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Greece: Continuing discrimination against homosexual men

Amnesty International has written to the Greek Minister of Justice, Professor Mihailis Stathopoulos, to express its concern about discrimination against homosexual men under the country's Penal Code.

The trial of seven men charged under Article 347.1 (b) of the Penal Code is due to begin on 12 October 2001 in Athens. Article 347 punishes those found guilty of engaging in indecent acts between males for financial gain, by between three months' and five years' imprisonment. Three of these men have in addition been charged with various drug-related offences.

"We urge the Greek government to drop all charges under Article 347 brought against the above men who are all over the age of consent," Amnesty International said.

"All people have the fundamental right not to be discriminated against on the basis of sex, which includes sexual orientation. Men are discriminated against under Greek legislation, because in certain circumstances homosexual acts between men are criminalized, while those between women are not."

The Greek Penal Code does not criminalize homosexual acts, for financial gain or otherwise, between women, and prostitution involving heterosexual acts is not criminalized, as long as the prostitute has fulfilled legal procedures before starting to work.

Furthermore, men are discriminated against because the age of consent for heterosexual acts is 15 years while that for homosexual acts is 17 years. Amnesty International, while taking no position on an appropriate universal age of consent, opposes laws which place a higher age of consent for sexual activity between people of the same sex.

Amnesty International is not aware of any recent cases in Greece in which a man has been convicted and imprisoned under Article 347. However, because the Penal Code as it stands at present discriminates against male homosexuals, the organization would on principle consider any man, including a 'professional' prostitute, imprisoned under Article 347 solely for engaging in consensual homosexual activity in private with another adult, for financial gain, or as a profession, to be a prisoner of conscience, imprisoned on account of his sexual orientation. Consequently the organization would call for his immediate and unconditional release.

In cases where the defendant is additionally convicted of criminal offences (as, for instance, drug-related offences), Amnesty International would call for his release once he has served the part of his sentence related to such charges.

"We call on the Greek government to review the Penal Code to ensure that discrimination, including discrimination on the basis of sex and sexual orientation, is prevented," Amnesty International urged.

Background:

Under Article 347.1 (b) of the Greek Penal Code indecent acts between men when committed for financial gain, or when committed by an adult through the seduction of a person under 17 years of age, are punishable by between three months' and five years' imprisonment. Article 347.1 (a) and Article 347.2 similarly penalize the commission of indecent acts between men through abuse of a relationship of dependency based upon any form of employment, or when the perpetrator engages in such acts as a profession.

The International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention) recognize the right to freedom from discrimination on the basis of sex, including sexual orientation. Greece is a state party to both treaties. Article 2 (1) of the ICCPR and Article 14 of the European Convention require the Government of Greece to ensure that all of the rights recognized in the ICCPR and European Convention are applied to all people without discrimination, including on the basis of sex or other status. In addition, Article 26 of the ICCPR requires the state to ensure that all people are

equal before the law and receive the equal protection of the law without any discrimination, including on the basis of sex.

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