

# C.O.N.T.A.C.T.

## Desktop research results

### Greece

#### Annex 3. Scientific Literature

Objectives	Brief abstracts (what do they say)	Bibliography reference
General overview of hate crimes in Greek penal law	Description of the basic elements of a hate crime according to the Greek Penal Law. The motive of hatred. The characteristics protected by legislation against hate crimes are race, color, religion, genealogical origin, national or ethnic origin, sexual orientation, gender identity or disability.	Voulgaris, Georgios. Hate crimes, (Poiniki Dikaosini) 6/2010, p. 711
Relationship between freedom of expression and hate speech	Comment on The “Plevris acquittal” (Decision 3/2010 Supreme Civil and Penal Court – Άρειος Πάγος) concerning the acquittal of an author for hate speech. The commenter disagrees with the Court decision and finds that many of the expressions used by the author are extremist, hate provoking and cannot be considered as a simple opinion or even a scientific critic. However the commenter thinks that other judgments of the Court decision, such as the importance of freedom of speech and the fact that Law 727/1979 should be interpreted narrowly to protect freedom of expression are in accordance with Strasbourg jurisprudence.	Mallios, Vaggelis. Freedom of speech and racist speech. The “Plevris acquittal” (Decision 3/2010 Supreme Civil and Penal Court – Άρειος Πάγος) and the Strasbourg jurisprudence. (Note on Decision 3/2010 Supreme Civil and Penal Court – Άρειος Πάγος). (Dikaio Meson Mazikis Enimerosis) 2010, p. 397
Relationship between prohibition of discrimination and freedom of expression.	This publication focuses on the criminalization of “hate speech”. According to the article every such criminalization of hate speech should be focusing on the legal rights that are threatened just as it is the case in hate crimes in general. As far as the simple denial of historical facts is concerned (the so - called historical	Morozinis, Ioannis. Prohibition of discrimination and freedom of expression – An interpretative approach of articles 1 par.1, 2 Law 927/1979 de lege lata and de lege ferenda concerning

	revisionism), it cannot be criminalized because such a criminalization is against Greek Constitution (Article 14 par. 1 – protection of freedom of speech and expression ) and because Framework Decision 2008/913/JHA does not include any such obligation for the national legislator.	Decision 3/2010 Supreme Civil and Penal Court – Άρειος Πάγος and Framework Decision 2008/913/JHA. Poinika Hronika Ξ/2010 p.446.
Racist manifestations as crimes and their relationship to freedom of speech	This publication focuses on the conditions for the penalization of racist manifestations and the balance that need to be done between the protection of the public order against racist manifestations on one hand and freedom of speech on the other. According to this article the denial of the Holocaust should not be punished by hate crime provisions, as such an absolute prohibition of an opinion different to the recognition of these crimes would violate freedom of speech.	Simeonidou Kastanidou, E. Racist manifestations and freedom of speech. Poinika Hronika, ΞΓ/2013, p.481
Hate crime in Greece in the years of economic and social crisis	This publication tries to define hate crime as a type of crime that is different from other types of crime because of its motives and of the impact of the crime on both persons and society as a whole. Furthermore it focuses on the increasing amount of hate crimes in Greece in the years of economic crisis and finds that this increase mirrors issues like the migration, human rights and values of Democracy in modern Greece and therefore in Greece it is not enough to have a strict hate crime legislation, but there should be policies that will make hate crimes more “visible” to society.	Halkia, Anastasia. Racist hate crimes in crisis Greece: from victimization to the insult of Democracy. Egklimatologia, 1 / 2 -2013, p. 80
Racist speech according to new Greek Law 4285/2014 and its relationship to freedom of speech and expression.	According to this article, the new Greek “antiracist Law” 4285/2014 is very clear as far as the legal rights to be protected by antiracist laws (life, freedom and physical indegriety.). Through public order there are other legal rights that are protected, such as the rights of minorities. According to the article the new provisions of Law 4285/2014 which amended	Vasmatzidis, Christos. Racist speech criminalization and the right to security. Constitutional matters. (And a short approach to legal right theories). Epitheorisis Dimosiou Dikaiou kai Dioikitikou Dikaiou Vol. 59, Issue 1, January – March 2015,

	<p>Law 727/1979 do not disproportionately restrict the right to freedom of expression. Finally the crimes concerning the so- called historical revisionism are only meant to protect the public order and therefore infringe the right to freedom of speech and scientific research.</p>	<p>p. 22</p>
<p>General overview of hate crimes in Greek penal law.</p>	<p>Description of the basic elements of a hate crime according to the Greek Penal Law. The motive of hatred. The characteristics protected by legislation against hate crimes are race, color, religion, genealogical origin, national or ethnic origin, sexual orientation, gender identity or disability. The denial of historical facts such as the Holocaust cannot be considered as a hate crime.</p>	<p>Voulgaris, Georgios. Hate crimes and their penal approach in Greece. Poiniki Dikaiosi, Issue 185, p. 275</p>
<p>Internet as a way to incite hatred, intolerance and violence against minorities in Greece.</p>	<p>This publication focuses on the internet as a threshold of hate speech diffusion in Greece. This hate speech refers mostly to immigrants, Muslims, Roma, Jews, gay and transgender persons. According to Law 4285/2014 the public incitement – either orally or through the press or Internet – to violence or hatred or any other act of discrimination against a person or a group of persons in a way that threatens public order or their life, freedom and their body integrity, for the sole reason of their identification in reference to a certain race, color, religion, genealogical origin, national or ethnic origin, sexual orientation, gender identity or disability is a criminal offence. The author of the article finds that it is necessary to investigate whether this public speech is likely to pose an immediate risk on the society and on the rights of the affected person or group.</p>	<p>Igglezakis, Ioannis. Internet hate speech and its criminal handling with L. 4285/2014, Sinigoras, Issue 109, May – June 2015, p. 109</p>
<p>Analysis of hate crime and hate speech according to Law 4285/2014 and in relation to freedom of</p>	<p>This article analyzes the Law 4285/2014 that punishes the hate crimes in general, common criminal offences that have a hate motive, but also hate speech. As far as the latter is</p>	<p>Papacharalambous, Haris, Legislating hate. The example of “antiracist” Law 4285/2014. Available at:</p>

<p>speech.</p>	<p>concerned the ECtHR demands a balance concerning the right to freedom of speech. According to the author, Greek “antiracist law” 4285/2014 disproportionately extends the freedom of speech without taking into consideration human dignity that is affected by hate speech. For the author human dignity is the legal right protected by “antiracist provisions” and hate crimes are targeting the foundations of Democracy.</p>	<p><a href="http://www.poinikachronika.gr/Epikaira_focus.asp?id=938#">http://www.poinikachronika.gr/Epikaira_focus.asp?id=938#</a></p>
<p>Essays on free speech, hate speech, censorship and blasphemy after Charlie Hebdo attacks</p>	<p>This book consists of different essays from different perspectives on hate speech, censorship and blasphemy that have been written after the Charlie Hebdo attacks. The essays focus on freedom of speech and the limits of satire and whether freedom of expression must be restricted after the Charlie Hebdo attacks, they inevitably discuss the matter of the “clash of civilisations” , the presence of Islam in Europe and the islamophobia as a form of racism.</p>	<p>Christopoulos, Dimitris (eds). “Everything can be said” or are there “those that cannot be said”? VIVLIORAMA (2015).</p>