

GREECE



COUNTRY STATISTICS

The population of Greece is 10,757,300 (census of 2017). In 2018 687 HIV-diagnosis were made in Greece, the estimated number of PLHIV is 17,389. 52% of all diagnosed PLHIV are on treatment.

Unprotected sex between men is the main route of transmission of HIV in Greece. Since the 2013 outbreak of HIV among people who inject drugs, the situation got better in the PUD community but there has been an increase of HIV diagnosis among people of different nationalities, mostly among refugees from Africa and South and Central Europe.



RELEVANT LEGISLATION USED IN CASES OF HIV-CRIMINALIZATION

Non-disclosure of HIV-status

Non-disclosure of HIV-status is not criminalized nor is there an obligation to disclose one's status in any situation in Greece.

Exposure to HIV

Article 306 of the Greek Criminal Code can be applied to exposure, which is defined as exposing a person or persons to risk of life or physical integrity by shifting a person from a safe position to a risky position.

However, this provision has not been used for HIV exposure cases due to the specific conditions under which it can be applied.

Transmission of HIV

According to the Greek Criminal Code (articles 309, 310, 311), someone deliberately transmitting HIV can be held responsible, depending on the circumstances for dangerous or serious or deathly bodily harm.

Also relevant is article 425 of the Greek Criminal Code, which is a general article on infectious diseases, but it has never been applied to HIV-criminalization as the wording of the article applies to infectious disease that can be transmitted by everyday personal contact.

The above provisions of the Greek Criminal Code are not HIV-specific and can be applied to other communicable diseases.



CASES OF HIV-CRIMINALIZATION

The only case of HIV criminalization in Greece for a long time was the case of a blood donor who was not aware of his HIV-infection but did not disclose to have had sex with a sex worker when donating blood.

In 2012, however, there were prosecutions of 32 women who inject drugs, assumed by the authorities that they were sex workers.

The prosecutions were based on Public Health Decree 39A (2012), a since then repealed measure that allowed police to detain people suspected of being HIV positive and force them to be tested. The prosecutions were for the crime of causing serious bodily harm on purpose. The majority of them were acquitted by criminal court rulings; however, some of the women were deported from Greece being a migrant in irregular situation (undocumented). During this process, the women faced many infringements of their rights, including their personal data and photos were published on the website of the police, and the media reported of them as criminals.

As far as the criminal system concerned, the secrecy of the criminal procedure applies in the Greek Court, assuring the protection of the sensitive personal data of the parties, by not revealing them to the media or press and respecting the presumption of innocence. However, in this 2012 case the police by the order of the prosecutor violated the rights of these women, sharing their sensitive private data (living with HIV).

Whereas the Greek trials are public, article n. 330 of the Greek Code of Criminal Procedure predicts the possibility of the privacy of a trial when there are special reasons for the protection of the private or family life of the person, especially when a trial of crimes against sexual freedom and economic exploitation of sexual life results in particular mental discomfort or victimization of the person. In 2018, a historical decision was issued unanimously by the Second Joint Court of Athens, expressing for the first time the message of the scientific community that a person with HIV who has an undetectable viral load cannot transmit the virus. The Court acquitted a defendant who was accused with attempt to transmit HIV by a partner with whom he had an occasional sexual relationship. The case was taken over by the Centre for Life, offering free legal assistance to the beneficiary throughout his judicial adventure.



GUIDELINES AND TRAINING ON HIV-CRIMINALIZATION

There are no guidelines or training provided to professionals involved in HIV-criminalization in Greece.



THE ROLE OF MEDIA

As referred above, in the 2012 case of the prosecution of the 32 women, the media presented these cases as criminals with sensational articles such as “Terror for 700 men in the world”, “Sex workers spread deaths”, “Panic in Athens from AIDS”, or “Sanitary bombs infected by AIDS prostitutes”. These articles were further fuelling fear and stigma against PLHIV and other key populations. When it came to reporting about the majority of women being acquitted, there was little published in the mass media.



INFORMATION ON HIV-CRIMINALIZATION TO PEOPLE LIVING WITH HIV

The Legal Service of the Centre for Life has been in operation since June 2012, providing specialized information on the rights of people living with HIV in key areas of social life, as well as selective legal representation in cases regarding the violation of their human rights.

KEY POPULATIONS MOST AFFECTED BY HIV-CRIMINALIZATION AND OTHER DISCRIMINATING LEGISLATION AND POLICIES

Unfortunately, there are laws that cultivate the discriminations against PLHIV in some professional fields such as the army, sex work and health professionals. Especially, in the army the candidates are obliged to be tested for HIV in order to be ensured their physical situation.

Moreover, according to the 2734/1999 legislation for sex workers, sex work is forbidden to people living with any kind of communicable diseases, including HIV. Based on article 5 par. 2 of the legislation, if a sex worker knowingly lives with sexually transmittable or other infectious disease and continues to work in this field, can be punished by imprisonment for up to one (1) year unless the act is more severely punished by another provision.

People with hepatitis B, C, or HIV are not allowed to work in chronic haemodialysis units. The presidential decree 225/2000 (article 13 par.4) forbids doctors, nurses or other staff to work in this field if they test positive to these 3 diseases, contradicting the legislation 4443/2016 against any kind of discrimination.