

Case Study 4

Removing sex work regulations in Greece

What was the issue?

The Greek Health Minister, Andreas Loverdos, introduced [legal provision 39A](#) in April 2012. This provided for mandatory, forced HIV testing of suspected sex workers, undocumented migrants and drug users. This was apparently in response to a rise in HIV rates following health sector budget cuts, due primarily to the Greek economic crisis. Within weeks, police in Athens began rounding up large numbers of drug users and suspected sex workers, forcing them to undergo HIV testing and arresting those found to have HIV. These women (33 in all) were initially charged with intentional grievous bodily harm (a felony), mostly later reduced to attempted bodily harm (a misdemeanour), for allegedly having unprotected sex with clients. At least 12 had their personal details published first on the police force's website, then in newspapers and on television. This resulted in a major moral panic, deterring people from seeking help and increasing the stigma of HIV.

Why was change needed?

The legislation, and the police response, were widely considered inappropriate and scaremongering. They did nothing to reduce onward transmission of HIV, but acted to increase stigma and deter people with HIV from accessing services. They scapegoated particularly vulnerable populations (migrants, IDUs and sex workers) while not addressing the real causes of the rise, a lack of sexual health education and reductions in testing and treatment services for people with HIV and those at greatest risk – mostly gay men. The law was vague in its wording but severe in the prescribed response of a) mandatory examination, b) hospitalization and c) compulsory treatment.

Lack of clarity about who was responsible for implementation led to police interference with medical issues. There were many unjustified arrests of migrants for examination against their will for a number of diseases, without good public health reasons. Despite the widespread moral panic that the arrests and accompanying sensationalist publicity engendered, in the long run all felony charges against the women concerned were dropped and so far eight have been completely acquitted, with other cases dragging on for years and at least one woman committing suicide.

How could the situation be improved?

There was a need to repeal the legislation and re-educate the public and the authorities about the realities of HIV.

What/who were the barriers to change?

The Sanitary Provision became a political issue between different parties in the Greek elections and gained symbolic importance. There was a widespread lack of understanding of HIV and existing stigma about HIV, sex workers, migrants and drug users within Greek society which it fed into and amplified. Additionally, the [Greek Communicable Disease Centre](#) appeared to be colluding with the police in their actions and in releasing personal information on people found to have HIV.

How long did change take and who was involved in making the change?

Initially Provision 39a was only suspended but then repealed, after a sustained campaign, in April 2013. It was reinstated only two months later after elections, by the new right-wing Health Minister Adonis Georgiadis. The reinstated provision was, however, not activated after campaigners met with the Minister and very publicly advocated against its use, while the impact it had on the arrested women's lives being shown in the media changed some public opinion on the issue. It was finally abolished in April 2015 by the new socialist Prime Minister, Alexis Tsipras, on public health and human rights grounds.

The initial response to the arrests and associated publicity came from the [Greek Council for Refugees](#) together with ActUp. Opposition to the entire Provision was picked up by other HIV organisations including [Praksis, Centre for Life and Positive Voice](#). A feminist group was formed purely to support the imprisoned women and the [Group of Lawyers for the Rights of Migrants and Refugees](#) took most of the cases, including the European appeal. Campaign actions were decided collectively, from letters and meetings to street protests.

How was change made?

Collaboration between human rights and HIV groups: The campaign sprang from the Greek groups involved with migrant rights and HIV groups who met while supporting individual women who had been arrested. “*Seeing that both sides were there for the same reason, they decided to join forces*” (Antonis Papazoglou, Empowerment Officer, Positive Voices). It rapidly attracted other groups concerned with human rights, with women's rights and sex work. This broad collaboration was reflected in international interest in the situation from a wide range of groups.

Involving international activists and public opinion: In May 2012, [Human Rights Watch](#), [Positive Voice](#) – Greek Association of People Living with HIV, and the [European AIDS Treatment Group](#), wrote a [joint letter](#) to the UN special rapporteur on health about abusive public health practices in Greece. Zoe Mavroudi's documentary film “[Ruins: Chronicle of an HIV Witch Hunt](#)” about the arrested women and their treatment was shown internationally and widely available on the internet. It gained considerable support for the campaign, and shame for the Greek government.

Involving eminent international public health and human rights agencies: In a joint report published in January 2013, the European Centre for Disease Prevention and Control and the Fundamental Rights Agency of the European Union urged Greece to investigate the actions taken against migrants, intravenous drug users, and sex workers with respect to forced HIV testing and publication of personal data. Human Rights Watch, UNAIDS, WHO and the Joint United Nations Programme on HIV/AIDS raised concerns about the regulation. International authorities, including UNAIDS, the World Health Organization, and the Office of the United Nations High Commissioner for Human Rights all oppose forcible HIV testing and the isolation or quarantine of people with HIV as incompatible with public health and human rights standards.

Tackling the wider law alongside the individual arrests: Lawyers argued that the “Sanitary Provision” was illegal and unconstitutional. The public health measures involved were unnecessary to manage HIV; they were being used inequitably and inappropriately against vulnerable and disadvantaged population groups. “*It mixes police powers with medical ethics and, finally, the concept of the disease with that of the offense. For all these reasons, the Sanitary Provision 39a / 2012 should be repealed*” (Vangelis Mallios, lawyer, general secretary of the Greek Union for

Human Rights). The Greek Ombudsman was invoked and produced a report stating that the Provision was unconstitutional.

Involving lawyers with specialist knowledge from early on: *“The cooperation with the lawyers was after a chance meeting at the building of police headquarters, where the lawyers and representatives from the four organisations had gone to support the women who were arrested and held there. The lawyers involved were experienced in human rights.”* (Antonis Papazoglou, Positive Voices)

Using both formal and informal tactics in a wide coalition: Both organisations and individuals were involved in resistance to the Provision. *“39a was fought by all major organisations working with HIV and public health; we sent joint letters to Health Ministers, we protested outside the Ministry of Health, we advocated whenever possible through television, internet and print press, while at the same time we contributed to the legal expenses the team of lawyers defending the women. The lawyers themselves spoke and wrote publicly against 39a”* (Antonis Papazoglou, Positive Voices). There were also street demonstrations outside the courtrooms where the early cases were tried. Even a group of staff at the CDC made a public statement refuting the organisation's tactics.

Tackling stigma head on: In the early days of the moral panic, a poll showed that 80% of the public supported the police and Government actions. This was based on ignorance of HIV and of the impact of the actions on the women concerned. Through concerted media work including interviews with the women, demonstrations and information about the international condemnation, local NGOs managed to turn much Greek public opinion around. In particular the film “Ruins” was widely shown in community centres and cinemas and eventually on public television for World AIDS Day.

Bringing out the intersectional nature of the issues: The action by the Greek police, Government and CDC impacted women, migrants, sex workers and transwomen – often people who had more than one of these identities. The campaign was successful in drawing out the intersectional issues, bringing the needs and concerns of these groups together and making a coalition of those concerned about any and all of them.

Swift response to the reinstatement: The strength and level of response appears to have stopped the 2013 revival of the Provision in its tracks; it was immediately publicly condemned by the President of the IAS, by Human Rights Watch and by Greek HIV and human rights groups. Demonstrations on the steps of the Health Ministry followed. Greek HIV NGOs refused to work with a proposed Government committee to “reshape” the Provision and demanded to see what evidence they had for its use.

Are there any ongoing issues?

In spite of the repeal of such a harmful health policy, Human Rights Watch reports that sex workers in Greece continue to face challenges. *“It's difficult to bring up the rest of the bad legislation because people consider the case closed”* (Antonis Kalogianis, Praksis). Police in Athens continued targeted operations against trans and cisgender women sex workers, among others. *“Many women selling sex on the streets fall afoul of the strict regulations governing legal sex work and face daily harassment by the police.”* (Human Rights Watch report on Greece). A group of the

women arrested have petitioned the [European Court of Human Rights](#) and the case is awaited (as of Autumn 2016). Some related trials are ongoing, but have been repeatedly postponed.

“It was very clear that journalists and judges are in need of training for HIV issues and human rights” (Antonis Papazoglou, Positive Voices). The role of the Greek Centre for Disease Control in publicising confidential patient information and supporting a Provision with no public health benefits has not been resolved and some of the politicians responsible for the measure continue in Government.

What lessons have been learnt?

“The overall experience of the coordinated response to 39A proved that people can be heard when they are united, manage to discuss matters with the state and to push for legislative reforms” (Antonis Papazoglou, Positive Voices).

Citizens and non-governmental organisations had the capacity to change government policy and ultimately to increase the level of respect for human rights. However, the ease with which the Ministry of Health, the police and the media abused human rights and the lack as yet of any retribution for this continues to be of concern to Greek activists.

Links:

<http://www.hivjustice.net/news/greece-scientists-and-human-rights-campaigners-condemn-the-reinstatement-of-provision-39a-allowing-forced-hiv-testing-of-suspected-sex-workers-drug-users-and-undocumented-migrants/>

<http://thepolitic.org/blinded-by-fear-how-politics-influenced-medical-policy-in-greece/>

<http://www.vice.com/gr/read/remembering-greeces-hiv-witch-hunt>

The documentary film “Ruins”: <http://ruins-documentary.com/en/>

<http://www.nswp.org/news/policy-mandatory-hiv-testing-sex-workers-repealed-greece>

<https://www.hrw.org/news/2013/07/03/greece-repeal-abusive-health-regulation>

<http://www.independent.co.uk/news/world/europe/the-women-greece-blames-for-its-hiv-crisis-7973313.html>

<http://www.hivjustice.net/news/greece-scientists-and-human-rights-campaigners-condemn-the-reinstatement-of-provision-39a-allowing-forced-hiv-testing-of-suspected-sex-workers-drug-users-and-undocumented-migrants/>

<http://greece.greekreporter.com/2015/04/21/greek-govt-abolishes-law-allowing-hiv-positive-sex-workers-details-to-be-made-public/>

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