

KATERINA, ONE OF THE CASES OF HIV POSITIVE WOMEN

Greece



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Key facts of the case

On 30/4/2012 during an operation by the police at the center of Athens, 96 women were apprehended and transferred to local police stations for ID checks. There, they were mandatorily tested for HIV by doctors and personnel of the Hellenic Centre for Disease Control and Prevention (KEELPNO). The results of the rapid HIV tests were disclosed to the police authorities and women who were found positive were informed immediately about their health condition and were detained. On that day eleven (11) women were found HIV positive and remained in police detention; one of them was Katerina (hereafter K.), Greek, and aged 32.

This operation was part of a wider strategy of both Ministries of Health and Citizens' Protection (responsible for the police) to show hard on street crime especially at the city center and also to show that they are actively addressing the issue of the increase of HIV infection in Greece, which was brought at the forefront of publicity by the Minister of Health at that time. The then Minister claimed that the *"dramatic increase of AIDS in Greece was due to illegal prostitution and illegal immigrants"*, although this claim was arbitrary and not supported by any evidence. Amidst the economic crisis and a few days before national elections (held on 6th May 2012) a case was being constructed, with the strong support of the media that foreign women working as illegal sex workers were responsible for the increase of HIV infection and had to be constrained and punished. In this climate, the prosecutor issued an order for the immediate disclosure of photos and personal information of the arrestees, including sensitive medical information. Subsequently, the Hellenic Police released an

announcement and uploaded all information on the police website. This material was reproduced at a blink of an eye by all TV, newspaper and digital media, with hard titles like 'the prostitutes with AIDS', "health bomb' the prostitutes infected with AIDS" and remained public for a long time.

In this climate, K. with all 10 women that were apprehended was prosecuted with felony charges without a lawyer and remanded in pre-trial detention for nearly a year.

At the other end of the spectrum, a big wave of solidarity to these HIV positive women was built; new social groups were formed to support them legally, emotionally and practically through their ordeal. Many well established human rights, women, HIV support and drug rehabilitation organisations were actively involved in reversing the public climate and exposing the abuse suffered through this shameful exposure by a vulnerable group of women, all of which were long-term drug users, marginalised and HIV/AIDS patients.

The ongoing public outcry against the violation of K. and other women's rights, legal support as well as judicial scrutiny, led to a minimization of the charges to a serious misdemeanour and their gradual release from prison. K. along with one of her co-defendants claimed and won compensation by the State for her unlawful detention.

In November 2014, two years after her arrest and two years before her trial, where all her co-defendants were acquitted, K. committed suicide. In a letter she published when she was strong on her feet she said: *"the damage done to us will hunt eternally ourselves and our children."*

Sources:

To VIMA, 30/4/2012, "A. Loverdos: announced checks to all brothels".

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Astridou Evangelia, 2013, "HIV positive prostitutes: 'Witch hunt' in Greece in crisis", academia.edu.

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omniatv, Loukas Stamelos, 30/11/2014, "One of the publicly humiliated HIV positive women committed suicide".

I Kathimerini, Marianna Kakaounaki, 14/12/2014, "Public humiliation for... life for Katerina".

Lifo, Aris Dimokidis, 12/5/2016, "Yesterday Maria died at 32. Does Andreas Loverdos remember her?".

news247, Christos Demetis, 12/11/2016, "The trial of the HIV positive women who were publicly humiliated with Loverdos in office starts".

news247, Antonia Ksynou, 15/11/2016, "Public humiliation case: 11 HIV positive women stand trial".

Applicable law

K. was prosecuted for the felony of severe bodily injury with the intent to harm (art. 310 par. 3 Penal Code) and for attempting the offence of art. 310 par. 3 PC, repeatedly. Additionally, charges were pressed for the misdemeanour of practicing prostitution without permission by the authorities, in violation of art. 1, 2 and 3 Law no. 2734/1999 (A' 161) on prostitution.

- a) For the felony of art. 310 par. 3 the punishment is imprisonment from 5 to 10 years.
- b) For attempting the crime under above (a) the sentence provided in Penal Code is reduced to imprisonment from 1 up to 6 years (art. 42 par. 1 and 83).
- c) For violating Law no. 2734/1999 the sentence provided is imprisonment of up to 2 years and additional monetary penalty (art. 5 par. 1 Law no. 2734/1999).

The penal proceeding for felonies is the main investigation. Following the prosecution of K. by the public prosecutor of the Court of First Instance of Athens, the case file was forwarded to the investigating judge for a full investigation of the case (art. 246 Code of Penal Procedure, CPP). According to CPP, at the end of the main investigation, the prosecutor makes a motion to the judicial council for a final decision on the end of the pre-trial process and the course of the case (art. 308 CPP). The council, which consists of 3 judges and deliberates in camera, based on the collected evidence, may decide to proceed with the case in accordance with the initial charges, convert the charge to a less severe crime or acquit the defendant without trial and end the proceedings (art. 309-311 CPP).

In the case of K. the judicial council decided to convert the charges and refer the case to trial for the offence of serious bodily harm (art. 310 par. 1 PC) which is a misdemeanour and remand detention is not applicable.

As regards the charges for violating Law no. 2734/1999 on prostitution, they were rejected and dropped because of lack of evidence.

For the misdemeanour of serious bodily harm (art. 310 par. 1 PC) the sentence provided is imprisonment from 2 to 5 years.

Criminal proceedings

On 30/4/2012 K. was apprehended by the police and detained at a police station along with many other women. All were subjected to mandatory HIV testing without their consent, by doctors and personnel of the Hellenic Centre for Disease Control and Prevention (KEELPNO). The results were disclosed to the police authorities; K. was found HIV positive and was further detained at Hellenic Police Attika Headquarters (GADA). This medical practice of mandatory testing violated the relevant protocol for HIV testing and was in obvious contrast with basic rights of the arrestees. It was based on a Health Order issued a month earlier (on 2/4/2012) by the Minister of Health, Health Order 39A "Provisions for the limitation of transmission of infectious diseases".

The next day (1/5/2012) K. was brought before the prosecutor, who initiated criminal proceedings and pressed charges as mentioned above. K. appeared in front of the prosecutor without a lawyer. Subsequently the case file was forwarded to the investigating judge for the initiation of the main investigation (art. 246 CPP).

Following the apology of K. at the investigating judge, she was remanded in custody by order of the investigating judge with the agreement of the prosecutor and was transferred, along with the other women, to Korydallos women's prison in Athens.

The wide solidarity movement that emerged from

Sources:

Proto Thema, Panagiota Karlatira, 1/5/2012, "Andreas Loberdos is ringing the bell of danger. 'Health bomb' the infected with AIDS prostitutes". news247, Christos Demetis, 12/11/2016, "The trial of the HIV positive women who were publicly humiliated with Loverdos in office starts". I Kathimerini, Ioanna Mandrou, 16/12/2016, "Innocent the HIV positive women who were arrested in 2012". VICE, Anna Nini, 4/11/2016 with update 16/12/2016, "The justification of HIV positive women came four years late. The trial of the women who were traduced four years ago started".

the first day that the pictures of women and their personal information were circulating in all TV channels, newspaper,s and the internet (see more below under sections 4-6) resulted in considerable immediate support to the detained women. Four (4) organisations working for people living with HIV/AIDS (Centre for Life, Praxis, Positive Voice and Act up) quickly mobilised legal support in order to offer proper defence and take all necessary legal actions to protect K.' and other women's rights.

In the course of the pre-trial phase and as there was not adequate evidence to support the heavy indictment, the main investigation ended with the decision of the judicial council to reject the felony charges and reduce them to the misdemeanour of serious bodily harm and of violating the law on prostitution.

Following this decision, K. was released from prison on November 2012, more than 6 months after her arrest (I Kathimerini, Marianna Kakaounaki, 14/12/2014, "*Public humiliation for... life for Katerina*").

On November 2014 K. committed suicide.

The trial for the case of the 11 HIV positive women was held after two years, on 15 November 2016 at the First Instance three-member Misdemeanour Court of Athens. The unanimous decision of the court was pronounced on 16 December 2016 and was acquittal for all defendants on all charges. K. didn't have the chance to appear at her trial to present her story and enjoy her victory (news247, Christos Demetis, 12/11/2016, "*The trial of the HIV positive women who were publicly humiliated with Loverdos in office starts*", I Kathimerini, Marianna Kakaounaki, 14/12/2014, "*Public humiliation for... life for Katerina*", news247, Antonia Ksynou, 15/11/2016, "*Public humiliation case: 11 HIV positive women stand trial*", fylo sykis, Vangelio Soumeli, and Dimitra Spanou, 24/5/2014, "*Two years after the witch hunt: an interview with one persecuted HIV positive woman*").

Complaint against the doctors and hierarchy of KEELPNO

A few months after their arrest, 5 women among

whom K., filed a complaint to the prosecutor against the doctors of KEELPNO for unlawfully proceeding with mandatory HIV testing and for violating the confidentiality of their medical records, with the support of the above four organisations which also signed the complaint. In a subsequent complementary memorandum, the applicants asked for a criminal investigation to be widened in order to include the President, the Director, and the members of the Directory Board of KEELPNO, as instigators to the acts committed by the doctors and personnel of KEELPNO. The main accusation was that they authorized forced medical examinations in mass and with the purpose not to protect their health but to criminalize the women subjected to it. The prosecutor dismissed the complaint.

The applicants appealed against the decision of the prosecutor to the prosecutor of the Court of Appeal. The appeal was rejected in November 2014; according to the prosecutorial decision "*blood sampling is a lawful act in the course of the investigation and that no anxiety or pain was caused to the victims*" (Pressenza International press agency, Zoe Mavroudi, 1/5/2019, "*Seven years since the program against HIV positive women: a mix of policies for preventing this shame happening again*", To Vima, Klontza Olga, 1/11/2012, "*Persecuted HIV positive women 'six months after'*", enikos.gr, 3/5/2013, "*Doctors at the defendant's seat*", I Efimerida ton Syntakton, Tassos Kostopoulos, 30/11/2014, "*The 'Ruins' of a policy*", Efsyn, Dimitris Aggelidis, 18/10/2014, «*The case of HIV positive women is archived*», Flash.gr, 28/3/2014, "*The prosecutor rejected the HIV women's complaint*", VICE, Anna Nini, 4/11/2016 with update 16/12/2016, "*The justification of HIV positive women came four years late. The trial of the women who were traduced four years ago started*").



Compensation for unlawful detention

K. was one of the two women who filed a complaint asking for compensation from the State for unlawful detention according to articles 533-545 Code of Penal Procedure (CPP). According to the relevant provisions this application may be lodged within 10 days following release from prison. The mixed court of Athens, which is a court of three professional judges and four jurors, adjudicated on 4/4/2014 in favour of the applicants and awarded the minimum amount provided as compensation: 10 euro per day. The defence lawyers made a motion for the award of the highest amount per day (30 euro) but the motion was rejected (Pressenza International press agency, Zoe Mavroudi, 1/5/2019, "Seven years since the program against HIV positive women: a mix of policies for preventing this shame happening again", to mov, Sissi Vovou, 5/4/2014, "Small but important victory for two HIV positive women").

Abolition of the Health Order 39A

On April 2015 the Health Order 39A was definitely abolished by the then Minister of Health Panagiotis Kourouplis (To Vima Online, 21/4/2015, "Definitive abolition of the order for HIV positive prostitutes", news247, Christos Demetis, 12/11/2016, "The trial of the HIV positive women who were publicly humiliated with Loverdos in office starts", VICE, Anna Nini, 4/11/2016 with update 16/12/2016, "The justification of HIV positive women

came four years late. The trial of the women who were traduced four years ago started").

European Court of Human Rights

In 2012, eight (8) of the accused women one of whom was K. lodged an application for compensation to the European Court of Human Rights, with the support of the voluntary Group of Lawyers for the Rights of Immigrants and Refugees. The main grounds of the claim are the violation of personal freedom and safety, the violation of the right to personal life, and an effective remedy. The decision is pending (I Kathimerini, Marianna Kakaounaki, 14/12/2014, "Public humiliation for... life for Katerina", To Vima, Klontza Olga, 1/11/2012, "Persecuted HIV positive women "six months after", Efsyn, Dimitris Aggelidis, 18/10/2014, «The case of HIV positive women is archived»).



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To Vima, Klontza Olga, 1/11/2012, "Persecuted HIV positive women "six months after".
I Kathimerini, Ifigeneia Diamanti, 17/11/2012, "HIV positive women are released without any measure".
enikos.gr, 3/5/2013, "Doctors at the defendant's seat".
Eleftherotypia, Georgia Dama, 12/9/2013, "The chronicle of public humiliation of HIV positive women".
To mov, Sissi Vovou, 5/4/2014, "Small but important victory for two HIV positive women".
Fylo sykis, Vangelio Soumeli and Dimitra Spanou, 24/5/2014, "Two years after the witch hunt: interview with one persecuted HIV positive woman".
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Efsyn, Dimitris Aggelidis, 18/10/2014, «The case of HIV positive women is archived».
I Efimerida ton Syntakton, Tassos Kostopoulos, 30/11/2014, "The 'Ruins' of a policy".
I Kathimerini, Marianna Kakaounaki, 14/12/2014, "Public humiliation for... life for Katerina".
To Vima Online, 21/4/2015, "Definitive abolition of the order for HIV positive prostitutes".
VICE, Anna Nini, 4/11/2016 with update 16/12/2016, "The justification of HIV positive women came four years late. The trial of the women who were traduced four years ago started".
news247, Christos Demetis, 12/11/2016, "The trial of the HIV positive women who were publicly humiliated with Loverdos in office starts".
news247, Antonia Ksynou, 15/11/2016, "Th. Rozenberg: Sorry for the public humiliation. Your rights were violated".
news247, Antonia Ksynou, 15/11/2016, "Public humiliation case: 11 HIV positive women stand trial".
news247, Christos Demetis, 16/11/2016, "KETHEA: To be 'removed' now from the internet the pictures of HIV positive women who were publicly humiliated".
luben.gr, 16/12/2016, "Unanimous the court decision for the acquittal of the 11 HIV positive women who were publicly humiliated 4 years ago".
Pressenza International press agency, Zoe Mavroudi, 1/5/2019, "Seven years since the program against HIV positive women: a mix of policies for preventing this shame happening again".

Disclosure of information

On the day K. was brought in front of the prosecutor following her arrest (1/5/2012), the prosecutor issued an order for the disclosure of K.'s photos and personal information (along with the other 10 women) by the Hellenic Police. According to the order, the information disclosed were the following: name and surname, the charges against accused, age, ethnicity, parent's names, place of residence, place of origin, and the sensitive medical information of being HIV positive (Independent.gr, 1/5/2012, "*The accused women for the explosion of HIV in Greece*", newsbomb, 1/5/2012, "*In publicity the photos of the prostitutions with AIDS*").

This exception to the general confidentiality rules and the official disclosure of personal data in the course of criminal proceedings is provided in Law no. 2472/1997 (A' 50), art. 2 b' it. 2 and art. 3 para 2 it. b'. These provisions were maintained following the introduction of Law no. 4624/2019 (A' 137), which enacted the application of the General Data Protection Regulation (GDPR).

Art. 2 b' it. 2 provide that "*Specifically, personal data related to criminal prosecutions or convictions may be publicized by order of the competent prosecutor, only for the crimes listed in art. 3 para 2 it. 2. The publication of this data must serve the protection of the public, minors, vulnerable or underprivileged social groups and be conducive to facilitating the State's prerogative to punish crime*". The order must be fully and specifically reasoned, and specify the manner and duration for which the data is rendered available to the public.

The publication of personal data by order of the prosecutor is provided according to art. 3 para 2 it. b' "*for offences punished as felonies or misdemeanors committed with deceit and particularly crimes against life, against sexual liberty or for the financial exploitation of sexual services, against property and property rights, offences provided in the law on drugs, intrigue of public order and crimes against minor victims.*"

The Police immediately issued the announcement with all the above information for K. and the other 10 women and uploaded the material, including the photos on the Police website. K's and the women's photos were not anonymised in any way.

According to the official Police press release, the justification for the publication of information on women's identity data, photographs and the criminal prosecution charges against them is that the publication "aims at the protection of the public and the easier investigation and punishment of the above crimes. Also for the revelation of similar acts if this is the case, the call for persons who had intercourse with them to proceed with medical examinations and the prevention of panic to those who had intercourse with a sex worker with similar characteristics" (I Kathimerini, 2/5/2012, "*12 prostitutes with the AIDS virus*", Global voices in Greek, Maria Sidiropoulou, 11/5/2012, "*Greece: Pre-election public humiliation of HIV positive prostitutes*", "news247, Christos Demetis, 12/11/2016, "*The trial of the HIV positive women who were publicly humiliated with Loverdos in office starts*", I Kathimerini, Marianna Kakaounaki, 14/12/2014, "*Public humiliation for... life for Katerina*").

One day after the prosecutorial order (on 3/5/2012) nine (9) non-governmental organisations lodged a complaint to the Hellenic Data Protection Authority claiming the unlawful processing of K.'s (and the other women's) personal data. The applicants argued that since the main justification for the publication of the data was the protection of public health, proceeding with the processing of sensitive medical data such as positivity to HIV should follow a request and relevant permission by the Data Protection Authority. And that the prosecution order was a measure disproportionate which had devastating effects on the lives of the accused women. The avoidance of publicizing sensitive and detailed personal information could equally achieve the aims of the investigation and properly protect the dignity and private life of the accused. (HuffPost Greece, Kelly Ioannou, 1/12/2016, "*First the conviction and then the trial: how the media "murdered" the case of HIV positive women*" elawyer.blogspot.com, 2012, "*The decision of Data Protection Authority for the arrested HIV positive women*").

The Data Protection Authority in its Decision 128/2012 on the application refrained from taking responsibility for examining the exercise of discretion in the application of the relevant legislation by the prosecutor. According to the Decision *"the publication of data regarding criminal prosecutions and personal identification data of the accused, is regulated exclusively by the provision according to which the publication of photographs is permitted for certain crimes, only following an order by the competent Prosecutor of First or Second Instance and aims at the protection of the public"* (Decision 128/2012, p. 8, available at <https://www.dpa.gr/el/enimerwtiko/prakseisArxis>).

The Police withdrew the announcement with the personal information and photos from the internet on August 2012. However, the wide reproduction of this data resulted in this information remaining public and appearing on the internet even after the women's acquittal.

The prosecutorial order was officially abolished by order of the trial court at 16/12/2016 (I Kathimerini, 2/12/2012, *"The Other as 'health bomb'"*, news247, Christos Demetis, 16/11/2016, *"KETHEA: To be 'removed' now from the internet the pictures of HIV positive women who were publicly humiliated"*, VICE, Anna Nini, 4/11/2016 with update 16/12/2016, *"The justification of HIV positive women came four years late. The trial of the women who were traduced four years ago started"*, luben.gr, 16/12/2016, *"Unanimous the court decision for the acquittal of the 11 HIV positive women who were publicly humiliated 4 years ago"*).

There was no other official information disclosed by any authority during all stages of the case.

Media coverage

Media coverage of this case has been huge and ongoing in the course of many years. Immediately after the disclosure of the photos and personal data of K. and the other women, their faces and personal information paraded through the TV news, news shows, on the newspaper front-pages and on the internet for many days: K. and the other women were *"the HIV positive prostitutes"*, *"the prostitutes with AIDS"*, *"the health bombs prostitutes infected with AIDS"*, *"the infected prostitutes – death trap to hundreds of people"* who caused *"terror for 700 men clients"*, *"scatter deadly diseases"* and cause *"panic"* to Athens (HuffPost Greece, Kelly Ioannou, 1/12/2016, *"First the conviction and then the trial: how the media 'murdered' the case of HIV positive women"*, Proto Thema, Panagiota Karlatira, 1/5/2012, *"Andreas Loberdos is ringing the bell of danger. 'Health bomb' the infected with AIDS prostitutes"*, Independent.gr, 1/5/2012, *"The accused women for the explosion of HIV in Greece"*). Not only that but as mentioned above (see section 4) her photo and personal data remained available on the internet even after her death and trial.



Sources:

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newsbomb, 1/5/2012, *"In publicity the photos of the prostitutions with AIDS"*.

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Global voices in Greek, Maria Sidiropoulou, 11/5/2012, *"Greece: Pre-election public humiliation of HIV positive prostitutes"*.

I Kathimerini, 2/12/2012, *"The Other as 'health bomb'"*.

Decision 128/2012, p. 8, available at <https://www.dpa.gr/el/enimerwtiko/prakseisArxis>.

elawyer.blogspot.com, 2012, *"The decision of Data Protection Authority for the arrested HIV positive women"*.

news247, Christos Demetis, 12/11/2016, *"The trial of the HIV positive women who were publicly humiliated with Loverdos in office starts"*.

I Kathimerini, Marianna Kakaounaki, 14/12/2014, *"Public humiliation for... life for Katerina"*.

VICE, Anna Nini, 4/11/2016 with update 16/12/2016, *"The justification of HIV positive women came four years late. The trial of the women who were traduced four years ago started"*.

news247, Christos Demetis, 16/11/2016, *"KETHEA: To be 'removed' now from the internet the pictures of HIV positive women who were publicly humiliated"*.

HuffPost Greece, Kelly Ioannou, 1/12/2016, *"First the conviction and then the trial: how the media 'murdered' the case of HIV positive women"*.

luben.gr, 16/12/2016, *"Unanimous the court decision for the acquittal of the 11 HIV positive women who were publicly humiliated 4 years ago"*.

K. was de-personalised; her identity from now on was *"the HIV positive prostitute"* who was seriously harming men clients. K. was convicted by the media and publicly humiliated before she had any chance to defend herself. She was labeled and traduced in front of a whole society for life. Her vulnerability as an HIV patient was turned against her and penalised; and a media story of prostitution being the cause for the increase of HIV infections in Greece was constructed – and K. was one of the guilty perpetrators. This story was supported by publications mentioning a large number of men coming forward to be tested for HIV and asking for medical advice and support. In a few days up to 6.000 men were reported to make phone-calls to KEELPNO.

The moral panic that was created a few days before national elections were said to have also served for electoral gain. K. and the other women were the scapegoats for the political personnel to turn public debate from the discussion on the real problems, such as economic crisis and strict monetary control by the EU, to a public health issue and a handful of vulnerable, marginalized women. Reality and medical evidence were misrepresented and strong emotions were provoked: a myth was created of the *"dangerous prostitute"* that threatens the Greek family, while no mention was made to relevant responsibility of male clients or to HIV prevention and treatment. As the Minister of Health Andreas Loverdos put it *"I had warned that AIDS is dramatically increasing in our country and that part of the problem is due to illegal migration and undocumented prostitution"*; and again *"Greek family men go to brothels and this is how they transfer the disease to their homes"* (To VIMA, 30/4/2012, *"A. Loverdos: announced inspections to all brothels"*, Proto Thema, Panagiota Karlatira, 4/5/2012, *"Six month pregnant one of the HIV positive prostitutes"*, TA NEA, 4/5/2012, *"In prison the 16 HIV positive prostitutes"*, Eleftherotypia, Georgia Dama, 12/9/2013, *"The chronicle of public humiliation of HIV positive women"*, Pressenza International press agency, Zoe Mavroudi, 1/5/2019, *"Seven years since the program against HIV positive women: a mix of policies for preventing this shame happening again"*, I Avgi, Alike Kosyfoglou, 26/9/2013, *"HIV positive women/ Ruins: the chronicle of a public humiliation"*).

In the course of the years and as the media construction on the 'HIV positive prostitutes' was fainting, K. as a person started to emerge in the media stories. We learned that she used drugs since she was in high school, that she had two loving parents who were very supportive but her neighbours and friends were very hostile following her media exposure. Also that following her release from prison she was participating at the drug rehabilitation program of OKANA (Organisation against Drugs) and trying to stand on her feet but that she had started drug use again. Following K.' arrest, her father was dismissed from work and had serious health problems. After her death, he attempted suicide (news247, Christos Demetis, 12/11/2016, *"The trial of the HIV positive women who were publicly humiliated with Loverdos in office starts"*, I Kathimerini, Marianna Kakaounaki, 14/12/2014, *"Public humiliation for... life for Katerina"*, omniatv, Loukas Stamelos, 30/11/2014, *"One of the publicly humiliated HIV positive women committed suicide"*, iefimerida.gr, 30/11/2014, *"One of the HIV positive prostitutes who were publicly humiliated in 2012 committed suicide. She left a note and took the final dose"*, Lifo, 30/11/2014, *"The HIV positive woman who was publicly humiliated while Loverdos was in office committed suicide"*, fylo sykis, Vangelio Soumeli and Dimitra Spanou, 24/5/2014, *"Two years after the witch hunt: an interview with one persecuted HIV positive woman"*).



Media coverage of criminal proceedings

Media interest on K. and the other women apologies to the investigating judge was low. It was published that all women claimed they were drug-addicted and were working as sex workers occasionally. They also claimed they didn't know they were HIV positive so they couldn't possibly infect other people intentionally. Media also reported that K. was remanded in custody and was transferred to Korydallos women prison (I Kathimerini, Eva Karamanoli, 5/5/2012, *"16 HIV positive prostitutes were remanded in custody"*).

However, soon after her arrest K. and the other women met the strong support and solidarity of organisations and individuals that voiced in the media the unlawful practices and the violation of human rights, racism, sexism and public humiliation that was targeted against those women. The wide media coverage of this standpoint was crucial in order to reveal to the public what was actually the role of these marginalized women and provoke further social awakening and social participation (see next section 5).

As regards the trial proceedings, there was adequate media interest. The following parts have been selected to be included in the report, although K. was already dead at the time of the trial, because they support the story of the alleged offenders.

The subsequent President of KEELPNO Th. Rozenberg in his testimony as defense witness said: *"It is my duty to publicly apologize for the actions and treatment of KEELPNO to these women. Their rights were violated. The results of HIV testing are strictly confidential and cannot be disclosed without permission by the Data Protection Authority"*. He was the only public official to offer an apology for the maltreatment of K. and the other women.

Police officer Dim. Manatos testified that *"their superior officer told them to transfer all*

apprehended women to KEELPNO". He said that this was not a police initiative and that they knew they were sex workers; And that many of them were also drug-addicted (news.gr, 15/11/2016, *"Sorry from the president of KEELPNO to the HIV positive prostitutes"*, news247, Antonia Ksynou, 15/11/2016, *"Th. Rozenberg: Sorry for the public humiliation. Your rights were violated"*).

One of the defense lawyers V. Dimitriadou at her speech in court said that *"this case showed the deficiencies of the system of executive power, with the violation of the presumption of innocence. How is the disclosure of the information to the Press possible before any of it reaches the court?"* (3pointmagazine, Eirini Prompona, 17/12/2016, *"HIV positive women trial – Innocent women who were publicly humiliated – 'We were one more point for the media'"*).

The public prosecutor argued in favor of the acquittal of the defendants. He said in his speech that *"there was no evidence that they were practicing prostitution or that they had intercourse with other persons without the use of condom, nor that they knew they were HIV positive. Basic condition for inflicting serious bodily injury is intent, not using condom. I ask for the prosecution to cease for the diseased women and for the acquittal of the rest of the defendants."* (VICE, Anna Nini, 4/11/2016 with update 16/12/2016, *"The justification of HIV positive women came four years late. The trial of the women who were traduced four years ago started"*).

Sources:

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K. and the other women were suffering triple vulnerability: HIV-positive patients, drug addicts, and women. This vulnerable position made them easy targets; as modern scapegoats, they were separated from society and targeted with all the force of political leadership and the media. K. and her co-defendants were destroyed for life. The public humiliation, stigmatization, and violation of personal dignity will follow them for life. If it doesn't drive them to end their life, as K. did (HuffPost Greece, Kelly Ioannou, 1/12/2016, "First the conviction and then the trial: how the media "murdered" the case of HIV positive women").

Impact on the suspect or accused person and on the general public

This case had a huge impact on the lives of the women involved and on Greek society as a whole. Public discussion on the issue surfaced the polarization of Greek society and the deep rooted antitheses on human rights protection and racist perceptions of the public which were inflamed due to the prolonged and cruel economic crisis.

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Political reactions

Leading political figures the days before the national elections of 6th May 2012 voiced the view that this is a case where opposite rights need to be weighed and that those who claim that there has been a serious rights violation are over-

reacting. M. Chrysochoidis, the then Minister of Citizen Protection (responsible for the police) posted on Facebook that the reactions to the infringement of women's rights "are excessive because they ignore that here we have a case of conflict between two rights. On the one hand, the prostitute's right to personality and on the other, the overarching right for public health protection. What matters most, thus, on the weighing scale of the interests and rights of the organised State? The right to reputation and the protection of personal data or the right to saving the life of even one person who may have been unknowingly infected from the disease (HIV). What is the responsibility of a minor who goes for his first 'experience' with one of these girls? What will we say to his family? That the blame is his and he has to pay for it?" (Naftemporiki.gr, 2/5/2012, "M. Chrysochoidis: the publicisation of the prostitutes was very lawful").

Similarly, the president of centre-wing party PASOK, Ev. Venizelos commented on the case the following on a pre-election interview: "we need to respect the constitutional and fundamental rights of all people; because even someone who is unknowingly infected has rights. He has the right to information and to health protection. You may not disclose, obviously, the picture of an arrested person or an AIDS patient, unless there is an overarching right that is violated that of public health. When there is danger that hundreds young people are infected you are obliged to urge them to go for testing" (Naftemporiki.gr, 2/5/2012, "M. Chrysochoidis: the publicisation of the prostitutes was very lawful").

At the same period, a poll was conducted, measuring whether the public agrees that the state "rightfully" disclosed the photographs and personal information of the accused women because it was in the public interest. The results showed that over 80% of citizens agreed with the policy adopted. These numbers were widely publicized in the media although it wasn't always clear that it was research ordered by KEELPNO (Astridou Evangelia, 2013, *HIV positive prostitutes: "Witch hunt" in Greece in crisis*, academia.edu, Proto Thema, Panagiota Karlatira, 6/5/2012, "'Vote' in favour of information disclosure for HIV positive prostitutes").

The left party SYRIZA Rights' Committee spoke about public humiliation of these women, aiming

not to inform society about protection from sexually transmitted diseases, but to cultivate, once more, fear and racism (Naftemporiki.gr, 2/5/2012, "M. Chrysochoidis: the publicisation of the prostitutes was very lawful").

Support by organisations and independent bodies and Authorities

In parallel, a wide solidarity movement was starting to emerge in order to support the women and resist against the violation of their rights and their lives. Organisations working with HIV-positive persons like Centre for Life, Praxis, Positive Voice, and Act up issued announcements in support of the women and denouncing the discriminating and humiliating state policies. They also organized the legal representation of K. and the other women.

The Association for HIV-positive persons "Positive Voice" immediately issued a press release mentioning, inter alia, the following: *"The catastrophic management of the case by the Ministry of Health and KEELPNO violates all concepts of human rights. Mr. Loverdos would very much like to be left alone to play his political and communication games without minding whether his actions has serious consequences both to the lives of HIV positive persons and to public health... The racist campaign of the two Ministers (Health and Citizens Protection) who rushed to blame the importation of HIV on immigrants comes in total antithesis with reality. The majority of women who were arrested and persecuted are of Greek nationality and in fact victims of the absence of policies by the Ministry of Health for drug injecting users".* The president of Praxis, a non-governmental organisation supporting HIV/AIDS patients, said that the co-government violated all globally recognised guidelines for the respect of the rights of people with HIV. *"It is a disaster. For 15 years we were doing step forward and everything collapsed in a day"* (Independent.gr, 1/5/2012, "The accused women for the explosion of HIV in Greece", Lifo, Theofilos Doumanis, 30/4/2012, "Unprecedented racist initiative", TA NEA, 30/4/2012, "Russian prostitute is driven to prison").

In the following days a new organisation was formed ad hoc under the name *"Solidarity initiative for the persecuted HIV positive women"*. This group

offered all kind of support to K. and the other women and stood by their side throughout their ordeal. Through the web page they initiated (diokomenesorouetikes.wordpress.com), they kept a regular flow of information on the situation of the women and sought further support as necessary. Moreover, they organized regular press conferences with the participation of other organisations supporting the case, to update the public and mobilize resources. Along with this support group another voluntary group of Lawyers, named the "Solidarity Group of Lawyers", was formed for the legal representation of the women and the structuring of their defense and all other necessary legal motions (I Avgi, Aliko Kosyfoglou, 26/9/2013, "HIV positive women/ Ruins: the chronicle of a public humiliation", VICE, Anna Nini, 4/11/2016 with update 16/12/2016, "The justification of HIV positive women came four years late. The trial of the women who were traduced four years ago started", to mov, Sissi Vovou, 5/4/2014, "Small but important victory for two HIV positive women", Left.gr, 1/11/2012, "Press Conference for the persecuted HIV positive women").

It is worth mentioning that the majority of non-governmental and human rights organisations in Greece reacted vigorously to the violation of medical confidentiality, which they equated with human rights violation (Global voices in Greek, Maria Sidiropoulou, 11/5/2012, "Greece: Pre-election public humiliation of HIV positive prostitutes", I Avgi, Aliko Kosyfoglou, 26/9/2013, "HIV positive women/ Ruins: the chronicle of a public humiliation").



The Ombudsman issued an official announcement on 10 May 2012, stating that disclosure of personal information and photographs of HIV/AIDS patients violates human dignity and patient's rights. The independent Authority adds that this disclosure presents in a wrongful and disorienting way that preserving public goods is not compatible with the parallel protection of fundamental human rights and is opposing the constitutional and European legal civilization. And that measures for the protection of public health may not violate the rights of HIV/AIDS patients (www.synigoros.gr, 10/5/2012, Newsbeast, 11/5/2012, "New reaction for the disclosure of personal data of HIV positive prostitutes").

The Feminist Initiative for the elimination of violence against women denounced the inhuman and degrading treatment of these women by public authorities and spoke about "racist outburst" and for violation of justice and human rights (Global voices in Greek, Maria Sidiropoulou, 11/5/2012, "Greece: Pre-election public humiliation of HIV positive prostitutes").

A strong reaction was publicized by other organizations such as the National Committee for Human Rights (EEDA), the Hellenic League for Human Rights (EIEDA), the Therapy Center for Dependent Individuals (KETHEA, www.kethea.gr, 3/5/2012), the Network for the Political and Social Rights, the General Secretariat for Gender Equality and Amnesty International (Global voices in Greek, Maria Sidiropoulou, 11/5/2012, "Greece: Pre-election public humiliation of HIV positive prostitutes", Astridou Evangelia, 2013, "HIV positive prostitutes: 'Witch hunt' in Greece in crisis", academia.edu).

The Medical Association of Athens (ISA) a few months later declared that "it was a big mistake of national strategy, because the penalization of HIV positive persons or persons with AIDS, irrespective of the way they have been infected, does not help at all, but instead restrains all efforts for epidemiologic surveillance and for the ability of the state to intervene" (enikos.gr, 1/12/2013, "ISA: Increase of infectious diseases", the press project, 17/1/2013, "ISA: the court acquitted HIV positive women, the 'stigma' convicted them").

Moreover, the Association of Editors of Athens

Daily Newspapers (ESHEA) condemned the publication of photographs by newspapers, TV channels, and websites, which "contributed to the public humiliation of certain women, violating blatantly the code of ethics and the professional morality of journalists". (Newsbeast, 4/5/2012, "ESHEA against the disclosure of personal data of prostitutes"). However, there were no disciplinary punishment or any other consequence for journalists who addressed vulgarly this case (I Efimerida ton Syntakton, Tassos Kostopoulos, 30/11/2014, "The 'Ruins' of a policy").

Global reactions

The actions by the Greek government and the wide publicity attracted also global attention. The UNAIDS issued a press released on 10 May 2012, calling on Greece to protect sex workers and their clients. As stated, inter alia, in the release "the Joint United Nations Programme on HIV/AIDS (UNAIDS) expresses its concern over recent actions by Greek authorities involving the arrest, detention, mandatory HIV testing, publication of photographs and personal details, and pressing of criminal charges against at least 12 sex workers. There is no evidence that punitive approaches to regulating sex work are effective in reducing HIV transmission among sex workers and their clients" (www.unaids.org).

Furthermore, question E-OO4637/2012 for written answer by the Commission of the EU was submitted on 7 May 2012 by eight members of the European Parliament asking the following: "Does the Commission think that such acts by the Greek authorities - in particular the campaign of arrests, compulsory testing, and publication of personal and sensitive medical data - comply with the EU Charter of Fundamental Rights, the EU Treaties and the obligations deriving from the European Convention on Human Rights in relation to upholding, protecting and promoting fundamental rights, human dignity, and equality, to the prohibition of discrimination (notably against HIV-positive individuals, sex workers, and migrants), to the right to privacy and to the protection of personal and sensitive data, such as medical information?" And whether the Commission will raise the issue to the Greek Authorities and consult data protection authorities to ensure that EU and national rules on data protection are complied with.

On 5th July 2012 the Commission answered to the above question as follows: *"The Commission is concerned by the publication of names, photographs and other data of prostitutes, who were infected by HIV, in Greece. Such publications can affect the fundamental rights of the persons concerned as they are stigmatised, more specifically the fundamental right to the protection of personal data as enshrined in Article 8 of the Fundamental Rights Charter of the Union. Photographs and health status are personal data which are protected by the Data Protection Directive 95/46/EC. However, the processing of sensitive data can be permitted in specific cases, inter alia, for reasons of substantial public interest laid down by law or by a decision of the supervisory authority subject to suitable safeguards being provided. Without prejudice to the powers of the Commission as the guardian of the Treaties, the supervision and enforcement of data protection in the Member States however falls under the competence of their national authorities, in particular data protection supervisory authorities. Nonetheless the Commission will monitor the situation in Greece and contact the national Data Protection Authority in order to receive additional information."*

(https://www.europarl.europa.eu/doceo/document/E-7-2012-004637_EN.html?redirect).

Finally, via the web page Change.org a petition was circulated aiming at publicizing the issue and defending women's rights through the signing in solidarity. Signatures would be sent to the Greek Prime Minister in order to exert some institutional pressure for addressing the matter (Global voices in Greek, Maria Sidiropoulou, 11/5/2012, *"Greece: Pre-election public humiliation of HIV positive prostitutes"*, <https://www.change.org/p/to-the-prime-minister-of-greece-stop-the-forced-testing-and-outing-of-sex-workers>).

Citizens' reactions

Hundreds of netizens criticized the publication of personal data prostitutes as an inhuman error by the Minister of Citizens' Protection, Mr. Chrysochoidis, and the Minister of Health, Mr. Loverdos, talking about a huge violation of human rights and a pre-electoral witch hunt.

@CrippleHorse: If HIV positive was Greek she wouldn't be humiliated. She is humiliated in order that Loverdos proves his racist theory that we are

infected by foreigners.

@PrinGR: Not Minister of Citizens' Protection, but Minister of Public Humiliation and Degradation of the (foreign) Citizen Andreas Loverdos.

@Contrabbando: Everything is sacrificed for the defense of big Greek "family man", who is endangered by 'health bombs', according to Loverdos.

@zoemavroudi: Minister Loverdos: Violating medical confidentiality by publishing the HIV status of a prostitute encompasses your legacy.

@Antidrasex: Find the clients and the pimps, @hellenicpolice and give their photos in publicity. Shame on you!

@thesspirit: Good family men from Attika, who went to an ILLEGAL brothel WITHOUT using condom with women VICTIMS of trafficking have NO responsibility.

@papadimi [10]: The real public danger is all those who publicized the photos and most dangerous those who think this is moral.

Many citizens expressed their concerns that this disclosure may be the first step towards the targeting of vulnerable social groups:

@LeVoleur: public humiliation is always a product of a society in decay. @zoemavroudi: The violation of the prostitute's personal data in Greece is only a sign of what's to come for the weak. That is, for all of us.

@Yannis Bogiopoulos: Media cries for 1 prostitute with AIDS in Athens. Is she the first? No, but 7 days before elections, it fits with the agenda of terror.

(Global voices in Greek, Maria Sidiropoulou, 11/5/2012, *"Greece: Pre-election public humiliation of HIV positive prostitutes"*).

Public protests

The day of K.'s and her co-defendants' appearance to the office of the investigation judge at the Courts of Athens, on 4/5/2012, about 100 people assembled outside the premises to support the prosecuted women and to protest against the disclosure of the personal information and photographs. They displayed banners saying "We are HIV positive with dignity. Stop stigma" and "Men clients commit crimes and women are imprisoned" (I Kathimerini, Eva Karamanoli, 5/5/2012, "16 HIV positive prostitutes were remanded in custody", Proto Thema, Panagiota Karlatira, 4/5/2012, "Six month pregnant one of the HIV positive prostitutes", TA NEA, 4/5/2012, "In prison the 16 HIV positive prostitutes").

On 6th June 2012 a protest and support march was organized, following the calling of Solidarity Initiative for the Persecuted HIV positive women (Newsbeast, 6/6/2012, "Support march for the persecuted HIV positive women").

Cultural products

The great impact of this case on all society inspired and provoked the production of one documentary and one theatrical play.

a)The documentary "*Ruins - Chronicle of an HIV witch-hunt*" by director Zoe Mavroudi was released in 2013. In the Director's statement, Zoe Mavroudi presents her project saying, inter alia, the following: "*The general election of May 6 pushed the story to the wayside and the media circus subsided, as it always does. But in the months that followed, as news surfaced of the women's gradual and uneventful release from prison, I became convinced that this was a story that needed to be documented urgently and to hopefully reach a wider audience, outside of Greece. For starters, I wanted to give the women the opportunity to go on the record and reclaim their dignity. I was able to visit them in prison and, with the help from Greek activists from the Solidarity Initiative for their case I interviewed two of those who had been released. I also interviewed two mothers, who*

endured the aftermath of their daughters' public exposure in their small rural communities" (<https://ruins-documentary.com/en/>, I Efimerida ton Syntakton, Tassos Kostopoulos, 30/11/2014, "*The 'Ruins' of a policy*", I Avgi, Alike Kosyfoglou, 26/9/2012, "*HIV positive women/ Ruins: the chronicle of a public humiliation*", news247, Christos Demetis, 12/11/2016, "*The trial of the HIV positive women who were publicly humiliated with Loverdos in office starts*").

b)Theatrical group 'Andromeda' brought on stage the confessions of HIV-positive women who were prosecuted and publicly humiliated in 2012. The play is titled "*Women from soil*" and was directed by Korai Diamati who was also responsible for the composition of the texts. The play was performed three times at the multi-space Vault (8, 15 and 22 May 2019).

Both the documentary and the theatrical play were combined with discussions on the case and updates in order to keep the public informed and secure resources whenever necessary for the women support by the Solidarity Initiative for their case.

As the General Secretary for Gender Equality, Foteini Kouvela, put it during one of the discussions after the theatrical play, our hope is that this will "*signal re-thinking and re-defining our values and mobilizing all our forces in the difficult road towards the conquer of essential gender equality in action*". (www.athinorama.gr).

The impact on the persecuted women and their families

The consequences for K. and the other women and their families have been devastating.

Most of the women never got over what happened to them on May 2012, when their personal life and disease made front-page headlines and they were wrongfully sent to prison (HuffPost Greece, Kelly Ioannou, 1/12/2016, "*First the conviction and then the*

trial: how the media "murdered" the case of HIV positive women").

While they were in prison, they were detained in very bad conditions, with shortages in many items of everyday use and without any treatment for HIV/AIDS disease. As one woman said *"we were all psychic rags. We are using drugs. For 1,5 month they haven't given us one painkiller. And the level of cleanness is awful. I had to cut myself in order to transfer me to the Prison Hospital"* (Eleftherotypia, Georgia Dama, 12/9/2013, *"The chronicle of public humiliation of HIV positive women"*, eleutheriellada.wordpress.com, Vassiliki Kalyvioti, 18/8/2012, *"HIV positive prostitutes are detained at Korydallos Prison without any treatment for AIDS virus"*).

They were released from prison following the amendment of their indictment without any concern of the authorities for their participation in drug rehabilitation and without having received any medical treatment during their imprisonment (I Kathimerini, Ifigeneia Diamanti, 17/11/2012, *"HIV positive women are released without any measure"*).

As persecuted women have said in their own words:

"They ridiculed the female gender and then us as people";

"It was the lowest thing; we reached bottom as a country" (I Efimerida ton Syntakton, Tassos Kostopoulos, 30/11/2014, *"The 'Ruins' of a policy"*).

"4 years after I still wonder how much this case still sells. How much humiliation and degradation it still can hold. Even today for the news concerning us we are "the HIV positive women". We continue to stand trial and be punished for our disease. And our photos remain posted on the internet. Let the stigmatization of people who have a disease of deviate from "normality". Let the disgrace and degradation against us stop, because we do not stand it anymore..." (The press project, 1/12/2016, *"I am one of these girls who were publicly humiliated in 2012"*).

"The harm will hunt eternally us and our children. But we are agents of rights and with the support of the Group of Lawyers and the Solidarity Initiative to the persecuted HIV positive women we will continue to pursue our moral and material vindication"

(Lifo, Aris Dimokidis, 12/5/2016, *"Yesterday Maria died at 32. Does Andreas Loverdos remember her?"*,

Proto Thema, 1/12/2014, *"HIV positive Katerina who committed suicide because she was publicly humiliated"*).

K. was one of the active women in the fight to get her dignity and her life back. She relapsed in drug use and committed suicide on November 2014. Sissi Vovou, one of the volunteers of the Solidarity Initiative who knew K. remembers: *"One question troubled their minds. Katerina often wondered 'Why they publicly humiliated us'. It was not prison that bothered them. What annoyed them was the public humiliation"* (News247, Giorgos Lampiris, 1/12/2014, *"Katerina, Maria and the soul that never acquits"*).

Three (3) more women died in the following years (news247, Antonia Ksynou, 15/11/2016, *"Public humiliation case: 11 HIV positive women stand trial"*, fylo sykis, Vangelio Soumeli and Dimitra Spanou, 24/5/2014, *"Two years after the witch hunt: interview with one persecuted HIV positive woman"*, Lifo, Aris Dimokidis, 12/5/2016, *"Yesterday Maria died at 32. Does Andreas Loverdos remember her?"*).

The impact on the family members of K. and the other women was equally devastating. K.'s father attempted suicide and lost his job after K.'s arrest. Another woman had her daughter tested in school in front of all the other students. Women confess that neighbors and relatives stopped speaking to them and their families, especially in small communities. Another woman said that *"her siblings lost their job and her child was expelled from school"* (Eleftherotypia, Georgia Dama, 12/9/2013, *"The chronicle of public humiliation of HIV positive women"*, fylo sykis, 4/12/2012, Sissi Vovou, *"Three HIV positive imprisoned women talk about their public humiliation"*).

One of the 11 women in her apology in court testified: *"I try to make a new start in life and leave everything behind. I am clean, I have found a voluntary job, my immune system is strong. Any healthy relationship I try to have, I always fear that they will look in the internet, they will see my photographs and then I will have to give explanations for what had happened. We had difficult times not only because of this story but of the way I learnt I was HIV positive"* (luben.gr, 16/12/2016, *"Unanimous the court decision for the acquittal of the 11 HIV positive women who were*

publicly humiliated 4 years ago").

The way institutional bodies and certain media treated those women "allow" us to describe this case as a modern "witch hunt" (I Avgi, Aliko Kosyfoglou, 26/9/2013, "HIV positive women/ Ruins: the chronicle of a public humiliation").

I Avgi, Tasos Anastasiou, 17/12/2016

Translation:

"HIV-positive women were acquitted. Due to personal data protection we will not show you the Ministers, police officers, prosecutors, and journalists who publicly humiliated them".



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