, LGBT representatives report that openly LGBT pupils are bullied and harassed, and the outing of teachers has led to dismissal from work or change of school. Partly due to fear, few teachers reveal their LGBT identity.²⁷ In 2007, a math teacher was transferred to another school because he was seen at a gay meeting place in a park.²⁸
- [27]. One education discrimination case handled by the Greek Ombudsman concerned a Macedonian postgraduate student with a Greek government scholarship who was dismissed from the University of Athens and filed a complaint for discriminatory behaviour due to his sexual orientation. The Greek Ombudsman disagreed with the expulsion of the student and he was allowed to continue his studies. LGBT persons in post-secondary education are only protected on the grounds of race or ethnic origin, not on the grounds of sexual orientation.²⁹
- [28]. Books on sex education are generally not allowed in school curricula, and famous Greek LGBT writers such as Sappho are not discussed as being LGBT.³⁰ There are no anti-bullying LGBT policies in place.³¹

C.6. Health Service

- [29]. There is no research or official scientific data on LGBT conditions and experiences in the health sector. The unofficial data presented here come from LGBT representatives.³²
- [30]. There is no attention to the LGBT population's specific needs in the health service; data collected on HIV concerns records only gay men and excludes lesbians; surgical operations are denied because of HIV fears; dentists refuse to provide services if persons with HIV patient reveal their status.³³

²⁶ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

²⁷ Field trip meeting with *OLKE* (Greece, 14 April 2008).

²⁸ M. Pavlou(2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

²⁹ Field trip meeting with the Greek Ombudsman (Greece, 15 April 2008).

³⁰ Field trip meeting with *OLKE* (Greece, 14 April 2008)

³¹ Field trip meeting with *OLKE* (Greece, 14 April 2008)

³² M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

³³ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

C.7. Religion

- [31]. Greek Orthodox is the predominant religion in Greece. Church officials and representatives have made homophobic public statements. Such statements have been condemned by civil society and NGOs but not by public officers or political parties, with the exception of the leftist party *SYN*.³⁴
- [32]. Homosexuals are seen by the Orthodox Church as sinners, and homosexuality as a biological anomaly. In the most notable case, on Oct. 31, 2004, the Archbishop of Athens declared in a sermon that homosexuality is an ‘evident sin’ and a ‘defect.’³⁵
- [33]. The Hellenic League for Human Rights noted that, as the Greek Orthodox Church is a state institution, its representatives are high-rank state officials, and their scope of intervention is the public political sphere. In that sense, their discourse, even when racist or offensive, has an institutional dimension. This discourse is therefore unacceptable as it encourages discrimination and homophobic practice.³⁶ Again, there is no official data in this area—if and how does religion shape public opinion on LGBT persons? How do LGBT persons access their right to practice religion?³⁷

C.8. Sports

- [34]. There has been no official research carried out in this area, and no data are available. Sport is an area of invisibility for LGBT persons, and debates about LGBT issues in sport generally do not take place.

C.9. Media

- [35]. There has been no official research carried out regarding the treatment of LGBT issues and persons in the media, and no data are available. According to the *Greek National Human Rights Commission* (NCHR), Greek television depicts LGBT issues as a ‘taboo transformed to a spicy subject ideal for sensational television’.³⁸ Furthermore the *NCHR* has called on the Greek media regulation authority, the *National Council for Radio and Television* (NCRTV) to

³⁴ M. Pavlou(2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

³⁵ M. Pavlou(2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

³⁶ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

³⁷ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

³⁸ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

sanction programmes that feature insulting or discriminatory references to homosexuals.³⁹

- [36]. LGBT groups have raised issues with the *NCRTV* regarding its rulings. In November 2003, the *NCRTV* fined one of the largest TV networks in Greece, Mega Channel, for €100,000 (Decision n.371-2003/11.11.2003), partly for having aired a kiss between two male characters of the popular TV serial show 'Klise ta Matia'. In December 2006, *Greece's Council of State*, the country's Supreme administrative court, annulled this decision, ruling that *NCRTV's* fine was unconstitutional. According to the court, the TV scene reflected an 'existing social reality, related to a social group, among many that make up an open and democratic society, whose sexual preferences are not to be condemned'. (Decision n.2856/2006, Chamber D (Τμήμα Δ)).⁴⁰

C.10. Asylum and Subsidiary Protection

- [37]. There are no official or scientific quantitative data available on the grounds on which a) protection claims are being submitted or b) refugee status is being granted.⁴¹ Sexual orientation is not mentioned under the law as a group, but come under the subcategory of 'persons persecuted for reasons of membership of a particular social group'.⁴²
- [38]. Several cases concerning Iranian Gay men seeking asylum in Greece have received the attention of the media. One case handled by the *Greek Ombudsman* concerned an Iranian man (referred to in the media as 'Alex') who did not initially mention that he was gay because he was afraid of how the police and public authorities would process his application for asylum. He had been in prison because of his political convictions (not his sexual orientation) and had been tortured. He had a relationship with a Greek man and his partner came to the Ombudsman after the asylum-seeker's application had been rejected by the authorities. The Ombudsman used the imprisonment and torture, as well as sexual orientation, as grounds for the Public Authorities to reconsider the initial rejection. In March 2008 the Iranian was granted asylum.⁴³

³⁹ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

⁴⁰ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

⁴¹ This stems a) from the official statistics published at the Greek UNHCR website, b) the written reply by the Greek UNHCR, c) the written reply by the Greek Ministry of Interior and Public Order.

⁴² V. Hatzopoulos (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Greece*. FRALEX.

⁴³ Field trip meeting with the Greek Ombudsman (Greece, 15 April 2008).

- [39]. It should be noted that the nickname Alex was used to protect the asylum seeker from his own ethnic community.⁴⁴

C.11. Family Reunification

- [40]. The lack of official partnership status or marriage recognition for same-sex couples prevents possibilities of family reunification. Consequently there are no statistics or further data related to family reunification.

C.12. Transgender Issues

- [41]. There is no mention of transgender persons in Greek law, and it is not clear whether trans persons are covered by legislation prohibiting discrimination on the basis of sexual orientation or on the basis of sex. Yet 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.⁴⁵
- [42]. There is no official research carried out or scientific data available on the situation for transgender persons. According to LGBT activists, transsexuals face serious everyday life problems, often due to society's reaction to their gender appearance. Transsexuals face problems finding employment and are subject to violence and harassment from the general public and the police. Some are thrown from their family homes and forced to live on the streets.⁴⁶

C.13. Multiple Discrimination

- [43]. There is no official research carried out or scientific data available on the situation for LGBT ethnic minorities, youth, elders or disabled. Nor has any official research been carried out on the situation for gender discrimination and lesbians.
- [44]. In their experiences providing support and networks for LGBT persons, NGOs report that refugees, teenagers and disabled LGBTs suffer from multiple discrimination.⁴⁷ LGBTs from immigrant

⁴⁴ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

⁴⁵ V. Hatzopoulos (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Greece*. FRALEX.

⁴⁶ Field trip meeting with OLKE (Greece, 14 April 2008).

⁴⁷ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

communities are often in conflict with their ethnic community, and adolescents deal with the threat of being bullied and harassed as well as disapproval by family if they choose to disclose.⁴⁸ Furthermore, due to inaccessibility, disabled LGBT persons are excluded from LGBT public spaces.⁴⁹

D. Good Practice

[45]. No good practices have been identified in Greece.

⁴⁸ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.

⁴⁹ M. Pavlou (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Greece*. Sociological Country Report.