

Franet National contribution to the Fundamental Rights Report 2020

Greece

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Franet country study: policy and legal highlights 2019

Issues in the fundamental rights institutional landscape	Developments concerning the Constitutional Review: On November 25, 2019, the Greek Parliament voted on the review of the Hellenic Constitution . The articles proposed for review concerned, <i>inter alia</i> , the voting rights of Greek citizens living abroad. A proposal to amend Article 5 para. 2 of the Constitution on equal treatment was submitted in order to cover sexual orientation and gender identity as grounds, however, in a secret vote this amendment failed to pass.
EU Charter of Fundamental Rights	The EU Charter in the Greek Legislative process: From 1st January 2019 to 30 September 2019, only 3 laws were accompanied by an impact assessment making explicit reference to the EU Charter of Fundamental Rights, 4 were accompanied by legal scrutinies making explicit reference to the Charter and only 7 debates included a reference to the Charter. Finally, 2 laws make reference to the Charter in their “finalized” text.
Equality and non-discrimination	Abolition of reference to the religion of students on high school diplomas: Following the decisions of the Greek Council of State and the National DPA which found that the inclusion of the religion of students on their high school diplomas and transcripts was unconstitutional and capable of leading to discrimination based on religion, the Ministry of Education issued in September 2019 a Ministerial Decision which abolished this practice.
Racism, xenophobia & Roma integration	Abolition of Article 361B of the Criminal Code which punishes bias behaviour and Introduction of Article 184 which punishes incitement to hatred: Following the reform of the Greek Criminal Code and the Greek Criminal Code of Procedure, Article 361B of the Criminal Code which punished bias behaviour leading to the exclusion of individuals from the supply of goods or services based on specific characteristics they may have was abrogated. On the other hand, Article 184 para. 2 of the CC was introduced during the aforementioned reform which punishes incitement to hatred based on grounds of race, colour, ethnic origin, creed, religion, disability, sexual orientation, gender identity and characteristics. National Operational Action Plan and Awarding of citizenship to stateless Roma: In June 2019, the Special Secretariat for the Social Integration of Roma published its National Operational Action Plan for the Social Integration of Roma. On the other hand, Article 46 of Law 4604/2019 introduced a provision on the awarding of Greek nationality to Stateless Roma who have a long historical presence in Greece.
Asylum & migration	Unaccompanied minors held in “protective custody”: On February 28, 2019 the ECtHR issued its judgement in the H.A. and Others v. Greece case (App. No. 19951/16). The case concerned the placement of nine migrants, unaccompanied minors, in different police stations in Greece, for periods ranging between 21 and 33 days. <i>Inter alia</i> , the Court stated that the practice of “protective custody” could be regarded as a deprivation of liberty in violation of Article 5 § 1.
Data protection and digital society	Adoption of Law for the implementation and introduction of the GDPR: On August 28, 2019, Law 4624/2019 which contained measures for the implementation and introduction of the GDPR was adopted.
Rights of the child	Prosecutor Office of the Supreme Court issues Circular concerning child suspects and remedial measures: On June 25, 2019 the Prosecutor’s Office of the Supreme Court (Areios Pagos) issued Circular No. 7/2019 addressed to all Greek Prosecutors and containing clarifications for the application of the remedial measure of reconciliation when the suspect is a child (under Article 122 of the Greek Criminal Code).
Access to justice, including victims of crime	New Measures introduced for the rights of victims: On October 30, 2019 articles of Law 4478/2017 , which transposed the Victims’ Rights Directive were amended by Article 164 of Law 4635/2019 improving the access of victims to the criminal justice system. A Ministerial Decision (No. 7320/2019) was issued regarding the regulation of issues concerning the operation of the 'House for Children' (Σπίτι του Παιδιού) and the Independent Children Protection Offices which are responsible for child victims.

	<p>Reform of Greek Criminal Codes conforms to the requirements of the Istanbul Convention: The new Greek Criminal Code was ratified by Law 4619/2019. Article 336 thereof, amended <i>inter alia</i>, the legal framework on rape bringing the Greek legislation in line with Article 36 of the Istanbul Convention. The legal framework on domestic violence (Article 312 CC) and sexual harassment (Article 343 CC) was also amended bringing the Greek legislation in line with the Istanbul Convention.</p>
<p>Convention on the Rights of Persons with Disability</p>	<p>Facilitating the acquisition of Greek nationality for persons of disability: Law 4604/2019 addresses significant obstacles in the Greek Nationality acquisition procedure for persons with disability and the elderly.</p>

Chapter 1. Equality and non-discrimination

1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

In 2019 there were important legal and policy developments concerning religion or religious belief, nationality, gender identity and sexual orientation.

It should be mentioned that during November 2019 Amnesty International condemned the failure of the Greek Parliament to adopt a constitutional amendment prohibiting discrimination on the basis of gender, gender identity or sexual orientation, disability, age and against members of ethnic minorities.¹ The aforementioned grounds are considered constitutionally protected, however this protection derives through interpretation under Article 28 of the Greek Constitution which states that, ‘generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law’. Therefore, treaties and conventions signed and ratified by Greece that aim to protect individuals from discrimination based on these grounds, prevail over national law and not because they are explicitly included in the text of the Constitution. On November 25, 2019, a total of 170 Greek MPs out of the 300-seat Parliament voted against the amendment.

Gender Identity and Sexual Orientation

In March 2019, a new law entered into force concerning substantive gender equality as well as combating and preventing gender based violence. This new legislation, Law 4604/2019,² introduced in Article 4 a national mechanism for gender equality. This mechanism shall consist of services and authorities, which on a central, regional and local level will be responsible for planning and implementing policies, measures and actions for the promotion of equal treatment between men and women, as well as for monitoring and addressing discrimination based on gender, gender identity and sexual orientation.

Religion and Religious Beliefs

A Presidential Decree (no. 42/2019),³ was issued in May 2019, laying down all the rules for the functioning of the Islamic Temple in Athens and its public funding. Finally, after 13 years, the

¹ Greece, Amnesty International, Constitutional Review: For a world without discrimination, 27-11-2019 (*Διεθνής Αμνηστία, Αναθεώρηση του Συντάγματος: Για έναν κόσμο χωρίς διακρίσεις*), available in Greek at: <https://www.amnesty.gr/news/articles/article/22769/anatheorisi-toy-syntagmatos-gia-enan-kosmo-horis-diakriseis>, last accessed on 27-01-2020.

² Greece, Law 4604/2019 on the Promotion of substantial gender equality, prevention and combating gender violence – Provisions for the awarding of Nationality – Provisions related to the elections in the Local Administration – Other provisions (*Νόμος 4604/2019, Προώθηση της ουσιαστικής ισότητας των φύλων, πρόληψη και καταπολέμηση της έμφυλης βίας - Ρυθμίσεις για την απονομή Ιθαγένειας - Διατάξεις σχετικές με τις εκλογές στην Τοπική Αυτοδιοίκηση -Λοιπές διατάξεις*), (Ο.Γ. Α’ 50/26-03-2019).

³ Greece, Presidential Decree 42/2019 on the Organisation “Governing Committee of the Islamic Temple of Athens (*ΠΔ 42/2019 Οργανισμός του Ν.Π.Ι.Δ. με την επωνυμία «Διοικούσα Επιτροπή Ισλαμικού Τεμένους Αθηνών*), (Ο.Γ. Α’ 74/20-05-2019).

Islamic Temple of Athens was inaugurated in June 2019.⁴ Officials have stated that the Islamic Temple will be open to the public by the end of the year.⁵

Ministerial Decision No. 1458/Δ2 was issued by the Ministry of Education in September 2019 which abolished the inclusion of the religion and nationality of individuals on high school transcripts and diplomas. This was done in response to Decision No. 28/2019 of the Greek Data Protection Agency (DPA), which found that a Ministerial Decision which called for the inclusion of a reference to high school students' religion and nationality was unconstitutional. What is more, the Greek Data Protection Agency stated that apart from not meeting the criteria of the principles of proportionality and necessity for the processing of personal data, the inclusion of a reference to students' religion on their high school diploma and transcripts could expose them to discrimination based on their religious beliefs, in violation of Article 13 of the Hellenic Constitution. On September 20, 2019, the Greek Council of State issued two judgements (Nos. 1759-1760/2019,⁶ Plenary) which annulled the Ministerial Decisions of the Ministry of Education which called for a reference to the religion of students on high school transcripts, diplomas and certificates, finding that the mandatory or optional reference to religion on such documents violate Article 13 of the Hellenic Constitution, Article 9 of the ECHR, as well as provisions on the protection of personal data (Law 2472/1997 and the GDPR).

On the other hand, two Ministerial Decisions⁷ of the Ministry of Education which introduced a more holistic syllabus for the lesson of religion in primary and high schools and covered more religions and traditions were annulled by the Greek Council of State through Decisions Nos. 1749-1752/2019 (Plenary).⁸ According to the Greek Council of State, the course of religion was attended exclusively by Greek Orthodox students and therefore, should only cover the teachings of their religious beliefs. The course did not appear to contribute to the development of their religious conscience and the Court found the Ministerial Decisions to be in violation of Article 13 of the Hellenic Constitution (religious freedom), Article 2 of the First AP to the ECHR and the principle of Equality under Article 4 of the Hellenic Constitution and Articles 14 and 9 of the ECHR.

⁴ Efsyn.gr, 'Athens finally has a mosque', 08-06-2019, (*ΕφΣυν, Επιτέλους η Αθήνα απέκτησε Τζαμί*) available in Greek at: https://www.efsyn.gr/ellada/koinonia/198982_epiteloys-i-athina-apektise-tzami, last accessed on 27-01-2020.

⁵ Newsbeast.gr, Ertogan expresses discontent for the mosque in Votanikos, 04-10-2019 (*Δυσσάρεσκεια Ερντογάν για το τέμενος στο Βοτανικό*), available in Greek at: <https://www.newsbeast.gr/greece/arthro/5462472/dysareskeia-erntogan-gia-to-temenos-sto-votaniko>, last accessed on 27-01-2020.

⁶ Greece, Council of State, Decisions Nos. 1759-1760/2019, Plenary, available in Greek at: http://www.adjustice.gr/webcenter/portal/ste/apofaseis;jsessionid=5ISgvh9OBzN2k3i0KHF6Pz7kta9oUzIWvjGJAbnE1ZO0mfvGi9n!-780127965!497164487?contentID=DECISION-TEMPLATE1569240425675&_afLoop=95726708003267365#!%40%40%3F_afLoop%3D95726708003267365%26centerWidth%3D65%2525%26contentID%3DDECISION-TEMPLATE1569240425675%26leftWidth%3D0%2525%26rightWidth%3D35%2525%26showFooter%3Dfalse%26showHeader%3Dtrue%26_adf.ctrl-state%3Dnthg8ymxj_4, last accessed on 27-01-2020.

⁷ Greece, Ministerial Decision Nos. 101470/Δ2/16-6-2017 (O.G. B'2104/2017) and 99058/Δ2/13-6-2017 (O.G. B'2105).

⁸ Greece, Council of State, Decisions Nos. 1749-1752/2019, Plenary, available in Greek at: http://www.adjustice.gr/webcenter/portal/ste/apofaseis;jsessionid=5ISgvh9OBzN2k3i0KHF6Pz7kta9oUzIWvjGJAbnE1ZO0mfvGi9n!-780127965!497164487?contentID=DECISION-TEMPLATE1569240425675&_afLoop=95726708003267365#!%40%40%3F_afLoop%3D95726708003267365%26centerWidth%3D65%2525%26contentID%3DDECISION-TEMPLATE1569240425675%26leftWidth%3D0%2525%26rightWidth%3D35%2525%26showFooter%3Dfalse%26showHeader%3Dtrue%26_adf.ctrl-state%3Dnthg8ymxj_4, last accessed on 27-01-2020.

2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

Conclusions of the Greek Ombudsman on Discrimination

Law 4443/2016,⁹ 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. Its Annual Special Report on Equal Treatment covering the year of 2018 was published in December 2018.¹⁰ A Special Report on Equal Treatment covering the year of 2019 has not yet been published.

However, it should be mentioned that during 2019 it successfully intervened in a number of cases after receiving complaints on discriminatory practices, such as:

- a) The abolition of an age-limit in a public call for hiring staff at a large coffee services chain,¹¹
- b) The imposition of a fine by the Labour Inspectorate Body on a hotel company following the intervention of the Ombudsman and concerning the refusal to hire an employee with a disability-chronic illness,¹²
- c) The application of current legislation which calls for a priority status of persons with disability when receiving services at a major Hospital in Thessaloniki,¹³
- d) The imposition of a fine by the Labour Inspectorate Body on a private business following the intervention of the Ombudsman and concerning the employment of an HIV positive individual who was laid off from work after returning from a leave of absence and based on his condition,¹⁴
- and e) The transcription of the birth certificate of a child of a lesbian couple, legally married under foreign law, so that it is included under the family registry of its Greek mother.¹⁵

On the other hand, according to the 2018 Special Report on Equal Treatment, the number of complaints that were submitted in 2018 exhibited an 18% increase compared to 2017. This fact, in conjunction with the percentage of cases whose investigation drew to a close in 2018 with a

⁹ 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).

¹⁰ Greek Ombudsman, *2018 Annual Special Report on Equal Treatment*, available in Greek at: https://www.synigoros.gr/resources/docs/ee_im_2018_en.pdf, last accessed on 27-01-2020.

¹¹ Greek Ombudsman, Intervention for the abolition of an age-limit in a public call for hiring staff at a large coffee services chain, available in Greek at: <https://www.synigoros.gr/?i=equality.el.imageworkprivate.593420>, last accessed on 27-01-2020.

¹² Greek Ombudsman, Intervention for imposition of a fine by the Labour Inspectorate Body on a hotel company, available in Greek at: <https://www.synigoros.gr/?i=equality.el.imdworkprivate.571417>, last accessed on 27-01-2020.

¹³ Greek Ombudsman, Intervention for priority status of persons with disability when receiving services, available in Greek at: <https://www.synigoros.gr/?i=equality.el.imdservices.570713>, last accessed on 27-01-2020.

¹⁴ Greek Ombudsman, Intervention concerning the employment of an HIV positive individual, available in Greek at: <https://www.synigoros.gr/?i=equality.el.imdworkprivate.564592>, last accessed on 27-01-2020

¹⁵ Greek Ombudsman, Intervention for the transcription of the birth certificate, available in Greek at: https://www.synigoros.gr/?i=childrens-rights.el.katoxirwsi_onomatos.546591, last accessed on 27-01-2020.

successful outcome, confirms the intensive rate by which these cases were examined, but also the quality and effectiveness of the work that was conducted by the 11 experts that man this field of activity, with the support of the National Body's administrative personnel. More than half of the 899 reports submitted in 2018 concern discrimination between men and women, especially in the workplace. These are followed by discrimination on grounds of disability, family status, national origin, racial origin, religious beliefs, social status as well as discrimination on grounds of sexual orientation, gender identity or gender characteristics. More specifically, 57% of the complaints concerned Discrimination on grounds of gender, 14% Discrimination on grounds of disability or chronic disease, 8% Discrimination on grounds of family status, 7% Discrimination on grounds of national origin or ethnic origin, 5% Discrimination on grounds of age, 3% Discrimination on grounds of race or colour, 3% Discrimination on grounds of religious or other beliefs, 1% Discrimination on grounds of social status, 1% Discrimination on grounds of sexual orientation and 1% Discrimination on grounds of gender identity or characteristics.

1. Disability or Chronic Disease

According to the Ombudsman, with respect to discrimination on grounds of disability or chronic disease, the submission of discrimination cases concerning the private sector is extremely encouraging. These cases are forwarded to the Ombudsman by the Labour Inspectorate (SEPE) as part of a labour dispute or are submitted directly to the National Body. This is greatly due to the pursuit of collaborations and regular meetings held by the National Body's officials at the local inspectorates throughout Greece aimed at the exchange of views and the grasping of the anti-discrimination law. It remains that this collaboration must be strengthened, and all services and bodies must demonstrate vigilance in order to promptly understand that the treatment of a worker or an employee with a disability or chronic disease may conceal discrimination, which needs to be investigated, thus the referral of the case to the National Body.

2. Age

The report of the Ombudsman states the cases of discrimination on the grounds of age constitute a constant subject matter of its investigation workload, which is gradually increasing the successful outcome and effective management rates. The specific characteristic that is presented in age-related discrimination is associated with the fact that the Ombudsman's intervention results frequently go beyond the individual case to the actual cause of the discrimination, namely the regulatory provision (e.g. the notice), but also to the perception that fuels and expresses it. Therefore, the Ombudsman's interventions in these cases, even if they are instigated by an individual complaint, have a broad impact, both on the extent of the persons concerned and for the prevention of repetition in the future.

3. Other grounds

With respect to cases of discrimination on grounds of national or racial origin, social status, religious or other beliefs, sexual orientation, gender identity or gender characteristics, the Ombudsman notes a clear inconsistency between the submitted complaints and the discrimination that is suffered by individuals with these characteristics in the real social field. This fact is due to the general difficulty that the victims of these discriminations face in their search for support. Being fully aware of this need and in its attempt to overcome the communication and information barrier, the Ombudsman aims at networking with civil society organisations that engage in the protection of these persons' rights, but also at undertaking targeted actions on a regional level.

Chapter 2. Racism, xenophobia and related intolerance

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

Abolition of Article 361B of the Greek Criminal Code

Following the reform of the Greek Criminal Code and the Greek Criminal Code of Procedure (Laws 4619/2019 and 4620/2019 respectively),¹⁶ Article 361B of the Criminal Code was abrogated. The Article stated “*1. Whoever supplies goods or offers services or announces through a public call the supply of goods or commission of services by excluding out of disdain individuals based on characteristics of race, colour, national or ethnic origin, genealogical origin, religion, disability, sexual orientation, identity or gender characteristics, shall be punished with imprisonment of a minimum of 3 months and a fine of at least 1,500 euros*”.

This provision aimed to punish bias behaviour which includes the exclusion of individuals from the supply of goods or services based on specific characteristics they may have. The relevant explanatory report for the reform of the Greek Criminal Code contained a justification which stated that “interpretative issues” led to the repeal of the provision, without however explaining what these were.

On the other hand, the reform of the Greek Criminal Code led to the introduction of Article 184 para. 2. This article punishes the incitement to commit crimes or violence against groups or individuals based on their race, colour, ethnic origin, creed, religion, disability, sexual orientation, gender identity or characteristics.

Finally, it should be added that following the reform of the Greek Criminal Code, racist crimes in general are now covered by Article 82A of the Greek Criminal Code (the numbering of the article was the only thing that changed).

Support Programme for national newspaper publication companies

In 2019, a Common Ministerial Decision launched a programme for the financial assistance of national newspaper publication companies.¹⁷ Article 4 of the Decision, introduces the following condition that must be met by the publication company in order to receive the financial assistance: “(c) *their material shall not cause an affront to the respect for human dignity, or discriminate on the grounds of gender, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation.*” This is an important measure which provides an incentive to newspaper publishers to refrain from publishing discriminatory content.

¹⁶ Greece, Law 4619/2019 New Criminal Code (*N. 4619/2019, Νέος Ποινικός Κώδικας*)(O.G. Α’ 95/11-6-2019) and Law 4620/2019 New Criminal Procedure Code (*N. 4620/2019, Νέος Κώδικας Ποινικής Δικονομίας*)(O.G. Α’ 95/11-6-2019).

¹⁷ Greece, Common Ministerial Decision No. 107/2019 (*KYA 107/2019*) (O.G. Β’ 2355/18-06-2019) .

2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

Important Case-law on Hate Speech

It should be mentioned that in March 2018 the Greek Orthodox Bishop of Kalavryta who 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, was acquitted of all charges. The senior prosecutor of the Court of Misdemeanours in Aigio appealed the court decision following an application of the civil claimants. The case which was examined at the appeals phase in January 2019 concerned 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. On January 28, 2019 the bishop was found guilty of incitement to hatred and abuse of religious office and sentenced to 7 months imprisonment (on a probation term).¹⁸ The case is highly important, since it is the first time hate speech by a religious leader was examined in the appeals phase. 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.

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.

In April 2019, the RVRN published its 2018 Annual Report.¹⁹ According to the Report, during the period January-December 2018, the RVRN documented, through interviews with victims, 117 incidents of racist violence, with more than 130 victims. In 74 incidents the victims were migrants or refugees on grounds of ethnic origin, religion, colour, associations of third country nationals, human rights defenders, due to their connection with refugees and migrants, as well as a memorial to the victims of shipwrecks. In 6 incidents, Greek citizens were targeted due to their colour, foreign or ethnic origin (members of the Roma community). In 9 incidents targets were Jewish sacred symbols or symbolic places and the Jewish community and in 1 incident the target was a Greek citizen due to educational activity against Anti-Semitism or perceived religion. In 27 incidents the targets were LGBTQI+ persons (including 5 refugees, asylum seekers and EU citizens).

The RVRN records incidents where there is concrete evidence (verbal abuse, threats, circumstances, etc.) demonstrating racist motives by law enforcement officials. A significant increase is recorded in incidents where law enforcement officials are either the perpetrators or just involved. In 22 recorded incidents, the perpetrators were law enforcement officials, in comparison to the 10 incidents recorded in 2017. In 5 incidents, the victims report that they sustained unprovoked violence by law enforcement officials during the course of the events at Sappho

¹⁸ Greece, Three-Member Court of Misdemeanours of Aigio, Decisions Nos. 47 and 49/2019.

¹⁹ Greece, Racist Violence Recording Network, 2018 Annual Report, available at: https://www.unhcr.org/gr/wp-content/uploads/sites/10/2019/04/RVRN_report_2018en.pdf, last accessed on 27-01-2020.

square in Mytilene, in April. In these attacks the victims were mainly undocumented refugees and migrants (11 incidents), unaccompanied minors (3 incidents), asylum-seekers (6 incidents), a refugee (1 incident), a Greek transgender woman (1 incident).

As regards the characteristic features of these attacks, according to the Report, they all involved disagreeable behaviour demonstrated by law enforcement officials during routine or non-routine police control operations. In the vast majority of these incidents (19 incidents), the victims reported that they sustained physical violence in public spaces or inside police departments in Athens.

According to the information communicated to the RVRN by the Hellenic Police and cited in the Report, from 01-01-2018 until 31-12-2018 the competent agencies of the Hellenic Police Force recorded a total of 226 incidents, potentially involving racist motives, 63 of which were related to hate speech. Out of the 226 incidents, in 170 the police authorities took charge and conducted preliminary investigations either *ex officio* or following a complaint, whereas in the remaining 56 incidents the police authorities took charge on the basis of instructions by the prosecution authorities ordering a preliminary investigation.

In order to address racist violence perpetrated by members of the Police, the RVRN recommended the introduction of a specific procedure in the framework of disciplinary control within the Hellenic Police Force for faster processing of racially-motivated arbitrary acts and the disclosure of relevant data, in particular about the course of complaints, in order to further enhance transparency and confidence of victims in the Hellenic Police.

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 appears 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.

The Ombudsman in June 2019 published its first Special Report for 2017-2018 as the National Investigation Mechanism for Arbitrary Incidents.²⁰ According to the Report, since June 2017 until 31-12-2018 the Mechanism has dealt with three hundred twenty-one (321) cases. Regarding the cases examined by the Mechanism, twenty-five (25) concerned torture and other infringements of human dignity, within the meaning of article 137A of the Criminal Code, forty nine (49) illegal use of a firearm, ten (10) violation of sexual freedom, three (3) affronts to life, thirty-seven (37) insults against personal freedom, one hundred and forty-five (145) attacks on physical integrity, seven (7) improper conduct, while in twenty-one (21) cases the existence of racist motivation was investigated.

²⁰ Greek Ombudsman, National Investigation Mechanism for Arbitrary Incidents, 2017-2018 Report, available at: https://www.synigoros.gr/resources/docs/emhdipa_2017_2018_en.pdf, last accessed on 27-01-2020.

Especially, in the case of racist motivation, the Mechanism highlighted that particular attention was paid to cases where, in spite of the existence of sufficient evidence, the possibility of racist motivations for the alleged misconduct of police officers was not investigated.

Greek National Commission of Human Rights

In June 2019, the Greek National Commission of Human Rights published its “*Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece*”.²¹ In this publication the GNCHR notes with satisfaction that according to the Hellenic Police’s replies to the GNCHR questionnaire, there is indeed additional staff training which takes into account the different cultural background of detained third country nationals. In particular, according to the information provided by the Hellenic Police, “*at the Police Departments, under the territorial jurisdiction of which are the pre-removal centres, seminars are organised to inform police officers who are employed on a daily basis at detention centres, in cooperation with various NGOs, the UNHCR, the International Committee of the Red Cross (ICRC) and others*”. To this end, educational actions were carried out under the co-funded Migration Flows Projects 2007-2013, and similar periodic educational actions have been provided under the Asylum, Migration and Integration Fund (AMIF) 2014-2020. Pursuant to the replies to the GNCHR questionnaire, “*it is emphasised that the Hellenic Police shows particular sensitivity to the issue of the police officers' excellent conduct towards citizens, nationals and aliens, and the faithful execution of their duties, notably in terms of absolute respect for fundamental rights, diversity and human dignity, as prescribed by the legislation in force*”.

Moreover, the GNCHR welcomes the significant initiatives undertaken by the State authorities in order to combat and prohibit racial discrimination, xenophobia and related violence, emphasising that they constitute decisive steps towards the implementation of the ultimate objective: the elimination of racist violence. Among those positive legislative and institutional developments, the GNCHR expresses its satisfaction for the creation of 68 Offices against Racist Violence, the geographical extension of the appointment of Special Prosecutors for racist crime, the training of Prosecutors in racist crime by the OSCE, the classification of files for racist crime at the Athens Public Prosecutor’s Office with the indication “RV” (for racist violence) and the management of the data on the case files and court judgements in order to make it easier to identify them. The GNCHR supports these initiatives while contributing actively to the work of the National Council against Racism and Intolerance and to the development of a National Action Plan against Racism.

Concerning the establishment of 68 Offices against Racist Violence,²² Presidential Decree 132/2012,²³ as amended by Presidential Decree 178/2014,²⁴ established two (2) Departments and sixty-eight (68) Offices for dealing with racial violence all over Greece. The aim of establishing those Services is to effectively combat violence characterized by racist motives, manifested against individual persons or groups. The two (2) Departments have been established in the context of the Police State Security Sub-directorates, which come under the Police Security

²¹ Greek National Committee for Human Rights, Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, available at: https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GRC/INT_CAT_NHS_GRC_35432_E.pdf, last accessed on 27-01-2020.

²² Hellenic Police, Information on Racist Violence Offices, available in English at: http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=23730&Itemid=1027&lang=EN, last accessed on 27-01-2020.

²³ Greece, PD 132/2012 “Organizing departments of response to the racist violence” (ΠΔ. 132/2012, Σύσταση τμημάτων και γραφείων αντιμετώπισης ρατσιστικής βίας)(O.G. A’ 239/11-12-2012).

²⁴ Greece, P.D 178/2014 “Organisation of the Hellenic Police services” (Π.Δ. 178/2014, Οργάνωση Υπηρεσιών Ελληνικής Αστυνομίας) (O.G. A’ 281/31-12-2014).

Directorates of Attica and Thessalonica. The sixty-eight (68) Offices have been operating as follows: five (5) of them in Attica under the respective Sub-directorates of the Police Security Directorate of Attica. Sixty three (63) of them in the provinces under the respective Sub-directorates and Security Police Stations, which operate in the context of the Police Directorates of the Prefectures.

Islamophobia

In 2019, the ‘Islamophobia in Greece’ National Report of 2018 was published by SETA - Foundation for Political, Economic and Social Research.²⁵ According to the report, all the available data with regard to Islamophobia in Greece for 2018 shows that significant changes have not taken place compared to the previous year. Islamophobia is primarily manifested in the public discourse and the political programmes of parties and politicians mainly of the extreme-right, among some higher clergy members of the Orthodox Church of Greece, and in different platforms of the Greek media, with the Internet and social media being a fertile ground for the reproduction of Islamophobia.

However, it is important to mention that Islamophobia is found also among self-proclaimed political and/or economic liberals. There are, of course, political parties, politicians and anti-racist groups mainly from the Left opposing racist and Islamophobic discourses and discriminatory practices.

Among the main issues that need to be addressed with regard to monitoring and confronting Islamophobia are the following:

- First of all, a need that still has not been met in order to confront Islamophobia is the establishment of an official observatory mechanism that will monitor and record Islamophobic incidents on both the levels of discourse and physical attacks. Towards this direction a first step would be the collaboration of existing state mechanisms and civil society networks in order to achieve a better level of Islamophobia monitoring.
- Second, the legal mechanism in Greece is not effectively tackling Islamophobia and the Greek law is not robust enough to discourage Islamophobic actions and more specifically hate speech.
- Third, the Orthodox Church of Greece should not only publicly disapprove of its metropolitans who insist on using Islamophobic discourse, but also effectively discourage any attempt of reproduction of anti-Muslim hatred by its clerics.
- Fourth, even though Islam is an old religion in Greece dating back to the Ottoman times and the 14th century, knowledge about the fundamentals of Islam is highly limited, which provides another space for Islamophobia to flourish inside the Greek society. In this respect, the new religious textbooks’ broader distribution during 2018, which include more information about Islam, is likely to assist the overall understanding of Islam in Greece. For the same purpose, training seminars should also be provided particularly for those journalists, teachers, police officers, coastguards, and other civil servants who have contact with Muslims.

Finally, as the Report recommends, it is significant to remember that Muslims should not be excluded from decision-making mechanisms combating anti-Muslim hatred in Greece. An effective mechanism of dialogue and cooperation should immediately be formed; a platform is necessary where views of Muslims will be taken fully into consideration by Greek decision makers in Greece’s fight against Islamophobia.

²⁵ A. Huseyinoglu & A. Sakellariou, *Islamophobia in Greece: National Report 2018*, available at: https://setav.org/en/assets/uploads/2019/09/EIR_2018.pdf, last accessed on 27-01-2020.

Chapter 3. Roma integration

1. Measures and developments addressing Roma/Travellers segregation

According to the General Secretariat for Social Solidarity and Combating Poverty of the Greek Ministry of Employment, the following measures were adopted in 2019 or carried out in 2019 in order to address segregation²⁶:

Pilot Intervention in 47 School Units

For the school year of 2018-2019, social workers were placed at 47 school units attended by Roma students. Primary Education School Unit groups were established where psychologists offer their services, mainly psychological support to Roma children and parents. The practice was aimed at reducing the early school dropout of students from vulnerable social groups and of students with cultural and religious particularities, as well as improving the learning outcomes primarily in literacy, but also in math and to enable them to cope with their curriculum and stay in the education system till the completion of their studies.²⁷ The objective is to enhance equal access and to effectively integrate the abovementioned students.

Inclusion and Education of Roma Project

In 2019 a project for addressing segregation and school drop-outs was continued to be implemented. Within the project a new call was issued with the title: ‘Supportive interventions in Roma communities for supporting access and combating school dropouts among Roma youth and children’. The call included actions for 1) the support of the community/sensitization of stakeholders and the connection of local communities/Roma families with schools, 2) supportive educational interventions through targeted and group approaches within Roma communities and 3) interventions aimed to support school units, educators, teachers and relevant school staff. These interventions are scheduled for the school years 2019-2020, 2020-2021 and 2021-2022.

Improvement of living conditions

In 2019 regional authorities identified 85 Roma settlements throughout Greece (located in a total of 65 municipalities) which were suffering from sanitary issues, lack of access to clean water, electricity, sanitation facilities etc. These settlements were found in need of immediate intervention and specific measures were put forward by the regional authorities in order to address them. At present, the Ministry of Interior is waiting for proposals/actions to be submitted by the local authorities.²⁸

Functioning of Roma Annexes

In 2019, the Roma Annexes continued to operate as part of regional community centres, 50 in total. These Annexes provide psycho-social support to children, adults and families. In 2019 the first steps for the establishment of new annexes were taken as well as initiatives for expanding their specialisation so as to include activities for combating segregation in the employment field.

²⁶ Information was provided by the General Secretariat for Social Solidarity and Combating Poverty of the Greek Ministry of Employment and Social Affairs through its 04-10-2019 communication.

²⁷ Information was provided by the General Secretariat for Social Solidarity and Combating Poverty of the Greek Ministry of Employment and Social Affairs through its 7-1-2020 communication.

²⁸ Information was provided by the General Secretariat for Social Solidarity and Combating Poverty of the Greek Ministry of Employment and Social Affairs through its 7-1-2020 communication.

According to the Greek Ministry of Employment and Social Issues, the Special Secretariat for the Social Integration of Roma promoted in collaboration with the Secretariat of Nationality the introduction of Article 46 of Law 4604/2019 as a measure for addressing segregation.²⁹ The provision awards Greek nationality to Stateless Roma who have a long historical presence in Greece.

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

It should be mentioned that through Article 7 para. 5 of Presidential Decree 84/2019 (O.G. A' 123/17-7-2019) the Special Secretariat for the Social Integration of Roma was abolished. All duties and powers were transferred to the newly formed General Secretariat for Social Solidarity and Combatting Poverty as of July 17, 2019. All pending projects that were initiated prior to the transfer of duties have automatically passed over to the new general secretariat.³⁰

In June 2019, the Special Secretariat for the Social Integration of Roma published its National Operational Action Plan for the Social Integration of Roma.³¹

This Operational Plan of Action is the first stage of the specialization process of the National Roma Social Inclusion Strategy and was created with the aim of being a useful tool for the effective and realistic achievement of the strategic goal and vision of the National Strategy. It describes, by policy priority area, the current situation, the planned actions and the implementation framework with reference to the potential beneficiaries, the timetable, the sources of funding and the budget.

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 so as 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, personalized 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.

Interventions by the Greek Ombudsman

In its 2018 Annual Report on Equal Treatment,³² the Ombudsman records its intervention in a case concerning the awarding of a stipend under the Social Solidarity Income Scheme (*Κοινωνικό Εισοδήμα*

²⁹ Information was provided by the General Secretariat for Social Solidarity and Combating Poverty of the Greek Ministry of Employment and Social Affairs through its 04-10-2019 communication.

³⁰ Information was provided by the General Secretariat for Social Solidarity and Combating Poverty of the Greek Ministry of Employment and Social Affairs through its 7-1-2020 communication.

³¹ 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, last accessed on 27-01-2020.

Αλληλεγγύης), a project set up by the Greek Government to provide financial aid to vulnerable and low income individuals. The Ombudsman was notified that Roma people living in a camp in the Attica region could not submit an application for the Social Solidarity Income because they were not students of an evening or second chance school, since the relevant legislation provides for school attendance as a prerequisite if compulsory education has not been completed. With a document addressed to the competent department of the Ministry of Labour, the Ombudsman requested the re-examination of the Joint Ministerial Decision (JMD) provision. Specifically, the Ombudsman pointed out that the respective provision excludes beneficiaries of Roma origin that live in extremely poor conditions, since, as it arises from official data, a large number of Roma people have not completed compulsory education and are not able to attend second chance schools. With a newer JMD, the application could be submitted, and it was foreseen that following the respective personal notification, the competent authorities could invite the beneficiaries that have not completed compulsory education to enrol in a second chance school. According to the Ombudsman Report this issue has been resolved.

Furthermore, the Ombudsman in its 2019 Annual Report on Equal Treatment³³ also referred to its intervention concerning Roma pupils at Drosero, Xanthi, who encounter problems with their attendance at the settlement's primary schools due to the unsuitable building infrastructures (e.g. prefabricated buildings, lack of heating, etc.). The Ombudsman addressed the Directorate of Primary Education and the Municipality of Xanthi pointing out that the steadily increasing number of pupils and the condition of the spaces which house the Drosero primary schools as well as the fact that the 8th Middle School is currently housed in a building that belongs to OAED (Greek Manpower Authority), support the necessity of the immediate design and construction of a new building complex. The realisation of this project will make attendance more appealing, it will facilitate teaching and it will ensure that everyone has a right to education regardless of whether they are Roma or non-Roma pupils. The Municipality of Xanthi has informed the Ombudsman of the actions it has taken up to now with respect to the Authority's notes.

Finally, on November 1 and 2, 2019, representatives of the Greek National Commission for Human Rights, an independent advisory body to the Greek State on matters pertaining to human rights protection visited Roma settlements at Peraia, Dendropotamo and Agia Sofia, located in the extended area of Thessaloniki in order to talk in person with its residents in relation to crucial issues of the settlement.³⁴ Representatives from Roma NGOs, such as the Pan-Hellenic Confederacy of Greek Roma³⁵ (*Πανελλήνια Συνομοσπονδία Ελλήνων Ρομά*) and the Union of Greek Women Roma (*Σωματείο Ελλήνων Γυναίκων Ρομά*) were also present. It should be mentioned that in 2019, the Pan-Hellenic Confederacy of Greek Roma became a member of the Greek National Commission for Human Rights, following the amendment of its founding act.³⁶

³² Greek Ombudsman, *2018 Annual Special Report on Equal Treatment*, p. 32, available in English at: https://www.synigoros.gr/resources/docs/ee_im_2018_en.pdf, last accessed on 27-01-2020.

³³ Greek Ombudsman, *2018 Annual Special Report on Equal Treatment*, p. 33, available in English at: https://www.synigoros.gr/resources/docs/ee_im_2018_en.pdf, last accessed on 27-01-2020.

³⁴ Greek National Commission for Human Rights, Press Release on the visit of GNCHR representatives at Roma Settlements in Thessaloniki, November 2019, available in Greek at: http://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/DT_Episkepsi%20EEDA%20se%20katavlistmous%20Roma%20sti%20Thessaloniki%205.11.2019.pdf, last accessed on 27-01-2020.

³⁵ The Official Website of the Pan-Hellenic Confederacy of Greek Roma is available in Greek at: <https://www.ellanpasse.gr/>, last accessed on 27-01-2020.

³⁶ See, Greek National Commission for Human Rights, List of Current Members, available at: <http://www.nchr.gr/index.php/en/2013-04-03-10-13-40/2013-04-03-10-14-44>, last accessed on 27-01-2020.

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

Unaccompanied children reaching the age of majority

Area of support	Description
Residence permit <i>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</i>	<p>There is no data available on unaccompanied children that reach majority. The Greek Asylum Service³⁷ states that unaccompanied children that have been granted refugee status or subsidiary protection are also granted with a residence permit for 3 years (see also Article 24 PD 141/2013³⁸). This residence permit is renewable upon application under the general legal provisions that apply to beneficiaries of international protection.</p> <p>It should be highlighted that according to the Greek Council of Refugees, unaccompanied children who reached adulthood whilst in the Reception and Identification Centres (RIC) have been transferred to pre-removal detention and detained there in view of removal. This was the case for a child from Pakistan, supported by GCR, who remained in the RIC of Fylakio, while waiting a place to be made available. After 5 months of waiting, he reached adulthood in April 2018 and received a removal decision, following which he was transferred to the pre-removal detention centre of Paranesti.³⁹</p>
Guardianship under Reception Conditions <i>(representative)</i>	<p>The system of appointing a guardian for children is dysfunctional, as little is done after the Asylum Service or Police or RIC has informed the Public Prosecutor for children who acts by law as temporary guardian for unaccompanied</p>

³⁷ Greece, Greek Asylum Service, Pamphlet “I am under 18”, available at: <http://asylo.gov.gr/wp-content/uploads/2018/01/I-am-under-18-ENGLISH-min-ilovepdf-compressed1.pdf>, last accessed on 27-01-2020.

³⁸ Greece, Presidential Decree 141/2013 on the transposition into the Greek legislation of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 (L 337) on minimum standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (recast) (*Προεδρικό Διάταγμα 141/2013 «Προσαρμογή της ελληνικής νομοθεσίας προς τις διατάξεις της Οδηγίας 2011/95/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 13ης Δεκεμβρίου 2011 (L 337) σχετικά με τις απαιτήσεις για την ανα γνώριση και το καθεστώς των αλλοδαπών ή των ανιθαγενών ως δικαιούχων διεθνούς προστασίας, για ένα ενιαίο καθεστώς για τους πρόσφυγες ή για τα άτομα που δικαιούνται επικουρική προστασία και για το περιεχόμενο της παρεχόμενης προστασίας (αναδιατύπωση)*), (Ο.Γ. Α’ 226/ 21-10-2013).

³⁹ AIDA, Country Report Greece, 2018 Update, p. 37, available at: <https://www.asylumineurope.org/reports/country/greece>, last accessed on 27-01-2020.

Directive Article 24.1)

children; the Prosecutor merely assumes that capacity in theory. In practice, NGO personnel are usually appointed as temporary guardians by the Public Prosecutor. Following the adoption of Law 4540/2018⁴⁰ the Unaccompanied Minors Section of the Directorate for the Protection of Family and Children (Ministry of Employment, Social Security and Social Solidarity) is the responsible authority for the social protection of unaccompanied and separated children. The Unaccompanied Children Section participated in the drafting of a law on the appointment of guardians for unaccompanied minors, creating a uniform framework. Law 4554/2018⁴¹ entered into force in July 2018 and Articles 13-32 contain the regulatory framework for the appointment of guardians for unaccompanied children. According to the GNCHR the implementation of the new system of Guardianship for Unaccompanied Children is still pending, notwithstanding the entering into force of certain provisions (Articles 19 and 24 to 28) by Greek Law No. 4611/2019.⁴² In respect to the remaining provisions, the Law provided for their entry into force on 1st September 2019. However, this date was extended by law (article 73 of Greek Law No. 4623/2019, Government Gazette 134 / A / 09-08-2019) for the 1st of March 2020. However, there is no measure in place for children reaching majority.⁴³ In practice the Ombudsman has verified that a transitional period is applied after reaching majority and temporary assistance is offered.

Finally it should be highlighted, especially in relation to reception conditions, that on February 28, 2019 the ECtHR issued its judgement in the *H.A. and Others v. Greece case* (App. No. 19951/16). The case concerned the placement of nine migrants, unaccompanied minors, in different police stations in Greece, for periods ranging between 21 and

⁴⁰ Greece, Law 4540/2018 “Adaptation of Greek legislation to the provisions of Directive 2013/33 / EU of the European Parliament and of the Council of 26 June 2013 on the requirements for the reception of applicants for international protection (recast, L 180/96 / 29.6.2013) and other - Amendment of Law 4251/2014 (A '80) adapting Greek legislation to Directive 2014/66 / EU of 15 May 2014 of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals – Amendment of asylum procedure and other provisions” (Προσαρμογή της ελληνικής νομοθεσίας προς τις διατάξεις της Οδηγίας 2013/33/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 26^{ης} Ιουνίου 2013, σχετικά με τις απαιτήσεις για την υποδοχή των αιτούντων διεθνή προστασία (αναδιατύπωση, L 180/96/29.6.2013) και άλλες διατάξεις - Τροποποίηση του ν. 4251/2014 (Α' 80) για την προσαρμογή της ελληνικής νομοθεσίας στην Οδηγία 2014/66/ΕΕ της 15ης Μαΐου 2014 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου σχετικά με τις προϋποθέσεις εισόδου και διαμονής υπηκόων τρίτων χωρών στο πλαίσιο ενδοεταρικής μετάθεσης - Τροποποίηση διαδικασιών ασύλου και άλλες διατάξεις)(Ο.Γ. Α 91/22-05-2018).

⁴¹ Greece, Law 4554/2018 “Insurance and Pension provisions – Addressing undocumented employment- Support in the protection of workers – Guardianship of Unaccompanied Minors and other provisions” (Ασφαλιστικές και συνταξιοδοτικές ρυθμίσεις -Αντιμετώπιση της αδήλωτης εργασίας – Ενίσχυση της προστασίας των εργαζομένων – Επιτροπεία ασυνόδευτων ανηλίκων και άλλες διατάξεις)(Ο.Γ. Α 130/18-07-2018).

⁴² Greek National Commission for Human Rights, The GNCHR on the unsettling situation in the Eastern Aegean islands and the recent asylum developments, Announcement of 06-09-2019, available at:

http://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR%20Announcement%20on%20Asylum%20Developments.pdf, last accessed on 27-01-2020.

⁴³ Information was provided by the Office of the Greek Ombudsman in its 10-10-2019 communication.

	<p>33 days. <i>Inter alia</i>, the Court stated that the practice of “protective custody”, which is frequently adopted by the Greek authorities could be regarded as a deprivation of liberty which was not lawful within the meaning of Article 5 § 1.</p>
<p>Accommodation <i>Reception Conditions Directive Article 24.2</i></p>	<p>The Directorate General for Social Solidarity of the Ministry for Employment, Social Security and Social Solidarity is appointed as the responsible authority for the protection, including the provision of reception conditions, of unaccompanied and separate children (Article 22(3) Law 4540/2018). More precisely, the National Centre for Social Solidarity (Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης, ΕΚΚΑ) under the Ministry of Labour receives and processes referrals for the accommodation of unaccompanied and separated children. According to data provided by ΕΚΚΑ to the Greek Council of Refugees, the average waiting period for placement in an accommodation place in 2018 was 65.17 days. In cases of unaccompanied children under protective custody in pre-removal facilities and police stations the average waiting period was 14.52 days.⁴⁴ In cases of unaccompanied children remaining in RIC facilities, the general average waiting period was 57.42 days, and 55.92 days specifically for RIC located on the Eastern Aegean islands. Out of the total number of available places for unaccompanied children in Greece at the end of 2018:</p> <ul style="list-style-type: none"> - 1,040 were in 48 shelters for unaccompanied children; - 24 places were in 6 Supported Independent Living apartments for unaccompanied children over the age of 16; - 300 places were in 10 Safe Zones for unaccompanied children in temporary accommodation centres; and - 595 places were in 15 hotels for unaccompanied children⁴⁵ <p>According to ΕΚΚΑ,⁴⁶ there is no specific measure in place for children reaching majority, however in practice when a child benefiting from accommodation through the ΕΚΚΑ scheme turns 18 years old, they forward a request to the the Secretariat of Migration in order for the unaccompanied child to be housed at an apartment under the ESTIA project (a temporary housing project for recognised refugees run by the UNHCR).</p> <p>On the other hand, it is important to highlight the “Supported Independent Living for unaccompanied minors”,⁴⁷ an alternative housing arrangement for unaccompanied children aged 16 to 18 launched in 2018 and implemented by the NGO METAdrasi with the support of UNICEF, UNHCR and Just Cycling and funded by the European</p>

⁴⁴ AIDA, Country Report Greece, 2018 Update, available at: <https://www.asylumineurope.org/reports/country/greece>, last accessed on 27-01-2020.

⁴⁵ Greece, ΕΚΚΑ and UNHCR, Situation Update: Unaccompanied Children (UAC) in Greece, 31 December 2018, available at: <https://data2.unhcr.org/en/documents/download/67534>, last accessed on 27-01-2020.

⁴⁶ The information was provided by ΕΚΚΑ in its 18-10-2019 communication.

⁴⁷ METAdrasi, Supported Independent Living for unaccompanied minors, available at: <https://metadrasi.org/en/campaigns/supported-semi-independent-living-for-unaccompanied-minors/>, last accessed on 27-01-2020.

	Commission, the important contribution of the Public Prosecutor for Children and METAdrasi's Guardianship Network for Unaccompanied Children, as well as with the cooperation of EKKA (National Centre for Social Solidarity). The programme includes housing and a series of services (education, health, etc.) and aims to enable the smooth coming of age and integration to Greek society.
Return <i>Return Directive, Article 10</i>	According to Article 25 of Law 3907/2011, ⁴⁸ having applied the best interest of the child, the relevant authorities responsible for unaccompanied children (i.e. the Unaccompanied Children Section of the Directorate for the Protection of Family and Children of the Ministry of Employment, Social Security and Social Solidarity) should take all the necessary measures to prepare for the return of an unaccompanied child. According to Article 18 of Law 4554/2018 the child is represented and assisted by his/her guardian throughout the return procedure. There is no specific measure for unaccompanied children that have reached their majority. In practice however, NGOs responsible for the child's guardianship will offer support for his/her return. ⁴⁹
Others	<p><i>Education:</i> It should be highlighted that virtue of Article 13 of Law 4540/2018, children that reach their majority pending the completion of their studies at school, shall be permitted to attend school, even though their residence status has not yet been sorted out.</p> <p><i>Examination of asylum application:</i> The Ombudsman has contacted the Greek Asylum Service⁵⁰ in order to forward its concern for the delays in examining the application of children close to reaching their majority. The Ombudsman has noted that in several occasions asylum seeker children have turned 18 years old with their application still pending a decision. This means that the child is subject to less favourable conditions in the examination of its application and cannot benefit from the Dublin III provisions for family reunification. According to the Ombudsman, the Greek Asylum Service responded by creating an expedited examination procedure so as to ensure that applications will be examined before the applicants reach their majority. This constituted a change in practice since no new legal measure has been adopted in this regard. The UNHCR had recommended the amendment of the Greek</p>

⁴⁸ Greece, Law 3907/2011 on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions (*Νόμος 3907/2011 «Ίδρυση Υπηρεσίας Ασύλου και Υπηρεσίας Πρώτης Υποδοχής, προσαρμογή της ελληνικής νομοθεσίας προς τις διατάξεις της Οδηγίας 2008/115/ΕΚ «σχετικά με τους κοινούς κανόνες και διαδικασίες στα κράτη-μέλη για την επιστροφή των παρανόμως διαμενόντων υπηκόων τρίτων χωρών» και λοιπές διατάξεις»*)(Ο.Γ. Α' 7/26-01-2011).

⁴⁹ Information was provided by the Office of the Greek Ombudsman in its 10-10-2019 communication.

⁵⁰ Information was provided by the Office of the Greek Ombudsman in its 10-10-2019 communication.

asylum procedure highlighting that accelerated procedures should explicitly be used to address the situation of unaccompanied children and vulnerable groups and that their cases are prioritized and referred to appropriate services.⁵¹ No such amendment however was included.

⁵¹ UNHCR Greece, UNHCR urges Greece to strengthen safeguards in draft asylum law, 24-10-2019, available in English at: <https://www.unhcr.org/gr/en/13170-unhcr-urges-greece-to-strengthen-safeguards-in-draft-asylum-law.html>, last accessed on 27-1-2020.

Chapter 5. Information society, data protection

1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

On August 28, 2019, Law 4624/2019⁵² on measures for the implementation and introduction of the GDPR was adopted. According to Article 41 of Law 4624/2019 on the representation of data subjects: “ 1. Where the data subject considers that the processing of personal data relating to him or her violates the provisions of the GDPR or Chapter C of this Law, he/she has the right to delegate to a non-profit body, organization, union or association or union of persons that are non-profit and without legal personality, established and operating legally in the Greek Territory, as long as its objectives are in the public interest and it is active in the field of protection of the rights and freedoms of its subjects in relation to their personal data, to file a complaint with the Authority [DPA] in accordance with Article 77 of the GDPR and to exercise in his/her name the rights referred to in Article 78 of the GDPR and Article 20 of this Law”.

Even before the adoption of Law 4624/2019, the Greek DPA, issued decisions on violations of the GDPR. On July 30, 2019 the DPA issued its first decision which imposed a fine on a company for the unlawful processing of the personal data of its employees under Article 58 para. 2 of the GDPR.⁵³ A fine of 150,000 Euros was imposed for the violation of Articles 5 and 6 of the GDPR (principle of legality and consent). With Decision No. 28/2019 the DPA found that a Ministerial Decision which called for the inclusion of a reference to high school students’ religion and nationality was unconstitutional.⁵⁴ What is more, it stated that apart from not meeting the criteria of the principles of proportionality and necessity for the processing of personal data, the inclusion of a

⁵²Greece, 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)

⁵³ Greece, DPA Decision No. 26/2019, available in Greek at:

https://www.dpa.gr/portal/page?_pageid=33%2C15453&_dad=portal&_schema=PORTAL&_piref33_15473_33_15453_15453.etos=2019&_piref33_15473_33_15453_15453.arithmosApofasis=&_piref33_15473_33_15453_15453.thematikiEnotita=-1&_piref33_15473_33_15453_15453.ananeosi=%CE%91%CE%BD%CE%B1%CE%BD%CE%AD%CF%89%CF%83%CE%B7, last accessed on 27-01-2020.

⁵⁴ Greece, DPA Decision No. 28/2019, available in Greek at:

https://www.dpa.gr/portal/page?_pageid=33%2C15453&_dad=portal&_schema=PORTAL&_piref33_15473_33_15453_15453.etos=2019&_piref33_15473_33_15453_15453.arithmosApofasis=&_piref33_15473_33_15453_15453.thematikiEnotita=-1&_piref33_15473_33_15453_15453.ananeosi=%CE%91%CE%BD%CE%B1%CE%BD%CE%AD%CF%89%CF%83%CE%B7, last accessed on 27-01-2020.

reference to students' religion on their high school diploma and transcripts could expose them to discrimination based on their religious beliefs, in violation of Article 13 of the Hellenic Constitution.

The Greek DPA also carried out and participated in various activities aimed to inform professionals and organisations on their obligations under the GDPR.⁵⁵ Seminars aimed on educating data protection officeres were carried out from April to July 2018 and repeated again in 2019 by Bar Associations across the country for their members. The Greek DPA also participated in educational activities and seminars formulated for staff members of the Ministry of Interior, the UNCHR, the National Centre for Public Administration and the Hellenic Federation of Enterprises in 2019. In July 2019 it also addressed issues related to the protection of minor's private life at a seminar at the University of Ioannina.

In March 2019, the Authority held a two-day training seminar for Data Protection Officers in the Health Sector as part of its "Problem-based training on data protection reform package in GR and CY - TRAIN-GR-CY" , implemented in partnership with the Center for European Constitutional Law-Themistocles and Dimitris Tsatsos Foundation, the National and Kapodistrian University of Athens in Greece and the Cypriot Office of the Commissioner for Personal Data Protection and the University of Cyprus.⁵⁶

In September 2019 and within the framework of the above mentioned project, the Laboratory of Law Informatics of the University of Athens Law School organized a two-day transnational event on the new European framework for personal data, in which lectures were presented by the Authority. The Authority also co-organized with the Institute of Technology and Research and the Stavros Niarchos Cultural Center on 5-11-2019 a training session for high school students with the title "Protecting Our Personal Data – the GDPR and the 40 thieves”.

The Data Protection Agency has also published on its website a Compliance Guide for the GDPR which explains the basic rights included in the GDPR, the basic obligations of processors of personal data.⁵⁷

Finally, the Greek DPA also has met with representatives of the Greek NGO “Homo Digitalis”, which is an organisation founded in 2018 and focused on the protection of digital rights.⁵⁸ During this meeting, the Greek DPA expressed its satisfaction for the establishment of the NGO, the operation of which it considers crucial for supporting the dialogue with civil society. Both sides agreed to co-operate closely in the future for the protection of digital rights.

⁵⁵ The information was provided by the Greek DPA through its 25-11-2019 communication.

⁵⁶ Information on the project “Problem-based training activities on data protection reform (TRAIN GR-CY)” is available in Greek and English at: <http://www.dataprotection.gov.cy/dataprotection/dataprotection.nsf/All/1EBE22678CD74026C22582820030B98F?OpenDocument>, last accessed on 27-1-2020.

⁵⁷ Greece, DPA, Compliance Guide for the GDPR, available in Greek at: https://www.dpa.gr/portal/page?_pageid=33,209418&_dad=portal&_schema=PORTAL, last accessed on 27-01-2020.

⁵⁸ Homo Digitalis, Press Release of 16-12-2018, available in Greek at: <https://www.homodigitalis.gr/posts/3177>, last accessed on 27-01-2020.

2. Artificial intelligence and big data

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned? (yes/no)	Reference
EL	Government	Adopted Act (Ministerial Decision)	In February 2019, the Ministry of Justice issued a decision on the composition and establishment of a permanent scientific committee charged with examining the repercussions of the introduction of Artificial Intelligence in the judicial system. The Committee will also be responsible for the preparation of a draft law for the protection of rights of those involved, namely data protection rights. The scope of the committees duties includes the examination of the impact of AI on the judicial system and the preparation of proposals to the Minister of Justice, Transparency and Human Rights in order to modernize the legislative framework that will take account of new technological developments and create legal provisions aimed to	No	Yes	Ministerial Decision 8056/2019 – Establishment of a committee for the examination of repercussions due to the application of Artificial Intelligence in the judicial system (ΥΑ 8056/2019, Σύστ. επιτροπής για την εξέταση επιπτώσεων στο δικαστικό σύστημα της εισαγωγής της τεχνητής νοημοσύνης) (O.G. Β' 431/14-2-2019) as amended by Ministerial Decision 225/2019 (B' 1040/28-5-2019).

			safeguard the rights of those involved.			
EL	Independent State Institution	Other projects	On October 3, 2019, the Athens Bar Association, a Legal Body of Public Law issued an announcement on the conclusions of the recent meeting of the Council of Europe's Bar Council (CCBE) Committee on the Future of the Bar and Legal Services (held in Copenhagen 12-9-2019). The subject was "Artificial Intelligence & Law Profession". After the on-going debate on artificial intelligence products, the need to formulate a formal position, whether or not CCBE should take on the exploitation of its achievements, was discussed. It became obvious that national bar associations have an obligation to inform their members of the prospects and possible applications of artificial intelligence in the legal profession. Freedom of speech and data protections rights were included in the debate.	Yes	Yes	Athens Bar Association, Announcement concerning the Meeting of the Committee on the Future of the Law and Legal Services (Copenhagen 12-09-2019) "Artificial Intelligence and the Law and the French law prohibiting the retention of statistics on the content of decisions", 03-10-2019, available in Greek at: http://www.dsa.gr/%CE%BD%CE%AD%CE%B1/%CE%B4%CF%81%CE%B1%CF%83%CF%84%CE%B7%CF%81%CE%B9%CF%8C%CF%84%CE%B7%CF%84%CE%B5%CF%82-ccbe/%CF%83%CF%85%CE%BD%CE%B5%CE%B4%CF%81%CE%AF%CE%B1%CF%83%CE%B7-%CE%B5%CF%80%CE%B9%CF%84%CF%81%CE%BF%CF%80%CE%AE%CF%82-%CE%B3%CE%B9%CE%B1-%CF%84%CE%BF-%CE%BC%CE%AD%CE%BB%CE%BB%CE%BF%CE%BD-%CF%84%CE%BF%CF%85-%CE%B4%CE%B9%CE%BA%CE%B7%CE%B3%CE%BF%CF%81%CE%B9%CE%BA%CE%BF%CF%8D-%CE%B5%CF%80%CE%B1%CE%B3%CE%B3%CE%AD%CE%BB%CE%BC%CE%B1%CF%84%CE%BF%CF%82-%CE%BA%CE%B1%CE%B9-%CF%84%CF%89%CE%BD-%CE%BD%CE%BF-3 , last accessed on 27-01-2020.

*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

3. Data retention

There have been no significant changes in data retention rules in Greece.

The main legislation which regulates the retention of communication data and access to those consists of Law 2225/1994⁵⁹ and Law 3917/2011⁶⁰. The retention of communication data is regulated by articles 7 and 8 of Law 3917/2011 which transposed corresponding articles 7 and 8 of Directive 2006/24/EC (invalidated by the ECJ).

Article 7 of Law 3917/2011 states that:

“1. Without prejudice to the provisions on the protection of personal data and the confidentiality of communications, the following security principles shall apply to data held in accordance with the provisions hereof by providers of publicly available electronic communications services or a public communications network:

⁵⁹ Greece, Law 2225/1994 On the protection of the freedom and correspondence and communication and other provisions (*Για την προστασία της ελευθερίας και ανταπόκρισης και επικοινωνίας και άλλες διατάξεις*)(O.G. A 121/1994).

⁶⁰ Greece, Law 3917/2011 Retention of data generated or processed in connection with the provision of publicly available electronic communications services or public communications networks, the use of surveillance systems with the reception or recording of sound or image in public places and related provisions (*Διατήρηση δεδομένων που παράγονται ή υποβάλλονται σε επεξεργασία σε συνάρτηση με την παροχή διαθέσιμων στο κοινό υπηρεσιών ηλεκτρονικών επικοινωνιών ή δημόσιων δικτύων επικοινωνιών, χρήση συστημάτων επιτήρησης με τη λήψη ή καταγραφή ήχου ή εικόνας σε δημόσιους χώρους και συναφείς διατάξεις*)(O.G. A 22/2011).

(a) the retained data is of the same quality and has the same protection and security as the data contained in the network
(b) appropriate technical and organizational measures are taken to protect data against accidental or unlawful destruction or accidental loss, alteration, unauthorized storage, processing, access or disclosure
(c) appropriate technical and organizational measures are taken to ensure that only specific authorized personnel has access to the data.

2. Providers of publicly available electronic communications services or of a public communications network shall be required to establish and implement a specific security policy plan on the means, methods and measures to ensure compliance with the principles set out in paragraph 1. Implementation of this plan shall be entrusted by the provider to an authorized person designated as a data security officer. By a joint act of the Personal Data Protection Authority [Greek DPA] and the ADAE [Greek Authority Ensuring the Privacy of Communications], issued within three months from the entry into force of this law shall determine any matter relating to the procedure and the manner of application of the provisions of this Article.”

Article 8 of Law 3917/2011 states that:

“1. A provider of publicly available electronic communications services or a public communications network shall be required to retain the data referred to in Article 5 in such a way as to enable it to process it electronically and transmit it no later than five working days after the notification ordering access to the data issued by the competent authority as defined in paragraphs 4, 5 and 6 of Article 4 of Law 2225/1994. The above data shall be transmitted in accordance with the procedure set out in Article 4 hereof.

2. A regulation of the ADAE [Greek Authority Ensuring the Privacy of Communications], issued within three months from the entry into force of this Law, shall determine any matter relating to the specific safety principles, the procedure and the manner of application of the provisions of paragraph 1.”

Law 2225/1994 has been recently amended by the following:

- Article 15 of Law 4267/2014, (O.G. A 137), which was replaced by article fourth of Law 4411/2016, (O.G. A 142/3-8-2016), which lists the crimes that fall under an exception to the rule of confidentiality of communications and thus permit access to the relevant data during their investigation.
- Article 11 para.2 of Law 4416/2016, (O.G. A 160/6-9-2016) which added more crimes which fall under an exception to confidentiality and allow access to private data during their investigation.
- Article 52 para. 2 of Law 4481/2017, (O.G. A 100/20-7-2017) added an exception for crimes related to the violation of intellectual property perpetrated online, thus allowing access to private data.
- Article third of Law 4411/2016 (O.G. A 142/3-8-2016) which introduced a penalty for public servants who announce to third parties the ‘lifting’ of confidentiality (*άρση απορρήτου*)
- Paragraph 2 of Article 3 of Law 2225/1994 was replaced by Article 25 of Law 4531/2018 (O.G. A 62/2018) and states that an application to lift the confidentiality of communications shall be lodged by the requesting authority with the Prosecutor of Appeals who has jurisdiction. The competent prosecutor decides within twenty-four (24) hours to remove or not the confidentiality with an order containing a legal justification. If, at the discretion of the requesting authority, special circumstances of national security require that the particulars be omitted or concise, a specific reference shall be made to the provision invoked.

Law 3917/2011 has recently been amended by the following:

- Article 96 of Law 4139/2013, (O.G. A 74/20-3-2013), which states that the data produced or processed under the applicable legislation shall be stored without undue delay for the purposes of the law in physical means which are exclusively within the boundaries of the Greek Territory within which they are kept for 12 months from the date of the communication.

Chapter 6. Rights of the child

1. Procedural safeguards for children who are suspects in criminal proceedings

Legislative changes	<p>Ministerial Decision 50713/1-8-2016⁶¹ authorised a special preparatory committee to carry out the drafting of a legal document for the introduction of Directive 2016/800 on procedural safeguards for children. The Decision has been amended a couple of times, with the latest (Ministerial Decision 44666/2018⁶²) extending the duration of their work till December 31, 2018. So far a draft law for the introduction of the Directive into the Greek legal order has not been published in 2019.</p> <p>In any case,⁶³ Police actions are governed by the principle of legality (Articles 103 (1) and 120 (2) of the Hellenic Constitution), as well as the recognition of individual and social rights (Article 4 of the Hellenic Constitution) and the Code of Ethics for the Police Officer (Presidential Decree 254/2004).</p> <p>Finally, PD. 141/1991,⁶⁴ "Bodies and Service Responsibilities of the Ministry of Public Order and Services Organization Issues", first adopted in 1991 and applied till this day, includes specific provisions on the behaviour of police officers when minors are involved and in particular:</p> <ol style="list-style-type: none">i. During any contact with minors, they should show affection and understanding and should avoid any action that can humiliate them and leave them with negative psychological experiences concerning the Police (Article 97 et seq.).ii. Minors should be brought into custody in exceptional circumstances and for the absolutely necessary time when he or she is deprived of evidence of identity, or because of his place, time, circumstances and behaviour, creates suspicions of criminal activity (Article 74 (15)). Also, if an offense is committed by a minor the Greek Police may invite or bring before the court for trial only those individuals who are seriously suspected of being involved in the commission of the crime (Article 95 (1)),iii. It is imperative that the officers carrying out the arrests of minors adhere to specific rules, treat them with courtesy and respect for their honour, refrain from resorting to violence and not to bind them in restraints unless they resist or are suspected of fleeing (96 paragraphs 4, 97 para. 1, 119, d and 120 of the presidential decree, in conjunction with Article 278 of the Greek Criminal Procedure Code and article 77 paragraph 1 of Law 2776/99 "Correctional Code")iv. Minors are allowed to board police cars only following the order of the Director or Commander of the Competent Police Office when
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⁶¹ Greece, Ministerial Decision 50713/1-8-2016 (*Υπουργική Απόφαση 50713/1-8-2016*)(O.G. B 2524/16-08-2016).

⁶² Greece, Ministerial Decision 44666/2018 (*Υπουργική Απόφαση 44666/2018*)(O.G. B 2937/20-07-2018).

⁶³ Information was provided by the Hellenic Police through its 03-10-2019 communication.

⁶⁴ Greece, Presidential Decree 141/1991 on the Duties of bodies and service activities of the staff of the Ministry of Public Order and issues of Services organisation (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*)(O.G. A 51/1991).

	<p>they are surrendered, transferred, or placed under Protective Custody (Art. 77, 97 and 118).</p> <p>For any particular issue arising under the aforementioned procedures, the Minors' Prosecutor who is responsible for juvenile cases is informed and the further handling of the case is carried out under his / her orders - instructions and supervision. Usually, for minor offenses, given the relevant provision of paragraph 4 of article 242 of the Criminal Procedure Code (Offenses committed by minors are not prosecuted through the fast-track procedures – αυτόφωρα εγκλήματα), the juvenile offender who has been arrested by order of the competent Prosecutor is not brought before him/her but is released and delivered to his or her parent or guardian and in case of their absence, through the National Centre for Social Solidarity (EKKA), to a housing structure of the Child Protection System which is appointed to accommodate the minor.</p>
<p>Policy developments</p>	<p>Concerning the previous legislative framework, a specific training guide has not been drafted, but it is the subject of the training curriculum of police officers, training seminars at the Police Academy Schools, and also in informative lectures.⁶⁵ The protection of minors is a matter of great importance and one of the main priorities of the Hellenic Police. This concern is also reflected in the Anti-Corruption Policy Program (2014-2019), which includes specific actions for the protection of minors with the aim of preventing them from committing delinquent activities and protecting them against the possibility of their victimization.</p> <p>On June 25, 2019 the Prosecutor's Office of the Supreme Court (<i>Areios Pagos</i>) issued Circular No. 7/2019⁶⁶ addressed to all Greek Prosecutors and containing clarifications for the application of the remedial measure of reconciliation when the suspect is a child (under Article 122 of the Greek Criminal Code).</p>
<p>Other measures or initiatives</p>	<p><i>Concerning Corrective/Reform Measures addressed to minor offenders:</i> The relevant legislative framework in force is Law 4322/2015.⁶⁷ According to the explanatory report of Law 4322/2015, Article 2 of the Law seeks to regulate various issues concerning the minimization of the incarceration of minors. The law includes a series of arrangements for minors aimed at minimizing custodial sentences and enhancing education and assistance measures. The duration of the confinement in a special youth detention facility was decreased and enforced only in exceptional cases, for offenses punished with life imprisonment. At the same time, the age threshold for criminal liability was lifted and the possibilities offered by the law for imposing educational and training reform measures at all stages of the criminal proceedings are strengthened.</p>

⁶⁵ Information was provided by the Hellenic Police through its 03-10-2019 communication.

⁶⁶ Greece, Prosecutor's Office of the Supreme Court, Circular No. 7/2019, 25-6-2019, available in Greek at: <https://www.eisap.gr/sites/default/files/circulars/%CE%95%CE%B3%CE%BA.%207-19.pdf>, last accessed on 27-01-2020.

⁶⁷ Greece, Law 4322/2015 "Reform of criminal provisions, abolition of C-type detention facilities and other provisions"(Μεταρρυθμίσεις ποινικών διατάξεων, κατάργηση των καταστημάτων κράτησης Γ' τύπου και άλλες διατάξεις)(O.G. A 42/27-04-2015).

2. Legal and policy measures or initiatives developed about child internet safety

Since the adoption of Presidential Decree 178/2014⁶⁸ on the establishment of the Department of Electronic Crime within the Hellenic Police, a special unit for addressing online bullying, hate speech and radicalization has been operating till this day. The Department of Online Child Protection and Digital Investigation (*Διεύθυνση Διαδικτυακής Προστασίας Ανηλίκων και Ψηφιακής Διερεύνησης*) is responsible for investigating cases of cyber bullying and racist or xenophobic hate online content, as well as participation in suicide cases and suicide intent or expressions of cases of disappearance online.⁶⁹ The Department of Electronic Crime has also set up an online platform ‘Cyberkid’ with the main purpose of promoting the positive aspects of the internet, such as having access to useful information and entertainment.⁷⁰ It also aims to inform the general public of possible dangers hiding on the Internet. The platform is available also as a downloadable application.

On the other hand, the Hellenic Safe Internet Centre started operating in July 2016 under the auspices of the Institute of Technology and Research and more specifically the Institute of Informatics (which is monitored by the General Secretariat of Research and Technology – ΓΓΕΤ).⁷¹ It is the official representative in Greece for the INSAFE / INHOPE Pan-European Agencies outlining the European strategy for a secure and quality internet and the recognized representative of Greece for the European Commission's Expert Group on Safer Internet for Children.

The Hellenic Safe Internet Centre provides information, assistance and support to young and older internet users by developing three distinct actions:

- Through the website SaferInternet4Kids.gr one can find and extract material related to the safe use of the Internet and the use of social networks that can in turn inform interactive children and young people of all ages. This information portal is intended for both parents and teachers as well as adolescents and children and includes appropriate multimedia material.
- Through the “Help Line” (available by phone at 210-6007686 and via www.help-line.gr), specialist psychologists provide support and advice on specialized issues related to overwork, online bullying, exposure to inappropriate content and other concerns regarding the use of the Internet, mobile phones and Internet games at <http://www.help-line.gr>.
- And through the SafeLine Hotline (<http://www.safeline.gr/>), it receives complaints of child abuse and illegal use of the Internet and cooperates with both the Greek police and INTERPOL through the European organization INHOPE. SafeLine is therefore a piece of a great puzzle, as combating illegal content on the Internet is a global issue, not limited by national borders.

⁶⁸ Greece, PD 178/2014 ‘Organization of Hellenic Police Services’ (*Οργάνωση Υπηρεσιών Ελληνικής Αστυνομίας*)(O.G. A 281/31-12-2014).

⁶⁹ Greece, Department of Cyber Crime, Cyberkid Platform, Information on the Department available at: <http://www.cyberkid.gov.gr/en/send-departments-staff/>, last accessed on 27-01-2020.

⁷⁰ Greece, Department of Cyber Crime, The platform Cyberkid is available at: <http://www.cyberkid.gov.gr/en/cyberkid/%CE%B3%CE%B5%CE%BD%CE%B9%CE%BA%CE%AC/>, last accessed on 27-01-2020.

⁷¹The official website of the Hellenic Safe Internet Center is available in Greek at: <https://saferinternet4kids.gr/>, last accessed on 27-01-2020.

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

In 2019, there were legislative and policy measures adopted at a national level within the scope of the Victim's Rights Directive.

Initially, Part 4 of Law 4478/2017⁷² introduced the Victims' Rights Directive (Directive 29/2012/EU) into the Greek legal order. The legal instrument entered into force on the 23rd of June, 2017. The purpose of the law is to ensure that victims of crime are properly informed, supported and protected while participating in criminal proceedings. The rights established apply to all victims without discrimination, irrespective of their nationality or ethnicity and residence status. If the victim of a crime is a minor, a primary criterion in the application of this law is the 'best interest' of the minor victim, which is assessed on an individual basis. Every minor victim shall be approached with sensitivity, taking due account of his/her age, degree of maturity, opinions, needs and concerns, without any discrimination against him/her or his/her parents or legal representatives.

Law 4478/2017 introduces safeguards in relation to the participation of victims in criminal proceedings:

- Article 63 on the Right to safeguards in the context of restorative justice services states that in order to protect the victim from secondary and recurring victimization and intimidation, during the provision of possible remedial services, where these are provided by more specific provisions: a) Remedial measures shall be offered by personnel trained to recognize the effects of the offer on the victim and assesses his/her particular needs. The victim is provided with information on where he or she can access independent support and advice. The victim decides whether to accept or reject the offer after at least three (3) weeks from the date of the offer, in order to secure his free and informed consent, which may be revoked at any time. (b) Without prejudice to the competence and functional and personal independence of the competent judicial and prosecutorial authorities, restorative justice procedures shall only apply if they are in the victim's interest and the measures are intended to remedy the damage suffered by the victim by the commission of the offense and avoid causing further damage. (c) The offender must have acknowledged the essential facts of the case.
- Article 64 on Rights of victims resident in another Member State states that where the victim resides in a Member State of the European Union other than that of the commission of the offense: (a) he/she shall be required to testify immediately after the crime has been reported; and (b) the provisions of Article 233 (1) shall apply accordingly the procedure for the use of communication technology, such as teleconferencing, telephone or the Internet. When the victim resides in the country and the crime was committed in another Member State of the European Union, he / she may submit his / her

⁷² 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).

criminal complaint to the Prosecutor of his / her place of residence who, if the Greek criminal courts have no jurisdiction, shall transmit it without undue delay to the competent judicial authority of the Member State concerned, through the Office of the Appeals Prosecutor.

On October 30, 2019 articles of Law 4478/2017 were amended by Article 164 of Law 4635/2019.⁷³ According to this Article, paragraphs 1 and 2 of Article 56 of Law 4478/2017 were replaced in order to ensure that during any communication with the victim, the Police or other competent authority shall take into account the victim's personal characteristics, in particular, age, maturity, mental and intellectual abilities, educational level, language proficiency, any hearing or vision or disability, as well as a strong emotional burden which may affect its ability to understand or be understood. To this end, a rights guide written in the most frequently spoken languages, as well as Braille, should by law be available.

Moreover, Article 59 of Law 4478/2017 was supplemented with a provision establishing a victim's right to receive information when deciding whether to request a review of the non-prosecution decision in accordance with the provisions of the Code of Criminal Procedure.

Article 63A was added to Law 4478/2017 concerning the return of assets (Article 15 of Directive 2012/29 / EU). The new provision states that assets seized in criminal proceedings and deemed to be attributable to victims shall be returned to them without delay, in accordance with the provisions of the Code of Criminal Procedure.

Finally, Article 65 of Law 4478/2017 was amended in order to include a provision which extends specific laws aimed to protect victims from secondary and recurring victimization and intimidation, from the risks of mental, emotional or psychological harm, and for the protection of the dignity of victims during their examination or testimony, as well as the procedures for the physical protection of victims to their relatives.

Finally, it should be added that in June 2019, a Ministerial Decision (No. 7320/2019⁷⁴) was issued regarding the regulation of issues concerning the operation of the 'House for Children' (*Σπίτι του Παιδιού*) and the Independent Children Protection Offices. The Decision also included a Structured Testing Protocol for Child Victims as witnesses. This Decision lays down the necessary details for the process of assessing the perceived ability and mental status of minor victims, for designing the appropriate conditions and premises for their examination and for recording their testimony, for the manner and method used by the Independent Juvenile Protection Offices when they provide assistance to the pre-trial, investigative, prosecuting and judicial authorities for the examination of child victims as well as any other details necessary for the implementation of Article 74 para. 1 of Law 4478/2017.

2. Violence against women

The new Greek Criminal Code was ratified by Law 4619/2019⁷⁵ and came into force on 1 July 2019, replacing the previous Criminal Code of the year 1950. In its Article 336, it reformed, *inter alia*, the legal framework on rape bringing the Greek legislation in line with Article 36 of the Istanbul Convention. Article 336 of the new CC⁷⁶ provides that “1. *Anyone who by physical*

⁷³ Greece, Law 4635/2019 Invest in Greece and other provisions (*Επενδύω στην Ελλάδα και άλλες διατάξεις*) (O.G. A 167/30-10-2019).

⁷⁴ Greece, Ministerial Decision No. 7320/2019 (YA 7320/2019)(O.G. B' 2238/10-06-2019).

⁷⁵ Greece, Law 4619/2019 New Criminal Code (*Ν. 4619/2019, Νέος Ποινικός Κώδικας*)(O.G. A' 95/11-6-2019).

⁷⁶ Greece, Law 4619/2019 New Criminal Code (*Ν. 4619/2019, Νέος Ποινικός Κώδικας*)(O.G. A' 95/11-6-2019).

violence or by threat of serious and direct danger for the life or the physical integrity forces another person to engage in or to tolerate acts of a sexual nature is punished with imprisonment. 2. Act of a sexual nature is deemed the intercourse and acts of the same gravity. 3. If the act of a sexual nature was committed by two or more perpetrators who acted jointly, a punishment of at least 10 years is imposed. 4. If any of the acts of the previous paragraphs resulted in the death of the victim, a life-sentence or provisional imprisonment of at least ten years is imposed. 5. Anyone who, except the case of paragraph 1, engage in an act of a sexual nature without the consent of the victim, is punished with imprisonment of up to ten years.” On the other hand, Article 343 of the new CC⁷⁷ stipulates: “With imprisonment of at least two years and a fine is imposed on: (a) anyone who forces another person to engage in or tolerate an act of a sexual nature by abusing the relationship of employment dependency of any nature; (b) anyone who forces another person to engage in or tolerate an act of a sexual nature, taking advantage of his/her urgent need to work; (c) the personnel appointed or employed in any way in prisons or other holding cells, in police stations, in universities, pedagogic foundations, hospitals, clinics or any kind of therapeutic organizations or in other foundations aimed to nurse persons who need help, if, by the abuse of their post, they force to an act of a sexual nature, a person who has been sent to these facilities.” The prior version of Article 343 of the old CC punished only public servants who force a subordinate to such acts with imprisonment from one to five years. Finally, through Article 312 CC,⁷⁸ the legal framework on domestic violence was reformed bringing the Greek legislation in line with the Istanbul Convention. Article 312 CC on ‘Physical harm against weak persons’ covers domestic violence by providing heavier punishment for all kinds of physical harm (simple, dangerous, heavy and lethal) against a spouse during the marriage or against a partner during the partnership.

In December 2019, news reports highlighted the decision of an Appeals Court of East Crete in a rape case.⁷⁹ The victim, a young man, was sexually assaulted by a man as punishment for a personal dispute. In the first instance, the accused was sentenced to five years and ten months imprisonment for rape, assault and illegal detention. The appeals decision however, was heavily criticized by the Media because the accused’s sentence was significantly reduced based on the assumption that there was no rape. According to the Court, the accused committed the sexual assault of the victim solely with the purpose of punishing and humiliating the victim and not for his personal satisfaction. This Decision not only sets a problematic precedent but also constitutes a gross misinterpretation of Article 336 CC as displayed above, since the satisfaction of the perpetrator is not mentioned as a criterion for determining whether the criminal act is rape.

According to Article 4(2) of Presidential Decree 81/2019 (O.G. A’ 119/8-7-2019) the General Secretariat for Gender Equality (hereinafter GSGE) and the Research Centre for Gender Equality (KETHI) were transferred from the Ministry of Interior to the Ministry of Labour and Social Affairs. The transfer of the GSGE to the Ministry of Labour has been strongly criticised by the

⁷⁷ Greece, Law 4619/2019 New Criminal Code (N. 4619/2019, Νέος Ποινικός Κώδικας)(O.G. A’ 95/11-6-2019).

⁷⁸ Greece, Law 4619/2019 New Criminal Code (N. 4619/2019, Νέος Ποινικός Κώδικας)(O.G. A’ 95/11-6-2019).

⁷⁹ See for instance: Efsyn.gr, Lenient Sentence for an extremely violent rape, 27-12-2019, (Ποινή-χάδι για βιασμό φοβερής αγριότητας), available in Greek at: https://www.efsyn.gr/efkriti/koinonia/224696_poini-hadi-gia-biasmo-foberis-agriotitas, last accessed on 27-1-2020; HuffPost.gr, “Soft landing” for the father that sexually abused an 18 year old for dating his daughter, 24-12-2019 (Στα «μαλακά» πατέρας που κακοποίησε σεξουαλικά 18χρονο επειδή έβγαине με την κόρη του), available in Greek at: https://www.huffingtonpost.gr/entry/sta-malaka-patera-poe-kakopoiесе-sexoalika-18chronο-epeide-εvyaine-me-ten-kore-toe_gr_5e01f936e4b0b2520d103e33, last accessed on 27-1-2020; TVXS.gr, In Greece if the perpetrator is not satisfied it is not rape!, 24-12-2019, (Στην Ελλάδα, αν δεν ικανοποιείται ο δράστης δεν είναι βιασμός!), available in Greek at: <https://tvxs.gr/news/ellada/stin-ellada-den-ikanopoiithei-o-drastis-den-einai-biasmos>, available in Greek at: <https://tvxs.gr/news/ellada/stin-ellada-den-ikanopoiithei-o-drastis-den-einai-biasmos>, last accessed on 27-1-2020.

historic women's NGO Greek League for Women's Rights,⁸⁰ the NGO Research and Action Centre for Peace⁸¹ and the Trade Union of GSGE employees.⁸² Among others, the GSCE is responsible for coordinating, implementing, monitoring and evaluating policies and measures for preventing and eliminating any form of violence covered by the Istanbul Convention. It plays a leading and supervisory role in the implementation of gender mainstreaming in public budgeting and in the social media. Criticism against its transferral highlighted that the GSCE could not effectively carry out the implementation of gender mainstreaming under the Ministry of Labour because its activities would only be limited to the field of employment.

In any case, the former GSGE – now named General Secretariat of Family Policy and Gender Equality- participated in the current period (2018-2020) as a partner in two European co-financed programs for female refugees (funded by the REC):⁸³

(a) The "SURVIVOR" program: "Strengthening services for refugees and migrant victims of gender-based violence" co-funded by the European Union under the Community Program "Rights, Equality and Citizenship Program REC-RDAP-GBV- AG-2017)", with partners KETHI, the Centre for Women's Studies and Research-DOTIMA and the International Rescue Committee (IRC Hellas).

This project started on September 3, 2018, is ongoing and will be completed on September 2, 2020.

b) The "EMPOWER" program with partners at the Centre for European Constitutional Law - Tsatsos Foundation and the Doctors of the World. The program is aimed at "empowering professional and refugee communities to trace, detect, record and prevent sexual and sexist violence in Greece". The project has duration of two years and started on 01-01-2019 and is ongoing.

More specifically, as part of the EMPOWER_REF project, during 2019 the following actions have been implemented⁸⁴:

- Mapping the methods for identifying, managing and preventing gender-based violence in the refugee population by "front-line" professionals. The purpose of this study is to map and capture the expertise of professionals working in Asylum Reception Structures as well as in the ESTIA Housing Program on issues related to sexual and gender-based violence, to record their ability to identify, detect and manage incidents of sexual and gender-based violence as well as to extend their knowledge on available preventive measures. In this context, a total of 32 semi-structured interviews were conducted with front-

⁸⁰ The letter of protest of the Greek League for Women's Rights can be found in Greek at: <http://leagueforwomenrights.gr/>, last accessed on 27-01-2020.

⁸¹ The letter of protest of the Greek Research and Action Centre for Peace can be found in Greek at: <https://www.reader.gr/news/politiki/299157/entones-antidraseis-gia-tin-metafora-tis-ggif-kai-toy-kethi-sto-ypovrgeio>, last accessed on 27-01-2020.

⁸² The letter of protest of the Greek Trade Union of GSGE employees can be found in Greek at: http://sumvouleutikothivas.blogspot.com/2019/07/blog-post_46.html, last accessed on 27-01-2020.

⁸³ Information based on the communication of 26-09-2019 by the General Secretariat of Family Policy and Gender Equality.

⁸⁴ Greece, General Secretariat of Family Policy and Gender Equality, Announcement of 02-12-2019, available in Greek at: http://www.isotita.gr/%ce%ad%cf%81%ce%b3%ce%bf-empower_ref/, last accessed on 27-01-2020.

line professionals from both the hosting structures and the ESTIA Program in Greek municipalities and regions.⁸⁵

- The launching of the 'EMPOWER_REF Project' website at <https://empowerref.gr/>.

For the future, the EMPOWER_REF project is expected to shape the terms of a more solid communication between specialized personnel working with refugees (medical staff, psychologists, social workers, lawyers) as well as responding to emerging refugee needs.

Finally, the Secretariat implemented from April 2018 to June 2019, the project entitled "DESIGN AND DEVELOPMENT OF PUBLIC ACTIONS (INFORMATION - Awareness) ON CENTRAL AND REGIONAL LEVEL". As part of the project, the Pan-Hellenic Campaign with the slogan "You are not alone, you are not alone" was designed and successfully implemented to inform and raise the awareness of the society on the issue of gender-based violence. The campaign included the publication and distribution of newsletters, television and radio spots that were broadcasted as social messages by national television stations, publicity ads, theatrical events, 3-day film festivals, meetings, etc.

⁸⁵ The study conducted within the EMPOWER project is available in English at: <https://empowerref.gr/en/wp2/>, last accessed on 27-01-2020.

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

1. CRPD policy & legal developments

Law 4604/2019⁸⁶ addressed significant obstacles in the Greek Nationality acquisition procedure for persons with disability and the elderly. Until recently, there was no provision in the nationality law for persons with intellectual disability or psychiatric problems; as a result, such persons were indirectly excluded from naturalisation procedures which require an interview and Greek citizenship acquisition procedures by way of birth and studies in Greece.

These enacted provisions (Articles 31 and 32) facilitated the acquisition of Greek nationality through favourable terms for the following categories of persons with disabilities:

- Persons with Disability who are children of legally-residing aliens, have been born or raised in Greece, with a certified disability of 80% and were unable to attend a Greek school, including special-education schools (Article 31).
- Adult aliens who have a certified mental or physical disability of 67% and above and as a result cannot be included in the examination procedure for meeting the Greek society integration criteria (Greek language knowledge and naturalisation test, Article 32 para. 4).

Unfortunately, a legislative proposal to abolish Article 31 of Law 4604/2019 was included in a draft law of the Ministry of Interior, which was published for public consultation on November 18, 2019.⁸⁷ The consultation ended on November 25, 2019 and so far, the relevant draft law has not been discussed before the Greek Parliament.

Law 4591/2019⁸⁸, the implementation of which is pending, transposed Directive 2016/2102/EU on the accessibility of the websites and mobile applications of public sector bodies. Access to the digital environment is a necessary prerequisite for receiving information, participating and asserting rights and benefits. However, in practice this is not guaranteed. According the Greek Ombudsman's 2019 Report in the Implementation of the CRPD it is indicative that only a small number of websites are fully accessible to disabled persons.⁸⁹

According to the Ombudsman's 2019 Report on the Implementation of the CRPD,⁹⁰ women with disabilities constitute a particularly vulnerable population group. The gender aspect in

⁸⁶ Greece, Law 4604/2019 on the Promotion of substantial gender equality, prevention and combating gender violence – Provisions for the awarding of Nationality – Provisions related to the elections in the Local Administration – Other provisions (*Νόμος 4604/2019, Προώθηση της ουσιαστικής ισότητας των φύλων, πρόληψη και καταπολέμηση της έμφυλης βίας - Ρυθμίσεις για την απονομή Ιθαγένειας - Διατάξεις σχετικές με τις εκλογές στην Τοπική Αυτοδιοίκηση -Λοιπές διατάξεις*), (O.G. A' 50/26-03-2019).

⁸⁷ Greece, Public Consultation on the Draft Law 'Regulation of Issues of the Ministry of Interior' (*Νομοσχέδιο 'Ρυθμίσεις Θεμάτων Υπουργείου Εσωτερικών'*), available in Greek at: <http://www.opengov.gr/types/?p=7149>, last accessed on 27-01-2020.

⁸⁸ Greece, Law 4591/2019 Incorporation into Greek legislation of: (a) Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on accessibility of websites and mobile applications of public sector organizations; and (b) Article 1 of the Council Directive (EU) 2017/2455 of 5 December 2017. (*Ενσωμάτωση στην ελληνική νομοθεσία: α) της Οδηγίας (ΕΕ) 2016/2102 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου, της 26ης Οκτωβρίου 2016, για την προσβασιμότητα των ιστότοπων και των εφαρμογών για φορητές συσκευές των οργανισμών του δημόσιου τομέα και β) του άρθρου 1 της Οδηγίας (ΕΕ) 2017/2455 του Συμβουλίου της 5ης Δεκεμβρίου 2017*)(O.G. A' 19/12-02-2019).

⁸⁹ Greek Ombudsman, 2019 Report on the Implementation of of the UN Convention on the rights of persons with disabilities, p. 9, available at: https://www.synigoros.gr/resources/ohe_en.pdf, last accessed on 27-01-2020.

⁹⁰ *Ibid.*

public policies constitutes a necessity that must be taken into consideration in combination with other properties or situations that propagate vulnerability e.g. women or girls with disabilities, female immigrants with disabilities, Roma women with disabilities, etc.

With Law 4604/2019 on substantive gender equality, the gender aspect is included in the factors taken into consideration during the design and materialisation of public policies and clearly concern policies regarding disability. However, implementation of this law is pending. It should be noted that multiple discriminations constitute a type of discrimination that is included in the definitions of Law 4443/2016; however, protection against multiple discriminations is restricted to work and employment, and it is not accompanied by provisions for special sanctions.

Finally, in reference to children with disabilities, the Ombudsman stated that to a certain extent, national legislation and applicable policies protect children with disabilities, especially in terms of the benefit/welfare and educational policy; however, without corresponding to the full extent and content of their vested rights in practice. The arduous implementation and ultimately the non-effective protection of the rights of children with disabilities are linked to a number of factors. The lack of self-advocacy, difficulties in claiming rights via their representatives, in combination with stereotypes and prejudices that are diffused in Greek society, negatively contribute towards the end result of the level of protection provided. The lack of a mental health and social protection services framework in general (mainstream services), particularly at prevention level, with competent and suitable personnel, and of specialised services and programmes in the community especially for children with severe disabilities and their families, reduces the children's social protection, making them vulnerable to neglect, abandonment and institutionalisation.

Difficulties with the acceptance of children with disabilities at municipal nurseries are a regular occurrence, according to the complaints addressed to the Ombudsman. The pre-existing legislation was amended in 2017⁹¹ further to proposals made by the Ombudsman; however, in practice, the problems remain. The lack of competent human resources at the Municipalities' nurseries - child care centres constitute the usual excuse for the non- acceptance of children with disabilities or chronic conditions. Failure to promptly enrol these children in nurseries - child care centres hinders their early inclusion in the learning process together with their peers, withholds the necessary support of working parents, and drastically increases the prerequisites for future exclusion.

2. CRPD monitoring at national level

a) 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.⁹² 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

⁹¹ Greece, Circular No. 41087/2017 (*Εγκύκλιος υπ' αρ. 41087/2017*), (O.G. B 4249/05-12-2017).

⁹² Greek Ombudsman, *2019 Report on the Implementation of of the UN Convention on the rights of persons with disabilities*, available at: https://www.synigoros.gr/resources/ohe_en.pdf, last accessed on 27-01-2020.

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 and ill treatment. It also took into consideration the observations of the ESAMEA (the National Confederation of Persons with Disabilities/Εθνική Συνομοσπονδία Ατόμων με Αναπηρία), the announcements of the Government's coordinating Mechanism, as well as the list of issues that was created by the Committee. The Ombudsman's observations refer to Articles 1-4,5,6,7,9,11,12,13,14,15,18,19,20,21,22, 24,25,27,28 of the Convention.

b) Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
EL	General Secretariat for Transparency and Human Rights at the Ministry of Justice, Transparency and Human Rights (Γενική Γραμματεία Διαφάνειας και Ανθρωπίνων Δικαιωμάτων του Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων)	Minister of State (Υπουργός Επικρατείας)	Ombudsman (Συνήγορος του Πολίτη)

Annex 1 – Promising Practices

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.</p>
Title (original language)	E.T.H.o.S - Εξάλειψη τρανσφοβικών, ομοφοβικών και αμφιφοβικών στερεοτύπων μέσω της καλύτερης εκπροσώπησης στα μέσα ενημέρωσης
Title (EN)	E.T.H.o.S - Eliminating Transphobic, Homophobic and biphobic Stereotypes through better media representation
Organisation (original language)	<p>The partnership consists of 4 partners from 3 EU countries, considered as less inclusive for LGBT+ populations, based on the EU LGBT+ Survey from FRA</p> <p>For Greece the Organisation are the NGOs: KMOP - Social Action and Innovation Center & Colour Youth Athens LGBTQ Youth Community</p>
Organisation (EN)	<p>The partnership consists of 4 partners from 3 EU countries, considered as less inclusive for LGBT+ populations, based on the EU LGBT+ Survey from FRA</p> <p>For Greece the Organisation are the NGOs: KMOP - Social Action and Innovation Center & Colour Youth Athens LGBTQ Youth Community</p>
Government / Civil society	Civil Society
Funding body	Funded by the European Union's Rights, Equality and Citizenship Programme 2014-2020
Reference (incl. url, where available)	<p>The official website for the European project is available at: https://www.ethos-project.eu/ and the national partner's website: https://www.colouryouth.gr/en/projects/e-t-ho-s/, last accessed on 27-01-2020.</p>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2018 (ongoing)
Type of initiative	Educate and raise awareness among journalists and media students about the phenomenon of Homophobia, Transphobia and Biphobia (HTB) in the media and in particular about the direct or indirect (re)production of harmful stereotypes against LGBT.
Main target group	In view of the important role of the media in countering negative stereotypes against LGBT people and preventing and combatting discrimination based on sexual orientation, the project will target: Journalists and media professionals/ staff, Media students and Policy and decision makers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The overall objective of the E.T.H.o.S project is to educate and raise awareness among journalists and media students about the phenomenon of Homophobia, Transphobia and Biphobia (HTB) in the media and in particular about the direct or indirect (re)production of harmful stereotypes against LGBT. This will ultimately serve the overarching goal of E.T.H.o.S. to combat discrimination against LGBT in Greece,

	<p>Lithuania and Croatia by enlisting media power for their benefit while challenging misrepresentation. To achieve this objective, four types of activities are planned:</p> <ul style="list-style-type: none"> - Development of a LGBT Media Reporting Guide for media professionals and students - Training for journalists and media students in the three participating countries: 12 (3x4) workshops for journalists/media staff (20-25 participants per workshop & 12 (3x4) workshops for media students (20-25) participants per workshops - Advocacy and lobbying on LGBT rights and the elimination of discrimination against them raising on Homophobia, Transphobia and Biphobia (HTB) Media discourse
Highlight any element of the actions that is transferable (max. 500 chars)	<p>In June 2019 the Greek Partners of the Project published a guide for media professionals: Media reporting and reference guide on LGBT issues, available in both English and Greek at: https://www.colouryouth.gr/en/projects/e-t-ho-s/ , last accessed on 07-10-2019. The guide will offer media students and media professionals the ability to refer to the LGBT community and the different kinds of challenges that they face in a non-discriminatory and non-abusive way, rendering them valuable allies in promoting equality and human rights.</p>
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>In view of the importance of the role of the media in countering negative stereotypes against LGBT people and preventing and combating discrimination based on sexual orientation, gender identity and sex characteristics, the project E.T.Ho.S.: Eliminating Transphobic, Homophobic and Biphobic Stereotypes through better Media Representation, not only challenges long-lasting stereotypes and prejudices against LGBT people but also offers media professionals and media students the tools with which they can better cover and portray the LGBT community.</p>
Give reasons why you consider the practice as having concrete measurable impact	<p>The project focuses on building the capacities of media professionals and media students in discussing and presenting the needs of the LGBT community using appropriate language and avoiding misrepresentation. Overall, the guide that was published serves as an invaluable asset for media professionals and media students who choose to be capacitated through E.T.Ho.S. in bringing LGBT issues to the surface, increasing visibility should it already exist and promoting proper visibility of the LGBT community and the issues they face by stopping the use of abusive, stereotypical and discriminatory language. Critically, it is not only a tool for active or future media professionals but also for civil society and the general public, contributing to a holistic approach of the matter, promoting in this way respect for human rights and social cohesion.</p>
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	<p>A common and widespread phenomenon of discriminatory behaviour targeting the LGBT community is the media (re)production of negative stereotypes and perceptions about LGBT people and the misrepresentation of their behaviour and life, witnessed in the majority of EU Members. The LGBT community is in need of proper visibility, so as to promote respect and understanding of diversity in terms of sexual orientation, gender identity and sex characteristics. The media can be used in a positive, educational and awareness raising, way to change public opinion in favour of LGBT people and equality of human rights.</p>
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the	N/A

practice.	
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	“NEw CHapter: Network of Cooperation against Hate”
Title (EN)	“NEw CHapter: Network of Cooperation against Hate”
Organisation (original language)	Youthnet Hellas
Organisation (EN)	Youthnet Hellas
Government / Civil society	Civil Society
Funding body	The project is financed by the Erasmus + Youth program of European Union and it is supported by the Youth and Lifelong Learning Foundation (Greece).
Reference (incl. url, where available)	The project is available at: https://newchapteragainsthate.wordpress.com/ , last accessed on 27-01-2020.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	February 2018 – May 2019 (15 months)
Type of initiative	“NEw CHapter: Network of Cooperation against Hate” is a 15-month and 4-country (Greece, Italy, Denmark and UK) project that aims to provide space and support for cross sectoral cooperation of organizations and institutions that work with young people in formal/non formal education on combating hate speech and promote human rights education (HRE).
Main target group	youth workers, teacher s, trainers as well as schools, municipalities, youth NGOs, local community, teacher s associations, youth training centers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	“NEw CHapter: Network of Cooperation against Hate” is a 15-month and 4-country (Greece, Italy, Denmark and UK) project that aims to provide space and support for cross sectoral cooperation of organizations and institutions that work with young people in formal/non formal education on combating hate speech and promote human rights education (HRE). More specifically, NEw CHapter will bring together Youth NGOs, an international network, 2 schools, a counseling body and a municipality in order to strengthen their capacities in international cooperation and develop competences on identifying and combating the different forms of hate speech and discrimination and promote the human rights education. NEw Chapter’s objectives were: •to encourage and strengthen transnational cooperation among the

	<p>participating organizations and support their staff’s capacity building on how to tackle hate speech, bullying and discrimination through joint training with the use of non formal and formal education methodologies</p> <ul style="list-style-type: none"> •to explore and share experiences, tools and methods among the partners in order for both direct participants and institutions to get new insights and knowledge on HRE, and gain social, intercultural,critical thinking competences for a more inclusive education, training and youth field •to create a cross sectoral sustainable network of inclusion ambassadors that will spread the ideas of “No Hate Speech Movement” on organizational and community levels through local and online activities to reach a wider audience supporting the promotion of inclusive and peaceful societies •to generate synergies and partnerships between the participating organizations and support the exchange of effective methods, opportunities and challenges in local and European youth work in reaching out to marginalized young people and in preventing racism and intolerance among local youth
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>One of the tangible outcomes of NEw CHapter is the NEw CHapter Handbook of Good Practices . The New CHapter Handbook i s an all-in-one handbook that recorded fourteen good practices on how to combat hate speech, racism, discrimination and bullying among youth and how to reach out youngsters at risk of social exclusion. The good practices come from the seven partners of NEw CHapter:</p> <ul style="list-style-type: none"> - Youthnet Hellas (Greece) - Common Benefit Enterprise of Services of Neapolis - Sykies –KEYNS (Greece) - Centro per lo Sviluppo Creativo “Danilo Dolci” (Ital y) - Youth Social Rights Network -YSRN (Denmark) - 10th Elementar y School of Sikies (Greece) - MBM Training and Development Center (UK) - General Lyceum of Gouves (Greece) <p>The handbook is written in English language and has as target audience, youth workers, teachers, trainers as well as schools, municipalities, youth NGOs, local community, teacher s associations, youth training centers. The aim of the handbook i s to provide to the aforementioned target groups, a first bas is information regarding hate speech, human rights and human rights education as well how to combat hate speech through the good practices part of the handbook. The level of the handbook is intermediate suitable for both beginners and for audience more familiarized with the above concepts.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)</p>	<p>The participants of the project were people from each partner organization that work with youth from different sectors such as youth workers and leaders, ngo members, teachers, educators, municipal staff and policy makers. NEw CHapter had 2 transnational meetings and a staff training (28 participants, 4 per each partner organization) in Greece and local activities in each partner country.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The project had intangible results such as: participants’ increased knowledge, capacities and skills development on the themes of the project, creation of cross-sectoral network of inclusion multipliers, bridging of public-private sector with the creation of partnerships between stakeholders of youth work, education and local authorities. The tangible results of NEw</p>

	CHapter are a handbook of cross-sectoral good practices against hate speech, discrimination, violence among youth and an open-learning platform, which will be accessible from public.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	By implementing this project, one can expect to have a positive impact in a local and European level by raising awareness, and by bringing together different key stakeholders to share effective mechanisms on how to tackle the rise of hate speech, violence and discrimination between youngsters and reach out to marginalized young people.
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.	<p>A final evaluation meeting will take place on the 17th to 19th of November 2020 in Larissa, Greece. Its goals are the final evaluation and present of the results of the project. For the evaluation of the project a mix of formal and non formal education methods and the Four fields of Kirkpatrick model will be applied:</p> <p>Reaction: personal reflection from participants, i.e. on satisfaction, effect and utility of the training programme (post training reaction survey)</p> <p>Learning: Growth of knowledge, learning achievements</p> <p>Behaviour: Changes in behaviour, transfer of competencies into concrete actions/ situations (observation of teamwork behaviours)</p> <p>Results: long term lasting transfer, also in organisational and institutional terms (organizers and participants satisfaction survey)</p> <p>Both project coordinators from each partner organization will participate in this meeting. In addition, during this meeting partners will split the tasks for writing the final report and discuss and design follow up activities and future project ideas related to NEw CHapter.</p>

Thematic area	<p>ROMA INTEGRATION</p> <p>Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.</p>
	No promising practice has been identified for this thematic area.

Thematic area	Asylum, visas, migration borders and integration Please provide a promising practice on the support provided to unaccompanied children when reaching majority.
Title or short description of promising practice in original language and in English	Supported Independent Living for unaccompanied Children
Organisation (Government / Civil society) in charge of promising practise (original language/English)	METAδραση METAdrasi Civil Society
Funding body	The activity is implemented with the support of UNICEF, UNHCR and Just Cycling and funding by the European Commission, the important contribution of the Public Prosecutor for Children and METAdrasi's Guardianship Network for Unaccompanied Children, as well as with the cooperation of EKKA (National Center for Social Solidarity).
Reference (incl. url, where available)	The project is available at: https://metadrasi.org/en/pr-supported-independent-living/ , last accessed on 27-01-2020.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2018 (ongoing)
Main target group	unaccompanied children aged 16-18
Brief description (max. 1000 chars)	Given the urgent need to pursue solutions for the housing and protection of the unaccompanied children, METAdrasi's team collaborated with institutional entities and organizations in other countries, evaluated different models that have been implemented for decades throughout Europe, as well as best practices and the Greek legal framework, and initiated a groundbreaking activity, which provides a safe environment for the unaccompanied children. METAdrasi's "Supported Independent Living for unaccompanied children" offers an alternative initiative regarding care provision for unaccompanied minors aged 16 to 18, identified refugees or asylum seekers, irrelevant of nationality. The programme offers, apart from safe housing, a series of services that cover their basic needs (education, health, psychosocial development, legal aid, interpretation etc), along with a proper level of care and guardianship. Emphasis is given to setting targets, boosting self-esteem and self-preservation, developing their personalities, improving and empowering the skills developed, with the aim of enabling their smooth coming of age and integration to Greek society. The programme is framed by an interdisciplinary team, which consists of social worker, psychologist and other caretakers and offers psychosocial support with a view to the teenagers' gradual independence.
Indicate level of implementation: Local/Regional/National	National
Indicate success factors – why has the practice effectively promoted integration?	According to METAdrasi, 2017 has been the most critical year regarding the living conditions of unaccompanied children in Greece. In response, METAdrasi, after having initiated the Foster Care programme in 2016, proceeded with the implementation of a new groundbreaking activity: the "Supported Independent Living for unaccompanied children" aged 16-18. Apart from offering accommodation, this innovative activity focuses on improving and empowering the skills developed by the unaccompanied children and aims at enabling their smooth coming of age and their

	integration to Greek society. The SIL project also has two apartments where unaccompanied refugee boys have been staying. An apartment for girls was created in November 2018 in Greece.
If the initial funding of the initiative ended, how has the initiative been continued/followed-up?	There is no available data. However, METAdrasi seeks to extend the SIL project to three more apartments to support a total of 24 teenagers.
Explain, if applicable, how the practice is being reviewed and assessed.	N/A
Does the initiative apply to both asylum seekers and protection status holders – and/or support the transition from one to the other?	Y identified refugees or asylum seekers, irrelevant of nationality
Does the initiative specifically support persons in need of international protection as they turn 18? If so, which type of support is provided?	N

Thematic area	INFORMATION SOCIETY, DATA PROTECTION Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
	No promising practice has been identified for this thematic area.

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
	No promising practice has been identified for this thematic area.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
Title (original language)	SPEAK - Νομική υποστήριξη και ευαισθητοποίηση κατά της έμφυλης βίας
Title (EN)	SPEAK – Legal support and raising awareness on gender violence
Organisation (original language)	ΔΙΟΤΙΜΑ
Organisation (EN)	DIOTIMA
Government / Civil society	NGO
Funding body	Private Company

Reference (incl. url, where available)	Information on the project is available in Greek at: https://diotima.org.gr/cases/programma-dorean-nomikis-ypostirixis-kai-evaisthitopoiisis-kata-tis-emfylis-vias/ , last accessed on 27-01-2020.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Phase 1 September 2017 – July 2018 Phase 2 September 2018 – April 2019
Type of initiative	The purpose of the program is to intervene against gender-based violence in conjunction with care for women with low or no income.
Main target group	women with low or no income
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The SPEAK project: Legal Support and Awareness Raising Against Gender Violence, funded by Papastratos, continued for the period September 2018 - April 2019. The goal of the program was to intervene against gender-based violence in conjunction with care for women with low or no income.</p> <p>Actions include:</p> <ul style="list-style-type: none"> - Free legal assistance and support to women (domestic - migrant women) who have experienced gender-based violence and have a limited annual income - Continuation of the digital campaign, nationwide, entitled "Don't Skip – Don't skip Gender Violence", which aims to raise awareness and mobilize the general public towards everyday gender-based violence. <p>The first phase of the program was implemented in the period September 2017 - July 2018, including the following three actions:</p> <ul style="list-style-type: none"> - free legal assistance to women - victims of gender-based violence - the creation of open information groups, involving young men and women, with the aim of identifying incidents of gender-based violence and fostering a culture of zero tolerance - carrying out a nationwide campaign <p>For the second phase of the project, DIOTIMA carried out a digital campaign of 'Don't skip' where it also presented a glossary with internationally recognised terminology used for gender-based violence.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	- free legal assistance to women - victims of gender-based violence as displayed in the following field.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>In the ten months of the program's first phase of implementation, the DIOTIMA's Legal Service assisted 100 women. Legal support was multifaceted and included:</p> <ul style="list-style-type: none"> - legal advice on women's rights and the options available to make their own case management decisions - legal assistance (filing a lawsuit and representation in court in restraining orders, petition for divorce, divorce, custody of children, etc.) - Representation before administrative authorities (tax authorities, insurance funds, etc.)

Give reasons why you consider the practice as having concrete measurable impact	<p>As expected in cases of victims of systemic domestic violence, women of the project did not easily decide to dissolve the marriage and bring proceedings against their husbands. A number of factors that discouraged them were: keeping the family united for the sake of the children, concerns about the consequences on the spouse's occupational status (thus affecting his ability to cover child expenses), social pressure not to break up the marriage, financial dependency / insecurity, the expectation that the perpetrator could change</p> <p>In some cases of beneficiaries, the above factors have led them to postpone and withdraw from legal action. However, the fact that nowadays most women have received psychosocial support from public structures (counseling centers, shelters etc.) and other bodies along with legal assistance has proved critical to their empowerment.</p>
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The results of the projects are immediate and prioritise the needs of victims of gender violence. The practice can be transferred to victims of other crimes too.
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

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.</p>
Title (original language)	Μονάδα Προσβασιμότητας και Κοινωνικής Στήριξης για Φοιτητές με Αναπηρία και Φοιτητές Ευπαθών Κοινωνικών Ομάδων (ΕΚΟ) του Πανεπιστημίου Ιωαννίνων
Title (EN)	Unit for the Access and Social Support of Students with Disabilities and Students belonging to Vulnerable Groups, University of Ioannina
Organisation (original language)	Πανεπιστήμιο Ιωαννίνων
Organisation (EN)	University of Ioannina
Government / Civil society	Public Organisation
Funding body	EU Funding (P.A. 2014-2020)
Reference (incl. url, where available)	https://socialsupport.unit.uoi.gr/ , last accessed on 27-1-2020
Indicate the start date of the promising practice and the finishing date if it	May 2019 - ongoing

has ceased to exist	
Type of initiative	The Unit is a platform aimed to offer support, services and access to persons with disabilities and vulnerable groups which work or study at the University of Ioannina
Main target group	Students and employees at the University of Ioannina
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The Unit aims to increase the rate of early completion of studies and equitable participation in education for students at the University of Ioannina. To achieve this, a range of services are constantly being developed and redesigned, through the reforming of the existing support structures of the University of Ioannina and the creation of new ones. This provides for the provision of educational support services, the creation of accessible workstations in the University Library, the upgrading and enrichment of new facilities for the use and access to educational material for students with disabilities, the production of textbooks suitable for students with disabilities and upgrading and updating of Departmental Websites, Library Information System and University of Ioannina Services. Financial support for students with disabilities and vulnerable group students will also be provided, so that both categories can meet the requirements of their studies. Recording students' needs as well as support actions are an integral part of the unit's actions as well as liaising with other relevant stakeholders and awareness raising activities. Finally, support is given to both students and teachers in matters of how to deliver courses, carry out exams, etc. The unit has also set up a user-friendly website to assist students with disabilities.
Highlight any element of the actions that is transferable (max. 500 chars)	This practice can be easily transferrable to all areas of the educational field and are promising for the promotion of access to education.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice also led to a structural change such as improving the access to the University facilities and how the curriculum is structured to address the needs of persons with disabilities. Even a Committee for persons with disabilities was formed in order to create a body which can address every-day issues that might arise for persons with disabilities. The practice now even offers services for finding employment.
Give reasons why you consider the practice as having concrete measurable impact	The practice has been praised by organisations for the rights of persons with disabilities as well as policy makers.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The results of the project are immediate and prioritise the needs of persons with disabilities as well as offers them a platform where they can participate and submit complaints/proposals for improvement. The practice can be transferred easily to other universities as well as to other fields.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	There is an online platform for the submission of complaints/proposals for improvement, there is a questionnaire used for the evaluation of the practice and a special committee has been set up to represent students with disabilities. A special secretary has also been appointed exclusively for addressing the needs of students with disabilities.
Explain, if applicable,	Evaluation is based on the scoring offered by the students themselves.

how the practice provides for review and assessment.	There is a relevant field available online where students can fill in an evaluation sheet (at: https://socialsupport.unit.uoi.gr/?page_id=224 , last accessed on 27-1-2020).
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Annex 2 – Case law

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p>
Decision date	31-01-2019
Reference details	<p>Decision 222/2019 of the Third Section of the Greek Council of State (Συμβούλιο της Επικρατείας) available in Greek through the legal database “NOMOS” (for subscribers only) at: https://lawdb.intrasoftnet.com/nomos/nomos_frame.html, last accessed on 27-01-2020.</p>
Key facts of the case (max. 500 chars)	<p>The case concerned the examination of an appeal against the No. 1651/2016 decision of the Athens Administrative Court of Appeal, rejecting the application for annulment of a teacher’s complaint against the act of the Director of Secondary Education (Γ 966 / 24-7-2014), which found that her employment status was automatically terminated on the basis that she had reached the age of 60 years and had completed thirty-five years of genuine and retirement granting service, in accordance with Article 155 (2) of the Civil Servants’ Code. The applicant complained that the automatic termination of her employment agreement constituted a discrimination based on age, in violation of Equal Treatment Law 4443/2016. The Council of State rejected the application, holding that the introduction of a mandatory age retirement which leads to the termination of an employment contract is in line with EU equal treatment law as well as the case-law of the CJEU.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The contested Act of the Director of Secondary Education was issued pursuant to Article 155 of the Civil Servants’ Code. So the Court, seeing that this measure indeed introduced different treatment based on grounds of age (60 years for those who had carried out 35 years of service and 65 years for those who had less than 35 years of service) moved to the examination of this Article, in order to determine whether the measure satisfied the requirements of a legitimate purpose and the principle of proportionality. Citing the CJEU cases of Fuchs and Kohler (C-141/11) and Hornfeldt (C-286/12), inter alia, it concluded that the discriminatory practice is proportionate and satisfies the legitimate aims of a) establishing a balanced age structure within the public service and b) facilitating the access of younger people to certain professions and the public service. Thus Article 155 of the Civil Servants Code does not violate Equal Treatment Law 4443/2016 and Directive 2000/78/EC. The Court added that this interpretation was also in line with Articles 21 and 15 of the EU Charter of Fundamental Rights, in accordance with the CJEU interpretation in Vital Perez (C-416/13).</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>The case clarified that in light of EU and National Equal Treatment Law, a provision introducing a difference in treatment based on grounds of age is permissible when it seeks to achieve the legitimate aims of establishing a balanced age structure in the public service sector and facilitate the access of younger people to certain professions and the public sector.</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The Council of State rejected the appeal and the Decision of the Administrative Court of Appeal was maintained. The applicant was called to bear the costs of the trial.</p>

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>6. Επειδή, η πιο πάνω διάταξη, [...] καθιερώνει διαφορετική μεταχείριση βασισμένη άμεσα στην ηλικία σε βάρος των υπαλλήλων αυτών υπέρ αφενός μεν των υπαλλήλων που δεν έχουν συμπληρώσει το 60ό έτος της ηλικίας τους, αφετέρου δε των υπαλλήλων που αποχωρούν με τη συμπλήρωση του 65ου έτους, κατά την έννοια της προπαρατεθείσας διάταξης του άρθρου 2 παρ. 1 και 2 στοιχείο α΄ της οδηγίας 2000/78/ΕΚ [...]. Κατά την έννοια της διάταξης του άρθρου 6 παρ. 1 της οδηγίας, η διαφορετική αυτή μεταχείριση δεν συνιστά απαγορευόμενη διάκριση εάν δικαιολογείται από ένα θεμιτό στόχο και τα μέσα για την επίτευξή του είναι πρόσφορα και αναγκαία [...] Κατά την εξέταση της αναγκαιότητας του μέτρου πρέπει να εκτιμάται και η ζημία που προκαλεί στους θιγόμενους σε σχέση με τα πλεονεκτήματα που συνεπάγεται για το κοινωνικό σύνολο [...]. Ειδικότερα, τέτοιους θεμιτούς σκοπούς αποτελούν οι στόχοι: α) μίας ισόρροπης ηλικιακής διάρθρωσης εντός της δημόσιας υπηρεσίας [...] και β) της διευκόλυνσης της πρόσβασης των νέων σε ορισμένο επάγγελμα ή σε ορισμένη δημόσια υπηρεσία [...]. Επομένως, η διάταξη του άρθρου 155 παρ. 2 του ΥΚ, ως ίσχυε κατά τον κρίσιμο χρόνο δημοσίευσης της προσβαλλόμενης πράξης, δεν αντίκειται στην οδηγία 2000/78/ΕΚ και στους ν. 3304/2005 και 4443/2016. Η ερμηνεία και εφαρμογή αυτή της οδηγίας προφανώς δεν έρχεται σε αντίθεση προς τα άρθρα 21 και 15 του Χάρτη Θεμελιωδών Δικαιωμάτων της Ευρωπαϊκής Ένωσης, με τα οποία κατοχυρώνονται, μεταξύ άλλων, η απαγόρευση των διακρίσεων λόγω ηλικίας και το δικαίωμα στην εργασία, αντίστοιχα.</p> <p>6. Whereas the above provision [...] introduces a different treatment based directly on the age of those civil servants in favor of civil servants who have not reached the age of 60 on the one hand, and of those who leave when they turn 65 years on the other, within the meaning of Article 2 (1) and (2) (a) of Directive 2000/78 / EC [...] within the meaning of Article 6 (1) of the Directive different treatment does not constitute prohibited discrimination if it is justified by a legitimate aim and the means of achieving it are appropriate and necessary [...] When assessing the necessity of the measure, the damage it causes to the affected persons in relation to the benefits to the community as a whole should be examined [...] In particular, such legitimate aims include: (a) a balanced age structure within the public service [...] and (b) facilitating young people's access to a particular occupation or to a certain public service [...] Therefore the provision of Article 155 (2) of the CSC as in force at the critical time of publication of the contested measure is not contrary to Directive 2000/78/EC and Laws 3304/2005 and 4443/2016. This interpretation and application of the directive obviously does not contravene Articles 21 and 15 of the Charter of Fundamental Rights of the European Union, which, inter alia, enshrine non-discrimination and the right to work, respectively.</p>

Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.</p>
Decision date	28-01-2019
Reference details	Decision Nos. 47 and 49/2019 of the Three Member Misdemeanours Court of Aigio (Τριμελές Πλημμελειοδικείο Αιγίου) [hardcopy of the decision provided by the Legal Team of the civil claimants of the case]
Key facts of the case (max. 500 chars)	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 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 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 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).
Main reasoning/argumentation (max. 500 chars)	Examining International, European and National law combatting hatred and racism against, inter alia, individuals based on their sexual orientation and running through the case-law of the ECtHR (namely citing the cases of <i>Vejdeland v. Sweden</i> , <i>Smajic v. Bosnia-Herzegovina</i> and <i>Williamson v. Germany</i>) as well as the Greek Supreme Court Decision No. 3/2010, the Court concluded that the Bishop had committed the crime of incitement to violence or hatred under article 1 of Law 4285/2015. What is more the Bishop, being a religious official, had committed an abuse of powers by causing hostility, under the aggravated conditions of Article 196 of the Greek Criminal Code. In fact, his behaviour was deemed capable of inciting hatred against homosexuals. The intensity of the characterizations and incitements contained in the contested post in conjunction with the fact that the defendant was a religious official was capable of creating in the average person emotions of dislike, contempt, malice, reprisal and specific hostility towards the aforementioned group. Moreover, the court found that such emotions were objectively sufficient to cause a risk for the commission of criminal acts, targeting the specific group, thus endangering their peaceful and smooth coexistence and their personal rights. Finally, the Court concluded that the aforementioned findings do not violate the defendant's right of freedom of expression since, as was established by the court, the blogpost was capable of causing discrimination and hatred against homosexuals.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court, in order to justify its judgement, examined key issues and interpreted the terms “public behaviour”, “hate speech through the internet”, “sexual orientation”, “incitement to hatred or violence” as well as “abuse of religious office”: Public behaviour: means a behaviour which can be perceived by a vast and vague number of individuals, not restricted to a small and specific group of

	<p>individuals.</p> <p>Hate speech through the internet: when the internet is used as a tool to spread racist speech.</p> <p>Sexual orientation: individuals who are characterised by their sexual orientation which include heterosexuals, homosexuals and bisexuals (individuals who resort to specific sexual acts or practices are excluded).</p> <p>Incitement to hatred/violence: is understood as the ability of inciting, causing or stimulating actions that can cause discrimination, hatred or violence. Hate is perceived as an emotion of intense hostility which makes a person wish something bad will happen against the targeted person.</p> <p>Abuse of religious office: when a religious official, during the carrying-out of his duties, or publicly uses his position to incite or provoke citizens' hostility towards state power or towards other individuals.</p> <p>It should be added that the Court highlighted that for the crime of incitement to hatred, the commitment of criminal acts or violence are not a necessary prerequisite (the key word is "capable").</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Bishop was sentenced to a 7 month suspended prison term and ordered to pay 240 Euros. This decision is highly important as it is the first time a religious official has been condemned for hate speech targeting people based on their sexual orientation. The Bishop has also filed an application for his case to be examined by the Supreme Court (Άρειος Πάγος). It will be the first time the Supreme Court will examine such a case of hate speech.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Συνεπώς, η συγκεκριμένη συμπεριφορά μπορεί να υποκινήσει μίσος κατά των ομοφυλοφύλων, καθώς η ένταση των εν λόγω χαρακτηρισμών και προτροπών, λαμβανόμενου υποψη, όπως προαναφέρθηκε και της ιδιότητας του κατηγορουμένου ως ιεράρχη, είναι πρόσφορη να προκαλέσει στον μέσο άνθρωπο έντονα συναισθήματα απέχθειας, αποστροφής, χαιρεκακίας, αντεκδίκησης και ιδιαίτερης εχθρότητας κατά της ανωτέρω ομάδας προσώπων, εξαιτίας των ιδιαίτερων χαρακτηριστικών τους, τα δε συναισθήματα αυτά είναι αντικειμενικά δυνατόν να προκαλέσουν κίνδυνο τέλεσης πράξεων βίας, υπό την ανωτέρω έννοια, κατά της συγκεκριμένης ομάδας ή μελών της, διασαλεύοντας την ειρηνική και ομαλή κοινωνική συμβίωση και τα ατομικά τους δικαιώματα. Οι ανωτέρω προτροπές του κατηγορουμένου δεν αποτελούσαν έκφραση γνώμης έστω και σκληρής για την ομάδα ομοφυλόφιλων και για την ομοφυλοφιλία, η οποία [...] θα ήταν θεμιτή. Ενώ από τις παραπάνω παραδοχές του Δικαστηρίου δεν πλήττεται το δικαίωμα της ελευθερίας έκφρασης του κατηγορουμένου, καθώς όπως εκτέθηκε παραπάνω στη νομική σκέψη, το κείμενο που δημοσίευσε ο κατηγορούμενος ήταν πρόσφορο να προκαλέσει διακρίσεις και μίσος σε βάρος των ομοφυλοφίλων” σελ. 112-113</p> <p>“Consequently, this particular behaviour may incite hatred against homosexuals, as the intensity of the characterizations and incitements, taking into account, as mentioned above, the status of the accused as a hierarch, are able to cause the average person to have feelings of disgust, disdain, malice, retaliation and particular enmity against the above group of persons because of their particular characteristics, and these feelings are objectively liable to cause the risk of an act of violence, under the aforementioned sense, against the particular group or members undermining the peaceful and orderly social coexistence and their individual rights. The defendant's above incitements were even not an expression of a harsh opinion on the homosexual group and on homosexuality, which [...] would be legitimate. While the Court's above assumptions do not impair the defendant's right to freedom of expression, because as stated in the legal opinion above, the text published by the defendant was able to incite discrimination and hatred against homosexuals.” p. 112-113</p>

Thematic area	ROMA INTEGRATION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
	No case law has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, DATA PROTECTION Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter
Decision date	24-9-2019
Reference details	Greek Council of State, Decisions Nos. 1759-1760/2019, Plenary (Ολομέλεια του Συμβουλίου της Επικρατείας), available in Greek at: http://www.adjustice.gr/webcenter/portal/ste/apofaseis , last accessed on 27-01-2020.
Key facts of the case (max. 500 chars)	Through Decisions nos. 1759-1760 / 2019 the Plenary of the Council of State repealed Nos. 92091 / D2 / 5.6.2018 (B '2087) and 92094 / D2 / 5.6.2018 (B' 2089) Decisions of the Minister of Education, insofar as they provided for students' religion to be included on diplomas, transcripts and certificates of high school, because the mandatory or optional inclusion of religion in the documents was considered to constitute a violation of Article 13 of the Hellenic Constitution, Article 9 of the ECHR, as well as the provisions of personal data protection legislation (Law 2472/1997 and General Regulation 2016/679).
Main reasoning/argumentation (max. 500 chars)	The Court found that the inclusion of religion on the school documents, whether compulsory or optional, violates the provisions of Article 9 of the ECHR, as there is no reason religion should be mentioned in the above documents, which, in view of their diverse uses, are not intended for the exercise of the right to manifest one's religious beliefs. In addition, any indication of religion in these documents could lead to discrimination against the individual in their professional relationships. Even optional labelling poses a risk for positive or negative discrimination between those who choose to disclose their religion and those who do not. On the other hand, the Court stated that according to the relevant provisions of Data Protection Law 2472/1997 and Regulation 2016/679 (GDPR), religious beliefs are personal and even sensitive data. Such data, as in this case religious beliefs, in order to be lawfully processed, must be collected in a legitimate and lawful manner for specified clear and legitimate purposes and must be applied according to the principle of proportionality solely for the purposes of specific processing. The inclusion of students' religion in the above documents was found to constitute a form of processing of a personal nature which must meet the above requirements. However, the inclusion of religion infringes Article 13 (1) of the Constitution and Articles 9 and 14 of the ECHR and the contested decisions, which provide for the processing of sensitive personal data without any legitimate purpose, are in contradiction with the provisions of Articles 2 par. b, 4 par. 1 par. and b of Law 2472/1997 and 5 par. 1 par. a and b and 9 par. 1 of the GDPR.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	This is the first case of the Council of State which examined the protection of personal and sensitive data in light of the GDPR. Moreover, this case also showed that the inclusion of personal data on documents that certify an individual's education might in fact lead to discrimination based on religion. The proportionality test applied by the court constitutes a useful tool for

	future cases.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Ministerial Decision No. 1458/Δ2 was issued by the Ministry of Education in September 2019 which abolished the inclusion of the religion and nationality of individuals on high school transcripts and diplomas. This was done in also in response to Decision No. 28/2019 of the Greek Data Protection Agency, which found that the contested Ministerial Decisions which called for the inclusion of a reference to high school students' religion and nationality was unconstitutional. What is more, the Greek Data Protection Agency stated that apart from not meeting the criteria of the principles of proportionality and necessity for the processing of personal data, the inclusion of a reference to students' religion on their high school diploma and transcripts could expose them to discrimination based on their religious beliefs, in violation of Article 13 of the Hellenic Constitution.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Σύμφωνα με τις οικείες διατάξεις του ν. 2472/1997 και ήδη του Κανονισμού 2016/679, οι θρησκευτικές πεποιθήσεις αποτελούν δεδομένο προσωπικού χαρακτήρα, και μάλιστα ευαίσθητο. Τα δεδομένα αυτά, όπως εν προκειμένω οι θρησκευτικές πεποιθήσεις, για να τύχουν νόμιμης επεξεργασίας, πρέπει να συλλέγονται κατά τρόπο θεμιτό και νόμιμο για καθορισμένους σαφείς και νόμιμους σκοπούς και να υφίστανται θεμιτή και νόμιμη επεξεργασία εν όψει των σκοπών αυτών, καθώς και να είναι συναφή, πρόσφορα και όχι περισσότερα από όσα κάθε φορά απαιτείται ενόψει των σκοπών της επεξεργασίας. Η καταχώριση του θρησκευόμενου των μαθητών στο απολυτήριο, τα αποδεικτικά σπουδών και τα πιστοποιητικά σπουδών του γυμνασίου και του γενικού λυκείου, ανεξαρτήτως αν είναι υποχρεωτική ή προαιρετική, συνιστά μορφή επεξεργασίας δεδομένου προσωπικού χαρακτήρα που πρέπει να πληροί τις πιο πάνω προϋποθέσεις. Όμως, εφόσον η αναγραφή αυτή παραβιάζει, κατά τα ανωτέρω, το άρθρο 13 παρ. 1 του Συντάγματος και τα άρθρα 9 και 14 της ΕΣΔΑ, οι προσβαλλόμενες αποφάσεις, με τις οποίες προβλέπεται επεξεργασία ευαίσθητου προσωπικού δεδομένου χωρίς να υπάρχει νόμιμος σκοπός, έρχεται σε αντίθεση με τις διατάξεις των άρθρων 2 περ. β, 4 παρ. 1 περ.α και β του ν. 2472/1997 και 5 παρ. 1 περ. α και β και 9 παρ. 1 του Κανονισμού 2016/679.”</p> <p>“According to the relevant provisions of Law 2472/1997 and Regulation 2016/679, religious beliefs are personal and even sensitive data. Such data, as in this case of religious beliefs, in order to be lawfully processed, must be collected in a legitimate and lawful manner for specified clear and legitimate purposes and must be treated legitimately and legally in the light of those purposes, since in order for it to be relevant, appropriate and no more than what is each time required for the purposes of processing. The inclusion of students' religion in the diplomas, transcripts and certificates of study at the junior high schools and general high school, whether compulsory or optional, constitutes a form of processing data of a personal nature which must meet the above requirements. However, since that inclusion infringes Article 13 (1) of the Constitution and Articles 9 and 14 of the ECHR, the contested decisions, which provide for the processing of sensitive personal data without any legitimate purpose, are in contradiction with the provisions of Articles 2 par. b, 4 par. 1 par. and b of Law 2472/1997 and 5 par. 1 par. a and b and 9 par. 1 of Regulation 2016/679.”</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter. Please provide the most relevant high court decision for the topics 1 and 2 of the questions asked to FRANET. Please provide the most relevant high court decision for the topics 1 (unaccompanied children reaching the age of majority) and 2 (procedural safeguards for children who are suspects in criminal proceedings) of this chapter.
	No case law has been identified for this thematic area.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decisions in relation to one of the topic addressed in this Chapter..
Decision date	11-12-2019
Reference details	Decision No. 253/2019 of the Council of Misdemeanours of Volos, (Συμβούλιο Πλημμελειοδικών Βόλου), available in Greek through the legal database "NOMOS" (for subscribers only) at: https://lawdb.intrasoftnet.com/nomos/nomos_frame.html , last accessed on 27-1-2020
Key facts of the case (max. 500 chars)	This judgement was issued by a Council of Misdemeanours, which is charged with examining whether a case should be forwarded to trial or dismissed. The case examined the crime of rape, its objective and subjective elements. It concerned the serial abuse of a minor (similar to statutory rape) and the violation of a victim's sexual dignity given that she was work-dependent. There was a very important dissenting opinion by a judge in the case, who examined the crime of rape in light of Istanbul Convention and provided an interpretation of the terms 'consent', 'physical violence' and 'coercion' as a way to establish that there has been a rape. In the end, the Council referred the case to be tried before the Mixed Jury Court of Larissa for the crimes of committing sexual acts with a minor and for offending the sexual dignity of an individual by exploiting their work-dependent status.
Main reasoning/argumentation (max. 500 chars)	One of the judges in her dissenting opinion, cited the Istanbul Convention and stated that the victim's will is a fundamental component of the concept of coercion and, by extension, of the concept of rape. Forced coercion does not necessarily require the victim to actively resist, through muscular movements, but it is sufficient that sexual intercourse takes place despite the latter's will and the perpetrator uses physical violence, which suppresses the victim's will to resist. In the present case, the fact that the victim was 'silent' or with 'no further, albeit relaxed, reaction' cannot legally be construed as a consent or even an indication of such consent. The victim's objection was not particularly strongly expressed, precisely because of: (a) the accused's superior physical powers over the minor's physical powers; (b) the minor's inexperience in sexual relations and contacts; (c) her character and shy manner; (d) her professional relationship with an older and more sexually experienced defendant, who was at the same time her employer-trainer, but also the first man she had intercourse with, albeit forced.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The dissenting judge provided an interpretation of the following terms, keeping in mind the Istanbul Convention: - Rape: (Article 336 of the New Criminal Code) When someone (a) forces someone else, irrespective of gender or age, into involuntary intercourse or tolerance or attempt thereof; and (b) this coercion is carried out by physical violence or by the threat of great or immediate danger or both

	<p>- Coersion: Forced coercion does not necessarily require that victim actively resists, through muscular movements, but it is sufficient that sexual intercourse takes place despite the latter's will and that the victim attempts in any way to make it apparent to the offender and yet he/she, uses physical violence, in order to suppress the victim's will to resist.</p> <p>- Consent: Basically, sexual intercourse is the equal psychosomatic communication of the persons involved in it, from which any party may at any time and for any reason abstain, obliging the other party to respect this withdrawal and not to seek to continue the intercourse unilaterally by violent means</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Council referred the case to be tried before the Mixed Jury Court of Larissa on for the crimes of committing sexual acts with a minor and for offending the sexual dignity of an individual by exploiting their work-dependent status. The trial is still pending.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Για την κατάφαση του εξαναγκασμού δεν απαιτείται κατ’ ανάγκη το θύμα να αντιστέκεται ενεργά, με μυϊκές κινήσεις [...] αλλά αρκεί το ότι η γενετήσια επαφή λαμβάνει χώρα παρά την αντίθετη βούληση του τελευταίου, την οποία εξωτερικεύει με οποιονδήποτε τρόπο το θύμα και γίνεται εμφανής στο δράστη και ότι ο δράστης ασκεί σωματική βία, η οποία εξουδετερώνει τη βούληση του θύματος να αντισταθεί.”. [...] Η αντίθετη αυτή βούληση της ανήλικης, δεν εκφράστηκε ιδιαίτερα σθεναρά, ακριβώς λόγω : α) των υπέρτερων σωματικών δυνάμεων του κατηγορουμένου, έναντι των σωματικών δυνάμεων της ανήλικης, β) της απειρίας της ανήλικης στις ερωτικές σχέσεις και επαφές, γ) της εκ του χαρακτήρα της, συστολής της, δ) της επαγγελματικής της σχέσης με τον κατά πολλά έτη μεγαλύτερό της και έμπειρο ερωτικά κατηγορούμενο, που ήταν ταυτόχρονα ο εργοδότης - εκπαιδευτής της, αλλά και ο πρώτος άντρας με τον οποίο ήρθε, έστω και με την εκ μέρους του άσκηση σωματικής βίας, σε ερωτική επαφή.”</p> <p>Forced coercion does not necessarily require that victim actively resists, through muscular movements, [...] but it is sufficient that sexual intercourse takes place despite the latter's will and that the victim attempts in any way to make it apparent to the offender and yet he/she, uses physical violence, in order to suppress the victim's will to resist. [...]. The victim's objection was not particularly strongly expressed, precisely because of: (a) the accused's superior physical powers over the minor's physical powers; (b) the minor's inexperience in sexual relations and contacts; (c) her character and shy manner; (d) her professional relationship with an older and more sexually experienced defendant, who was at the same time her employer-trainer, but also the first man she had intercourse with, albeit forced.</p>

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