

# **Franet National contribution to the Fundamental Rights Report 2021**

**Greece**

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## Policy and legal highlights 2020

Franet country study: policy and legal highlights 2020	
<b>Issues in the fundamental rights institutional landscape</b>	No development in 2020.
<b>EU Charter of Fundamental Rights</b>	<p><b>The EU Charter in the Greek legislative process:</b> from 1st January 2020 to 30 November 2020, the Hellenic Parliament adopted 104 laws. Out of these, only 3 make reference to the Charter of Fundamental Rights in its text, 8 were accompanied by an impact assessment making explicit reference to the Charter of Fundamental Rights, while only 9 were accompanied by legal scrutinises making explicit reference to the Charter of Fundamental Rights.</p> <p>Concerning the national case law, the use of the Charter remained limited and in the cases where provisions of the Charter were cited it is used only as reference.</p>
<b>Equality and non-discrimination</b>	<p><b>LGBTI:</b> In an attempt to promote the equal treatment, rights, and freedoms of transgender and LGBTI+ persons in general, NGOs and personnel of the National Organisation for Public Health implemented free molecular testing for COVID-19.</p> <p><b>Older persons:</b> Council of State Decision No.102/2020 issued an important judgement abolishing upper age limits in the public employment field.</p>
<b>Racism, xenophobia &amp; Roma integration</b>	<p><b>Racism: First Supreme Court Decision to uphold conviction of hate-speech and Court Decision in the Golden Dawn case:</b> The Supreme Court "Areios Pagos" issued its No. 858/2020 decision, which upheld the conviction of a Greek Bishop for committing hate speech against the LGBT community. It is the first time the Supreme Court examined a hate-speech case in which the defendant was found guilty. On the other hand, in 2020 the leadership of Golden Dawn was convicted to 13 years imprisonment for forming and operating as a criminal organisation.</p> <p><b>Roma Integration: Initiation of process for the preparation of a new National Strategy for Roma integration:</b> In 2020, Greece began the process of awarding contracts in order to prepare for the drafting of a National</p>

	Strategy for Roma Integration (2021-2027).
<b>Asylum &amp; migration</b>	<b>Extension of residence permits and card till the end of 2020:</b> Due to suspension of services, <a href="#">Greece introduced a measure with which residence permits</a> , residence cards and permanent residence cards, which had expired or would have expired in the period between 1 December 2019 up until 30 June 2020 and under normal circumstances could have been renewed, will be valid until 31 December 2020. Article 156 of <a href="#">Law 4764/2020</a> extended this date to 31 March 2021.
<b>Data protection and digital society</b>	<b>Transposition of EU Directives:</b> Greece transposed the provisions of EU Directives 2016/2102 (on the accessibility of the websites and mobile applications of public sector bodies), 2019/1024 (on open data and the re-use of public sector information) and 2018/1972 (European Electronic Communications Code (Recast)) through <a href="#">Law 4727/2020</a> (OG A 184/23-09-2020).
<b>Rights of the child</b>	<b>Transposition of EU Directive on child-suspects/accused:</b> <a href="#">Law 4689/2020</a> (OG A' 103/27-5-2020) transposed, <i>inter alia</i> , EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. The law introduces provisions related to certain rights of children who are suspects or accused within the criminal procedure framework, or who are subject to a European Arrest Warrant procedure.
<b>Access to justice, including victims of crime</b>	<b>Amendment of rules for the compensation of victims of crime:</b> In 2020, Greece amended its legislation in relation to provisions for the compensation of victims of crimes through Article 54 of <a href="#">Law 4689/2020</a> (OG A' 103/27-5-2020). A new National Authority for the Compensation of victims of crime was established under the auspices of the Ministry of Justice.
<b>Convention on the Rights of Persons with Disability</b>	<b>New National Strategy for the Rights of Persons with Disability:</b> In 2020, a draft " <a href="#">National Action Plan for the Rights of Persons with Disabilities</a> " was published and open for consultation on the Greek government's public consultation website for the period of September 21 <sup>st</sup> to October 5 <sup>th</sup> . It has yet to be adopted.

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

In Greece, for the year of 2020 there were no legal developments relevant to fostering equality and combating discrimination against older people and against LGBTI people.

However, targeted measures were adopted in light of COVID-19 for these two groups.

### *LGBTI*

In 2020, a trial date was set for the death of a LGBTQ activist in Athens, in September 2018.<sup>1</sup> The activist's death was first presented as an accident, however videos from the activist's arrest showed the extreme violence perpetrated against him. Once the identity of the victim was revealed, the LGBTI community in Greece protested against the activist's negative representation through the media, which they viewed as discrimination against the LGBTI community itself. Six individuals, among them four police officers, stand accused for deadly bodily harm. Ten LGBTI organisations signed a joint statement on October 18, 2020, stating that they would monitor the progress of the trial.<sup>2</sup> Due to Covid-19 restriction measures relating to large gatherings and the number of defendants and witnesses, the trial has been postponed indefinitely.<sup>3</sup>

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<sup>1</sup> Greece, TA NEA, Zak Kostopoulos: Today the trial begins – Two shop-owners and four police officers on the stand, (Ζακ Κωστόπουλος : Ξεκινά σήμερα η δίκη – Στο εδώλιο δύο καταστηματαρχες και τέσσερις αστυνομικοί), 21-10-2020, available in Greek at: <https://www.tanea.gr/2020/10/21/greece/law/zak-kostopoulos-ksekina-simera-i-diki-sto-edolio-dyo-katastimatarxes-kai-tesseris-astynomikoi/>, last accessed on 1-12-2020; Ethnos, Zak Kostopoulos: Trial recess due to covid outbreak, (Ζακ Κωστόπουλος: Διακόπηκε η δίκη λόγω κρούσματος κορονοϊού), 21-10-2020, available in Greek at: [https://www.ethnos.gr/ellada/129489\\_zak-kostopoulos-diakopike-i-diki-logo-kroysmatos-koronoioy](https://www.ethnos.gr/ellada/129489_zak-kostopoulos-diakopike-i-diki-logo-kroysmatos-koronoioy), last accessed on 1-12-2020.

<sup>2</sup> Greece, Colour Youth, The beginning of the trial for the murder of Zak Kostopoulos, (Έναρξη της δίκης για την δολοφονία του Ζακ Κωστόπουλου), 18-10-2020, available in Greek at: <https://www.colouryouth.gr/2020/10/18/enarxi-dikis-zak/>, last accessed on 1-12-2020.

<sup>3</sup> Greece, Efsyn.gr, Indefinite postponement in Zak's murder trial (Επ' αόριστον αναβολή στη δίκη για τη δολοφονία του Ζακ), 6-11-2020, available in Greek at: [https://www.efsyn.gr/ellada/dikaiosyni/267375\\_ep-ariston-anaboli-sti-diki-gia-ti-dolofonia-toy-zak](https://www.efsyn.gr/ellada/dikaiosyni/267375_ep-ariston-anaboli-sti-diki-gia-ti-dolofonia-toy-zak), last accessed on 1-12-2020; Ethnos, Zak Kostopoulos:

In February 2020, the Greek Ombudsman took part in a training programme at the Police Academies aimed at educating the participants on the rights of LGBTI and the Ombudsman's role in promoting such rights.<sup>4</sup>

The Greek NGO "Transgender Support Association" (*Σωματείο Υποστήριξης Διεμφυλικών*) in an attempt to promote the equal treatment and rights and freedoms of transgender and LGBTI+ persons in general, secured free molecular testing for COVID-19 for this group, in collaboration with the NGO "Centre for Life" (*Κέντρο Ζωής*).<sup>5</sup> The tests were carried out by the personnel of the National Organisation for Public Health (*Εθνικός Οργανισμός Δημόσιας Υγείας – ΕΟΔΥ*, hereinafter EODY) and respect for each individual's personal data and human dignity were guaranteed.

In 2020, the NGO Colour Youth (*Κοινότητα LBGTQ Νέων Αθήνας*), in light of the COVID-19 pandemic, published "Young LGBTI+ and the Pandemic: A support guide".<sup>6</sup> This guide aimed to help and support new LGBTI + persons during the pandemic, emphasising the issue of mental health. Especially in relation to Transgender persons, the guide contained instructions to avoid chest-binding practices, which might put their health at a higher risk. Finally, the guide aimed to promote positive thinking through mental exercises as well as information on available help lines for individuals feeling isolated during the quarantine measures.

On the other hand, in 2020, Colour Youth published its 2019 guide for young Transgender persons containing basic information for issues related to gender

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Indefinite postponement for the trial on his death (Ζακ Κωστόπουλος: Αναβάλλεται επ' αόριστον η δίκη για τον θάνατό του), 6-11-2020, available in Greek at: [https://www.ethnos.gr/ellada/131855\\_zak-kostopoylos-anaballetai-ep-aoriston-i-diki-gia-ton-thanato-toy](https://www.ethnos.gr/ellada/131855_zak-kostopoylos-anaballetai-ep-aoriston-i-diki-gia-ton-thanato-toy), last accessed on 1-12-2020.

<sup>4</sup> Greece, Information provided by the Office of the Greek Ombudsman in its 8-10-2020 response.

<sup>5</sup> Greece, TSA, Press Release, Free Molecular COVID-19 tests for trans and LGBTI+ persons, 11-06-2020, («Δωρεάν Μοριακό Τεστ Ανίχνευσης COVID-19 για τρανς και ΛΟΑΤΚΙ+ πρόσωπα») available in Greek at: <https://t-zine.gr/syd-deltio-typoy-dorean-moriako-test/>, last accessed on 5-10-2020.

<sup>6</sup> Greece, Colour Youth, Young LGBTI+ and the Pandemic: A support guide, 2020, (Νέα ΛΟΑΤΚΙ+ άτομα και Πανδημία: Ένας Οδηγός Υποστήριξης), available in Greek at: <https://www.colouryouth.gr/wp-content/uploads/2020/05/%CE%9F%CE%B4%CE%B7%CE%B3%CF%8C%CF%82-%CE%A5%CF%80%CE%BF%CF%83%CF%84%CE%AE%CF%81%CE%B9%CE%BE%CE%B7%CF%82-%CE%B3%CE%B9%CE%B1-%CE%9B%CE%9F%CE%91%CE%A4%CE%9A%CE%99-%CE%AC%CF%84%CE%BF%CE%BC%CE%B1-1.pdf>, last accessed on 5-10-2020.

identity.<sup>7</sup> The guide was part of the NGO's project "Transcending Youth", launched in February 2018. The guide aims:

- To inform young transgender persons on the procedures for achieving legal recognition of their gender identity and carrying out the medical transition
- To support young Transgender persons by offering accompanying services for the relevant administrative procedures.
- To empower young Transgender persons through training in order to develop skills and socialise with peers (Trans space)
- To inform and train the heads, members and volunteers of organisations that offer physical and mental health services on issues related to Transgender persons.
- To enhance the visibility of Transgender youth and to raise awareness amongst the public on issues related to young Transgender persons.

Finally, given the effect of the COVID-19 pandemic, the Athens Pride 2020, an event that takes place every year in June, was postponed and carried out on a digital platform on September 12<sup>th</sup>.<sup>8</sup> Pride Week was transferred to the week of 4-11 September 2020. EuroPride 2020, which was to be held in Thessaloniki, was also postponed.<sup>9</sup> It should be highlighted, though, that, on the 17<sup>th</sup> of May 2020, the Greek President issued a statement condemning the persecution, discrimination and social marginalisation of the LGBTI community, stressing that, due to the pandemic, this group might face a higher risk of discrimination and restrictions when accessing health services.<sup>10</sup>

### *Older persons*

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<sup>7</sup> Greece, Colour Youth, Guide for young trans persons: basic information for issues related to gender identity, 2020, (Οδηγός για νέα τρανς άτομα: Βασικές πληροφορίες για ζητήματα ταυτότητας φύλου), available in Greek at: <https://www.colouryouth.gr/wp-content/uploads/2020/03/%CE%9F%CE%94%CE%97%CE%93%CE%9F%CE%A3-%CE%93%CE%99%CE%91-%CE%9D%CE%95%CE%91-%CE%A4%CE%A1%CE%91%CE%9D%CE%A3-%CE%91%CE%A4%CE%9F%CE%9C%CE%91.pdf>, last accessed on 5-10-2020.

<sup>8</sup> Greece, Athens Pride, Announcement concerning Athens Pride 2020 (Ανακοίνωση για το Athens Pride 2020), available in Greek at: <https://athenspride.eu/athens-pride-2020-kalesma/>, last accessed on 5-10-2020.

<sup>9</sup> Greece, EuroPride 2020, Announcement on Homepage, (Ανακοίνωση Κεντρικής Σελίδας), available in Greek at: <https://thessalonikipride.com/europride2020/>, last accessed on 5-10-2020.

<sup>10</sup> Greece, Greek President, Message for the International Day against Homophobia, Transphobia and Biphobia, (Μήνυμα για την Παγκόσμια Ημέρα κατά της Ομοφοβίας, Αμφιφοβίας και Τρανσφοβίας), 17-05-2020, available in Greek at: <http://www.presidency.gr/minyma-gia-tin-pagkosmia-imera-kata-tis-omofovias-amfifovias-kai-transfovias/#more-23012>, last accessed on 5-10-2020.



In Greece, no specific measures or policies for promoting the equal treatment of older persons were taken. However, specific measures for the protection of the group were recorded.

It should be highlighted that the Council of State issued in January 2020 an important decision in a case concerning discrimination based on age in the employment field.<sup>11</sup> The application of a candidate seeking to be appointed as a Hospital Curator in the public sector was rejected because she was older than the 45-year age limit. She applied to the administrative court to have the decision overruled; however, the court found that the age limit was justified based on public health reasons. The Council of State deciding on the appeal against the judgement found that all age limits were abolished due to the transposition of EU Directive 2000/78 and that any imposition of such age limits had to be in line with Articles 2 para. 5 and 4 para. 1 of the Directive. In the specific case, the age limit could not be founded on the exception of public health, nor were there any genuine and determining occupational requirements linked to the specific position that could justify such an age limit.

In Greece, the protection of older and vulnerable people has been an overarching principle in the measures adopted in response to the epidemic. However, the restrictive measures and the de-escalation measures currently in force do not include measures targeting older people specifically. The Minister of the State, while announcing the plan on the de-escalation measures, explicitly mentioned that there will be no 'age racism', and that only strong recommendations will be addressed to vulnerable groups.<sup>12</sup>

In March 2020, the Ministry of Health circulated guidelines that aimed to ensure the care of the elderly, alleviate the fears and feelings of helplessness, loneliness, uncertainty, sadness and help them adapt to the proposed and enforced protection measures in light of COVID-19.<sup>13</sup> The guidelines contained

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<sup>11</sup> Greece, Council of State Decision No. 102/2020 (ΣτΕ 102/2020), 23-01-2020, available through the subscribers' legal database: [https://lawdb.intrasoftnet.com/nomos/3\\_nomologia\\_rs.php](https://lawdb.intrasoftnet.com/nomos/3_nomologia_rs.php), last accessed on 1-12-2020.

<sup>12</sup> Greece, Lifo.gr, Gerapetritis on the suspension of measures: the plans for the abolition of the SMS, schools and movement (Γεραπετρίτης για άρση των μέτρων: Τα σχέδια για την κατάργηση του SMS, τα σχολεία και τις μετακινήσεις), 24.04.2020, available in Greek at: <https://www.lifo.gr/now/greece/279629/gerapetritis-gia-arsi-ton-metron-tasxedia-gia-tin-katargisi-toy-sms-ta-sxoleia-kai-tis-metakiniseis>, last accessed on 1-12-2020.

<sup>13</sup> Greece, Ministry of Health, Guide on the Pandemic of COVID-19 as a serious psychoaggressive condition for the third age, (Οδηγός Η Επιδημία του COVID-19 είναι σοβαρή ψυχοπαιστική συνθήκη για την Τρίτη ηλικία), 27-3-2020, available in Greek at: <https://www.moh.gov.gr/articles/health/dieythynsh-dhmosias-ygieinhs/metadotika-kai-mh-metadotika-noshmata/c388-egkyklio/6970-h-epidhmia-toy-covid-19-ws-sobarh-psyxopiestikh-synthkh-gia-thn-trith-hlikia-odhgies-gia-hlikiwmenoyis>, last accessed on 5-10-2020.

instructions for caretakers not only in relation to following health protocols, but also for psychosocial support to this particular group.

In March 2020, the Ministry of Health issued recommendations for the avoidance of visits in Rehabilitation Centres, Elderly Care Units and Day Care Units. For the protection of population groups in risk of infection from COVID-19, it was recommended to avoid visits to Rehabilitation Centres, Elderly Care Units and Day Care Units. When the presence of an escort was deemed necessary, it should be restricted to one person and they should strictly respect all preventive measures of personal hygiene. Visits from persons with symptoms of respiratory infection were prohibited. The units mentioned must keep a book of visitors that records on a daily basis the name of visitors, the name of the resident who receives the visit, arrival and departure time and a contact number.<sup>14</sup>

In March 2020, the Minister of Interior, on the other hand, issued a circular addressed to the 332 municipalities and 13 regions specifying the support measures to be offered by social and welfare structures operating at municipal level.<sup>15</sup> The circular provides that, in all municipalities, existing social services provide the following services: a) mapping of citizens who cannot or are not allowed to move from home and cannot respond to their needs 2) mapping of poor and financially vulnerable citizens who cannot move and cannot respond to their needs 3) pharmaceutical and basic needs 4) care for the basic needs of poor and financially vulnerable citizens 5) support to health services operating within the municipality 6) helpline and website allowing citizens to report requests for assistance 7) management of requests for documents issued by the Citizen Service Centres 8) any other support related to measures for the prevention of COVID-19.

“Help at Home” (Βοήθεια στο σπίτι) is a programme normally operated by municipalities that was adjusted to address the needs in response to COVID-19. The programme addresses elderly or lonely people and people with disabilities

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<sup>14</sup> Greece, Ministry of Health Circular “Recommendations to avoid visits at Health care facilities for older persons “ (Εγκύκλιος «Συστάσεις για την αποφυγή επισκεπτηρίων σε Κέντρα Φυσικής Ιατρικής Αποκατάστασης, Μονάδες Φροντίδας Ηλικιωμένων και Μονάδες Ημερήσιας Νοσηλείας)», available in Greek at: <https://www.moh.gov.gr/articles/health/dieythynsh-dhmosias-ygieinhs/metra-prolhpshts-enantikoroioioug-sars-cov-2/7020-apofygh-episkepthriwn-se-kentra-fysikh-s-iatrikhs-apokatastasmonadesfrontidas-hlikiwmenwn-kai-monades-hmerhsias-noshleias>, last accessed on 1-12-2020.

<sup>15</sup> Greece, Ministry of Interior, Circular ‘Support of municipal social welfare structures - Work of the staff of local government organizations and their legal persons during the measures to prevent the spread of coronavirus –COVID -19 (Ενίσχυση δημοτικών δομών κοινωνικής πολιτικής και αλληλεγγύης – Απασχόληση προσωπικού ΟΤΑ και νομικών προσώπων αυτών κατά τη διάρκεια λήψης μέτρων αποφυγής και περιορισμού της διάδοσης του κορονοϊού - COVID 19), 17.03.2020, available in Greek at: <https://www.ypes.gr/wpcontent/uploads/2020/03/egk18659-17032020.pdf>, last accessed on 1-12-2020.

who require assistance with daily activities. As part of the COVID response, the programme was extended to assist any citizen in need of food, pharmaceuticals or other types of assistance for basic needs.<sup>16</sup>

In August 2020, the government, namely the Ministry of Labour and Social Affairs announced new measures for the protection of older persons living in Care Units.<sup>17</sup> The minister presented a new Action Plan for the protection of nursing homes, which includes three targets: a) updating the operating protocols of the care units, b) formulating a special protocol for the management of suspicious COVID-19 cases and c) drafting Rules of Conduct. On an operational level, two coordination groups have been set up to monitor the implementation of these targets under the coordination of the Ministry of Labour & Social Affairs, and with the participation of the Union of Greek Municipalities, EODY, the National Transparency Authority, the General Secretariat for Civil Protection and the General Secretariat for Trade & Consumer Protection:

- 1st Group: Committee for the Protection of Vulnerable Groups

It consists of the heads of the relevant authorities and meets on a weekly basis for the coordination: 1. of controls carried out throughout the Greek territory and 2. of the dissemination of epidemiologically important information.

- 2nd group: Supervisory Committee

This is where the representatives of the authorities participate. The Committee will gather the information from all Care Units through a questionnaire filled by the employees, so that there is an immediate and universal record of the situation at each unit.

During 2020, and in light of the pandemic, Greece introduced targeted measures in order to safeguard the health of older persons by recognising individuals over the age of 65 years as a vulnerable group.<sup>18</sup> National guidelines and protocols were issued by health services, targeted testing was introduced for residential facility workers and inspections were regularly carried out.

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<sup>16</sup> Greece, CNN Greece, Coronavirus – ‘Help at Home’: door to door assistance to those in need (Κορωνοϊός – «Βοήθεια στο Σπίτι»: Πόρτα-πόρτα η παροχή βοήθειας σε όσους το έχουν ανάγκη), 10.04.2020,, available in Greek at: <https://www.cnn.gr/news/ellada/story/214813/koronoios-voitheia-sto-spiti-porta-porta-i-paroxi-voitheias-seosoys-to-exoyn-anagki>, last accessed on 1-12-2020.

<sup>17</sup> Greece, Naftemporiki, The new governmental measures for Elderly Care Units, (Τα νέα μέτρα της κυβέρνησης για τις Μονάδες Φροντίδας Ηλικιωμένων), 28-08-2020, available in Greek at: <https://m.naftemporiki.gr/story/1631881/ta-nea-metra-tis-kubernisis-gia-tis-monades-frontidas-ilikiomenon>, last accessed on 5-10-2020.

<sup>18</sup> For more information on the impact of COVID-19 on older persons in Greece see Chapter 2.2. of [the Coronavirus pandemic in the EU – Fundamental Rights Implications Franet study](#) published on 3-6-2020.

## **2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.**

In 2020, there were no findings, studies or surveys on experiences of discrimination against older people and against LGBTI people and in relation to the COVID-19 pandemic.

However, within the framework of the Racial Equality Directive and the Framework Decision on Racism and Xenophobia, the Office of the Greek Ombudsman as an equality body published in 2020 its Equal Treatment 2019 Special Report,<sup>19</sup> whilst the Greek Racist Violence Recording Network published in the same year its Annual Report for 2019.<sup>20</sup> These two groups (LGBTI and older persons) are included in these reports, which, due to their content, are presented in the next chapter.

It should be noted that the Office of the Greek Ombudsman, in 2019, out of 1176 new complaints it recorded, 5% concerned discrimination based on age, while 1% was related to discrimination based on sexual orientation, social status or gender identity or characteristics. As regards discrimination towards LGBTQ+, the Ombudsman noted that the issue of administrative procedures for registering civil partnership agreements between homosexual couples, and the difficulties they face, was of particular prominence in 2019. On areas of combating discrimination on grounds of gender identity, a subject for intervention related to administrative procedures or notarial deeds in which corrections in gender registration were not made in compliance with the necessary guarantees of secrecy and confidentiality. When it comes to discrimination on grounds of age, the Ombudsman states that the subject returns once again on the setting of an age limit on notices for vacancies or job advertisements, without these limits, in many cases, being accompanied by the necessary justification, as required by law. It is often established that individuals of this group are associated with stereotypical attitudes, which automatically link physical suitability and the

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<sup>19</sup> Greece, Greek Ombudsman, Equal Treatment 2019 Special Report, available in English at: [https://www.synigoros.gr/resources/docs/ee\\_im\\_2019\\_en.pdf](https://www.synigoros.gr/resources/docs/ee_im_2019_en.pdf), last accessed on 5-10-2020.

<sup>20</sup> Greece, Racist Violence Recording Network, Annual Report 2019, available in English at: <http://rvrn.org/category/english/>, last accessed on 5-10-2020.

ability to perform one's duties in each post with one's age. The Ombudsman, in implementing the relevant legislation and case law of the European Court of Human Rights (ECtHR), and already having long experience in such issues, reflects in its interventions specific directions on the legality of introducing age limits in occupation and employment, on the basis of their appropriateness and necessity.

On the other hand, according to the RVRN 2019 Annual Report, in 16 out of the 44 incidents against LGBTQI+ individuals, the victims were targeted on grounds of sexual orientation (25 incidents of attacks on grounds of gender identity were recorded for the same year).

### *School Climate Survey on Experiences of LGBTQ Youth*

In 2020, the NGO Colour Youth published the "First Greek National School Climate Survey - Results Report: The Experiences of LGBTQ Youth in Greek Secondary Education".<sup>21</sup> Colour Youth having been confronted with incidents of homophobic, biphobic and transphobic violence, discrimination or bullying in the school environment, through the recordings of the "Tell us" program, through victims and/or eyewitnesses that reached out via the social networks of the organisation, or through the personal testimonies of its own members, noted that there had been no official data on this issue.

Furthermore, there was no data from the student community itself to highlight the way children themselves perceive the quality of the school environment in terms of inclusiveness, respect, acceptance of diversity and safety. On this basis, the NGO conducted the School Climate Survey to collect data on issues of gender and sexuality in Greek schools, focusing specifically on how the LGBTQ student community is experiencing the school climate in Secondary Education. The students were asked to answer questions about their everyday life at school. These included questions about:

- The use of negative and offensive remarks from people around them (homophobic, on gender expression, transphobic, sexist or other negative remarks)
- Safety and harassment
- Reporting incidents of violence or harassment

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<sup>21</sup> Greece, Colour Youth, First Greek National School Climate Survey - Results Report: The Experiences of LGBTQ Youth in Greek Secondary Education, 2020, available in English at: <https://www.colouryouth.gr/wp-content/uploads/2020/03/First-Greek-National-School-Climate-Survey-Colour-Youth.pdf>, last accessed on 5-10-2020.

- Academic performance and future plans
- Emotional security in the school setting
- Participating in the school community

The School Climate Survey was conducted nationwide through a questionnaire, which was available in electronic form on Colour Youth's website from March until July 2017. The electronic data collection was selected as a method in order for the questionnaire to be accessible to LGBTQ people outside the Attica region within which the organization operates. The questionnaire included mainly closed-ended questions. However, in some places an open question followed closed questions, allowing participants to share whatever they considered important. The research design of the Survey was quantitative, and the answers to the open questions were not codified.

The subjects of the survey were students aged 13 to 20 years who identified as LGBTQ, answers were anonymous, and confidential (their participation was voluntary). Out of 3747 people who answered the questionnaire, in total or in part, the sample of the Survey consists of 1963 people who identify themselves as LGBTQ. 21.6% of the respondents identify themselves as Queer/Pansexual, and 21.6% say they are exploring their sexual orientation. Thus, 43.2% of the responses refer to a sexual orientation that does not fall under any of the "traditional" non-heterosexual identities.

The main findings of the survey are:

- At a rate of 84.9%, children hear in school the word "gay" associated with negative connotations. Other students at a rate of 74.2% hear homophobic remarks, while more than half of the children (58.1%) also hear such remarks from teachers. Despite their presence (62,5% indicate that teachers are present at least sometimes), 1 in 3 times (34.3%) teachers do not intervene.
- 96% say that they have heard, even just rarely, remarks about students who do not behave in quite a "manly" way. The corresponding percentage of people who do not conform to the expected female behaviour is 86.6%.
- About 1 in 2 respondents (51.1%) say they have heard negative remarks about gender expression by teachers, even on a rare basis. 74.4% of students say they hear transphobic comments even just rarely, while 18.3% say these remarks happen often or very often.
- Only 4.1% say that they have never or rarely heard sexist remarks, with 74.4% of people stating that they often hear abusive remarks against women.
- One in three children have received some form of verbal harassment due to their sexual orientation (32%), gender (31.1%), and/or gender expression (50.3%). About one in seven children have been subject to some form of physical harassment and/or physical violence in relation to

their sexual orientation (14.6%), gender (12.6%), and/or gender expression (19.3%).

- One in three LGBTQ children (33.0%) states that they have been sexually harassed. Of the people who have experienced violence at school, 27.9% have never mentioned it to teachers, while the ones that reported it state that the way it was handled was a little effective (30.8%), or not at all effective (26.6%).
- It should be noted that 59.2% of those surveyed declare that they have attended, or are still attending, schools that do awareness campaigns on school bullying.
- 65.1% of LGBTQ people have never heard anything positive about LGBTQ people in a school class. On the contrary, 54.4% state that they have heard negative references to LGBTQ people or issues in the classroom.
- At a rate of 60.1%, the children report that none of their schoolbooks includes information on LGBTQ issues.
- At a rate of 57.7%, children feel that it is hard to talk about LGBTQ issues in the classroom, feel a little or not at all comfortable to talk to their teachers (71.9%), and hardly at all comfortable to talk to the school management (83.1%).

## Chapter 2. Racism, xenophobia and related intolerance

### 1. Legal and policy developments relating to the application of the Racial Equality Directive

In 2020, there were no legal or policy developments relating to the application of the Racial Equality Directive, nor were there any specific measures adopted in light of the COVID-19 outbreak.

#### *Equality Body Report*

Law 4443/2016,<sup>22</sup> which incorporated Directives 78/2000/EC and 43/2000/EC, establishes the Greek Ombudsman as the equality body responsible for monitoring and promoting in the private and public sector the principle of equal opportunities and equal treatment irrespective of gender, race, colour, nationality or ethnic origin, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics. It is competent to deal with discrimination in employment, education, and in the access and supply of goods and services. Within this context, the Ombudsman drafts and publishes on an annual basis a Special Report on discrimination, which is included in its Annual Report and is submitted to Parliament before the end of March each year.

In 2020, the Office of the Greek Ombudsman, within the framework of its mandate as an Equality Body, published its Equal Treatment 2019 Special Report.<sup>23</sup> In 2019, the Greek Ombudsman received 1,176 new complaints

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<sup>22</sup> Greece, Law 4443/2016 'On the transposition of Directive 43/2000/EC on the application of the principle of equal treatment irrespective of race and ethnic origin, and the transposition of Directive 78/2000/EC on the configuration of the general framework of equal treatment in employment and work and Directive 54/2014/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers and other provisions' (Ενσωμάτωση της Οδηγίας 2000/43/ΕΚ περί εφαρμογής της αρχής της ίσης μεταχείρισης προσώπων ασχέτως φυλετικής ή εθνοτικής τους καταγωγής, της Οδηγίας 2000/78/ΕΚ για τη διαμόρφωση γενικού πλαισίου για την ίση μεταχείριση στην απασχόληση και την εργασία και της Οδηγίας 2014/54/ΕΕ περί μέτρων που διευκολύνουν την άσκηση των εργαζομένων στο πλαίσιο της ελεύθερης κυκλοφορίας των εργαζομένων και λοιπές διατάξεις). Abbreviation: Equal Treatment Law (O.G.A 232/ 09-12-2016).

<sup>23</sup> Greece, Greek Ombudsman, Equal Treatment 2019 Special Report, available in English at: [https://www.synigoros.gr/resources/docs/ee\\_im\\_2019\\_en.pdf](https://www.synigoros.gr/resources/docs/ee_im_2019_en.pdf), last accessed on 5-10-2020.



regarding equal treatment issues, 84 % of which fell within its competence and were thus further investigated. 898 complaints were successfully resolved during 2019 (404 cases were pending from previous years).

As for the distribution of the complaints examined in 2019 per ground of discrimination, 37 % concerned disability or chronic disease, 7 % concerned family status, 3 % concerned national or ethnic origin, 5 % concerned age, 2 % concerned race or colour, 1 % concerned religious or other beliefs, and 1 % concerned sexual orientation, gender identity or characteristics and social status. The remaining 44 % concerned discrimination on the ground of gender.

As for the distribution of complaints against public authorities (82 %), 38 % concerned social security funds and other organisations supervised by the Ministry of Labour, 24 % concerned the Ministry of Interior, 17 % concerned municipalities, 12 % involved the Ministry of Education, 6 % concerned hospitals and other legal entities supervised by the Ministry of Health, and 3 % concerned other public authorities.

As for the distribution of complaints against the private sector (18 %), 12 % concerned age, 11 % concerned disability or chronic disease, and 4 % concerned national or ethnic origin. The remaining 73 % concerned discrimination on the ground of gender.

Especially in relation to racial or ethnic origin, the Ombudsman recorded the following:

#### *Racial origin*

The Ombudsman received complaints regarding biased security checks in three airports in Greece against passengers due to their racial background. In the first case, the Ombudsman requested more details to be able to continue investigating the case, the second case was referred to the counterpart organisation in Israel due to its competency, and in the third case, it is awaiting a response to its relevant intervention from the local police authority (cases 262424, 244759, 263772).

#### *National/Ethnic Origin*

A NGO complained to the Ombudsman about the inability of recognised refugees with large families to be given access to social provisions and benefits. According to legislation, the problem is related to the requirement of furnishing a family status certificate from the country of origin. The Ombudsman addressed the competent services of the Ministries of Labour, Social Security and Social Solidarity and Migration Policy, the Central Asylum Service and ASPE (Supreme Confederation of Multi-child Parents of Greece), pointing out that the relevant requirement cannot be applied objectively for the specific category of beneficiaries and cannot be a reason for indirect exclusion from every related social provision. A reply from the entire Ministries' competent services was recorded as pending (case 252095).

A third-country national complained of condescending treatment from a bank employee. Following the Ombudsman's intervention, the bank provided explanations, without however confirming the incident (case 247813).

In another recorded case, banks refused to open accounts for asylum seekers, as they did not possess a passport, but an international protection applicant's card, or a relevant certificate from the Asylum Service. The Ombudsman addressed the Bank of Greece and pointed out that the international protection applicant's card is an administrative document, which permits legal transactions during stay in Greece and within its time of validity. The refusal of banks to carry out transactions with asylum seekers on the aforementioned grounds constituted, according to the Ombudsman, discrimination, which significantly affects asylum seekers' most fundamental rights, such as the right to work in cases when the opening of payroll accounts is denied to them. The Bank of Greece responded positively, sending instructions to banks that the identification of asylum seeking natural persons can be certified based on an original international protection applicant's card (cases 230236, 237214, 247626, 254244).

Beach facilities run by a municipal enterprise permitted entrance to foreign persons from countries not in the Schengen area by them showing a passport, while at the same time prohibiting the entrance of a Syrian national who was a holder of an international protection applicant's card. The Ombudsman ascertained that the municipal enterprise was in violation of the principle of equal treatment due to national/ethnic origin during access to goods or services and forwarded the relevant complaint to the competent public prosecutor's office (cases 246084, 246598, 249915).

In a Notice of vacancies from a Public organisation for the position of General Director, a condition stated that participation for naturalised Greek citizens depended on them having acquired naturalisation at least one year previously.

The Ombudsman pointed out to the organisation that this condition introduces discrimination due to ethnic origin, resulting in the body withdrawing this condition immediately from the notice (case 263328).

In March 2019, there was an incident involving an attack on vulnerable asylum seekers/those entitled to asylum, on the facilities of a hotel where they were staying in the context of the programme of the International Organisation for Migration (IOM) and Ministry of Migration Policy at Vilia, Attiki. The Ombudsman directly addressed the competent/ involved bodies (police services, Municipality of Mandra-Eidyllia, Ministry of Migration Policy, IOM) requesting that they carry out the necessary actions, as well as providing the relevant information. The Police Directorate of Western Attiki informed the Ombudsman that the incident was of short duration and de-escalated the same day, while the police presence was stepped up for increased surveillance of the hotel and its immediate vicinity. There are no details for other similar incidents in the area.

## **2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime**

In 2020, there were no legal or policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime especially in view of the COVID-19 pandemic.

On December 9<sup>th</sup>, 2020, it was reported that the Greek Ministry of Justice had adopted a National Action Plan against Racism and Xenophobia.<sup>24</sup> The text of the National Action Plan has not yet been made available to the public.

### *First Supreme Court Conviction of Hate Speech*

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<sup>24</sup> Proto Thema, The first national action plan against racism and intolerance has been adopted, (Υιοθετήθηκε το πρώτο εθνικό σχέδιο δράσης κατά του Ρατσισμού και της Μισαλλοδοξίας), 9-12-2020, available in Greek at: <https://www.protothema.gr/greece/article/1073358/uiothetithike-to-ethniko-shedio-drasis-kata-tou-ratsismou-kai-tis-misallodoxias/>, last accessed on 7-1-2021; Iefimerida.gr, The first national action plan against racism and intolerance has been adopted (Υιοθετήθηκε το πρώτο εθνικό σχέδιο δράσης κατά του Ρατσισμού και της Μισαλλοδοξίας), 9-12-2020, available in Greek at: <https://www.iefimerida.gr/ellada/proto-ethniko-shedio-drasis-kata-ratsismoy-misallodoxias>, last accessed on 7-1-2021.

In March 2018, the Greek Orthodox Bishop of Kalavryta was indicted for the crime of public incitement to violence or hatred under article 1 of Law 4285/2014 (Anti-racist Law) in conjunction with article 196 of the Greek Criminal Code, which provides an aggravated sentence for religious leaders. The charges were related to a blog post of the religious leader, which through a series of homophobic slur called upon members of the Greek Orthodox community to resort to certain actions (namely spitting) in demonstration of their disapproval of homosexuals. The Bishop was acquitted of all charges by the first instance court. The senior prosecutor of the Court of Misdemeanours in Aigio appealed the court decision following an application of the civil claimants. The case was then examined at the appeals phase in January 2019, which declared the bishop guilty of incitement to hatred and abuse of religious office and sentenced him to 7 months imprisonment (on a probation term).<sup>25</sup> The Bishop applied before the Supreme Court (*Άρειος Πάγος*), in an attempt to have his conviction overturned. In June 2020, the Supreme Court issued its historic decision (No. 858/2020), upholding the Bishop's conviction for incitement to hatred.<sup>26</sup> The case is highly important, since it is the first time hate speech by a religious leader was examined by the country's higher court. Previous similar cases rarely made it to the courts and, when they did, the Court would decide on the acquittal of the accused based on the right of religious freedom or freedom of speech. Moreover, it is the first conviction for hate speech to be upheld by the highest criminal court.

### *Golden Dawn Trial*

On September 7, 2020, a judgement was delivered after a five-year trial in the case of Golden Dawn.<sup>27</sup> The trial covered 4 cases with 68 defendants and over 200 witnesses: 1) attack against Egyptian fisherman, 2) attack against members of the communist trade organisation PAME, 3) murder of Pavlos Fyssas and 4) Golden Dawn as a criminal organisation.<sup>28</sup> Golden Dawn's leader and six former

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<sup>25</sup> Greece, Three-Member Court of Misdemeanours of Aigio, Decisions Nos. 47 and 49/2019.

<sup>26</sup> Greece, Supreme Court Decision No. 858/2020, (ΑΠ 858/2020), available in Greek through the subscribers' Database NOMOS, [https://lawdb.intrasoftnet.com/nomos/nomos\\_frame.html](https://lawdb.intrasoftnet.com/nomos/nomos_frame.html), last accessed on 5-10-2020.

<sup>27</sup> Greece, Kathimerini, Guilty verdict in Golden Dawn trial seen as victory for democracy, 8-10-2020, available at: <https://www.ekathimerini.com/257819/article/ekathimerini/news/guilty-verdict-in-golden-dawn-trial-seen-as-victory-for-democracy>, last accessed on 1-12-2020; BBC News, Greece Golden Dawn: Neo-Nazi leaders guilty of running crime gang, available at: <https://www.bbc.com/news/world-europe-54433396>, last accessed on 1-12-2020; The Guardian, Neo-Nazi leaders of Greece's Golden Dawn sentenced to 13 years, available at: <https://www.theguardian.com/world/2020/oct/14/greece-golden-dawn-neo-nazi-prison-sentences>, last accessed on 1-12-2020.

<sup>28</sup> The initiative "Golden Dawn Watch" has chronicled the entire trial through its website: <https://goldendawnwatch.org>. The anti-fascist initiative for the civil action against Golden Dawn, "Jail Golden

MPs were found guilty of leading a criminal organization and sentenced to 13 years imprisonment. Dozen other members of the party were also found guilty of belonging to the criminal organisation. It should be highlighted that a surge in racist violence was linked to the popularity of Golden Dawn and the majority of recent case law on racist crime in Greece are linked to the violent activities of its members or supporters.<sup>29</sup>

### *Report of the Racist Violence Recording Network*

The initiative for the establishment of the Racist Violence Recording Network (RVRN) was taken in mid-2011 by the Greek National Commission for Human Rights (GNCHR) and the Office of the UN High Commissioner for Refugees in Greece (UNHCR), following two major findings: a) the absence of an official and effective data collection system and b) the need for coordination among organizations which recorded, on their own initiative, incidents of racist violence against people who seek recourse to their services. Every year the RVRN publishes an annual report with the findings of the previous year.

The Racist Violence Network did not report any incidents of racist violence or hate speech related to COVID-19. Its press release from March 5th 2020 condemned the targeting of refugees, asylum seekers and staff of humanitarian organisations in the islands of the Aegean and Evros, but these incidents were not related to COVID-19.<sup>30</sup> The latest report of the network, presented on 16th June 2020 refers to the incidents recorded in 2019 but makes no direct reference to COVID-19.

According to its 2019 Annual Report,<sup>31</sup> published in 2020, RVRN found a trend in incidents of everyday racist violence. By the term “everyday”, the Network intended to describe the expression of racist behaviours or even racist violence, usually of low intensity, expressed by individuals in the context of everyday life: in public transport, at school, at work, in public services. In the same context,

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Dawn”, has also put together a chronicle of the Golden Dawn trial as well as of cases linked to it at: <https://jailgoldendawn.com/international/>, last accessed on 1-12-2020.

<sup>29</sup> Greece, Racist Violence Recording Network, Press Release Racist Violence Recording Network: Justice shields the rule of law and human rights in Greece, 16-10-2020, available at: <http://rvrn.org/2020/10/racist-violence-recording-network-justice-shields-the-rule-of-law-and-human-rights-in-greece/>, last accessed on 1-12-2020.

<sup>30</sup> Greece, Racist Violence Recording Network (Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας), Serious concerns on attacks against refugees and workers in humanitarian organisations (Σοβαρή ανησυχία για τις επιθέσεις κατά προσφύγων και εργαζομένων σε ανθρωπιστικές οργανώσεις), Press Release, 05.03.2020, available in Greek at: [https://www.unhcr.org/gr/14145-epitheseis\\_kata\\_prosfygon\\_kai\\_ergazomenon.html](https://www.unhcr.org/gr/14145-epitheseis_kata_prosfygon_kai_ergazomenon.html), last accessed on 1-12-2020.

<sup>31</sup> Greece, Racist Violence Recording Network, Annual Report 2019, available in English at: <http://rvrn.org/category/english/>, last accessed on 5-10-2020.

RVRN also recorded, in 2019, incidents against Greek citizens targeted not as migrants or refugees, but as “less” Greeks, on grounds of ethnic origin. Those recordings, according to RVRN, combined with the growing trend of incidents against refugees and migrants, highlighted the repugnance that part of Greek society shows towards diversity, which is largely linked to the serious lack of culture of tolerance and policies of actual integration and acceptance of diversity.

Racist rhetoric at central and local political levels played a key role in the development of such behaviours, and significantly contributed to the normalization of xenophobia and intolerance, according to RVRN. Another element evident in the behaviour of the perpetrators, according to testimonies from victims, is their indifference of the consequences that their actions may have on the country’s institutional framework – attacks have been carried out in public spaces in front of witnesses, in some cases police officers and RVRN has observed that to a large extent the victims of such attacks have accepted their victimisation as a “normal” feature of their daily lives and the perpetrators seem to be attacking with the perception that their act will go unpunished. This painful context for communities affected by racist violence on grounds of nationality, ethnic origin, colour and/or religion is further aggravated when it is affected by institutional racism, expressed either through policies that restrict access to basic rights, or through the inappropriate behaviour of public officials resulting in the exclusion of individuals of different ethnic, cultural, religious or linguistic backgrounds, from services and goods. According to RVRN, it is no coincidence that asylum-seekers, refugees and migrants are the majority of victims in incidents involving law enforcement officials or civil servants.

Between January and December 2019, the RVRN recorded through interviews with victims, 100 incidents of racist violence, with more than 104 victims. In 51 incidents, the targets were migrants, refugees or asylum-seekers on grounds of ethnic origin, religion and/or colour, human rights defenders due to their connection with refugees and migrants, as well as accommodation sites for unaccompanied children. In two incidents, the targets were Greek citizens on grounds of foreign or ethnic origin, while, in three incidents, the targets were Jewish and Muslim sacred or symbolic sites. In 44 incidents, the targets were LGBTQI+ individuals and human rights defenders due to their association with LGBTQI+ groups (out of which one third-country national without legal documents/residence status). In 27 incidents, the targets were more than one victim, whereas in 52 incidents a group (of at least two persons) committed the assault.

According to RVRN, a significant number of the attacks resulted in physical injuries and other serious offences. Among those, one homicide, two rapes, three incidents of sexual abuse and sexual assault were recorded, one of them in combination with threats and insults, 42 incidents with physical injuries or in combination with insults and threats, disturbance of domestic peace, labour exploitation, false allegation, theft and damages to third party property, 40

incidents of threats, insult, factual insult, three incidents of desecration, two incidents of arson, one of them in combination with threats, six incidents of verbal or other type of harassment, one incident of damage to third party property in combination with threats.

### *National Mechanism for the Investigation of Arbitrary Incidents*

Virtue of Article 56 of Law 4443/2016, the Ombudsman was appointed as the National Investigation Mechanism for Arbitrary Incidents. According to Article 56(1) (d), the Ombudsman is responsible for investigating complaints on the unlawful behaviour of police officers or officers of the coastguard or the fire department, which appear to have been perpetrated with a racist motivation, or any other type of discriminatory treatment on grounds of race, colour, ethnic origin, descent, religion, disability, sexual orientation, gender identity or characteristics. The Ombudsman prepares a file, which is forwarded to the relevant authorities responsible for carrying out disciplinary actions.

According to the Ombudsman's Report for 2019, published in 2020,<sup>32</sup> the cases of behaviours with underlying racist motives or constituting discrimination, recorded an increase in 2019, both in percentage and in absolute numbers, a fact indicative not only of the amplification of racist phenomena but also of the tendency to record and investigate those.

In the relevant cases that the Ombudsman reviewed in 2019, there is, however, difficulty regarding the investigation and justification of the Hellenic Police administrative inquiries. Out of the 208 cases brought to the National Mechanism in 2019, 14 % were related to racist motive (28 cases). Concerning racist motive, the following cases were highlighted by the Ombudsman's Report:

- The Ombudsman noted that the unjustified rejection of a complainant's allegations about a police officer's derogatory conduct, related to gender, in a train station in Attica, in conjunction with certain judgments made by the Preliminary Administrative Inquiry (PDE) on the officer's ethics, character and other characteristics, without referencing any relevant sources (service files, evaluations etc.) are elements that negatively impact the investigation's credibility. The Ombudsman had the opportunity to reiterate that the assignment of the PDE to a police officer

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<sup>32</sup> Greece, Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents - Report 2019, available in English at: <https://www.synigoros.gr/?i=human-rights.en.recentinterventions.699730>, last accessed on 5-10-2020.

of the same service (same police department as well) weakens the investigator's impartiality credentials (File No. 259951).

- An omission to investigate racist motives was noted by the Ombudsman in administrative inquiries about improper conduct. In spite of the relevant reference in the order to carry out a PDE, the PDE report mentions nothing about racist motives (File No. 260526) and investigates the issue insufficiently.
  
- The lack of racist motives was substantiated by a PDE report in a case of an inspection and alleged mistreatment of an foreigner musician in a central square in Attica (File No. 234634), mainly based on the fact that the police officers claimed to have intervened in an incident between persons with the same racial characteristics, while the complainant's allegations "*cannot be verified and are not confirmed by the witnesses' testimonies*". These testimonies, however, according to the Ombudsman were based only on those of the police officers. The Ombudsman noted that, according to the relevant ECtHR case law, there is insufficient investigation of racist motives during the disciplinary procedure (a breach of Article 14 of the ECHR on discrimination), unless a full investigation about similar incidents and the existence of relevant allegations (in the investigated persons' service files etc.) is conducted.
  
- The Ombudsman, concerning a social media post, also considered the investigation of racist behaviour/hate speech insufficient. It concerned a case where a profile with racist material was taken down by the social network itself, while its creation and use was attributed to a closed group of police officers by the Media. An Administrative Inquiry under Oath (EDE) was ordered in 2018 with the directive "*In any case, the PDE report has to include fully justified estimations and conclusions on the existence, or absence thereof, of racist motives in the police officers' conduct, findings that must derive from the interrogation material*". However, the Ombudsman found an omission to compare the investigation material to the completed preliminary interrogation material of the competent Department for Combating Racist Violence; an omission that made the evidence gathered by the initial and completed EDE insufficient. In that way, a number of evidence material remained unused and was not further investigated, nor was evidence that resulted from the police officers' testimonies that were taken during the preliminary interrogation (for example, certain posts were published from time to time by a webpage for exchanging information of police interest, containing derogatory references to "colleagues" etc.). Failing to examine for more evidence, and not comparing evidence to an expert's report jeopardises the course of the investigation, especially when both reports in the given case



mentioned the inefficiency of the gathered evidence to lead to a safe conclusion as to the disciplinary liability of the investigated police officer and the racist content of the specific profile.

In this case, beyond the unjustified suspension of the disciplinary procedure, in violation of the principle of its independence, the Ombudsman claimed to have discerned an underlying effort to postpone the disciplinary procedure and, much more, the issuing of a judgment on the disciplinary offenses, depending on the outcome of the criminal procedure, which raises questions regarding the substantial response of the police to cases of misconduct by police officers with underlying racist motives (File No. 230990).

### *Hate speech targeting ethnic groups*

In Greece, incidents of hate speech were recorded in 2020 against Roma communities and in reference to COVID-19. Media reports and statements of officials contained negative remarks on Roma, who were frequently accused of not adhering to restriction measures and inciting violence.<sup>33</sup>

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<sup>33</sup> For more information see pages 20-21 of the Franet Covid-19 report on Greece "[Implications of COVID-19 pandemic on Roma and Travellers communities](#)" published on 15-06-2020.

## Chapter 3. Roma equality and inclusion

### 1. Measures and developments addressing Roma/Travellers

In 2020, the process for awarding contracts for the preparation of the National Strategy for the Inclusion of Roma 2021-2027 was in progress.<sup>34</sup>

However, the General Secretariat for Social Solidarity and the Fight against Poverty (*Γενική Γραμματεία Κοινωνικής Αλληλεγγύης και Καταπολέμησης της Φτώχειας*) of the Ministry of Labour and Social Affairs continued the application of the National Operational Action Plan for the Social Integration of Roma.<sup>35</sup>

The Operational Plan of Action aims to achieve the following three strategic objectives:

1) Elimination of Poverty - Improve Living Conditions and Complete Basic Infrastructures

The objective is to improve living conditions and eliminate poverty, to enable gradual social integration and harmonious coexistence at all local level, with a set of measures and actions of all directions corresponding to the three types of settlements.

2) Development of sectoral interventions and support services to achieve social inclusion

This aims to develop a network of policies in all relevant areas: education, employment, health, and supportive social interventions. To achieve this goal, personalised support actions are planned, as well as systemic interventions for inclusion of individuals and families.

3) Empowering and Activating the Local Community - Roma and Non-Roma Citizens - for Active Participation in Local, Community Events

The aim is to shape the conditions necessary for the development of social dialogue and consensus, through actions of social emancipation, empowerment and equal participation of Roma and non-Roma citizens. This will be achieved through the creation of grassroots organizations. Particular emphasis is given to the involvement and activation of Roma youth and women.

Moreover, the Programme Agreement for the Programme "Social Inclusion and Integration of Roma" (Program B - Roma Inclusion and Empowerment) was

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<sup>34</sup> Information provided by the General Secretariat for Social Solidarity and the Fight against Poverty in its 19-11-2020 communication.

<sup>35</sup> Greece, Special Secretariat for the Social Integration of Roma, National Operational Action Plan for the Social Integration of Roma, June 2019, (*Εθνικό Επιχειρησιακό Σχέδιο Δράσης για την Κοινωνική Ένταξη των Ρομά*), available in Greek at: [https://egroma.gov.gr/wp-content/uploads/2019/06/LOW-%CE%95%CE%A0%CE%99%CE%A7%CE%95%CE%99%CE%A1%CE%97%CE%A3%CE%99%CE%91%CE%9A%CE%9F\\_SXEDIO\\_DRASHS\\_ROMA.pdf](https://egroma.gov.gr/wp-content/uploads/2019/06/LOW-%CE%95%CE%A0%CE%99%CE%A7%CE%95%CE%99%CE%A1%CE%97%CE%A3%CE%99%CE%91%CE%9A%CE%9F_SXEDIO_DRASHS_ROMA.pdf), last accessed on 05-10-2020.

signed on 10-7-2020,<sup>36</sup> which will be carried out with funds from the Financial Mechanism of the European Economic Area. The aim of the project is the creation of a Task Force, which will consist of a Central Unit / Steering Committee based in Athens and four (4) Regional Task Force Units located in four (4) Regions with high concentration of Roma populations: Attica, Central Macedonia, Eastern Macedonia, Thrace, and Western Greece.

Each group will consist of five (5) members, four (4) experts with relevant experience and one Roma ombudsman. The Central Unit / Steering Committee will be based in Athens and will work with the Program Partner, the General Secretariat for Social Solidarity and the Fight against Poverty, from which it will receive guidance. At the same time, based on these, it will inform, support and coordinate the work of the Regional Action Groups. Each regional Action group can cover the adjacent Regions with its services.

The programme included in 2020 a pilot local intervention "Temporary Relocation to an Organised Area" of the Pelekas camp in the Municipality of Katerini according to the standards of social housing targeted at 56 Roma families.<sup>37</sup> Three sub-projects were also included:

- Impact Teams were appointed in four regions according to the objectives of the National Strategy for Social Inclusion of Roma (in order to provide information and coordination of actions between the camps and Local Government) within the responsibilities of the General Secretariat.
- Camping Programme for 50 Roma children with full support
- Small funding in the context of empowering young Roma and women

The relocation of Roma at the Pelekas camp is temporary. The relocation was decided in order to clean and improve the camp, to ensure a decent standard of living conditions and improve sanitation conditions.<sup>38</sup>

On the other hand, the Secretary General of Social Solidarity and the Fight against Poverty signed on 7-8-2020 with the Chairman of the Governing

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<sup>36</sup> Greece, General Secretariat for Social Solidarity and the Fight against Poverty, Signing of Programme Agreement for the Programme "Social Inclusion and Integration of Roma" (Program B - Roma Inclusion and Empowerment) (Ε.Ο.Χ.- Υπογράφηκε στις 10.7.2020 το Πρόγραμμα «Κοινωνική Ένταξη και Ενσωμάτωση των Ρομά»), available in Greek at: <https://egroma.gov.gr/e-o-x/>, last accessed on 5-10-2020.

<sup>37</sup> Information provided by the General Secretariat for Social Solidarity and the Fight against Poverty in its 19-11-2020 communication.

<sup>38</sup> Information provided by the General Secretariat for Social Solidarity and the Fight against Poverty in its 19-11-2020 communication.

Committee of the Hellenic Open University a Partnership Protocol.<sup>39</sup> This initiative stems from the desire of both sides to contribute jointly to tackling social exclusion, which is experienced by people belonging to vulnerable groups of the population. The protocol secures the annual free tuition of 35 Greek citizens (Roma, homeless, former guests of child protection structures) in Undergraduate and Postgraduate Programs of the Open University.

Finally, on 28-9-2020 the General Secretariat held a working meeting and agreed on the training of the employees of the Roma Annexes on issues related to the provision of social assistance to Roma, with the National Centre for Public Administration and Local Government.

## **2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion**

### *National Contact Point for Roma Inclusion*

In 2020, the General Secretariat for Social Solidarity as the EU National Contact Point for Roma Social Inclusion will implement three two-day training consultations in the framework of the National Strategy for Roma Social Inclusion (ROMPLAT 2019) with a duration of twelve months: 30-6-2020 till 29-6-2021.<sup>40</sup>

In addition, the Roma Platform 2020 has been approved (with a budget of €200,000, duration 24 months, with estimated start date 1-2-2021), for further development actions of the EU National Contact Point for Roma Social Inclusion,<sup>41</sup> which shall include: (a) mapping of stakeholders; (b) methodology for mapping/recording areas where Roma communities reside and its pilot implementation in a selected municipality; (c) training of 20 young Roma in public administration and a 6-month internship for two of the trainees at the General Secretariat for Social Solidarity and the Fight against Poverty (d) two national day workshops within the framework of the National Strategy for Roma.

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<sup>39</sup> Greece, General Secretariat for Social Solidarity and the Fight against Poverty, Press Release on the signing of a Cooperation Protocol between the General Secretariat and the Hellenic Open University, (7-8-2020 : Υπογραφή Πρωτοκόλλου συνεργασίας μεταξύ της Γενικής Γραμματείας Κοινωνικής Αλληλεγγύης και Καταπολέμησης της Φτώχειας και του Ελληνικού Ανοικτού Πανεπιστημίου (ΕΑΠ)), available in Greek at: <https://egroma.gov.gr/7-8-2020-%cf%85%cf%80%ce%bf%ce%b3%cf%81%ce%b1%cf%86%ce%ae-%cf%80%cf%81%cf%89%cf%84%ce%bf%ce%ba%cf%8c%ce%bb%ce%bb%ce%bf%cf%85-%cf%83%cf%85%ce%bd%ce%b5%cf%81%ce%b3%ce%b1%cf%83%ce%af%ce%b1%cf%82-%ce%bc/>, last accessed on 5-10-2020.

<sup>40</sup> Information provided by the General Secretariat for Social Solidarity and the Fight against Poverty in its 19-11-2020 communication.

<sup>41</sup> Information provided by the General Secretariat for Social Solidarity and the Fight against Poverty in its 19-11-2020 communication.

### *Information and Consultation website*

At end of September 2020, the information and consultation platform for Roma issues of the General Secretariat for Social Solidarity and the Fight against Poverty, of the Ministry of Labour and Social Affairs, was re-launched at the website: <https://egroma.gov.gr/>.

### *Measures in light of COVID-19*

In 2020, Greece took a number of measures in order to support Roma communities in light of the COVID-19 pandemic.<sup>42</sup>

It should be noted that there is no specific statistical data on the pandemic and the situation of Roma settlements. However, cases of infection were recorded in some settlements. The General Secretariat for Social Solidarity and the Fight against Poverty (*Γενική Γραμματεία Κοινωνικής Αλληλεγγύης και Καταπολέμησης της Φτώχειας*) of the Ministry of Labour and Social Affairs is the public body responsible for the social integration of Roma and for carrying out the implementation of the 2011-2020 National Strategy for the Social Inclusion of Roma. In order to address the needs of this group during the COVID-19 outbreak, the Secretariat circulated the following documents to the Ministry of Civil Protection, EODY, the General Secretariat of Public Health, the Ministry of Interior and the Local authorities (regions and municipalities) in order to highlight their duties in relation to the Roma population living in camps and settlements:

- Doc. No. 240/11-3-2020 on Taking Measures to prevent the spread of the COVID-19 virus to Roma populations living in camps, addressed to the General Secretariat of Public Health and EODY.
- Doc. No. 252/16-3-2020 concerning "Information on urgent measures to address the negative consequences of the appearance of the corona virus in Roma populations living in camps and settlements" addressed to Roma Annexes – Community Centres and communicated to the Office of the Minister of Foreign Affairs and the Office of the President of KEDE (Union of Greek Municipalities).
- Doc. No. 256/16-3-2020 "Information on initiatives of the General Secretariat of Social Solidarity and the Fight against Poverty to address the negative consequences of the appearance of the corona virus in vulnerable social groups" addressed to the Home Secretary.
- Doc. No. 258/17-03-2020 "Information on urgent measures to address the negative consequences of the appearance of the corona virus in Roma populations living in camps and settlements" addressed to the Office of the Deputy Minister of Civil Protection, the Office of the Minister of Health, the Deputy Minister of Health, the Offices of Regional Governors of Greece, the President of KEDE, the Office of the Secretary General of Civil

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<sup>42</sup> The information contained in this field is based on No.365/15-06-2020 Communication of the General Secretariat for Social Solidarity and the Fight against Poverty.

Protection, the Office of the Secretary General of Health, Prevention and Volunteering and the President of EODY.

- Doc. No. 259/17-3-2020 "Taking necessary measures at the Roma Camp in Pelekas" addressed to the Municipality of Katerini and communicated to the Secretary General of the Municipality of Katerini for the relocation of a Roma settlement in the Municipality of Katerini according to the standards of social housing.
- Doc. No. 261/17-3-2020 "Taking necessary measures by Municipalities with Roma camps" addressed to the Officers of Mayors throughout Greece.
- Doc. No. 265/22-3-2020 "Proposal for measures to be taken in the Roma camps of the country, in the context of preventing the dispersal and spreading of the corona virus", sent to the Office of the Minister of Interior and the Office of the Deputy Minister of Interior.

Within this context, Decision No. 20210/27-3-2020<sup>43</sup> of the Minister of Interior was issued which distributed 2,255,000 Euros to 98 municipalities in Greece with Roma settlements and camps to take all necessary measures for this particular group such as disinfection, provision of clean drinking water, for informing the population, providing antiseptics, etc.<sup>44</sup> Additional subsidies were granted from April 2<sup>nd</sup> to May 6<sup>th</sup> to some municipalities. Of a 101 municipalities, 75 forwarded to the General Secretariat information on the measures taken to address the corona virus outbreak:

- 75 carried out awareness campaigns
- 64 carried out disinfection services while 4 had such services scheduled
- 26 moved ahead with the supply of drinking water
- 60 provided antiseptics and relevant materials
- 46 supplied food to the settlements within their district

Furthermore, Joint Ministerial Decision No. Δ1α/Γ.Π. οικ 20036<sup>45</sup> "On the imposition of the measure of temporary restriction of the movement of citizens in order to address the danger of spreading the corona virus COVID-19" included in its article 2 a special provision for Roma communities.<sup>46</sup> According to this

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<sup>43</sup> Greece, Decision No. 20210/27-03-2020, DIAVGEIA Code A.Δ.A.:ΨΗΛΒ46ΜΤΛ6-ΕΙΖ, available in Greek at: [https://www.karagilanis.gr/files/apofasi\\_20210\\_2020\\_ypes.pdf](https://www.karagilanis.gr/files/apofasi_20210_2020_ypes.pdf), last accessed on 1-12-2020.

<sup>44</sup> Greece, Ministry of Interior, Decision No. 20210/27-03-2020, Emergency distribution of 2,255,000 Euros to Municipalities of the country, in order to cover the need to avoid the spreading of COVID-19 in Roma camps and settlements, (Εκτακτη κατανομή ποσού 2.255.000,00 €, από τους Κεντρικούς Αυτοτελείς Πόρους έτους 2020 σε Δήμους της Χώρας, προς κάλυψη αναγκών για την αποφυγή της διάδοσης του κορωνοϊού COVID-19 σε οικισμούς και καταυλισμούς Ρομά), available in Greek at: <https://www.ypes.gr/?decisionsTitle&decisionsProt&decisionsADA&decisionsNum&datepickerFrom=01%2F03%2F2020&datepickerTo=29%2F03%2F2020&decTerm&decThemCat&decType&ptype=decisions&submit>, last accessed on 5-10-2020.

<sup>45</sup> Greece, Joint Ministerial Decision Δ1α/ΓΠ.οικ.20036/22.3.2020 (Επιβολή του μέτρου του προσωρινού περιορισμού της κυκλοφορίας των πολιτών προς αντιμετώπιση του κινδύνου διασποράς του κορωνοϊού COVID-19) (Ο.Γ. Β' 986/22-03-2020).

<sup>46</sup> Greece, Joint Ministerial Decision No. Δ1α/Γ.Π. οικ 20036 "On the imposition of the measure of temporary restriction of the movement of citizens in order to address the danger of spreading the corona virus COVID-19"

article, the Municipalities are responsible for informing by all appropriate means the Roma population of their area in relation to the movement restrictions and for ensuring their access to food by carrying out home deliveries of a daily meal.

Since the initiation of the restrictions due to the pandemic, the General Secretariat informed the representatives of the Roma community ELLAN PASSE and the Union of Greek Roma Mediators and their Associates of the seriousness of the situation, the relevant measures taken by the government in this regard, the individual and collective responsibility for public health and the need for cooperation. A teleconference was held on April 16<sup>th</sup> with these Roma representatives in order to discuss any issues that were recorded due to the pandemic. Giving the number of outbreaks recorded in the Larissa settlement of Nea Smyrni, the General Secretariat announced its decision to appoint additional mediators in order to facilitate the operational planning in the area of Larissa and to manage the crisis properly within the community itself.

Finally, in an attempt to prevent any discrimination against them, the head of the ad hoc committee for the pandemic repeatedly highlighted during press conferences that Roma should not be treated as a threat, but as a vulnerable group.<sup>47</sup>

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(ΚΥΑ Αριθμ. Δ1α/Γ.Π οικ 20036/2020, Επιβολή του μέτρου του προσωρινού περιορισμού της κυκλοφορίας των πολιτών προς αντιμετώπιση του κινδύνου διασποράς του κορωνοϊού COVID-19) (OG B 986/22-03-2020).

<sup>47</sup> For more information see Franet Covid-19 report on Greece "[Coronavirus pandemic in the EU – Fundamental Rights Implications](#)" published on 2-07-2020, pages 14-17.

## Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Republic of North Macedonia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
EL	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In	Greece issued two Ministerial Decisions for the extension of residence permits and other authorisations to stay.  More specifically, through the first Ministerial Decision residence permits, issued pursuant to the Greek Immigration Law <sup>48</sup>	- Ministerial Decision No. 120889/2020 (OG B 1086/30- 3-2020) ( <a href="#">Υπουργική Απόφαση Αριθμ. οικ. 12889/2020</a> ΦΕΚ 1086/Β/30-	N/A

<sup>48</sup> Greece, Law 4251/2014 Immigration and Social Integration Code and other provisions (Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και λοιπές διατάξεις) (OG A' 80/A/01-04-2014).



	<p>this case indicate in the next rows the categories to which the measure applies</p>	<p>(4251/2014) with expiry date between 11 February 2020 and 12 May 2020 were renewed automatically for up to five (5) months from their respective expiry date, but no later than 12 October 2020 without the need to issue a relevant decision of renewal.</p> <p>The certificates ("blue attestations") issued in accordance with Greek Law 4251/2014, which expired prior to 12 March and which were to be renewed, and those expiring during the period from 13 March 2020 to 12 May 2020, were renewed for up to five (5) months following the respective date on which they expire, but no later than 12 October 2020 without the need to issue a relevant certificate or attestation.</p> <p>For the period from the date that marks the end of third-country nationals' entitlement</p>	<p>3-2020 Παράταση ισχύος των αδειών διαμονής και των δελτίων διαμονής και μόνιμης διαμονής, που εκδίδονται κατ' εφαρμογή του ν. 4251/2014 (Α' 80) και του π.δ. 106/2007 (Α' 135), καθώς και των βεβαιώσεων κατάθεσης αίτησης των άρθρων 8 και 9 του ν. 4251/2014 και των ειδικών βεβαιώσεων νόμιμης διαμονής του άρθρου 25 του ν. 4251/2014.)</p> <p>- Ministerial Decision No. 14119/2020 (OG B 1654/4-5-2020)(<a href="#">Υπουργική Απόφαση</a>)</p>	
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		<p>to stay and until the date that the application for renewal is submitted, the above residence titles are considered to be <i>ex officio</i> extended. The validity of the above described residence titles begins on the day following their expiry date.</p> <p>For new residence permit applications:</p> <p>Third-country nationals, who should have, during the period from 12 March 2020 to 10 April 2020, submitted an application for initial granting of a residence permit, were entitled to submit the relevant application no later than 10 May 2020.</p> <p>Pursuant to a second ministerial decision, residence permits and residence permit application certificates (blue certificate) are extended until 31 December 2020 due to the closure to the public of the Immigration Services of the</p>	<p><a href="#">Αριθμ.οικ.14119/2020</a></p> <p>ΦΕΚ 1654/Β/4-5-2020</p> <p>Παράταση ισχύος των αδειών διαμονής και των δελτίων διαμονής και μόνιμης διαμονής, που εκδίδονται κατ' εφαρμογή του ν. 4251/2014 (Α' 80) και του π.δ. 106/2007 (Α' 135), καθώς και των βεβαιώσεων κατάθεσης αίτησης των άρθρων 8 και 9 του ν. 4251/2014 και των ειδικών βεβαιώσεων νόμιμης διαμονής του άρθρου 25 του ν.</p>	
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		<p>Decentralised Administrations, as well as the Department of Migration Policy of the Ministry from 12/3/2020 until 15/5/2020.</p> <p>Therefore, any residence permits, residence cards and permanent residence cards, which have expired or will expire in the period between 1 December 2019 up until 30 June 2020, and under normal circumstances could have been renewed, will now be valid until 31 December 2020.</p> <p>Any residence permit application certificates (blue certificates) and special legal residence certificates which expired until 11 March 2020 as well as those that expired between 12 March 2020 up until 30 June 2020 and under normal circumstances could</p>	<p>4251/2014.)</p> <ul style="list-style-type: none"> <li>- Article 156 of <a href="#">Law 4764/2020</a> (Ρυθμίσεις για την προστασία της δημόσιας υγείας από τις συνέπειες της πανδημίας του κορωνοϊού COVID-19, την ενίσχυση των μέσων μαζικής μεταφοράς, την επιτάχυνση της απονομής των συντάξεων, τη ρύθμιση οφειλών προς τους Οργανισμούς Τοπικής Αυτοδιοίκησης και άλλες Κατεπείγουσες διατάξεις.)(O.G. A' 256/23-12-2020)</li> </ul>	
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		<p>have been renewed, will now be valid until 31 December 2020.</p> <p>Additionally, those who entered the country with an entry visa or any other visa, with which they had the right to apply for a residence permit, but were not able to between 12 March 2020 up until 15 May 2020, due to the closure of the services, will now be able to submit their application up until 30 September 2020.</p> <p>Pursuant to Article 156 of Law 4764/2020, and due to the second wave of COVID-19, a new extension was given for the duration of resident permits, blue cards and asylum cards. These permits are valid until 31<sup>st</sup> March 2021.</p>		
	<p> Holders of visas issued based on the</p>	<p>The measures apply to this</p>		

	<a href="#">Visa Code</a> No. 810/2009 (as last amended by <a href="#">Regulation (EU) No. 2019/1155</a> ) (Schengen visas)	category		
	Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the <a href="#">Visa List Regulation</a> (Regulation (EU) 2018/1806)	The measures do not apply to this category.	No legal provision was issued.	In practice, Embassies and Consular Officers had to inform citizens to contact the competent Aliens' Department in order to be granted an extension to their visa-free or 90/180 day period. <sup>49</sup>
	Holders of long-term visas issued by the EUMS (under <a href="#">Regulation (EU) No. 265/2010</a> and beyond, under	The measures apply to this category		

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<sup>49</sup> See for example the announcement of the US Embassy in Greece: Daily COVID-19 update to U.S. citizens in Greece: How to apply for an extension of your 90 day visa-free entry <https://gr.usembassy.gov/health-alert-u-s-embassy-athens-greece-7/>, 2-4-2020, last accessed on 1-12-2020.

	national law)			
	<p> Holders of residence permits issued under <a href="#">Regulation (EC) No. 1030/2002</a> (as last amended by <a href="#">Regulation (EU) 2017/1954</a>)</p>	<p>The measures apply to this category</p>		
	<p> Holders of local border traffic permit under <a href="#">Regulation (EC) No. 1931/2006</a></p>	<p>The measures apply to this category</p>		
	<p> Any other category of TCN not listed above.</p>	<p> Two Ministerial Decisions were also issued for the extension of the validity of Asylum Seekers Cards.</p> <p> The expiration date varies depending on the asylum case ending number/digit.</p> <p> The validity of the International Protection Applicants' Cards, which correspond to an asylum case number ending in:</p> <ul style="list-style-type: none"> <li>• number "1", is extended until 6 November 2020.</li> </ul>	<p> Decision No 7330 on the Prolongation of the validity of</p> <p> Residence Permits, Asylum Seekers cards and other</p> <p> deadlines related to the administrative examination</p> <p> procedure of application for international protection at first</p>	<p> N/A</p>

		<ul style="list-style-type: none"> <li>• number "2", is extended until 13 November 2020.</li> <li>• number "3", is extended until November 20, 2020.</li> <li>• number "4", is extended until November 27, 2020.</li> <li>• number "5", is extended until December 4, 2020.</li> <li>• number "6", is extended until December 11, 2020.</li> <li>• number "7", is extended until December 18, 2020.</li> <li>• number "8", is extended until December 29, 2020.</li> <li>• number "9", is extended until January 7, 2021.</li> <li>• number "0", is extended until January 14, 2021.</li> </ul> <p>For those on Lesbos island: The validity of the International Protection Applicants' cards issued at the Regional Asylum Office of Lesbos, is extended until January 14, 2021.</p>	<p>and second instance (OG B 7330/15-4-2020) and Modified by Decision No TT 9028/2020, (OG B 1854/15-05-2020 (<a href="#">Απόφαση Αριθμ. οικ. 7330 /2020 (ΦΕΚ Β'-1426-15.04.2020)</a>) Παράταση ισχύος Αδειών Διαμονής, Δελτίων Αιτούντων Διεθνούς Προστασίας και λοιπών προθεσμιών που συνδέονται με τη διοικητική διαδικασία καταγραφής και εξέτασης αιτημάτων διεθνούς προστασίας α' και β' βαθμού.</p> <p><a href="#">Τροποιήθηκε με την Υπουργική Απόφαση Αριθμ. ΤΤ 9028/2020 (ΦΕΚ Β'-1854-15.05.2020)</a>)</p>	
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**Notes:**

TCN = third-country nationals

EUMS = EU Member State



## Chapter 5. Information society, privacy and data protection

### 1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

In 2020, Greece transposed the provisions of EU Directives 2016/2102 (on the accessibility of the websites and mobile applications of public sector bodies), 2019/1024 (on open data and the re-use of public sector information) and 2018/1972 (European Electronic Communications Code (Recast)) through Law 4727/2020 (OG A 184/23-09-2020).

Given the COVID-19 crisis and the introduction of measures which established distance working and learning through use of the internet, the Greek Authority for the Protection of Personal Data (*Αρχή Προστασίας Δεδομένων Προσωπικού Χαρακτήρα*, hereinafter Greek DPA), issued guidelines and carried out consultations in order to ensure the protection of personal data and adherence to the GDPR.

On March 13<sup>th</sup>, 2020, the Greek DPA, in conformity with the restriction measures imposed by the government in order to limit the contraction of the coronavirus, decided to suspend its services available to the public and offer them online instead.<sup>50</sup> As of March 17<sup>th</sup>, 2020, the DPA accepts complaints and reports on data breaches electronically. The DPA's decision-making body continued to hold meetings through teleconferencing on breaches of data protection and for granting permission for the processing of data in accordance with its mission.

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<sup>50</sup> Greece, DPA, Newsletter Vol. 28 (Ενημερωτικό Δελτίο Τεύχος 28), April 2020, available in Greek at: <https://www.dpa.gr/pls/portal/docs/PAGE/APDPX/NEWSMAIN/INFORMATIONAL/APRIL2020.PDF#28>, last accessed on 5-10-2020.

Furthermore, pursuant to Decision No. 5 /2020 of the Plenary Body of the DPA, the authority issued guidelines in an attempt to ensure a fair balance between the need to protect the personal data of individuals, their fundamental rights and freedoms on the one hand, and the measures taken to prevent the coronavirus from spreading on the other.<sup>51</sup> The Guidelines called for the respect of Articles 2, 5, 6 and 9 of the GDPR in relation to the processing of personal data pertaining to one's health, the processing of data in an automated or semi-automated manner, the responsibility of processors when processing health data, the fact that the right to personal data is not absolute and can be breached when it is justified based on the grounds of public interest and public health and the obligations of employers when it comes to balancing the rights of their workers to protection of their personal data and ensuring a safe-work environment. Finally, the Guidelines included instructions on the collection of statistical and demographic data for monitoring the contraction patterns of the coronavirus, highlighting that the legal basis should always respect the consent of the subject of processing.

On April 15<sup>th</sup>, 2020, the DPA issued another set of guidelines for the adoption of security measures within in the framework of distance working.<sup>52</sup> The measure mainly concerned access to internet, the use of electronic mail/message exchanges, the use of terminal devices/storage devices and how teleconferencing should be carried out. The DPA President and members held a teleconference with the Educators' Union of Greece (*Διδασκαλική Ομοσπονδία Ελλάδος*), the Union of Middle School Educators (*ΟΛΜΕ*) and the PanHellenic Union of Substitute Teachers (*Πανελλήνιος Σύλλογος Αναπληρωτών Δασκάλων*) following their request and in relation to the risks of carrying out distance learning and in-school learning on a rotational basis.

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<sup>51</sup> Greece, DPA, Decision No. 5/2020 of the Plenary (Υπ' αρ. 5/2020 Απόφαση της Ολομέλειας της ΑΠΔΠΧ), available in Greek at: <https://www.dpa.gr/APDPXPortlets/htdocs/documentSDisplay.jsp?docid=163,39,44,101,194,223,3,99>, last accessed on 5-10-2020.

<sup>52</sup> Greece, DPA, Guidelines for the adoption of security measures within in the framework of distance working (Κατευθυντήριες Γραμμές της Αρχής Προστασίας Δεδομένων Προσωπικού Χαρακτήρα για τη λήψη μέτρων ασφάλειας στο πλαίσιο τηλεργασίας), 15-4-2020, available in Greek at: [https://www.dpa.gr/pls/portal/docs/PAGE/APDPX/HOME/FILES/KATEFTHINTIRIES%20GRAMMES\\_TILERGASIA.PDF](https://www.dpa.gr/pls/portal/docs/PAGE/APDPX/HOME/FILES/KATEFTHINTIRIES%20GRAMMES_TILERGASIA.PDF), last accessed on 5-10-2020.

During the imposition of social distancing measures, the DPA held and participated in a number of teleconferences and online meetings.<sup>53</sup> On April 23<sup>rd</sup>, 2020 an online debate, “Ideas’ Circle” (*Κύκλος Ιδεών*) was carried out on the subject of “Privacy and personal data in the era of the coronavirus – How can the pandemic be addressed by respecting the rule of law and democratic society principles”. On April 25<sup>th</sup>-26<sup>th</sup>, the Regional Centre of Educational Planning of the Western Greece (Π.Ε.Κ.Ε.Σ Δυτικής Ελλάδας) held a scientific teleconference on the subject of “Distance Education and the School Reality”. A special scientific associate of DPA participated in the event, and highlighted the basic measures needed for the protection of personal data, especially in light of the risks related to use of the internet and the particular nature of data processing through teleconferencing platforms. On May 27<sup>th</sup>, a special scientific associate of the DPA offered online training to public servants of the Region of Evros and in relation to the GDPR and the obligations of the public administration authorities. Finally, on June 10<sup>th</sup>, the Democratic Institute of Konstantinos Karamanlis held an online conference on the subject of “The digital age, the pandemic and personal data”. The President of the DPA participated in the event, which examined all legal issues related to the recording and sharing of COVID-19 cases, the use of geolocation systems and other similar applications on mobile phones, distance working and learning. All participants agreed that the need to protect human health and to address emergency cases linked to the coronavirus should respect the limits as enshrined in the Greek Constitution and European Union law.

Finally, the DPA issued an advisory opinion (No. 3/2020) on the Draft Presidential Decree in relation to the use of surveillance systems for the recording of audio or visual data in public areas<sup>54</sup> (Presidential Decree No. 75/2020, OG A’ 173/10-9-2020).

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<sup>53</sup> Greece, DPA, Newsletter Vol. 29 (Ενημερωτικό Δελτίο Τεύχος 29), July 2020, available in Greek at: <https://www.dpa.gr/pls/portal/docs/PAGE/APDPX/NEWSMAIN/INFORMATIONAL/JULY2020.PDF>, last accessed on 5-10-2020.

<sup>54</sup> Greece, DPA, Advisory Opinion No. 3/2020 on the Draft Presidential Decree in relation to the use of surveillance systems for the recording of audio or visual data in public areas (Γνωμοδότηση 3/2020 της Αρχής επί του σχεδίου Προεδρικού Διατάγματος σχετικά με τη χρήση συστημάτων επιτήρησης με τη λήψη ή καταγραφή ήχου ή εικόνας σε δημόσιους χώρους), available in Greek at: [https://www.dpa.gr/portal/page?\\_pageid=33,120923&\\_dad=portal&\\_schema=PORTAL](https://www.dpa.gr/portal/page?_pageid=33,120923&_dad=portal&_schema=PORTAL), last accessed on 5-10-2020.

In the aforementioned advisory opinion, the DPA expressed its concerns in relation to some articles, which limit the scope of protection of personal data and other fundamental rights such as the right to private and family life (Article 7 of the EU Charter of Fundamental Rights and Freedoms), the freedom of movement and the freedom to protest. The advisory opinion cited crucial case-law of the ECtHR as well as that of the ECJ and it concluded that there is a need to include clear and explicit provisions in order to achieve a quality law for the protection of the rights of data subjects in accordance with the case-law of the ECtHR and the ECJ through the introduction of relevant provisions within the text of the Presidential Decree or at least through a citation to the provisions of the GDPR and Law 4624/2019<sup>55</sup> (which introduced the GDPR to the internal legal order). The final text of the Presidential Decree (P.D. 75/2020) was published with a reference to the provisions of the GDPR and Law 4624/2019 in its Article 10 (rights of data subjects), and therefore is in line with the advisory opinion of the DPA.

It should be added that there have been concerns related to the collection and retention of data of passengers travelling to Greece through the Passenger Locator Form.<sup>56</sup> The concerns were related to the fact that no specific criteria are announced for the choice of passengers who need to undergo a test, passengers are asked to disclose information and personal data but are not informed on why, whether and for how long their data is stored, while there is no reference to data protection in the government webpage where the passenger locator form is issued.

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<sup>55</sup> Greece, Law 4624/2019 on Personal Data Protection Authority, implementing measures for Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and transposition into national law of Directive (EU) 2016 / 680 of the European Parliament and of the Council of 27 April 2016 and other provisions (N 4624/2019, Αρχή Προστασίας Δεδομένων Προσωπικού Χαρακτήρα, μέτρα εφαρμογής του Κανονισμού (ΕΕ) 2016/679 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 27ης Απριλίου 2016 για την προστασία των φυσικών προσώπων έναντι της επεξεργασίας δεδομένων προσωπικού χαρακτήρα και ενσωμάτωση στην εθνική νομοθεσία της Οδηγίας (ΕΕ) 2016/680 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 27ης Απριλίου 2016 και άλλες διατάξεις) (O.G. A 137/29-8-2019).

<sup>56</sup> For more information see Franet Covid-19 report on Greece “[Coronavirus pandemic in the EU –Fundamental Rights Implications](#)”, published on 2-7-2020, page 22.

In December 2020, a National Strategy for Cybersecurity 2020-2025 was adopted through Ministerial Decision of the Minister of State.<sup>57</sup> The text of the strategy is included in the decision, and includes measures to address artificial intelligence, big data, cloud computing and the IoT (see the table below).

On December 31<sup>st</sup>, 2020, a draft law was open for public consultation concerning, *inter alia*, the evolution of the Greek Commission of Bioethics into a Greek National Commission of Bioethics and Technoethnics (Εθνική Επιτροπή Βιοηθικής και Τεχνοηθικής).<sup>58</sup> This entails an extension of the Bioethics Commission jurisdiction that will allow it to address new ethical concerns related to the advances of technology. Ethical concerns related to Artificial intelligence, advance algorithms and robotics is explicitly mentioned in the draft law.

## 2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

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<sup>57</sup> Greece, Minister of State Decision, 7-12-2020, published on the Ministry of Digital Governance and available in Greek at: <https://mindigital.gr/wp-content/uploads/2020/12/%CE%95%CE%98%CE%9D%CE%99%CE%9A%CE%97-%CE%A3%CE%A4%CE%A1%CE%91%CE%A4%CE%97%CE%93%CE%99%CE%9A%CE%97-%CE%9A%CE%A5%CE%92%CE%95%CE%A1%CE%9D%CE%9F%CE%91%CE%A3%CE%A6%CE%91%CE%9B%CE%95%CE%99%CE%91%CE%A3-2020-2025.pdf>, last accessed on 7-1-2021.

<sup>58</sup> Greece, Draft Law on National Authority of Accessibility, National Commission for Human Rights and National Commission for Bioethics and Technoethnics, (Εθνική Αρχή Προσβασιμότητας, Εθνική Επιτροπή για τα Δικαιώματα του Ανθρώπου και Εθνική Επιτροπή Βιοηθικής και Τεχνοηθικής), 31-12-2020, available in Greek on the public consultation website at: <http://www.opengov.gr/ypep/?p=742>, last accessed on 7-1-2021.

MS	Actor*	Type**	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned? (yes/no)	Reference
EL	Government	Other Projects	<p>The General Secretary of Digital Government and Simplification of Procedures has announced that, by the end of 2020-beginning of 2021, it will publish a National Strategy for Artificial Intelligence. Greece's vision is to combine effectively the knowledge of the academic and research community with the actual production, to boost Greek economy and investments.</p> <p>Towards this direction, Greece has already initiated the mapping of AI initiatives across sectors on a national level, as well as open discussions with all</p>	N/A (the draft has not yet been made public)	N/A (the draft has not yet been made public)	<p>European Commission, <a href="#">National strategies on Artificial Intelligence</a></p> <p><a href="#">A European perspective in 2019, Country Report Greece</a>, February 2020</p>

			<p>relevant stakeholders at academic, research and operational level, towards the effective combination of knowledge-research-production pillars.</p> <p>Within the framework of the AI strategy, there are several issues that need to be addressed, such as the necessary legislative interventions that need to take place, the ethical dimension of AI, the issue of Data collection and quality, the advanced skills required as well as the AI for the Public Sector.</p>			
<b>EL</b>	Academia	Study	<p>This study examines the risk posed to personal freedoms, and especially that of private life, by seeking to extend the restrictions imposed on them even after the pandemic has passed. An analysis especially on the use of modern technological applications and</p>	No	Yes	<p>Sp. Vlachopoulos, Constitutional Mithridatism, <i>Politeia</i>, 2020 (Σπ. Βλαχόπουλος, <i>Συνταγματικός Μιθιδρατισμός, Πολιτεία, 2020</i>).</p>

			<p>their implications on the right of privacy are also included in this study. The study examines restrictions to the rights of personal data, freedom of movement, freedom of assembly, religious freedom and freedom of expression, because of COVID-19 restriction measures. The author believes that principles of rule of law, proportionality and equality should always be taken into account when adopting measures that limit fundamental human rights.</p>			
<b>EL</b>	Government	Adopted Act	<p>In December 2020, the Greek Minister of State adopted a National Strategy for Cybersecurity. The strategy contained measures in light of the use of 5G, artificial intelligence, big data, the cloud computing and the IoT. The strategy refers to the importance of safeguarding the</p>	No	Yes	<p>Greece, Ministry of Digital Governance, National Strategy for Cybersecurity 2020-2025 (<a href="#">Εθνική Στρατηγική Κυβερνοασφάλειας 2020-2025</a>), December 2020</p>



			fundamental rights of citizens, especially the right to personal data, privacy, personality and equality in the digital era. The actions in the strategy aim to promote a safe digital culture.			

\*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

\*\* for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects

## Chapter 6. Rights of the child

### 1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

<b>Measures to address the specific vulnerabilities of children living in poverty</b>	<p>At the end of May, 63,900 families receiving the Minimum Guaranteed Income, also known as KEA, received emergency financial assistance in light of the coronavirus.<sup>59</sup></p> <p>The Deputy Minister of Welfare and Social Solidarity announced this extraordinary measure on April 25<sup>th</sup>, 2020.<sup>60</sup> On May 29<sup>th</sup>, the special financial assistance was awarded to beneficiaries of the Minimum Guaranteed Income who have at least one child in their household. The additional income support amounts to 100 euros for the first child and 50 euros for each subsequent one, with a maximum of 300 euros in total. Regular benefits such as the child benefit, the Minimum Guaranteed Income, childbirth benefit and housing benefits were awarded in 2020. Applications for receiving such incomes during the Covid-19 measures were extended to cover two additional months.<sup>61</sup></p> <p>In Greece, according to the Act of Legislative Content of 13 April 2020, digital devices are provided by the state to students who need it for the purposes of distance learning.<sup>62</sup> Electronic devices provided by the state are supplemented by private donations as well. More than 18,000 devices have already been sent to schools and are</p>
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<sup>59</sup> Greece, Joint Ministerial Decision No. Δ13/οικ.16250/321 (ΚΥΑ υπ' αριθμ. Δ13/οικ.16250/321)(OG B 1655/4-5-2020).

<sup>60</sup> Greece, Kathimerini, Emergency financial assistance for households with children that receive Minimum Guaranteed Income, (Εκτακτη οικονομική ενίσχυση σε νοικοκυριά με ανήλικα μέλη που λαμβάνουν το Ελάχιστο Εγγυημένο Εισόδημα), 24-4-2020, available at: <https://www.kathimerini.gr/economy/local/1075261/ektakti-oikonomiki-enischysi-se-noikokyria-me-anilika-meli-poy-lamvanoy-n-to-elachisto-eggyimeno-eisodima/>, last accessed on 5-10-2020.

<sup>61</sup> The information was provided by the General Secretariat for Social Solidarity and the Fight against Poverty in its 19-11-2020 communication.

<sup>62</sup> Greece, Act of Legislative Content, "Measures to tackle the continuing impact of the Coronavirus COVID-19 pandemic and other urgent provisions" (Μέτρα για την αντιμετώπιση των συνεχιζόμενων συνεπειών της πανδημίας του κορωνοϊού COVID-19 και άλλες κατεπείγουσες διατάξεις), (OG Α'84/13-4-2020) Art. 27.

	<p>about to be delivered according to the Ministry of Education and Religious affairs on 23 April 2020. The press release mentions that priority will be given to families with low income, unemployed parents of guardians, lone parent families, families with three or more children or orphaned families, special needs or excellent performance of students.<sup>63</sup></p> <p>During the closure of all schools in Greece due to the pandemic, educational television programmes were broadcasted every day from 10 a.m. mainly addressed to primary school children.<sup>64</sup> Secondary school pupils had been following online classes with their teachers in preparation for university entry-exams. Lessons over the phone were also offered, to ensure that students without access to the internet would not fall behind.<sup>65</sup></p> <p>In this regard, some Municipalities took the initiative of offering free tablets and internet access to children within their districts whose families were unable to afford them.<sup>66</sup></p>
<b>Measures to protect</b>	<p>On April 9<sup>th</sup>, 2020, the Prosecuting Office of the Supreme Court issued a circular (No. 8/2020) for the protection of</p>

<sup>63</sup> Greece, Ministry of Education and Religious Affairs, “We continue to equip our schools with technological equipment [...] (“Συνεχίζουμε να εξοπλίζουμε τεχνολογικά τα σχολεία μας [...]”), Press Release, 23-4-2020, available in Greek at <https://bit.ly/3cgrxqO>, last accessed on 1-12-2020.

<sup>64</sup> The information is based on No.365/15-06-2020 Communication of the General Secretariat for Social Solidarity and the Fight against Poverty.

<sup>65</sup> For more information see Franet Covid-19 report on Greece “[Coronavirus pandemic in the EU - Fundamental Rights Implications](#)”, published on 4-05-2020 , page 7 and “[Coronavirus pandemic in the EU –Fundamental Rights Implications](#)”, published on 3-11-2020, pages 8-9.

<sup>66</sup> Greece, Insider.gr, Municipality of Nafplio: Free tablets and internet for students for distance education, (Δήμος Ναυπλίου: Δωρεάν tablet και ίντερνετ στους μαθητές για την εξ’ αποστάσεως εκπαίδευση), 2-04-2020, available in Greek at: <https://www.insider.gr/eidiseis/ellada/133982/dimos-nayplioy-dorean-tablet-kai-internet-stoys-mathites-gia-tin-ex>, last accessed on 5-10-2020; Proto Thema, Karystos: The first municipality to offer free tablets, internet and printers to all students (Κάρυστος: Ο πρώτος δήμος που δίνει δωρεάν tablet, internet και εκτυπωτές σε όλους τους μαθητές), available in Greek at: <https://www.protothema.gr/greece/article/990730/karustos-o-protos-dimos-pou-dinei-dorean-tablet-internet-kai-ektupotes-se-olous-tous-mathites/>, last accessed on 5-10-2020; Voria.gr, Oraiokastro: Free tablets to children of low income families, (Οραιόκαστρο: Δωρεάν τάμπλετ σε παιδιά οικογενειών με χαμηλό εισόδημα), 9-4-2020, available in Greek at: <https://www.voria.gr/article/oreokastro-dorean-tamplet-se-pedia-ikogenion-me-chamilo-isodima>, last accessed on 5-10-2020.

**children from violence**

unaccompanied children and children in danger of neglect or domestic violence.<sup>67</sup>

The circular was addressed to all prosecuting offices throughout the country and reminded prosecutors that according to the law - in addition to their prosecutorial duties - they are temporary guardians of unaccompanied children until a "special guardian" is appointed for each of these children, as defined by the law 4554/2018, and at the same time are guarantors of the protection of children and the safeguarding of their rights. In this context of protection and security, the circular adds, that their duties include all forms of abuse and exploitation, not only of unaccompanied refugee children, but also of any child, neglected or victim of domestic violence. The Circular finally called on all prosecutors to remain vigilant especially during the coronavirus outbreak.

On the other hand, and not related to COVID-19, it should be highlighted that on August 25<sup>th</sup>, 2020 the Greek Ombudsman, under its mandate for the protection of the rights of children, published its Special Report on the Protection of Vulnerable Children.<sup>68</sup> The Ombudsman reiterated the issue of protecting the rights of children who are temporarily or permanently deprived of their family environment, by publishing up-to-date information, findings and data. It highlights problems related to the operating model followed, distortions in the institutional framework, heterogeneity of practices, deficits in the envisaged structures, public authorities and services, which lead to unacceptable limitations in the safeguarding of the rights of children placed in institutional care structures.

It lists the necessary interventions, reforms and policies that will allow for the abandonment of the institutional care model and the transition to the model of family support and alternative care in the community.

<sup>67</sup> Greece, Prosecutor's Office of the Supreme Court, Circular No. 8/2020 (ΕισΑΠ Εγκύκλιος 8/2020), available in Greek at: <https://eisap.gr/%ce%b5%ce%b3%ce%ba%cf%8d%ce%ba%ce%bb%ce%b9%ce%bf%cf%82-08-2020/>, last accessed on 5-10-2020.

<sup>68</sup> Greece, Greek Ombudsman, 2020 Special Report, Protection of Vulnerable Children, (Ειδική Έκθεση: Προστασία ευάλωτων παιδιών) available in Greek at: [https://www.synigoros.gr/resources/eidikh-ek8esh-prostasia-eyalwtwn-paidiwn\\_teliko.pdf](https://www.synigoros.gr/resources/eidikh-ek8esh-prostasia-eyalwtwn-paidiwn_teliko.pdf), last accessed on 5-10-2020.

## 2. Legal and policy measures or initiatives developed about criminal proceedings

<b>Legislative changes</b>	<p>Law 4689/2020 (OG A' 103/27-5-2020) transposed, <i>inter alia</i>, EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. The law introduces provisions related to certain rights of children that are suspects or accused within the criminal procedure framework, or that are subject to a European Arrest Warrant procedure pursuant to Law 3251/2004. It contains provisions on the rights enshrined in Articles 4, 5, 6, 7, 8, 10, 11, 13 and 14 of the Directive.</p> <p>According to the aforementioned law, children are divided into 2 categories, a) those from 12 to 15 years old and b) those from 15 to 18 years old.</p> <p>Regarding the first category (12-15), only remedial or therapeutic measures are imposed, while in the second (15-18) in addition to remedial / therapeutic measures, incarceration in a special detention centre may be imposed.</p> <p>Corrective measures, depending on the gravity of the offense and the degree of development of the child, can range from a simple reprimand to the removal of their custody from their parents. Remedies may also include mandatory counselling and even placement in a foster family or with a juvenile custodian. Restriction to a special juvenile detention centre may be imposed in the event that the child commits a felony crime. The child suspect, or accused, enjoys increased protection under the law with extended rights throughout the criminal proceedings. He/she has the right to assistance in all stages of a criminal prosecution by both a lawyer and their guardian. The communication between the child and his/her lawyer is confidential and takes place through meetings, correspondence, telephone conversations, social media and any other legal way.</p> <p>On the other hand, the Juvenile and Social Welfare Service must evaluate a child suspected, or accused, of committing a criminal act. Individual assessment consists of the collection of information, which is the content of a relevant social research report, regarding the personality, economic, social and family environment, as well as the</p>
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	<p>psychological, physical and mental state of the child.</p> <p>The relevant acts of legislative content, which were issued in light of Covid-19, did not contain any information on the detention of minors. Yet, given the need to avoid overcrowding, the relevant pre-inquiry authorities (προανακριτικές αρχές) in practice will avoid detention in fast track procedures (i.e. when the defendant is apprehended within 48 hours from committing the act, the suspect is immediately detained and taken to court within 24 hours), let the defendant go and send the casefile to the prosecutor’s office in order to be investigated through the regular procedure instead.<sup>69</sup></p>
<b>Policy developments</b>	No policy developments were recorded.
<b>Other measures or initiatives</b>	No other measures or initiatives were recorded.

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<sup>69</sup> Information provided by the Hellenic Police Department of Minors in their 18-11-2020 communication.

# Chapter 7. Access to justice including crime victims

## 1. Victims' Rights Directive

In 2020, Greece amended its legislation in relation to provisions for the compensation of victims of crimes. Article 54 of Law 4689/2020<sup>70</sup> amended Law 3811/2009 (OG A' 231/2009) and introduced the following:

- It establishes a new Greek Authority for the Compensation of Victims of Crimes, which operates under the auspices of the Ministry of Justice and decides on applications for compensation submitted by victims of crimes.
- Amends the crimes for which victims can claim reasonable compensation in view of the amendment of the Greek Criminal Code in 2019.
- Clarifies the conditions under which a victim cannot claim compensation, such as the delay in reporting the crime (i.e. outside the three-month time-limit), with the exception of *force majeure* which prevented them from reporting the crime.
- Sets a fee of 50 Euros, which is necessary for the examination of the application for compensation and which is returned if compensation is granted.

It should be highlighted that, according to the first Annual Report on Violence against Women of the General Secretariat for Family Policy and Gender Equality published in November 2020,<sup>71</sup> for the period of 2006-2019, only six applications had been submitted to the Greek Authority for Compensation,

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<sup>70</sup> Greece, Law 4689/2020 "Transposition of EU Directives 2016/800, 2017/1371, 2017/541, 2016/1919, 2014/57/EE and other provisions"(Ενσωμάτωση στην ελληνική νομοθεσία των Οδηγιών (ΕΕ) 2016/800, 2017/1371, 2017/541, 2016/1919, 2014/57/ΕΕ, κύρωση του Μνημονίου Διοικητικής Συνεργασίας μεταξύ του Υπουργείου Δικαιοσύνης της Ελληνικής Δημοκρατίας και του Υπουργείου Δικαιοσύνης και Δημόσιας Τάξεως της Κυπριακής Δημοκρατίας, τροποποιήσεις του ν. 3663/2008 (Α'99) προς εφαρμογή του Κανονισμού (ΕΕ) 2018/1727 και άλλες διατάξεις)(OG A' 27-5-2020)

<sup>71</sup> Greece, GSFPGE, First Annual Report on Violence against Women (1<sup>η</sup> Ετήσια Έκθεση για τη Βία κατά Γυναικών), November 2020, available in Greek at: <https://www.isotita.gr/wp-content/uploads/2020/11/1%CE%B7-%CE%95%CF%84%CE%AE%CF%83%CE%B9%CE%B1-%CE%88%CE%BA%CE%B8%CE%B5%CF%83%CE%B7-%CE%B3%CE%B9%CE%B1-%CF%84%CE%B7-%CE%92%CE%AF%CE%B1-%CE%BA%CE%B1%CF%84%CE%AC-%CF%84%CF%89%CE%BD-%CE%93%CF%85%CE%BD%CE%B1%CE%B9%CE%BA%CF%8E%CE%BD.pdf>, p. 45, last accessed on 1-12-2020.



whilst compensation has never been granted. According to informal communication with legal practitioners, many factors contribute to this, such as expensive fees, long duration of court proceedings that deter victims, delays in writing the convicting court decisions, administrative issues related to the functioning of the authority itself, and lack of coherent information.

In 2020, the Hellenic National Referral Mechanism for the Protection of Victims of Trafficking issued its first Annual Report, which covered the period of January 1<sup>st</sup>, 2019 until January 30<sup>th</sup>, 2020.<sup>72</sup> During the aforementioned period, 154 victims of human trafficking were registered in the NRM. A hundred and twenty (120) of the one hundred and fifty-four (154) individuals registered in the NRM during 2019 are women and girls, twenty-eight (28) are men, two of them (2) transgender and boys. In six (6) cases, the gender of the victim was not specified. According to the NRM, the vast majority of the victims, who were referred and were receiving protection services, were asylum seekers. A large number resides legally in Greece, forty-seven (47) of whom are EU citizens (incl. Greek nationals). It is important to note that, for those victims who are irregularly staying in the country, all necessary actions to resolve their residence issues were being taken by the actors that offer legal assistance. What is important to highlight from the report is that there had been no cases of submission of an application to the Greek Authority of Compensation reported.

It should be noted that on October 1<sup>st</sup>, 2020 the Greek Ombudsman under its mandate for the protection of the rights of children, called upon the Minister of Justice to take measures to deal with the prolonged delay of the operation of the structure "Independent Offices for the Protection of Child Victims "Home of the Child" (*Σπίτι του Παιδιού*).<sup>73</sup>

Law 4478/2017 (OG A 91 / 23-06-17) established the "Home of the Child"<sup>74</sup> for the judicial examination of child victims of abuse, with the aim of their appropriate treatment and protection from secondary victimisation within the criminal justice system.

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<sup>72</sup> Greece, Greek NRM, Annual Report 2019, available in English at: <https://sway.office.com/CZCIIh5PWFObbhQn>, last accessed on 1-12-2020.

<sup>73</sup> Greece, Press Release of the Greek Ombudsman, Delays in the operation of the child protection structure "Home of the Child", 1-10-2020 (Καθυστέρηση λειτουργίας της δομής προστασίας ανήλικων θυμάτων "Σπίτι του Παιδιού"), available in Greek at: <https://www.synigoros.gr/resources/docs/011020-dt-spiti-paidioy.pdf>, last accessed on 5-10-2020.

<sup>74</sup> Greece, Law 4478/2017 (IV) Implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA and other provisions (IV) Ενσωμάτωση της Οδηγίας 2012/29/ΕΕ για τη θέσπιση ελάχιστων προτύπων σχετικά με τα δικαιώματα, την υποστήριξη και την προστασία θυμάτων της εγκληματικότητας και για την αντικατάσταση της Απόφασης - Πλαίσιο 2001/220/ΔΕΥ του Συμβουλίου και λοιπές διατάξεις) (O.G. A91/23-06-2017).

In a relevant conclusion, the Ombudsman underlined the importance of the structure and pointed out the problems related to the operation and the coordination between the competent services of the Ministry, which have consequently kept all five structures of “Home of the Child” from working.

Based on the above, the Ombudsman requested the immediate response of the political leadership for the removal of the obstacles and the definition of a timetable for the operation of the structures, as well as for the implementation of the provisions of Ministerial Decision No. 7320/2019,<sup>75</sup> regarding their terms and conditions of operation, in accordance to internationally recognised standards.

## **2. Violence against women**

Concerning violence against women, the General Secretariat for Family Policy and Gender Equality of the Ministry of Labour and Social Affairs coordinates and scientifically monitors the network of structures for addressing violence against women throughout the entire country.<sup>76</sup>

Supportive structures of the network consist of:

- A 24-hour hotline SOS15900
- 42 Consulting Centres
- 20 Housing facilities for women victims of violence and/or multiple discrimination

The Secretariat has already secured the operation of all the above services until the end of 2023.

During the COVID-19 outbreak, the General Secretariat sent specific guidelines to all their structures in relation to their operation in order to ensure the health of both their staff and the beneficiaries staying at the structures. All structures remained operational during the pandemic, whilst distance working and telephone support sessions were applied. At the same time, it ensured direct housing for emergency cases of women being abused and in need of being immediately transferred from their home.

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<sup>75</sup> Greece, Ministerial Decision No. 7320/2019 (YA 7320/2019) (O.G. B' 2238/10-06-2019).

<sup>76</sup> The information in the present field is based on the no. 950/18-9-2020 Communication of the General Secretariat for Family Policy and Gender Equality.

In collaboration with the Hellenic Society for Forensic Medicine and the NGO "Xamogelo tou Paidiou", the Secretariat was able to secure free medical examinations for women victims and their children.

A Cooperation Protocol was signed with the Region of Attica in order to provide a 24-hour support hotline (1110) in order to assist and refer women victims of violence to the SOS 15900 hotline.

Within the framework of the Governmental media campaign "Staying at Home" (*Μένουμε Σπίτι*), an additional video message was created "We stay at home but not silent" (*Μένουμε Σπίτι αλλά δεν Μένουμε Σιωπηλές*) and broadcasted throughout the entire country.

The Secretariat, through its SOS 15900 hotline, was able to record statistical data on a weekly basis and determine the rise in domestic violence during the general lockdown measure due to the coronavirus outbreak:

- 454 calls were made in March, 325 of which were reported cases of violence
- 1769 calls were made in April, 1064 of which concerned violence against women

During the period of March-April 2020 2223 calls were made, 1389 of which were reported cases of violence against women. At the same time, 246 women received support from the Consulting Centres during March and 303 during April. For comparison reasons, according to the General Secretariat for Family Policy and Gender Equality First Report on Violence against Women<sup>77</sup> in during the period of March-April 2020 there was a 227,4% rise in calls related to cases of violence in comparison to the previous year and 142% in calls requesting information.

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<sup>77</sup> Greece, General Secretariat for Family Policy and Gender Equality, First Annual Report on Violence against Women (1η Ετήσια Έκθεση για τη Βία κατά Γυναϊκών), November 2020, available in Greek at: <https://www.isotita.gr/wp-content/uploads/2020/11/1%CE%B7-%CE%95%CF%84%CE%AE%CF%83%CE%B9%CE%B1-%CE%88%CE%BA%CE%B8%CE%B5%CF%83%CE%B7-%CE%B3%CE%B9%CE%B1-%CF%84%CE%B7-%CE%92%CE%AF%CE%B1-%CE%BA%CE%B1%CF%84%CE%AC-%CF%84%CF%89%CE%BD-%CE%93%CF%85%CE%BD%CE%B1%CE%B9%CE%BA%CF%8E%CE%BD.pdf>, last accessed on 1-12-2020.

The Secretariat also issued translated information brochures in relation to the COVID-19 measures and interpretation services for Arabic and Farsi speakers were made available for the SOS15900 hotline.

In light of Covid-19, similar actions have been taken by the KETHI, which is the legal entity of private law under the auspices of the General Secretariat for Family Policy and Gender Equality, responsible for the scientific supervision of the Network of Structures.<sup>78</sup>

- KETHI has conducted a sponsored information campaign on support structures for victims of violence on social media with a short video (Gif).
- The Region of Attica, in collaboration with the Secretariat General for Family Policy and Gender Equality, is staffing the 1110 Open Telephone Support Line with specialist scientists, with the aim of addressing the domestic violence issue in a holistic way. With the collaboration memorandum signed between the Region of Attica and the Secretariat General for Family Policy and Gender Equality, the two parties are committed to co-operating on the issue of domestic violence during the period of the pandemic and lock-down. The 1110 psychologists will guide women victims of domestic violence to call the SOS 15900 Helpline for psychological support and guidance.
- The Secretariat General for Family Policy and Gender Equality is in direct contact with non-governmental organisations, other non-profit organisations and the civil society in general, collaborating with them to better address the phenomenon of domestic violence during COVID-19.
- The video spot that was published as part of the central campaign of the Greek Government "We Stay at Home", with the message "We Stay at Home but We Don't Stay Silent", has been widely broadcast on all national television channels.
- The Pan-Hellenic Pharmaceutical Association participates in the Pan-European campaign entitled "Mask-19", against domestic violence. Pharmacists across the country are urging and directing victims of violence to report the incident to the relevant authorities and authorities, giving them the contact details (Help Line SOS 15900, e-mail: [sos15900@isotita.gr](mailto:sos15900@isotita.gr), Police 100, or a local police department), or by giving the victims a special form with the code Mask-19, in which they enter their full details (name, home address,

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<sup>78</sup> Greece, General Secretariat for Family Policy and Gender Equality, *Actions-taken-by-the-General-Secretariat-for-Family-Policy-and-Gender-Equality-during-the-COVID-19-pandemic*, 15-5-2020, available at: <https://www.isotita.gr/en/actions-taken-by-the-secretariat-general-for-family-policy-and-gender-equality-during-the-covid-19-pandemic/>, last accessed on 1-12-2020.

telephone numbers or other contact details), sign it and deliver it to the pharmacist, who will forward it directly to the relevant authorities. The Secretariat General for Family Policy and Gender Equality supports the participation of the Pan-Hellenic Pharmaceutical Association in this campaign.

- The European Institute for Gender Equality (EIGE) features the SOS 15900 helpline on its "Helplines for victims of violence" section, while emphasizing the valuable support and aid provided by the helplines in combating domestic violence during COVID-19.
- In addition, via the SURVIVOR project (Enhancing services for refugee and migrant GBV survivors), migrant women requiring assistance for domestic violence issues, can receive information regarding the transportation during COVID-19 translated in Farsi and Arabic while the Research Centre for Gender Equality (KETHI) conducted the translation of information leaflets regarding the COVID-19 restriction measures in various languages.
- A three-party collaboration among KETHI and NGOs providing translation services to women victims of domestic violence, when required, and the relevant training took place.

Finally, the General Secretariat, in light of its duty to monitor the application of the Istanbul Convention adopted through Law 4531/2018 (OG A 62/5-4-2018),<sup>79</sup> has announced the creation of a Special Task Force for the coordination of all relevant authorities and the preparation of an evaluation of its application in practice.

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<sup>79</sup> Greece, Law 4531/2018 "(I) Ratification of the Council of Europe Convention preventing and combating violence against women and domestic violence and adjustment of Greek legislation"(II) Κύρωση της Σύμβασης του Συμβουλίου της Ευρώπης για την Πρόληψη και την Καταπολέμηση της Βίας κατά των γυναικών και της Ενδοοικογενειακής Βίας και προσαρμογή της ελληνικής νομοθεσίας)(O.G. A 62/05-04-2018).

# Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

## 1. CRPD policy & legal developments

In 2020, a draft National Action Plan for the Rights of Persons with Disabilities was published and open for consultation on the Greek government's public consultation website for the period of September 21<sup>st</sup> to October 5<sup>th</sup>.<sup>80</sup> During the consultation, 110 comments on were made.

The National Action Plan for the Rights of Persons with Disabilities horizontally defines the strategy, objectives and actions of Ministries and bodies responsible for the implementation of the United Nations Convention on the Rights of Persons with Disabilities and concerns, in particular, the period 2020-2023.

Its operational analysis will be integrated into the Integrated Information System for Monitoring and Evaluating the Government Project "TOGETHER" (*Maζi*), in order to become a dynamic policy tool that will be reviewed and updated with new measures, while its implementation will be constantly monitored.

The 6 Pillars and 30 Objectives of the National Action Plan formulate a coherent horizontal policy, address a wide range of issues, and respond to the recommendations and description of the current situation by the United Nations, the disability civil society, in particular the opinions of the National Confederation of People with Disabilities (ESAMEA), the Ombudsman and the National Commission for Human Rights.

In 2020, a Joint Ministerial Decision was published for the granting of hospital boarding benefits for uninsured and poor Persons with Disabilities living in Supported Living Housing, in order to cover relevant expenses of their housing.<sup>81</sup>

In order to address issues related to Covid-19, emergency and supporting staff members were hired for the Centres of Social Protection of the Regional

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<sup>80</sup> Greece, Consultation of the draft National Action Plan for the Rights of Persons with Disabilities, available in Greek at: <http://www.opengov.gr/ypep/?p=699&cpage=1>, last accessed on 5-10-2020.

<sup>81</sup> Greece, Joint Ministerial Decision Δ12γ/ΓΠοικ.21836/644 (OG B' 2363/16-6-2020).

Authorities pursuant to article 21 of the Act of Legislative Content of 14-03-2020 (OG A' 64/14-03-2020), through relevant Joint Ministerial Decisions.<sup>82</sup>

During the Covid-19 outbreak, the Centres for Awarding Disability Status - ΚΕΡΑ (Κέντρα Πιστοποίησης Αναπηρίας – ΚΕ.Π.Α) suspended their services meaning that persons with disabilities whose disability recognition certificate was about to expire could not issue new certificates, which are necessary for claiming disability benefits and pensions. The relevant Act of Legislative Content of 11-03-2020 (OG A' 55/11-03-2020), as amended by Act of Legislative Content of 13-04-2020 (OG A' 84/13-04-2020), introduced a general extension of these certificates until June 30<sup>th</sup>, 2020. Furthermore, an electronic platform for booking appointments to be examined by the ΚΕΡΑ committees was launched in April 2020.<sup>83</sup>

Finally, on December 31<sup>st</sup>, 2020 a draft law was published on the government public consultation website that, *inter alia*, foresees the establishment of a National Authority for Accessibility (Εθνική Αρχή Προσβασιμότητας).<sup>84</sup> The aim of the National Authority of Accessibility according to the draft law is to ensure the rights of persons with disabilities. It will be a consultative body to the state, monitor the application of EU and international law concerning the rights of persons with disabilities and draft proposals for actions aimed at promoting these rights.

## 2. CRPD monitoring at national level

In 2020, there were no developments or changes relating to the structures established under Article 33 of the CRPD. There were no key activities or outputs of the monitoring framework nor were there any developments specifically on the issue of COVID-19.

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<sup>82</sup> Greece, Joint Ministerial Decisions οικ.12549/4426 (OG B' 868/16-03-2020), οικ.21747/Δ1/4493 (OG B' 1037/20-03-2020), οικ.21597/Δ1/7339 (OG B' 2480/22-06-2020).

<sup>83</sup> Information was provided by the General Secretariat for Social Solidarity and Combatting Poverty in their 19-11-2020 communication.

<sup>84</sup> Greece, Draft Law on National Authority of Accessibility, National Commission for Human Rights and National Commission for Bioethics and Technoethics, (Εθνική Αρχή Προσβασιμότητας, Εθνική Επιτροπή για τα Δικαιώματα του Ανθρώπου και Εθνική Επιτροπή Βιοηθικής και Τεχνοηθικής), 31-12-2020, available in Greek on the public consultation website at: <http://www.opengov.gr/ypep/?p=742>, last accessed on 7-1-2021.

In 2017, the Greek State enacted a mechanism for the external, independent monitoring of the implementation of the UN Convention on the rights of persons with disabilities and assigned this responsibility, which it proclaimed a “promotional framework”, to the constitutionally established Independent Authority of the Greek Ombudsman (Article 72 Law 4488/2017).

In July 2019, the Greek Ombudsman published its first report on the implementation of the UN Convention on the rights of persons with disabilities.<sup>85</sup> The National Body’s prior involvement (prior to the assignment of the Convention’s promotional framework to the Greek Ombudsman) in cases concerning the infringement of rights of disabled persons significantly contributed to its observations and remarks in this report, since it is the competent: a) constitutional institution for extrajudicial mediation for dispute resolution, b) ombudsman for the rights of children, c) ombudsman for recipients of health services and social solidarity policies, d) body for monitoring the implementation of the equal treatment principle, e) mechanism for the prevention of torture & ill treatment. The Ombudsman has yet to publish a new report.

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<sup>85</sup> Greek Ombudsman, *2019 Report on the Implementation of the UN Convention on the rights of persons with disabilities*, available at: [https://www.synigoros.gr/resources/ohe\\_en.pdf](https://www.synigoros.gr/resources/ohe_en.pdf), last accessed on 5-10-2020.



# Annex 1 – Promising Practices

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	«Together We Can»
Title (EN)	«Together We Can»
Organisation (original language)	Σωματείο Υποστήριξης Διεμφυλικών
Organisation (EN)	Greek Transgender Support Association (GTSA)
Government / Civil society	Civil Society
Funding body	International Trans Fund
Reference (incl. url, where available)	<a href="https://tgender.gr/together-we-can/">https://tgender.gr/together-we-can/</a> , last accessed on 5-10-2020
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September 2019 – August 2020
Type of initiative	project that provides support and empowerment services
Main target group	trans, gender diverse persons as well as LGBTI refugees and immigrants
Indicate level of implementation:	National

Local/Regional/National	
Brief description (max. 1000 chars)	<p>Project Objectives:</p> <ol style="list-style-type: none"> <li>1. Supporting and empowering trans, gender diverse and intersex people. Companions in public services, hospitals, etc. Providing food, clothing and essentials. Psychological support.</li> <li>2. Supporting and empowering LGBTI refugees and immigrants. Accompanying to the Asylum Service before and during the first asylum interview by Special Counsellors. Psychological support. Accompaniment to public services. Referral to other organizations for primary health care, occupational counselling, basic health services and housing. Referral to Greek and English language courses.</li> <li>3. Combating racism and discrimination on the basis of gender identity, gender characteristics and sexual orientation. Planning and implementing educational workshops, seminars and street actions to empower and raise awareness of society, racism, stereotypes, discrimination, restricted access or exclusion, and gender-based violence experienced by trans people. All Project services are provided free of charge.</li> </ol>
Highlight any element of the actions that is transferable (max. 500 chars)	All elements of the action are transferable.
Give reasons why you consider the practice as sustainable (as	The practice has clearly defined objectives which are easy to be fulfilled. Most importantly it offers services to the target group that even include food, clothing and essentials.

opposed to 'one off activities')	Moreover, it covers refugee and immigrant LGBTI, a group often neglected by national policies. What is more, these services are offered free of charge which makes them more accessible to vulnerable LGBTI persons in risk of multiple discrimination.
Give reasons why you consider the practice as having concrete measurable impact	The benefits for the target group are immediate and concrete.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The action has clearly defined objectives which can be tailored to the situation of any state.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<p><b>ROMA EQUALITY AND INCLUSION</b></p> <p>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.</p>
	No promising practice has been identified for this thematic area.
<b>Thematic area</b>	<p><b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b></p> <p>Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.</p>
	No promising practice has been identified for this thematic area.
<b>Thematic area</b>	<p><b>RIGHTS OF THE CHILD</b></p> <p>Please provide one example of a promising practice relating to the topics addressed in this chapter.</p>
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Pathways
Title (EN)	Pathways
Organisation (original language)	Ελληνικό Συμβούλιο για τους Πρόσφυγες
Organisation (EN)	Greek Council for Refugees
Government / Civil society	Civil Society
Funding body	EU AMIF Programme
Reference (incl. url, where available)	<a href="https://www.gcr.gr/en/our-programs/item/1364-pathways">https://www.gcr.gr/en/our-programs/item/1364-pathways</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	01/11/2018 - 30/10/2020
Type of initiative	Programme that provides legal and psychosocial support to victims of trafficking
Main target group	Victims of Trafficking that are TCNs
Indicate level of implementation: Local/Regional/National	Local - Athens
Brief description (max. 1000 chars)	The Pathways project aims to support women, young people and children who have been victims of trafficking and to help reintegrate them into society. This project is the result of strong co-operation between organizations working on 'front line' response to survivors from three European countries Italy, the UK and Greece and funded by the EU AMIF program.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>a) Improving the integration of children, young people and women of third country nationals with confirmed and unconfirmed trafficking victims.  b) Developing skills for professionals supporting children and young victims of trafficking.  c) Skills development and training of professionals to support trafficking victims at both national and European level.  In total, the project will support 222 people with social or legal services.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>In total, the project will support 222 people with social or legal services.  80 people will receive specialized support,  35 will be supported with accommodation  20 women will receive vocational counselling and training  300 'front line' professionals will be trained to better respond to the methodology of identifying potential victims to be developed by the project partners.  This means that a precedent will be set for ways to support victims of trafficking and evaluation will be based on tangible results.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The following organisations participate in the project :  ASSOCIATIONS DELLA CROCE ROSSA ITALIANA - ODV    ASSOCIATIONS CNOS-FAP REGIONE PIEMONTE (CNOS-FAP)    SAVE THE CHILDREN ITALY ONLUS ASSOCIAZIONE (SC IT)    THE SNOWDROP PROJECT (Snowdrop)    THE BRITISH RED CROSS SOCIAL ROYAL CHARTER (BRC)</p>

	ECPAT UK (ECPAT UK) This means that a network will be created where each partner can share experiences and best practices from the field in order to improve the support offered to victims of trafficking.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	It is being implemented in other Member states, who can share information and best practices among themselves and even offer tailor-made solutions specific to the country's situation.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b>  Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
	No promising practice has been identified for this thematic area.
Explain, if applicable, how the practice provides for review and assessment.	





## Annex 2 – Case law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	23-01-2020
<b>Reference details</b>	Council of State Decision No. 102/2020 ( <i>Συμβούλιο της Επικρατείας, υπ' αρ. 102/2020 απόφαση</i> ) available in Greek through the subscriber Database "NOMOS", <a href="https://lawdb.intrasoftnet.com/nomos/nomos_frame.html">https://lawdb.intrasoftnet.com/nomos/nomos_frame.html</a> , last accessed on 30-11-2020
<b>Key facts of the case</b> (max. 500 chars)	A candidate applying for the position of a public hospital curator was denied access to the job position due to the fact that the relevant Ministerial Decision for the appointment of doctors to a placement in the public health system introduced a minimum age limit of 45 years. The candidate challenged the measure before the administrative courts claiming that it constituted discrimination based on age. The first instance court rejected the application which was then subject to an appeal before the Council of State. The CoS overturned the decision stating the contested measure placed candidates over the age of 45 in a less favourable condition than other candidates and was unlawful since it lacked reasonable justification.
<b>Main reasoning/argumentation</b> (max. 500 chars)	According to the Council of State, since the transposition of Directive 2008/78 all age limits for the placement in the public health sector were abolished. Any age limits introduced by national law had to be justified in accordance to the criteria set by the Directive under Articles 2 para. 5 (public safety, public security, public health exceptions) and 4 para.1 (genuine and determining occupational requirement). The first instance court erred in its judgement by accepting that the age limit was necessary for public health and safety.
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	The Council of State decision provided interpretation of genuine and determining occupational requirements and the public health exception in order to determine whether the age-limit was justified and in accordance to Directive 2000/78 as well as to national law with which it was transposed. What is more, the Court stated that since the adoption of the transposing national law all upper age limits were abolished.

<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The Council of State accepted the appeal, repealed the first instance decision and adjudicated the case. To this end it repealed the decision of the Selection Committee and returned the case to the Administration in order to rectify the situation and appoint the candidate to the relevant position.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>Επειδή, όπως έχει κριθεί (ΣΤΕ 904/2018, 109 – 110/2018 7μ., 3184/2017), με την ανωτέρω διάταξη του άρθρου 10 παρ. 11 του ν. 3051/2002 , η οποία επαναλήφθηκε με το άρθρο 8 παρ. 1 του ν. 3304/2005 (και ήδη άρθρο 3 παρ. 1 ν. 4443/2016), καταργήθηκε κάθε ανώτατο όριο ηλικίας, ως όρος για την πρόσβαση στον δημόσιο τομέα, ενώ θεσπίσθηκε η υπό ορισμένες προϋποθέσεις η δυνατότητα εξαιρέσεως από τη ρύθμιση αυτή. Όπως περαιτέρω έγινε δεκτό με τις προαναφερθείσες αποφάσεις του Δικαστηρίου, ενόψει των ρυθμίσεων των ανωτέρω διατάξεων, η μνημονευθείσα ρύθμιση της από 4-3-2003 υπουργικής αποφάσεως σχετικά με τα όρια ηλικίας διορισμού σε θέσεις του κλάδου ιατρών Ε.Σ.Υ. συνεπάγεται για τους υποψηφίους που έχουν συμπληρώσει τα όρια αυτά μεταχείριση λιγότερο ευνοϊκή σε σχέση με άλλους, οι οποίοι τελούν υπό τις αυτές συνθήκες, για τον λόγο και μόνο ότι υπερέβησαν τα αναφερθέντα όρια, ενώ συνδέει άνευ άλλου την ηλικία με τη φύση και τα καθήκοντα των ιατρών που υπηρετούν στο Ε.Σ.Υ. Υπό τα δεδομένα αυτά, όπως περαιτέρω κρίθηκε με τις ανωτέρω αποφάσεις, ο καθορισμός του ορίου ηλικίας των 45 ετών για την πρόσβαση σε θέση επιμελητή Β' δεν αποτελεί ουσιαστική και καθοριστική προϋπόθεση συνδεδεμένη με την ικανότητα για την άσκηση της συγκεκριμένης δραστηριότητας και, ως εκ τούτου, δεν είναι μέτρο πρόσφορο και αναγκαίο για την προστασία της δημόσιας υγείας κατά την έννοια των σχετικών διατάξεων των άρθρων 2 παρ. 5 και 4 παρ. 1 της οδηγίας 2000/78, με συνέπεια η σχετική κανονιστική ρύθμιση να είναι ανίσχυρη ως αντιβαίνουσα προς τις διατάξεις αυτές της οδηγίας.</p> <p>According to case-law (CoS Decisions 904/2018, 109 - 110/2018 7member-Court, 3184/2017), with the above provision of article 10 par. 11 of law 3051/2002, which was repeated with article 8 par. 1 of Law 3304/2005 (and already Article 3 par. 1 Law 4443/2016), all age limits were abolished, as a condition for access to the public sector, while the possibility of exemption from this rule was established under certain conditions. As further accepted by the aforementioned decisions of the Court, in view of the stipulation of the above provisions, the aforementioned regulation of the ministerial decision of 4-3-2003 regarding the age limit for an appointment of doctors to a position in the field of the</p>

	<p>National Health Service means that candidates who have reached these thresholds are in a less favourable position simply because they have exceeded the stated age thresholds while it unequivocally links age to the nature and duties of doctors serving in the National Health Service. In these circumstances, as further stipulated by the above decisions, the determination of the age limit of 45 years in order to qualify for the position of a public hospital curator is not an essential and decisive condition related to the ability to carry out this activity and, therefore, is not an appropriate and necessary measure for the protection of public health within the meaning of the relevant provisions of Articles 2 (5) and 4 (1) of Directive 2000/78, which consequently means that the relevant regulation is invalid as contrary to these provisions of the Directive.</p>
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<b>Thematic area</b>	<p><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE.</b> Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.</p>
<b>Decision date</b>	2-6-2020
<b>Reference details</b>	<p>Supreme Court Decision No. 858/2020 (<i>Απόφαση Αρείου Πάγου 858/2020</i>) available in Greek through the subscriber Database "NOMOS", <a href="https://lawdb.intrasoftnet.com/nomos/nomos_frame.html">https://lawdb.intrasoftnet.com/nomos/nomos_frame.html</a>, last accessed on 05-10-2020.</p>
<b>Key facts of the case</b> (max. 500 chars)	<p>In July 2017 the Greek Orthodox Bishop of Kalavryta was charged with the crime of public incitement to violence or hatred under article 1 of Law 4285/2014 (Anti-racist Law) in conjunction with article 196 of the Greek Criminal Code which provides an aggravated sentence for religious leaders. The charges were issued in relation to a blog post the religious leader had published online with homophobic character. In the blog post the religious leader through a series of homophobic slurs called upon members of the Greek Orthodox community to resort to certain actions (namely spitting) in demonstration of their disapproval of homosexuals. The Bishop was tried and acquitted of all charges on March 15, 2018, with the judge claiming that the content of the blog referred to politicians (i.e. MPs voting on the law for same-sex civil partnership agreements) and not homosexuals. Following an application of the civil party, the Head Prosecutor of the First Instance Court of Aigio filed an appeal, which was substituted by an appeal by the Appeals Prosecutor of Patras. The appeal was examined by the appeals court, namely, the Three-Member Court of</p>

	<p>Misdemeanours of Aigio. The decision of the first instance was overturned and the bishop was found guilty of committing both crimes (incitement to hatred and abusing his powers as a religious official to cause hostility). The Bishop applied before the Supreme Court in an attempt to have his conviction overturned claiming that his freedom of expression, <i>inter alia</i>, had not been respected. The Supreme Court upheld the conviction for public incitement to violence or hatred and overturned the conviction based on Article 196 of the Criminal Code since following the review of the Greek Criminal Code the crime was abolished.</p>
<p><b>Main reasoning/argumentation</b> (max. 500 chars)</p>	<p>The Supreme Court in its decision upheld the decision of the appeals court verifying that his behaviour was capable of inciting hatred against homosexuals. The blog post was capable of creating in the average person emotions of dislike, contempt, malice, reprisal and specific hostility towards the aforementioned group. Finally, the Supreme Court agreed that the conviction did not violate the defendant's right of freedom of expression since, as was established by the court, the blog post was capable of causing discrimination and hatred against homosexuals.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>The Supreme Court clarified that in cases of incitement to violence or hatred under Article 1 of Law 42/2014 (and Article 1 para. 1 of Law 927/1979) it is not necessary to prove that acts of violence or hatred actually occurred in order to secure a conviction. What is more, in response to the claim that the blog post contained evaluative judgements and reflects the position of the Church which criticises a great sin (homosexuality) and therefore he had a duty to guide his followers for the public disapproval of a "moral evil", the Supreme Court stated that such arguments merely support his opinions against homosexuals and not his freedom of expression.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The Supreme Court upheld the conviction for hate speech and amended the conviction in relation to abuse of powers due to the abolishment of the crime. Thus his sentence was reduced to a 5 month suspended prison term.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>“Η παραδοχή για δυνατότητα πρόκλησης μίσους κατά των ως άνω προσώπων, δημιουργεί την προσφορότητα που απαιτείται κατά την κρίσιμη διάταξη, να προκληθούν και βίαιες πράξεις εναντίον τους, δεδομένου ότι το μίσος αντικειμενικά αποτελεί το υπόβαθρο και την ιδιαίτερη εκείνη ψυχολογική κατάσταση για να εκτραπεί ο άνθρωπος σε βιαιότητες ή σε ενέργειες που απειλούν ή προσβάλλουν τη ζωή, την ελευθερία και τη σωματική ακεραιότητα</p>

άλλων, εν προκειμένω μέλους ή μελών της εν λόγω ομάδας προσώπων. [...]Το Δικαστήριο, περαιτέρω, με την προσβαλλόμενη απόφασή του δέχεται με επαρκή αιτιολογία ότι οι προτροπές του αναιρεσείοντα δεν αποτελούσαν έκφραση γνώμης και έτσι δεν πλήττεται το δικαίωμα έκφρασης αυτού, καθώς το κείμενο που δημοσίευσε αυτός ήταν πρόσφορο να προκαλέσει διακρίσεις και μίσος σε βάρος των ομοφυλόφιλων. [...]Οι εκτιθέμενες στους λόγους αναίρεσης αυτούς λοιπές αιτιάσεις περί ανεπαρκούς αιτιολογίας και εσφαλμένης ερμηνείας και εφαρμογής της εφαρμοσθείσας ουσιαστικής ποινικής διάταξης διότι δεν αποδείχθηκαν πραγματικά στοιχεία κινδύνου των εννόμων αγαθών των εντασσόμενων στην ομάδα των ομοφυλόφιλων προσώπων και οι προτρεπτικές συμπεριφορές που διατυπώνονται στο επίμαχο κείμενο από τη φύση τους δεν μπορούν να θέσουν σε κίνδυνο την ζωή, την ελευθερία ή τη σωματική ακεραιότητα των προσώπων αυτών, αλλά θα μπορούσαν μόνο να θίξουν την τιμή και υπόληψη των ιδίων προσώπων, πραγματικό υλικό που δεν στηρίζει η διάταξη της παρ.1 άρθρου 1 ν.927/1979 , αποτελούν αντίθετες από την κρίση του Δικαστηρίου εκτιμήσεις του πραγματικού υλικού και είναι απαράδεκτες επειδή αφορούν την ανέλεγκτη κρίση του τελευταίου, την οποία επιχειρούν να πλήξουν με την επίφαση της έλλειψης ειδικής και εμπεριστατωμένης αιτιολογίας και της έλλειψης νόμιμης βάσης.”

The admission of the possibility of inciting hatred against the above persons, creates the predisposition required by the crucial provision, to provoke violent acts against them, since hatred is objectively the background and the particular psychological state needed to divert man to violence or acts that threaten or endanger the life, liberty and physical integrity of others, in this case a member or members of that group of persons. [...] The Court, further, in its contested decision, accepts with sufficient reasoning that the appellant's urgings were not an expression of opinion and thus his right to an expression is not affected, as the text he published was capable of causing discrimination and hatred against homosexuals. [...] The other allegations raised in these grounds of appeal alleging inadequate reasoning and misinterpretation and application of the substantive criminal provision because no real evidence of that assets of the homosexuals and the actions invoked by the text in question could not endanger the life, liberty or physical integrity of such persons, but could only infringe on the honour and reputation of the persons themselves, material which is not supported by the provision of Article 1 1 of Law 927/1979, are assessments of the actual material contrary to the judgment of the Court and are unacceptable because they concern the non-revocable judgment of the latter, which they attempt to strike by claiming the lack

	of specific and thorough reasoning and the lack of legal basis.
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<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
<b>Decision date</b>	29-01-2020
<b>Reference details</b>	Supreme Court Decision No. 79/2020 ( <i>Απόφαση Αρείου Πάγου 79/2020</i> ), available in Greek through the subscriber Database "NOMOS", <a href="https://lawdb.intrasoftnet.com/nomos/nomos_frame.html">https://lawdb.intrasoftnet.com/nomos/nomos_frame.html</a> , last accessed on 05-10-2020.
<b>Key facts of the case</b> (max. 500 chars)	The case concerned the use of a criminal file as evidence in a civil dispute with out the previous permission of the Data Protection Authority. The subject of the data filed a law suit before the civil courts requesting compensation for the affront to her personality as a consequence of violation of her personal and sensitive data. Following a conviction the respondent resorted to the Supreme Court claiming that she was not aware that she was carrying out an illegitimate processing of sensitive data, since the case was important for the defence of her counterclaims.
<b>Main reasoning/argumentation</b> (max. 500 chars)	The Supreme Court clarified that data contained in a criminal case file is indeed sensitive personal data. Individuals with a vested interest in accessing and using such files may have access thereto however only after they are granted permission by the Data Protection Authority or when the subject of the data consents. In this case the case-file seemed irrelevant to the dispute so the DPA might have not granted permission. Moreover, the Court concluded that the use of criminal case-files in civil claims' files constitutes processing

	<p>of personal data. However, in the present it accepted that the respondent might not have been aware of the restriction though needed to invoke the case-file in support of her counter-claims. Furthermore it reiterated that the judges tasked with the examination of a given case are not considered third-parties to the dispute. Thus it ordered the first instance court to re-evaluate the damages imposed in light of this development by upholding the principle of proportionality.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<ul style="list-style-type: none"> <li>- Processing of sensitive data, in exceptional case with the permission of the Personal Data Protection Authority, for the exercise of a right before a Court.</li> <li>- The data must be absolutely necessary and appropriate for the exercise of the right.</li> <li>- Unauthorized production of a criminal case file and a book of offenses of the Police Department, for the support of unrelated issues to the lawsuit and opposition constitute processing of data.</li> <li>- Judges are not third parties in relation to the dissemination of personal data since when performing their duties they expel their personal identity and carry out their institutional role.</li> </ul>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The Supreme Court accepted that the respondent might not have been aware of the restriction and ordered the first instance court to re-evaluate the damages imposed in light of this development.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>“ο ισχυρισμός της εναγομένης ότι δεν προέβη στην επεξεργασία των εν λόγω ευαίσθητων προσωπικών δεδομένων της ενάγουσας από δόλο πρέπει να γίνει δεκτός ως ουσία βάσιμος, μη εκλείπουσας πάντως της υπαιτιότητάς της, λόγω αμέλειάς της. [...]Ο δε εκάστοτε Δικαστής δεν πρέπει να θεωρείται "τρίτος", ενώπιον του οποίου νοείται διάδοση του προσωπικού δεδομένου, εξ ης και ηθική βλάβη του υποκειμένου του, επειδή κατά την ενάσκηση των καθηκόντων του αποβάλλει την προσωπική του "ταυτότητα" και εξυπηρετεί αποκλειστικά τον ανατεθειμένο σε αυτό θεσμικό του ρόλο.”</p> <p>The respondent’s allegation that she did not process the sensitive personal data of the plaintiff’s must be accepted as a valid substantiative argument, but not absent from her fault, due to her negligence. [...] And the Judge in question should not be considered a "third party" before whom the dissemination of personal data is carried out, in order to support the moral damage of the data subject, because in the exercise of his duties he eliminates his personal "identity" and serves exclusively the institutional role assigned to</p>

	him.
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<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
	No case law has been identified for this thematic area.