



Analytical report

GREECE

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Introduction

Building upon the country mapping report published earlier in the end of January 2018 in the framework of the project RACCOMBAT: “Preventing and Combatting Racism and Xenophobia through Social Orientation of Non-Nationals” the current analytical report aims to provide insight on social orientation as a tool to counter racism and xenophobia in Greece by enforcing integration of non-nationals.

In Greece, although legal framework is in place (specifically, the National Strategy for the Integration of Third-Country Nationals¹) which comprises policies for both structural (insertion to the labour market) and cultural (language learning, civic courses and intercultural mediation) integration of migrants legally residing in the Greek territory, until today it has served more as a roadmap with integration proposals rather than an explicit commitment of the state to implement the suggested policies. The strategy placed emphasis on training and developing the skills of third country nationals including language and introductory courses but however, as described in the mapping report, relevant attempts on national level that have been implemented until 2016 were temporary, without clear monitoring and evaluation and, as a result, they have been fragmented and ad hoc.

At the end of January 2018 in a joint press conference, Ministers of Education², Research and Religious Affairs, Kostas Gavroglou, and Migration Policy, Yiannis Mouzalas, announced the Planning of a Language and Culture Programme for Refugees and Immigrants. The programme aims to support refugees aged 15 years and over through a training programme to ensure their better adaptation to both Greek reality and the wider European context. The programme will be funded through the Asylum, Migration and Integration Fund and is designed to meet the learning needs of different groups, while promoting both the knowledge of the Greek language and the European culture for adolescents and adult refugees. Along with the Greek language, English will also be taught. Emphasis will also be given to vocational guidance, while completing the training will result in the acquisition of a recognized certificate of A1, A2 and B1 language levels. The courses will last for 40 weeks, with the aim of enabling the beneficiaries then to work or attend other formal or informal education programmes. As announced, course were supposed to begin by April 2018 but until today there is no updated information available.

Research conducted in the framework of this project shows that NGOs are offering language courses to non-nationals in Greece which is the main social orientation course provided to non-nationals. Curricula that have been mapped and screened prove that intercultural activities, like cultural orientation sessions, visits to museums, as well as ad hoc discussions regarding the customs and values of society and other more practical everyday issues, also form part of the process. Nevertheless, these are small scale projects which cannot cover the needs of TCNs for social orientation and thus have a minimum impact on their integration process.

¹ <https://ec.europa.eu/migrant-integration/librarydoc/law-4251/2014---immigration-social-integration-code-and-other-provisions>

² <https://government.gov.gr/programma-mathimata-glossas-ke-politismou-gia-prosfiges-ke-metanastes-15/>

I. National law and fundamental rights in social orientation – by area

1. Main principles of the Constitution and values of society

In the area of constitutional provisions, in its first part the Greek Constitution³ assigns to the State the primary obligation to respect and protect the value of the human being. The Greek Constitution also contains a specific, general non-discrimination provision that explicitly protects all people, Greek citizens and foreign nationals, men and women, old and young. In particular, Article 5, paragraph 1 stipulates: '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 [i.e. the principles of morality]. 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. Exceptions shall be permitted only in cases provided by international law.' Therefore, Article 5 of the Constitution is considered as the constitutional basis of all Greek non-discrimination law.

The Constitution includes the principles of human dignity and free development of personality; the principle of general equality; the right to protection of health; freedom of religion; freedom of opinion and of the press; freedom of art, science, research and teaching; the right to judicial protection; the right to be protected against misuse of personal data; the right to receive free education on all levels at state educational institutions; the right to a family; the protection of marriage, motherhood, childhood and families with many children; the right to work and to receive equal pay for work of equal value; the right to respect of human and social rights; and the right to enjoy affirmative measures to counterbalance real inequality.

Besides the Greek constitution constitutional anti-discrimination provisions are enforced and declared both at European and international level by a multitude of conventions. This internationalisation of the protection of human rights demonstrates that human rights are now a global value and have ceased to be an internal affair of the States.

The main principles of the Constitution and values of society **are not part of a regular curriculum nor are covered ad hoc by social orientation courses in Greece.**

2. Prohibition of and protection against discrimination

- **Main legal norms – protected grounds, prohibition of discrimination in specific areas**

Social Security

The law provides access to social welfare for beneficiaries of international protection without drawing any distinction between refugees and beneficiaries of subsidiary protection. Beneficiaries of international protection should enjoy the same rights and receive the necessary social assistance according to the terms that apply to nationals. [Articles 29 and 30 PD 141/2013].

³ <http://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggljiko.pdf>

Third-country insured citizens are entitled to equal insurance rights with those of Greek citizens. Therefore, their adult children should be insured under the same conditions as the children of Greek citizens.

Health Care

Free access to health care for beneficiaries of international protection is provided under L. 4368/2016. According to national legislation, asylum seekers are entitled free of charge to necessary healthcare same as destitute Greek nationals, pharmaceutical and hospital care, on condition that they have no health insurance and no financial means. In all cases, emergency aid shall be provided to applicants free of charge. Applicants who have special needs shall receive special medical assistance [PD220/2007]

Article 26 Law 4251/2015 prohibits the provision of healthcare beyond emergency care for adult undocumented migrants. Undocumented migrants can be entitled to free healthcare if they belong to one of the vulnerable groups defined by Article 33 Law 4368/2016.

In accordance with Directive 2004/38/EC319, after three months of residency in Greece, EU citizens with no resources and/or health coverage are considered to be undocumented migrants. They have the same access to healthcare as undocumented third-country nationals.

Law 4368/2016 provides a framework for moving towards Universal Health Coverage and thus free access to public health services for persons without social insurance and vulnerable groups. Among others, asylum seekers and members of their families are considered as persons belonging to vulnerable groups and entitled to have free access to public health system and pharmaceutical treatment. [Article 33 L. 4368/2016]

A new joint Ministerial decision adopted in 2016 (25132/2016, Regulations to ensure access of the uninsured to the Public Health System) has guaranteed provision of health care services to uninsured people and vulnerable social groups, defined the eligibility criteria, the process of accessing care and the benefit package.

Employment

Articles 69 and 71 Law 4375/2016, provide for full and automatic access to the labour market for recognised refugees and subsidiary protection beneficiaries without any obligation to obtain a work permit. According to Article 71 Law 4375/2016, asylum seekers have access to the labour market as employees or service or work providers from the moment an asylum application has been formally lodged and they have obtained an asylum seeker's card.

Scarce information is related to foreigners about the structure and functions of all the above issues, mainly through NGO employees and in relation to situations they may find themselves into.

UNHCR, the UN Refugee Agency, created the website help.unhcr.org/greece for refugees and asylum seekers in Greece. On this website one is able to find information about living in Greece in 5 languages (Greek, English, French, Arabic and Persian) ⁴. The topics covered include:

- ✓ Access to healthcare
- ✓ Access to welfare
- ✓ Access to education
- ✓ Access to employment

⁴ <http://help.unhcr.org/greece/living-in-greece/>

- ✓ Access to Assistance
- ✓ Registration of a Birth
- ✓ Registration of Death
- **Main institutions and other stakeholders – equality bodies, courts, human rights NGOs**

Equality bodies

The Ombudsman⁵ is an independent authority, recognised by the 2001 Constitutional Revision and according to the new 2016 provisions. The Ombudsman is competent under the anti-discrimination law for the implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, age, disability or sexual orientation in the public services. It drafts reports and undertakes investigations following complaints of violations of the principle in any field. It can also conduct independent surveys concerning discrimination and publish independent reports and make recommendations concerning discrimination.

The Ombudsman is tasked with the monitoring and promotion of equal treatment not only for the public sector, but the private sector as well. The General Secretariat for Transparency and Human Rights of the Ministry of Justice, within the framework of its jurisdiction for the protection of human rights and combatting all forms of discrimination, is competent for the promotion of equal treatment. The Social Protection Directorate of the Ministry of Labour, inter alia, monitors the application of anti-discrimination policies in the field of labour and employment, informs employees and employers on issues related to discrimination in the field of employment and raises awareness.

In fact, Article 16 of Law 4443/2016⁶ requires the cooperation amongst all of the aforementioned authorities, as well as with the Economic and Social Committee, the higher union organisations in the private and public sector, the National Social Solidarity Centre, the National Centre for Social Research, the Centre for Equality Research, the Centre for Disease Control and Prevention, the Central Union of Greek Municipalities, as well as with civil society organisations with expertise on anti-discrimination. Regarding awareness raising and dissemination of information, Article 17 of the same law stipulates that the employers, as well as those in charge of vocational training, shall ensure the application of anti-discrimination provisions and provide the equality body with all the necessary information for the promotion of equal treatment, as per their mandate. The union organisations shall inform their members of the content of anti-discrimination provisions, as well as the measures that are carried out for the application and promotion of equal treatment.

Prior to an examination of the equality bodies included in Law 4443/2016, it is important to provide some information on the Greek National Commission for Human Rights (NCHR), which also plays an important role in the promotion of equal treatment. According to Law 2667/1998, under which it was established, the NCHR, although it is not an 'equality body' as described in Equal Treatment Law 4443/2016, it has competence to examine the ways in which Greek legislation may be harmonised with the international law standards on human rights protection, and the subsequent submission of relevant non-binding opinions to competent State bodies.

In addition, the contribution of the NCHR is important for the general policy of promotion of equal treatment, because through its unique structure – allowing representation in the decision-making processes of various stakeholders – it is able to advise the State on legislation and policy plans.

⁵ https://ec.europa.eu/info/sites/info/files/2017-el-country_report_nd_final_en.pdf
http://www.antigone.gr/files/en/library/research-and-studies-specifically-for-greece/2017/2017-EL-Country%20report%20ND_final.pdf

⁶ (Government Gazette A 232 / 9-12-2016): Exercise of workers' rights in the context of free movement of workers, equal treatment of workers, equal treatment in employment and occupation

Furthermore, in Greece, associations, organisations and trade unions are entitled to act on behalf of victims of discrimination.

Article 8 paragraph 3 of Law 4443/2016 states that: 'legal persons, unions or organisations including social partners and trade unions, whose purpose also includes the safeguarding of the principle of equal treatment regardless of race, colour, national or ethnic origin, descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics, may represent the injured party before the courts and represent them before any administrative authority or organ, as long as he/she provides in advance his/her consent through a notarial document or private document, which will bear their certified signature'. Moreover, paragraph 4 of the same article further states that the aforementioned legal persons may also intervene in proceedings examining discrimination cases before the civil or administrative courts free of charge.

In Greece, national law requires a full shift of the burden of proof from the complainant to the respondent. This means that the respondent has to prove that the complainant has not been discriminated against (exceptions apply to criminal procedures where the burden is partially shifted).

The burden of proof in cases where anti-discrimination law has been violated is covered in Article 9 of Equal Treatment Law 4443/2016.

In cases of non-compliance with the principle of equal treatment within the framework of an administrative action, the victim has the protection — in addition to judicial protection — granted by Articles 24–27 of the Code of Administrative Procedure.

In terms of providing information about relevant anti-discrimination institutions, on the Greek Ombudsman site there is a leaflet in Greek, Arabic and Albanian offering some basic information on the role and duties of the Greek Ombudsman.⁷

- **Relevant legal and administrative procedures – complaining to equality bodies, police, courts**

As mentioned above, the Greek Ombudsman⁸ is the national equality body with a mandate to combat discrimination and promote the principle of equal treatment irrespective of gender, racial or ethnic origin, family or social status, religion or belief, disability or chronic disease, age, sexual orientation, gender identity or gender characteristics (law 3896/2010 and Law 4443/2016). These laws incorporate into national legal order the Directives: 2000/43/EC, 2000/73/EC, 2004/113/EC, and 2014/54/EC. The Department of Equal Treatment is competent for handling cases of discrimination pertaining to all aforementioned grounds as they relate to access of employment, vocational training and promotion and working conditions, in both in the public and the private sector, including contractual employment, self-employment, work and pay. It is also responsible for handling cases of discrimination based on gender, ethnic or racial origin in regards to access to and supply of goods and services.

The promotion of the principle of equal treatment is an additional important mission which is carried out in cooperation with government agencies, NGOs and enterprises/agencies of the private sector. The Human Rights Department of the Greek Ombudsman is concerned with the defence of individual, political and social rights protected by the Constitution by international agreements or by national law. Specifically, it deals with cases regarding: violations of personal freedom, freedom of religious belief and worship; discrimination on grounds of nationality or ethnic origin; violations of the rights of immigrants; equal access to public education; recognition of foreign academic titles; protection of professional rights; infringements of the right to appeal to the administrative authorities and access to judicial protection, as well as the right

⁷ https://www.synigoros.gr/resources/toolip/doc/2016/06/17/en_r.pdf

⁸ Promoting Equal Treatment - The Greek Ombudsman as National Equality Body
<https://www.synigoros.gr/resources/docs/diakriseon-aggliko.pdf>

to political asylum and aliens' rights to entry and residence. The Ombudsman has competence over the private sector or specific individuals, in case of violation of the principle of equal treatment and anti-discrimination provisions.

The Ombudsman handles complaints for discrimination which can be submitted in person, by post or electronically and should contain:

- an outline of the problem;
- the public service involved;
- the actions already carried out;
- the outcome of these actions;
- any evidence or information that may assist in the investigation of the matter.

The information on the Ombudsman's website regarding the procedures is in Greek and English.

If it is a case of a criminal proceeding then the victim should appear before the competent agencies of the Hellenic Police Force nationwide and make a complaint. There are also cases where the police authorities will take charge and conduct preliminary investigations ex officio where there is no need for a report from or an accusation by victim(s) before the initiation of an investigation and/or prosecution. In other incidents the police authorities take charge on the basis of instructions by the prosecution authorities ordering a preliminary investigation.

3. Justice and law enforcement

- **Main legal norms – what a citizen can and cannot do;**

The legal protection and defence of people wronged by any violation of anti-discrimination law 3304/2005 will, in accordance with Article 13, is done not only by courts, but also by administrative bodies or through NGOs or trade unions, as mentioned above. Thus, NGOs and trade unions can act on behalf and in support of victims before the courts and before administrative bodies but only under two conditions: 1) that the said NGOs and /or trade unions have a legitimate interest in ensuring the application of the principle of equal treatment; 2) that the victim has given their consent to the organisation stating that they want and agree to be represented by it. The burden of proof in cases of violation of anti-discrimination law is dealt with in Article 14 of the new Anti-discrimination Law 3304/2005, which reverses the burden of proof from the victim to the perpetrator. No real sanctions are provided for infringements of the principle of equal treatment and nondiscrimination, since the only effectively applied sanction is a fine, which the employer, in case of failure to apply the equal treatment principle and only on the grounds of racial or ethnic origin or religion during the provision of goods and the supply of services to the public, shall pay to the state and not to the victim. Specifically, Article 16 of the new Law reads that "Anyone who violates the provisions of this Law concerning the prohibition of discrimination on the grounds of national or racial origin or religious or other beliefs, disability, age, or sexual orientation regarding access and supply of goods and services to the public is punished with imprisonment of 6 months up to 3 years and a fine between EUR 1.000 and EUR 5.000". Article 17 of Law considers the infringement of it as a violation of Greek Labour Law and therefore it provides a fine for this violation. In this case, the fine is imposed by the Work Inspectorate according to Article 16 of Law no 2639/1998. This fine is between EUR 500 and EUR 30.000. In both cases there is not a provision for a compensation to the victim.

It is imperative that all authorities involved in this process be thoroughly familiar with, and bound by, certain basic instructions, depending on the phase of the procedure: a) first contact with the competent authority (victim identification, individual assessment and referral of victims); b) reporting of the incident to the authorities; c) criminal investigation; d)

penal procedure; e) post-trial phase of the penal procedure. For that purpose, the competent authorities must be clearly designated and informed of their duty to implement the law, so as to be able to lay down proper internal procedures (e.g. designate compliance officers and implement compliance protocols).

- **Law enforcement – structure of police, main powers**

Following a dramatic increase in the number of incidents of racist violence in recent years, which was linked to the rise of the neo-Nazi party Golden Dawn, the Ministry of Public Order and Citizen Protection, in late 2012, introduced special units within the police to tackle racist violence. These units are mandated to carry out in-depth investigations into racist attacks; they can also open an investigation ex officio and receive anonymous complaints. In October 2013, a Public Prosecutor for the prosecution of acts of racist violence was appointed.

The two (2) Departments for Combating Racism Violence are established in the State Security Sub-Directorates of the Attica and Thessaloniki Security Departments.

Sixty-eight (68) offices, to which the two departments are divided, are operated as follows:

-five (5) in Attica in the respective sub - directorates of the Attica Security Directorate and

-sixty three (63) in the Region, to the respective Sub-Divisions and Departments of Security operating in the Prefectural Police Departments.

The two (2) Departments that are engaged in the fight against racial violence/ State Security Sub-directorates of Attica and Thessalonica, on approval or by order of the Chief of the Hellenic Police, are also entitled to investigate offences related to racial violence in areas coming under the competence of the General Police Inspectors of Southern and Northern Greece respectively; mainly, if racial incidents weigh heavily on the public because of their gravity, if they adversely affect the citizens' feeling of security, if they need special experience and knowledge for the gathering of relevant evidence and for the arrest of the perpetrators and/or if there are suspicions of organised racial activities in the wider areas of one or of more Police Directorates.

In any case, the General Regional Police Director and the Director of the Police Directorate are accordingly informed and their competent Services provide every relevant assistance, if needed. After the completion of the activities of the staff of the Departments engaged in the fight against racial violence, the Director of the local State Security Sub-directorate submits a relevant report to the Chief of the Hellenic Police that sets out all related details (type of offences, conditions, etc.).

Responsibilities

The Departments and the Offices engaged in the fight against Racial Violence:⁹

- intervene ex officio or following charges or complaints in the investigation and persecution of every kind of exhortation, preparation, and/or perpetration of activities or actions that may incite racial discrimination, hatred, and/or violence against persons or groups of persons because of their race, complexion, religion, family-tree history, genealogic, national or ethnic origin, sexual orientation, gender identity or disability.
- gather, process, and properly utilise information and data on the perpetration or the preparation of offences having racial characteristics,
- coordinate and give instructions to the Offices that are engaged in the fight against racial violence for discharging their duties,
- develop cooperation with co-competent state services and bodies and with other social bodies and organizations, in the context of their mission and for the more effective management of racial incidents,
- take initiatives or assist other authorities, services and bodies with their initiatives for preventing and countering racial violence,

⁹ http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=23730&Itemid=1027&lang=EN

- keep under surveillance places and areas where there is increased danger for the out-breaking of racial attacks,
- cooperate with international organisations and bodies and with bodies and representatives of vulnerable social groups that have been or may in the future be victims of racist attacks,
- keep a special record on racist incidents handled by them,
- inform victims or complainants of their rights,
- inform the competent Services of the need for the rendering of medical care, hospitalisation and/or psychological support to victims of racist attacks; inform those responsible of the need for interpreters,
- promptly inform the competent Public Prosecutor every time they undertake the preliminary examination of cases of racist violence; in addition, inform of serious incidents the Country's Ministry of Foreign Affairs and the racism victims' Consular Authorities,
- each January, draw up a report on racial violence cases handled by them during the previous year and submit it to the 1st Section for Social and Cultural Issues and to the Combat against Racism/State Security Directorate of the Hellenic Police Headquarters.

According to the information communicated to the Racist Violence Recording Network by the Hellenic Police, from 01.01.2017 until 31.12.2017 the competent agencies of the Hellenic Police Force nationwide recorded in total one hundred and eighty-four (184) incidents potentially involving racist motives, in one hundred and twelve (112) of which the police authorities took charge and conducted preliminary investigations either *ex officio* (there is no need for a report from or an accusation by a victim(s) before the initiation of an investigation and/or prosecution) or following a complaint, whereas in the remaining seventy-two (72) incidents the police authorities took charge on the basis of instructions by the prosecution authorities ordering a preliminary investigation.

- **Judiciary – courts, prosecution, investigation**

The recent law no 4285/2014 which amended the outdated legal framework (law no 927/1979) aligns domestic legislation with European Union rules pertaining to hate speech and denial of genocide. More specifically, the law criminalises the public incitement of violence or hate speech, covering also the gender identity and sexual orientation grounds, and the public endorsement or denial of certain crimes (genocides). It also increases jail time for instigating racist violence from two years to three years and imposes fines on individuals and groups. Groups and political parties found inciting racism can be barred from receiving state funds. It should also be noted that according to the law crimes committed are investigated and prosecuted *ex officio*; therefore, there is no need for a report from or an accusation by victim(s) before the initiation of an investigation and/or prosecution. On the other hand, there are no provisions encouraging the reporting of hate crimes and ensuring the action of police and judiciary. On the contrary, a previous legal provision protecting hate crime victims from deportation has been revoked. Overall, the law catches up with the Greek reality and, despite some reasonable doubts regarding the eventual free speech sacrifices, it reaches an equilibrated compromise between the hate crime protection and the freedom of speech. Law enforcement and prosecution authorities usually consider victims as part of the penal procedure, mainly as a source of information about the case or in a manner consistent with the involvement of each victim in the penal proceedings.

More specifically, the Greek Criminal Code (following the September amendments by Law N. 4285/2014), Article 81A considers (special) aggravating circumstance 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 and the minimum limit of the sentence rises as stated below:

A) In misdemeanor cases, where the minimum limit of the sentence applicable by virtue of the relevant legislation is set from ten days to one year of imprisonment, the minimum limit of the sentence rises by six months and by one year for the rest of misdemeanor cases.

B) In felony cases, where the minimum limit of the sentence applicable by virtue of the relevant legislation is set from five to ten years of imprisonment, the minimum limit of the sentence rises by two years and by three years for the rest felony cases.

C) The minimum limit of pecuniary penalty for every crime by virtue of the relevant legislation doubles. The above imposed sentence cannot be suspended.

4. Violations of one's rights

According to the annual report for 2017¹⁰ by the Reporting Network on Racism Violence, which analyzes the quantitative and qualitative results of the recording of incidents of racist violence and hate crime, racist violence and hate crime continue to plague Greece, with more than 100 incidents reported last year by 42 organisations in the country.

From January-December 2017, the RVRN documented, through interviews with victims, 102 incidents of racist violence, with more than 120 victims. In 34 incidents, the victims were migrants or refugees who were allegedly targeted on grounds of ethnic origin, religion, colour and/or gender identity. In 7 incidents, the victims were human rights defenders and employees of organisations offering refugee support services.

In 47 incidents, the victims were LGBTQI people. In 11 incidents, sacred or symbolic places and the Jewish community were targeted, whereas in two incidents, the victims were Greek citizens, targeted on grounds of their religious beliefs. In one incident, the victim was a male member of the Roma community. In 37 incidents, more than one victim was targeted, whereas in 55 incidents the assault was committed by two or more people.

According to the RVPN the following findings, as drawn from the RVRN recordings, briefly describe the quantitative and qualitative data available for 2017:

1. Violent assaults against immigrants, refugees and their defenders by organised groups have increased in Athens, as well as in the wider area of Attica and the islands. The RVRN alarmingly observes an increase in the number of assaults committed by groups employing 'hit-and-run' like practices. The assaults appear to have repeated patterns (the perpetrators seem to execute instructions given to them by their organisations, on the basis of pre-meditated plans) and invariably result in personal injuries. Apart from the serious assaults that took place in Aspropyrgos, which came to the public's attention, the Network has recorded an assault which resembles those recorded during 2011-2013.
2. Recorded assaults against LGBTQI persons outnumber all other types of assault, but have decreased slightly. Recorded assaults against LGBTQI persons include verbal abuse and personal injuries and come in patterns of every possible variation. In addition, a firm tendency to target LGBTQI defenders and activists was also noted.
3. Incidents involving law enforcement officials and civil servants have also presented a slight increase. In the vast majority of these incidents, the victims reported that they sustained physical violence in public spaces during police operations, or inside police departments and detention facilities. Evidently, it was the victims' skin colour or national/ethnic origin that triggered violent, stereotype reactions on the part of the 6 officers concerned. Reported incidents involving civil servants mainly relate to acts committed against LGBTQI persons in spaces which are basically intended to protect and/or safeguard the rights of this part of the population.
4. The number of anti-Semitic incidents, involving mostly desecration of monuments and sacred sites, is also increasing steadily.
5. The authorities' responsiveness to hate crimes presents substantial improvement. However, the need for long-term planning is imperative and continuous efforts need to be made to establish a flawless system whereby hate crimes will be investigated and punished effectively and the victims of racist, homophobic and transphobic violence will be able to receive adequate support.

¹⁰ http://rvrn.org/wp-content/uploads/2018/03/Report_2017eng.pdf

5. Rights of suspects and accused

Criminal proceedings in Greece start with the investigation of the crime. Sometimes the investigation is preceded by a preliminary inquiry. The aim of the preliminary inquiry is to examine the circumstances of the case and to decide whether to institute criminal proceedings or not.

The police and the judiciary (the public prosecutor and/or the investigator) carry out the investigation. At the end of the investigation the police officer in charge of the case forwards all the collected materials to the prosecutor. The prosecutor examines the work done so far and forwards the case to the court together with his/her proposal on how the case should proceed further.

The court, after reviewing the case file and the prosecutor's proposal can open a trial or close the case. During the trial, the court examines all the evidence collected and decides on the guilt of the defendant. If the court finds the defendant guilty it sentences him/her and imposes a penalty. If the defendant is found not guilty the court acquits him/her.

No information is given to non-nationals about rights of suspects and accused.

6. Legal aid

Legal aid system is mainly presented to asylum seekers through the legal aid they can receive during their international protection procedure.

UNHCR, the UN Refugee Agency created the website help.unhcr.org/greece for refugees and asylum seekers in Greece provided in several languages (Greek, English, French, Arabic and Farsi). On this website one is able to find information about:

- ✓ Where to ask for help in Greece
- ✓ How to apply for asylum in Greece
- ✓ How to apply for relocation, the procedure for transferring to another European country
- ✓ How to apply for family reunification, the procedure for reunification with a close family member in another European country
- ✓ What rights and duties one has as a refugee or asylum seeker in Greece
- ✓ How to get information on voluntarily return to one's home country
- ✓ UNHCR's role and activities in Greece.
- **Main legal norms – types of cases, conditions**

The principle prerequisite for granting legal aid is the low income of the citizens (more specifically, the family income must not overcome 2/3 of the annual personal income specified by the general collective labour convention). Law 3226/2004 stipulates legal aid in cases of private law and penal law. Legal aid, in these cases, is not only confined to judicial expenses (fiscal stamps), but it also expands to provision of legal representation (a lawyer). The latter is granted following a petition. Legal aid is provided separately for every trial, it is valid throughout each level of jurisdiction and is related to the enforcement of the judgment. Legal aid is provided under the presupposition that the submitted judicial remedies are admissible and not obviously unfounded or disadvantageous. The significance of the case to the applicant is also taken into consideration.

In discrimination cases, the procedural role of NGOs does not go beyond the minimum requirements under Article 7 par. 2 of Directive 2000/43. It must be stressed that the condition of power of attorney for supporting persons who are victims of discrimination is far more restrictive than the “consent” requirement provided for by article 7, par. 2 of Directive 2000/43. Considering the fact that victims of discrimination often belong to vulnerable groups, this condition may have a negative impact on the possibility of their representation by NGOs. Furthermore, legal entities are required to have as a constitutive aim to uphold anti-discrimination. This prerequisite also may limit the scope of civil society organizations which may represent discrimination victims. It must be noted that support by the NGOs is of crucial importance since they are the best-informed part of civil society in the field of developments in the anti-discrimination legislation. Any legal entity, association, union or group of persons may submit a complaint to the Greek Ombudsman. Associations and organisations that have legal personality may participate in court proceedings. According to the Hellenic League of Human Rights Annual Report civil society organizations and agencies are engaged in “strong anti-discrimination and pro-integration activity”. Nevertheless, in practice NGOs and other civil society bodies are more engaged in activities such as raising rights awareness, networking and disseminating information, rather than engaging in mediation or taking part in court proceedings. The Greek Ombudsman has built a communication network with NGOs active in the field of anti-discrimination, in issues such as the protection of Roma.

It is noteworthy that NGOs have started to file complaints with the Greek Ombudsman that may have an impact, not only in specific discrimination cases, but also trigger a change of discriminatory practices. For example, the Pan-Hellenic Migrants Network and the United African Women’s Organization filed a complaint for racial discrimination to immigrant children born in Greece on the grounds that the competent Departments do not issue birth certificates but only birth registrations to children born in Greece, by parents who are foreign citizens. Although the Greek Ombudsman did not identify a violation of Law 3304/2005, since the practice is technically legal being a differentiation due to citizenship, the complaint triggered the Ombudsman to collect information in order to initiate mediation in the light of the impact this practice has in social co-existence.

Legal aid services are required particularly at the following junctures:¹¹

- Registration of asylum seekers by the police authorities (upon arrival on the islands of Eastern Aegean): asylum seekers should be fully informed of their rights and about the process at the earliest stage possible to ensure fair and efficient processing of their claim and ensure the early identification of vulnerabilities (e.g. torture, sexual and physical violence, mental health illnesses, minors)
- Vulnerability assessment: As vulnerability can be assessed at any stage of the procedure, legal aid should be available to the applicants in order to access information and get assistance in elaborating and supporting their vulnerability claim (submitting the request, medical records etc.) as well as challenging possible negative previous decisions on vulnerability.
- Submitting applications: legal assistance is also required in filing various applications before the Asylum Service, including full registration, applications for the continuation of the examination of asylum claims closed under the “filing system” (interruption of the examination), applications for recognition of vulnerability, application for expediting the interview date etc. .
- Asylum interview: legal aid and representation during the first interview is essential. This is the applicants’ first and main chance to talk about their story and prove the admissibility and eligibility of their application for international protection. It is also their chance to elaborate on possible vulnerability elements that might have gone unnoticed in previous stages. Applicants need to be prepared beforehand in order to be able to articulate their claim truthfully and

¹¹ Legal Aid (Individual Legal Representation in Asylum/Refugee Context) for Migrants, Asylum Seekers and Refugees in Greece: Challenges and Barriers Legal Aid Actors Task Force January 2018
<http://metadarsi.org/wp-content/uploads/2018/02/legal-aid-gaps-greece.pdf>

consistently. During the interview, a lawyer should be present in order to ensure the legality and fairness of the procedure, ask additional questions and make necessary remarks and observations, especially, when the facts of the case do not appear to be clear. Moreover, the lawyer can submit a memo and additional documents afterwards, elaborating on the claim and providing legal reasoning. Taking into consideration that that appeal procedure is, in principle, in writing and does not include an oral hearing, a complete case file and a well-represented case in the first instance could be invaluable.

– ‘Dublin procedure’ application (family reunification and take charge/back requests and re-examination/appeal): which often involves the interaction of multiple Member States, complex legal provisions (without uniform interpretation by all stakeholders) and strict deadlines, and a change in state assistance (in terms of living conditions etc.) as the applicant goes through the procedure and, in the case of family reunification, the cooperation of family members, potentially their lawyers and an extra evidential burden (to prove the relationship). The immediate information provision to applicants, regarding their right to seek for family reunification under Dublin Regulation, is crucial, in order not to exceed the relevant time limits, risking the rejection of their application by other EU countries as inadmissible.

– Appeal before the Appeals Committees: since the procedure is, in principle, in writing, legal aid provision is required in order to submit necessary documents that will include the reasons for appealing the negative decision and the shortcomings of the procedure (memo, additional evidence, medical records etc.). Although there is a state run legal aid scheme, currently it does not cover the needs, as only 23 lawyers were recruited by the Asylum Service to provide legal services to 17.633 asylum seekers who have challenged the first instance decisions since 2016.

– Application for annulment before the Administrative Appeals Court: only lawyers have rights of audience in Greek courts therefore legal assistance is required at this stage in order to prepare the case file, represent the case and help the applicant navigate the Greek judicial process, for the additional reason of the imposition of high legal fees. Legal aid is not always available for human rights cases such as these.

– Detention: personal liberty is a fundamental right and it should be ensured that detention is used as a last resort. Detainees should have access to legal aid and representation during their asylum procedure as well as to challenge the detention decision and their possible deportation/ readmission decision. Lawyers are essential to guarantee the procedural rights of detainees and the right to be brought before the competent authorities in due course.

– Civil registry acts: there are various deficiencies in such assistance for refugees (e.g. lack of right to an interpreter). For newborns’ registration, legal assistance would help the proper collection of data as required by the Birth Registration Act (e.g. names of parents and their [marital] status).

– Social benefits: access to health, social security, welfare allowances has been problematic without legal aid assistance. The law is poorly codified and based mainly on various Government circulars which are not clear on the relevant procedure.

– Access to justice: in civil courts, asylum seekers often cannot meet the formalities to obtain civil legal aid assistance (e.g. tax declaration to show they are destitute). Legal assistance would be desirable in many cases especially guardianship, and correction of data registered in civil registry acts. As for criminal courts, Greek legislation provides for free legal aid but in practice courts will only appoint lawyers for very serious crimes (felonies). Countless others must navigate the criminal justice system alone and are sometimes also left without interpreters.

– Right to shelter/accommodation/reception conditions and the right to legal aid assistance: the deploring reception conditions in detention centres and RICs, as well as in refugee camps, undermine the applicants’ capacity to support their claims and communicate adequately with their lawyers.

- **Main institutions and other stakeholders – legal aid bureaus, bar councils, human rights and other NGOs;**

According to the online platform created by the “The Greek Forum of Refugees”¹² there is a database of 21 NGOs, volunteer organisations, social organisations and other institutions which provide legal support to non-nationals. Information was collected in April-June 2016.

Some representative institutions and stakeholders that are offering legal support are:

- ✓ PRAKSIS/Legal Information Center/ free legal counseling to all vulnerable and socially excluded groups of the population;
 - ✓ ARSIS-SOLIDARITY NOW/Legal aid and counseling provided by ARSIS in Athens Solidarity Center (with the support of Solidarity Now Network);
 - ✓ ASYLUM SERVICE/State institution/Telephone line with recorded information for asylum seekers in 10 languages: 210 69 88 660;
 - ✓ COUNSELOR OF THE REFUGEES (Synigoros tou Politi)/ Independent authority/ The website of the Counselor of the Refugees has legal information concerning refugees, migrants and expatriates. Additionally, the Counselor mediates for free in order to resolve specific cases that have to do with taxes, banks etc. faced by these groups (eg problems with filing documents in a government structure);
 - ✓ GREEK COUNCIL FOR REFUGEES (G.C.R.)/ Association specifically recognised as a charitable non-profit organization/ Legal service and counseling;
 - ✓ GROUP OF LAWYERS FOR THE RIGHTS OF REFUGEES AND MIGRANTS/Legal support, specifically for refugee and immigrant issues;
 - ✓ METAdrasi/Individual legal representation in asylum/refugee context for migrants, asylum seekers and refugees in Greece
- **Relevant procedures – how to apply for and obtain legal aid**

NGOs offer legal aid to persons entitled to international protection, free of charge, through locally established lawyers in the islands where population is concentrated (Samos, Chios, Lesbos, Kos and Leros) and in the main cities of Greece.

In this context lawyers undertake the following duties:

- provision of specialised services of legal support inside detention facilities and accommodation facilities hosting members of the target group (police stations, detention facilities, detention centers/screening centers/first reception centers, temporary accommodation facilities);
- briefing of the newly arrived on the right to submit an asylum claim, on the asylum procedure, on the Dublin III regulation and the relocation scheme;
- provision of legal aid in all stages of the asylum procedure;
- identification and support to vulnerable cases;
- provision of information to detainees and intervention on a case by case basis.

¹² <http://refugees.gr/social-services-en/>

Services are mainly advisory in nature and offered in the form of individual support sessions. But the activity is not limited to the provision of consulting services; rather, it often promotes the support to beneficiaries' requests through telephone and written interventions at both the national and international level, through the physical presence of lawyers in public services and institutions to support their claims, and generally by undertaking all necessary initiatives. There are as well Drop-In Centres in big cities where legal aid is provided, as well as online services.

II. Methodology of teaching basics of national law and fundamental rights

1. Profile and qualifications of teachers

Following the desktop research conducted in the framework of this report it turned out that teaching courses are conducted mostly by part time employees but also by volunteers that are either certified in teaching Greek language as a foreign language or certified in multicultural education (master or educational programmes) or they have gained a lot of experience in teaching. There are no outside experts involved in the courses as these are strictly language courses.

2. Teaching methods

The main teaching method for language courses in Greece is lectures, especially in levels A1 and A2 where the participants do not speak Greek. Beginners are encouraged to achieve fluency in oral communication in order to facilitate their daily life. Therefore the teaching material, mostly for beginners, is constituted by texts or dialogues of authentic speech, covering a variety of communication circumstances in order to be able to respond to real-life needs. Some of these communication circumstances are situated in the market, in public transports, in a public office, at the doctor or in an interview for a job. Material from real city life such as real tickets, receipts or bills are used while the teaching material is framed by images making the lesson more lively, avoiding as much as possible the translation in English language. Small sketches are used for description of words. By these means teaching is becoming more playful and fun.

In levels B1 and B2 interactive discussions are encouraged and more adult education methods are used. Following the context of multi-cultural education, the courses are learner-centered promoting the participation of students through cooperative exercises in the class and interactive dialogues that most of the times are based on the cultural background of the participants. Their aim is to exchange their diverse cultural experiences. According to Vassiliki Tsihla, Greek language teacher in METAdrasi, video and audio sources are used to make the lessons more interactive. Moreover, some cultural activities also form part of the curriculum such as visits to museums formulating an indicative picture of the culture and civilization. In general, language courses are being perceived holistically aiming not to isolate participants from the surrounding cultural and social environment.

3. Inclusion of host communities in the social orientation curriculum

The host communities are not involved in the curriculum of social orientation courses.

4. Case study

Since September 2010 METAdrasi has been active in teaching Greek as a foreign language to asylum seekers and refugees. The courses are intensive and adjusted to the language particularities/abilities of the participants, as well as to their subsistence and integration needs.

The main aim is to achieve fluency in oral communication for beginners (mostly in order to facilitate access to the labor market) in a short period of time, and to certify proficiency in Greek through the appropriate University exams at an advanced level. This particular action is implemented in cooperation with the Modern Greek Language Teaching Centre of the University of Athens (an institution with long experience in the teaching of Modern Greek as a foreign language). The cooperating professors, the methodology and the teaching material all come from this particular University Department.

In order to be effective, teaching of a language to non-native speakers should not be isolated from the surrounding social and cultural conditions; therefore, cultural orientation sessions, visits to museums, as well as intercultural activities also form part of their curriculum. Therefore for the purposes of this report METAdrasi has been chosen as the most relevant case to present.

On 5 April 2018 on the premises of METAdrasi in Athens Despoina Kontorizou, the RACCOMBAT project manager for CECL and author of the current report, did the first observation of a B1 language course. There were 14 adults attending (5 male and 9 female). Usually there are more but due to Easter vacation some people were absent. It was a 2hour lesson. The attendees are preparing to give exams in May in the Greek language and thus are working intensively.

While awaiting for the class to begin, it was observed that there were posters on the walls informing in many languages about the language courses and how to participate. There were as well posters in Arabic, Farsi, Kirmanji, Pasto and many other languages and also translated in Greek with some famous sayings entering trainees in the multicultural environment. Finally there were posters informing that language courses were taking place and quiet should be kept.

Before the session the observer had the chance to discuss with the teacher the curriculum, the teaching methods, the levels of the courses and the students.

When entering the classroom the observer had an opportunity to introduce herself as a researcher on social orientation. She explained that she wanted to do observations to get a real life experience of the foreigners' language courses.

The lecture observed was about employment. There was a picture with people of different occupations and the teacher asked participants to describe it. A dialogue ensued on participants' countries' terms of work, if they are working in Greece, if they are looking for a job and if yes, by what means. Therefore besides learning the language they had the opportunity to exchange valuable information about employment – the current economic environment in Greece, job search etc.

Then a listening test followed (due to the fact that listening is part of the exam process) where an employment consultant provided advice to people searching for a job placement. The adults had to listen carefully and fill in gaps as a form of exercise. After the end they had the chance to find the answers and the teacher provided the text on paper so that the learners read it at home. Therefore extra guidance on employment was provided.

At the end of the course a discussion followed regarding the benefits foreigners gain through the courses besides learning the language. A woman from Egypt claimed that it was a good reason for socialising since she was not working and was spending a lot of time at home. A man from Syria said that employment opportunities arose by meeting other people. A woman from Palestine said that foreigners had the chance to exchange their experiences as newcomers in Greece, meet some Greek people (their teacher, other workers from the organisation etc.), learn the culture and improve their living.

On the A1 level course that the observer had the chance to observe the same day the learners did not have the capacity to exchange information in Greek so the course was more language oriented. It appeared that these people were less integrated due to their poor knowledge of the language and lacked confidence and opportunities.

The observer's second visit followed on the 24 April 2018 in a B2 level course. The course started with a discussion initiated by the teacher on recycling and its benefits. Each student was asked if they recycled, what kind of material, if there were bins in their neighbourhood for recycling, how to leave the waste in the recycling bins, etc. All this discussion aimed at providing environmental sensitisation and talking about the right ways to recycle.

There was also a discussion on household economy and money spent on public services (electricity, water, telephone etc.). Cheaper electricity offered by the Greek electricity company during the night was discussed and what the procedure is for someone to make use of it.

These discussions served as an introduction to the grammar section which was about future tenses. As the teacher explained, the first part of the course in the B levels is an interactive dialogue on topics related to social orientation in terms of exchanging experience in specific issues regarding foreigners' everyday lives.

According to Ms Vassiliki Tsihla, a Greek language teacher working for METAdrasi: "Greek language courses for non-native speakers (immigrants, refugees, asylum seekers) contribute to their gradual integration to host society and combating social exclusion, discrimination and xenophobia.

First of all - especially for beginners – we encourage the students to achieve fluency in oral communication in order to facilitate their daily life. This is very important as they are getting more independent to respond to real-life needs while it helps them to socialize. That is the reason why the teaching material – mainly for beginners - is constituted of dialogues or texts of authentic speech, covering a variety of communicational circumstances - in the market, in public transports, in a public office, at the doctor or in an interview for a job. Through this communicational material, we have the chance to inform the trainees about some aspects of city life to set them at ease. For example they are informed about the transport in Athens (metro lines, electronic tickets, buses, regions) or public services (electricity, water supply, communication services etc.). So authentic material of real city life such as real tickets, receipts or bills also form part of teaching material. Having said that, fluency helps them get access to the labour market. Therefore Greek courses take into consideration the integration needs of the target group each time but they are also adjusting to all levels of language proficiency, defined by CEFR as we do prepare the students for national exams. Being certified in A2 level and up (B1, B2, C1) is very helpful for entering the workplace.

Additionally, through courses the students have the chance to contact some values, customs and culture of host society. Furthermore we promote the participation of students, solidarity between also them, respect, diversity and equality through exercises and interactive dialogues that endorse cooperation. These exercises and interactive dialogues most of the times are based on the cultural background of the participants aiming to exchange our diverse cultural experience.

Finally I would like to add that some cultural activities form part of the curriculum, such as visits to museums forming a picture of Greek culture and civilisation. Recently, we have been also with some of our students to a very interesting event entitled "We live together-we work together" where they had the opportunity to be informed about immigrants' integration to the workplace. So language courses are being perceived holistically aiming not to isolate participants from the surrounding cultural and social conditions. To sum up, I want to conclude with a memorable event that we organise each year. At METAdrasi's premises, we celebrate New Year and students are invited to cook their favourite traditional food. This is a very successful event as students are very excited in sharing their culture and tradition."

III. Assessing impact of teaching law and fundamental rights as part of social orientation

1. Existing periodic and ad hoc assessments of social orientation system

There is no assessment of the social orientation system since for the case of Greece we are only referring to Greek language courses organised, monitored and evaluated by NGOs.

In order to assess sufficient knowledge of Greek language, history and civilisation a language test exists. Moreover, beside the language test, Greek language attainment can be certified in one of the following ways: a) by certification of a Greek primary or secondary school, b) by certification by foreign Greek schools, c) by certification issued by Greek language departments of foreign universities, d) by certification attesting to the knowledge of the Greek language. In relation to the modification of the Greek Citizenship Code, the competent committees of the Ministry of Interior examine the level of knowledge of language based on specific criteria.

2. Indicators used to assess social orientation system

N/A

3. Feedback by beneficiaries

There is no publicly available feedback on language courses.

IV. Conclusions and recommendations

To sum up, it appears that the course attendants are addressed not as human rights holders, who are entitled to state protection against human rights violations, but rather as potential violators of human rights and state rules. This means, that the teaching materials aim at preventing a violation of societal rules by the target group. There is evidence to conclude that the ability and capacity of the institutionalised social orientation system to raise beneficiaries' awareness and equip them against acts of racism and xenophobia is low – at least considering the concept and the materials. The situation is different, considering the practice, i.e. the findings of the case study show, that the course teachers are eager to supplement this lack. However, they lack a lot of knowledge in this regard. Thus, an interviewed course teacher calls for more support and more information about human rights in general, the protection against violence law, victim support services, referral mechanisms and the like in more particular. She says:

I would perceive it good to have more information about contact persons. It is not always easy for us, because sometimes people approach us after the lesson and come up with an issue, with which you are actually – do not forget: it is a German language course, we are no social workers, but you will be approached and then asked: May I wait here [in the premises of the course provider] for two hours? Why? Because, I would have to go home otherwise and my family is there and they hit me.” In such cases, we cannot offer immediate advice. Of course we then try to research for addresses and contact persons to tell them where to go. The relationship of trust is good in principle, people come with such personal issues. Basically, a language course is well suited for such issues, because we talk a lot about personal issues of family, experiences and so on. It becomes private very soon.

The following recommendations are derived from desk research and the interviews with the course teachers:

1. Ability and capacity of social orientation system to raise beneficiaries' awareness and equip them against acts of racism and xenophobia

- **In terms of coverage;**

There are no statistics available on the number of people covered by Greek language courses. Nevertheless, due to its limited extent (as explained above) the programme covers only a very small proportion of the total non-national population (percentage assessment is not feasible) that are residing in Greece and thus has a very limited ability to effect on the overall integration process.

- **In terms of regularity;**

Law/ fundamental rights components are not part of curriculum for non-nationals in Greece.

- **In terms of areas covered;**

As mentioned above the language courses provided in Greece are a synonym to social orientation courses and other areas are not part of the curriculum.

- **In terms of appropriateness of teaching staff and approach;**

The teaching staff of language courses is sufficient as most of them are certified in teaching Greek language as a foreign language or certified in multicultural education and have previous experience.

2. Recommendations

A holistic approach to immigration and refugee issues, with long-term planning regarding their integration across the country is essential due to the refugee crisis and the large number of non-nationals currently residing in Greece.

A strategic plan should be designed and coordinated by the Ministry of Migration and implemented by NGOs, private and/or public organisations according to their expertise and capacity.

In terms of the social integration value and orientation courses for refugees and subsidiary protection status holders should be established.

The themes covered should include, besides language courses:

1. Basic information about the country, form of government, history, culture, traditions;
2. Practical information about services in Greece (banking, public transportation, telecommunications, availability of Internet, currency, etc.);
3. Information about inclusion in society, principles of non-discrimination. Basic written and unwritten guiding ethical principles. Areas where cultural differences might exist – including communication, religion, viewpoints on conflict resolution, decision making, time management, individual responsibility, etc.;
4. Information about housing market – possibilities for rents, rent contracts, payment options.
5. Information about employment – the current economic environment in Greece, job search, learning opportunities, welfare support. Rights and responsibilities during unemployment, access to job market, institutional framework for unemployment support;

6. Information about education – education system, institutional framework, studying opportunities, basic education, education for adults;
7. Information and institutional framework for free time activities in different groups of interest;
8. Information about healthcare system – family doctors, specialists, healthcare for adults and children, paid services, access to medical services under universal coverage, health insurance; etc.
9. Information about social safety net and institutional framework for receiving social assistance.

Integration courses could be obligatory or there could be a legal entitlement to attend such courses, according to the persons' residence status.

General teaching methods for social orientation courses should include, besides lectures, practical activities and interactive discussions during the lessons as well as other teaching methods suitable for adult education. Additionally, the courses could provide cultural and educational study visits as well as professional study visits. The participation of the host societies would improve and accelerate the integration procedure.

By all these means discrimination, xenophobia and social exclusion would be combatted by strengthening the process of non-nationals gradual integration in the Greek society.