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Greece must withdraw the provision on forced HIV testing and end harassment of transgender women

The reintroduction of the regulation on the transmission of infectious diseases by the Greek Health Minister puts vulnerable groups including sex workers, HIV positive individuals and drug-injecting users at risk of further discrimination and stigmatization. Amnesty International calls on the Greek authorities to immediately overturn the new regulation and to end these discriminatory practices, which violate European and International human rights obligations. The regulation by Greece's new Health Minister, Adonis Georgiadis, comes after Thessaloniki police escalated arbitrary ID checks of transgender women in late May this year.

Representatives of the Greek Transgender Support Association told the organization that 25 transgender women in Thessaloniki were stopped for ID checks and then transferred to police stations where they were arbitrarily detained for several hours and then released and that the checks are still on-going. Furthermore, Elektra Koutra, a lawyer representing the Greek Transgender Support Association, reported to the organization how she was arbitrarily detained and intimidated by police when she went to see some of her clients at a police station in Thessaloniki last June.

The country's Minister for Citizen Protection attempted to justify the actions as a bid to "improve the image" of areas of Thessaloniki, saying they were aimed at tackling prostitution and improving safety and "the [city's] image".

The introduction of the regulation for the first time in May 2012, resulted in hundreds of alleged sex workers, drug users and migrants being arrested, transferred to police stations and forced to undergo HIV tests. It was suspended a month ago by the previous deputy Health Minister, F. Skopouli, as a result of severe criticism it received by international human rights bodies, national and international non-governmental organizations including Amnesty International.

Twenty nine women who underwent forced HIV testing last year and were found to be HIV-positive had their names, personal details and photographs published in the media, under the guise of protecting public health. Accused in media reports of being "prostitutes" and "health bombs", they were detained for months after being charged with the offence of "causing serious bodily harm with intent". In January and March 2013, eight of the women were acquitted and released. The rest were also released while for twelve of the women the felony charges brought against them were turned to a lesser offence.

By disproportionately targeting vulnerable groups, including transgender people, sex workers, and people living with HIV, the new measures will only further marginalize them and leave them open to further human rights violations.

The organization wishes to express its serious concern and calls on the Greek authorities to end the harassment of the vulnerable groups and withdraw this regulation immediately. Furthermore, the organization also calls the Greek authorities to conduct a prompt and impartial investigation into the reported arbitrary detention of Elektra Koutra, the legal representative of the transgender women.

ADDITIONAL INFORMATION

Amnesty International wishes to underline that HIV prevention initiatives must be based on evidence and in-line with human rights law. Testing should be undertaken voluntarily and accompanied by an offer of pre- and post-test counselling, to ensure that individuals are given the opportunity to provide valid, informed consent to testing and treatment.

Forced HIV testing and criminalisation of sex work and HIV transmission or exposure have been recognised internationally as running contrary to public health aims. For HIV prevention initiatives to be effective, individuals must feel confident that they can be tested voluntarily for HIV without fear of repercussions or criminalisation. Where punitive sanctions exist, individuals are less likely to come forward to test.

According to the Greek Transgender Support Association, between 50 to 60 transgender women were arrested and forced to undergo HIV testing following the introduction of the provision last year.

In relation to the recent arrests of transgender women in Thessaloniki, the representatives of the Greek Transgender Support Association informed Amnesty International that they took place even when the transgender women were in their car or were going to buy something and that during their detention were subjected to abusive and discriminatory remarks. Many of them were stopped and held to the police stations in that manner more than once. Amnesty International also spoke to some of the transgender women arrested who described the fear they experienced following their harassment.

Discrimination and violence against transgender individuals is widespread in Greece. Amnesty International spoke to a transgender girl who was attending an evening school who described to the organization how she has been discriminated against by school authorities and bullied and physically threatened by her peers. Transgender individuals are targeted with violence by non-state parties on a regular basis and often harassed by the police as Amnesty International was told by the Greek Transgender Support Association last March during a fact-finding mission to Athens.

FURTHER DOCUMENTS

Greece must stop the criminalization and stigmatization of alleged sex workers found to be HIV positive, AI Index: EUR 25/004/2012.

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