

KONTEKST:

Potrebno utvrditi postojanje diskriminacije prema migrantima u Grčkoj i nekažnjavanje odgovornih za rasističke napade prema njima, u cilju analize i donošenja odluke u konkretnom slučaju, a povodom odbijanja zahteva za azil tražiocima azila, u kontekstu prolaska kroz Grčku kao sigurnu treću zemlju, prema izjavi iznetoj na zahtevu za azil i usmenoj raspravi;

PITANJE: Diskriminacija prema migrantima u Grčkoj i nekažnjavanje odgovornih za rasističke napade prema njima

ODGOVOR:

Grčka je suočena sa velikim prilivom ilegalnih migranata i tražilaca azila, jer njena kopnena granica sa Turskom predstavlja glavnu tačku ulaska migranata na teritoriju Evropske Unije.^{1 2 3 4} Procenjuje se da u Grčkoj trenutno živi između 800 000⁵ i 1 000 000 migranata.^{6 7}

Ustav Grčke predviđa da svako ko se nalazi na grčkoj teritoriji uživa apsolutnu zaštitu svog života, dostojanstva i slobode, bez diskriminacije po osnovu nacionalnosti, rase, jezika ili verskih i političkih ubedjenja.⁸

Različitim zakonima u Grčkoj je zabranjena i kažnjiva diskriminacija zasnovana na rasi, etničkoj pripadnosti i verskim ubedjenjima. Konkretno, tri vrste dela su opisane i kriminalizovane: Prvo, podsticanje na dela koja bi mogla rezultirati aktima diskriminacije, mržnje ili nasilja protiv pojedinaca ili grupe lica, usled njihovog rasnog ili nacionalnog porekla ili religije; Drugo, formiranje ili učešće u radu organizacija koje imaju za cilj vršenje diskriminatorne aktivnosti ili propagande; Treće, zvanično izražavanje ideja koje vredjaju lica ili

¹ Amnesty International: Police violence in Greece - Not just 'isolated incidents'/2.3.1 Ill-treatment of migrants and asylum-seekers, July 2012 - <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf> pristupljeno 25. decembra 2012.

² UN Office of the High Commissioner for Human Rights: UN Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union; Greece, 3 December 2012 - http://www.ecoi.net/local_link/232937/341585_en.html, pristupljeno 25. decembra 2012.

³ Integrated Regional Information Network: Migration-Greece failing asylum seekers, 15 October 2012 - http://www.ecoi.net/local_link/229325/337555_en.html, pristupljeno 25. decembra 2012.

⁴ Amnesty International: News – Asylum-seekers and migrants in Greece hounded by police operations and right-wing extremists, 20 December 2012 - <http://www.amnesty.org/en/news/asylum-seekers-and-migrants-greece-hounded-police-operations-and-right-wing-extremists-2012-12->

⁵ Integrated Regional Information Network: Migration-Greece failing asylum seekers, 15 October 2012 - http://www.ecoi.net/local_link/229325/337555_en.html, pristupljeno 25. decembra 2012.

⁶ The Guardian: Greek crackdown on illegal immigrants leads to mass arrests, 7 August 2012 - <http://www.guardian.co.uk/world/2012/aug/07/greece-crackdown-illegal-immigrants-arrest>, pristupljeno 27. decembra 2012.

⁷ Wikipedia: Immigration to Greece - http://en.wikipedia.org/wiki/Immigration_to_Greece#Crime_and_illegal_immigration, pristupljeno 25. decembra 2012.

⁸ UN General Assembly: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 66/14/ Greece, 22 August 2012 - http://www.ecoi.net/file_upload/1226_1349104262_n1247032unga-race.pdf, pristupljeno 25. decembra 2012.

grupe lica po osnovu njihovog rasnog ili etničkog porekla. Ove tri vrste zločina gone se po zlužbenoj dužnosti.⁹

Medjutim, u Grčkoj je izrazito raširena ksenofobija i netolerancija prema migrantima i tražiocima azila.^{10 11 12} Mržnja prema migrantima zasniva se boji njihove kože, njihove religije ili zemlje porekla.¹³

Stanovnici Grčke vide migrante kao odgovorne za povećanje stope kriminala i nezaposlenosti u zemlji.^{14 15} Usled toga, nasilni incidenti protiv migranata i tražilaca azila u Grčkoj su svakodnevni.^{16 17 18 19} Njihov broj je u dramatičnom porastu u 2012. godini.²⁰

Stanovništvo Grčke podržava napore policije da "očisti" oblasti Grčke, naročito centralne ulice Atine, koje su postale mesto boravka migranata.²¹

Takodje, u Atini su se takozvana građanska udruženja organizovala kako bi „štitila“ i „očistila“ svoja naselja od migranata. Jedno od tih naselja je Aghios Panteleimonas, u samom centru Atine, gde su građani još pre nekoliko godina zaključali lokalno igralište kako mirganitima ne bi bilo dostupno, i ono je i dalje zaključano.²²

⁹ UN General Assembly: Report of the Special Rapporteur on centemporary forms of racism, racial descrimination, xenophobia and related intolerance on the implemmentation of General Assembly resolutin 66/14/ Greece, 22 August 2012 - http://www.ecoi.net/file_upload/1226_1349104262_n1247032unga-race.pdf, pristupljeno 25. decembra 2012.

¹⁰ UN Office of the High Commissioner for Human Rights: UN Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union; Greece, 3 December 2012 - http://www.ecoi.net/local_link/232937/341585_en.html, pristupljeno 25. decembra 2012.

¹¹ Human Rights Watch: Hate on the streets-Xenophobic in Greece, July 2012 - http://www.ecoi.net/local_link/221573/328888_en.html, pristupljeno 25. decembra 2012.

¹² UN General Assembly, Human Rights Council: Written statement' submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status, 5 September 2012 - http://www.ecoi.net/file_upload/1930_1349257939_g1216465.pdf, pristupljeno 25. decembra 2012.

¹³ UN General Assembly, Human Rights Council: Written statement' submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status, 5 September 2012 - http://www.ecoi.net/file_upload/1930_1349257939_g1216465.pdf, pristupljeno 25. decembra 2012.

¹⁴ Integrated Regional Information Network: Migration-Fear and loathing on the streets of Athens, 12 October 2012 - http://www.ecoi.net/local_link/229323/337553_en.html, pristupljeno 25. decembra 2012.

¹⁵ The Guardian: Greek crackdown on illegal immigrants leads to mass arrests, 7 August 2012 - <http://www.guardian.co.uk/world/2012/aug/07/greece-crackdown-illegal-immigrants-arrest>, pristupljeno 27. decembra 2012.

¹⁶ UN General Assembly, Human Rights Council: Written statement' submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status, 5 September 2012 - http://www.ecoi.net/file_upload/1930_1349257939_g1216465.pdf, pristupljeno 25. decembra 2012.

¹⁷ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 20; pristupljeno 25. decembra 2012.

¹⁸ Amnesty International: News – Asylum-seekers and migrants in Greece hounded by police operations and right-wing extremists, 20 December 2012 - <http://www.amnesty.org/en/news/asylum-seekers-and-migrants-greece-hounded-police-operations-and-right-wing-extremists-2012-12->

¹⁹ Public Service Europe: Greece migrants face rising racist violence, 20 December 2012 - <http://www.publicserviceeurope.com/article/2888/greece-migrants-face-rising-racist-violence>

²⁰ Amnesty International: News – Asylum-seekers and migrants in Greece hounded by police operations and right-wing extremists, 20 December 2012 - <http://www.amnesty.org/en/news/asylum-seekers-and-migrants-greece-hounded-police-operations-and-right-wing-extremists-2012-12->

²¹ Integrated Regional Information Network: Migration-Fear and loathing on the streets of Athens, 12 October 2012 - http://www.ecoi.net/local_link/229323/337553_en.html, pristupljeno 25. decembra 2012.

²² Human Rights Watch: Hate on the streets-Xenophobic in Greece, July 2012 - http://www.ecoi.net/local_link/221573/328888_en.html, pristupljeno 25. decembra 2012.

Grčke vlasti ne preduzimaju odgovarajuće mere kako bi sprečile i kaznile akte nasilja nad migrantima, što doprinosi daljoj eskalaciji nasilja.^{23 24 25}

Mnogi migranti i tražioci azila u Grčkoj koji su žrtve rasističkih napada, ne žele da prijave incidente grčkim vlastima, iz straha da će biti uhapšeni zbog svog ilegalnog statusa, tj. nemanja dokumenata.^{26 27 28 29} Osim toga, plaše se i deportovanja nazad u svoje zemlje porekla.³⁰

Takodje, generalna klima nekažnjivosti za počinioce rasističkih napada utiče na to da žrtve ne prijavljuju napade.^{31 32 33 34} Slučajevi rasističkog nasilja se retko istražuju na fer i efikasan način.³⁵ Oni koji su počinili rasističke napade na migrante ostaju u ogromnoj većini neotkriveni,³⁶^{37 38} a čak i kada se desi da budu izvedeni pred lice pravde, uobičajena je praksa da vrlo brzo budu pušteni na slobodu.³⁹

²³ UN General Assembly, Human Rights Council: Written statement' submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status, 5 September 2012 - http://www.ecoi.net/file_upload/1930_1349257939_g1216465.pdf, pristupljeno 25. decembra 2012.

²⁴ UN Office of the High Commissioner for Human Rights: UN Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union; Greece, 3 December 2012 - http://www.ecoi.net/local_link/232937/341585_en.html, pristupljeno 25. decembra 2012.

²⁵ Human Rights Watch: News – Greece: Migrants describe rear on the streets, July 10, 2012 - <http://www.hrw.org/news/2012/07/10/greece-migrants-describe-fear-streets>, pristupljeno 25. decembra 2012.

²⁶ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 20; pristupljeno 25. decembra 2012.

²⁷ UN Office of the High Commissioner for Human Rights: UN Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union; Greece, 3 December 2012 - http://www.ecoi.net/local_link/232937/341585_en.html, pristupljeno 25. decembra 2012.

²⁸ Human Rights Watch: Hate on the streets-Xenophobic in Greece, July 2012 - http://www.ecoi.net/local_link/221573/328888_en.html, pristupljeno 25. decembra 2012.

²⁹ Integrated Regional Information Network: Migration-Fear and loathing on the streets of Athens, 12 October 2012 - http://www.ecoi.net/local_link/229323/337553_en.html, pristupljeno 25. decembra 2012.

³⁰ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 20; pristupljeno 25. decembra 2012.

³¹ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 20; pristupljeno 25. decembra 2012.

³² UN Office of the High Commissioner for Human Rights: UN Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union; Greece, 3 December 2012 - http://www.ecoi.net/local_link/232937/341585_en.html, pristupljeno 25. decembra 2012.

³³ Human Rights Watch: Hate on the streets-Xenophobic in Greece, July 2012 - http://www.ecoi.net/local_link/221573/328888_en.html, pristupljeno 25. decembra 2012.

³⁴ Integrated Regional Information Network: Migration-Fear and loathing on the streets of Athens, 12 October 2012 - http://www.ecoi.net/local_link/229323/337553_en.html, pristupljeno 25. decembra 2012.

³⁵ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 20; pristupljeno 25. decembra 2012.

³⁶ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 20; pristupljeno 25. decembra 2012.

³⁷ Integrated Regional Information Network: Migration-Fear and loathing on the streets of Athens, 12 October 2012 - http://www.ecoi.net/local_link/229323/337553_en.html, pristupljeno 25. decembra 2012.

³⁸ Human Rights Watch: Hate on the streets-Xenophobic in Greece, July 2012 - http://www.ecoi.net/local_link/221573/328888_en.html, pristupljeno 25. decembra 2012.

³⁹ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 20; pristupljeno 25. decembra 2012.

Do sada u Grčkoj niko nije osuđen za zločin sa rasističkim motivom prema Zakonu o zločinu iz mržnje iz 2008. godine.^{40 41 42 43}

Brojni izvori potvrđuju slučajeve u kojima grčka policija nije preduzela mere kako bi zaštitila migrante od rasističkih napada.^{44 45} U takvim slučajevima, policiji je ili trebalo dugo vremena da stigne na mesto napada ili su čak prisustvovali napadima, ali nisu preduzeli ništa da zaštite žrtve napada.⁴⁶ U nekim slučajevima policajci su povredjene migrante odvodili u stanicu policije, umesto u bolnicu kako bi im bila pružena pomoć.⁴⁷

Neka svedočenja navode da su grčki policajci pretili migrantima da će biti pritvoreni, ako budu su insistirali da se spovede istraga o napadima na njih.⁴⁸ Takođe, poznati su slučajevi da je migrantima, koji ipak pokušaju da podignu tužbu protiv napadača, traženo da plate taksu od 100 evra.^{49 50}

KOMENTAR/ZAKLJUČAK:

Migranti su veoma ugrožena grupacija u Grčkoj i često su izloženi diskriminaciji po osnovu svoje nacionalnosti, rase ili vere, ali i usled svog specifičnog statusa i položaja. Civilno stanovništvo Grčke diskriminaciju i mržnju prema migrantima ispoljava kroz fizičke napade i maltretiranja migranata. Medjutim, ni policijske snage u Grčkoj se ne ophode prema migrantima drugačije. Od pripadnika policije u Grčkoj, migranti nisu u mogućnosti da zatraže zaštitu u slučaju rasističkih napada, niti grčka policija preduzima potrebne mere kako bi se odgovorni za te napade pronašli i kaznili. Sveopšta atmosfera nakažljivosti prema napadačima, jasno ukazuje da migranti ne mogu biti zaštićeni i bezbedni na teritoriji Grčke.

⁴⁰ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 20; pristupljeno 25. decembra 2012.

⁴¹ Human Rights Watch: Hate on the streets-Xenophobic in Greece, July 2012 - http://www.ecoi.net/local_link/221573/328888_en.html, pristupljeno 25. decembra 2012.

⁴² Integrated Regional Information Network: Migration-Fear and loathing on the streets of Athens, 12 October 2012 - http://www.ecoi.net/local_link/229323/337553_en.html, pristupljeno 25. decembra 2012.

⁴³ Human Rights Watch: News - Greece: Migrants describe rear on the streets, July 10, 2012 - <http://www.hrw.org/news/2012/07/10/greece-migrants-describe-fear-streets>, pristupljeno 25. decembra 2012.

⁴⁴ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 21; pristupljeno 25. decembra 2012.

⁴⁵ Human Rights Watch: Hate on the streets-Xenophobic in Greece, July 2012 - http://www.ecoi.net/local_link/221573/328888_en.html, pristupljeno 25. decembra 2012.

⁴⁶ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 21; pristupljeno 25. decembra 2012.

⁴⁷ Amnesty International: Police violence in Greece - Not just 'isolated incidents'- <http://www.amnesty.org/en/library/asset/EUR25/005/2012/en/edbf2deb-ae15-4409-b9ee-ee6c62b3f32b/eur250052012en.pdf>, str 21; pristupljeno 25. decembra 2012.

⁴⁸ Human Rights Watch: Hate on the streets-Xenophobic in Greece, July 2012 - http://www.ecoi.net/local_link/221573/328888_en.html, pristupljeno 25. decembra 2012.

⁴⁹ Integrated Regional Information Network: Migration-Fear and loathing on the streets of Athens, 12 October 2012 - http://www.ecoi.net/local_link/229323/337553_en.html, pristupljeno 25. decembra 2012.

⁵⁰ Human Rights Watch: News - Greece: Migrants describe rear on the streets, July 10, 2012 - <http://www.hrw.org/news/2012/07/10/greece-migrants-describe-fear-streets>, pristupljeno 25. decembra 2012.