

# Franel National contribution to the Fundamental Rights Report 2023

**Greece**

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# Contents

Franet country study: policy and legal highlights 2022 .....	4	
<b>1</b>	<b>Equality and non-discrimination .....</b>	<b>6</b>
1.1	Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance .....	6
1.2	Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance.....	10
<b>2</b>	<b>Racism, xenophobia and related intolerance.....</b>	<b>14</b>
2.1	Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime .....	14
2.2	Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive.....	21
<b>3</b>	<b>Roma equality and inclusion .....</b>	<b>25</b>
3.1	Policy developments in regards to the implementation of national action plans .....	25
3.2	Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion .....	27
<b>4</b>	<b>Asylum, borders, visas, migration and integration.....</b>	<b>34</b>
4.1	National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions.....	34
4.2	Use of the large-scale IT Systems in the area of asylum, migration and border control .....	37
<b>5</b>	<b>Information society, privacy and data protection.....</b>	<b>40</b>
5.1	Initiatives in the use of artificial intelligence in both private and public sectors.....	40
5.2	Legal and policy initiatives on data protection and private life .....	43
<b>6</b>	<b>Rights of the child.....</b>	<b>51</b>
6.1	Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee .....	51
6.2	Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings. ....	55

7	Access to justice – Victims’ Rights and Judicial Independence ....	59
7.1	Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025 .....	59
7.2	Measures addressing violence against women .....	63
8	Developments in the implementation of the Convention on the Rights of Persons with Disabilities .....	68
8.1	CRPD policy and legal developments & implementation of the European Accessibility Act.....	68
8.2	CRPD monitoring at national level .....	72
	Annex 1 – Promising Practices .....	74
	Annex 2 – Case Law .....	84

## Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	No developments were recorded.
EU Charter of Fundamental Rights	<p><b>Establishment of a focal point within the Directorate of Human Rights and Pardons</b></p> <p>The Hellenic Ministry of Justice established a focal point within the Directorate of Human Rights and Pardons (2021) and a Working Group with representatives of the Ministry of Foreign Affairs (EU Special Legal Service/Foreign Affairs) and the General Secretariat for Legal and Parliamentary Affairs (operating within the Presidency of the Government). The focal point will monitor the implementation of the Charter and will coordinate related actions and the working group will assist in the work of the focal point and design further actions for the effective implementation of the Charter.</p> <p>weblink: N/A</p>
Equality and non-discrimination	<p><b>Abolishment of sexual orientation from blood donor forms:</b> In January 2022, the Greek Ministry of Health issued a decision (<a href="#">Common Ministerial Decision No. Γ.Π. οικ. 900/2022</a>) abolishing from blood donor forms a field requesting information on the donor's sexual orientation. The decision's preamble states that exclusion criteria which prevent individuals from being able to donate blood should not be based on the sexual orientation of potential donors.</p>
Racism, xenophobia & Roma Equality and Inclusion	<p><b>Introduction of unified recording mechanism for racist violence:</b>The Greek Ministry of Justice in 2022 established a unified recording mechanism for racist violence incidents. According to the Ministry of Justice, through this mechanism, the Hellenic Police will send twice a year, information on the cases reported or recorded by its services to the Ministry, which will in turn process the data and monitor the criminal progress of racist violence cases.</p> <p><b>New National Roma Strategy:</b> In March 2022, the Ministry of Employment and Social Affairs published the <a href="#">National Strategy and Action Plan for the Social Integration of Roma 2021-2030</a>.</p>
Asylum & migration	<p><b>Investigation launched for surveillance systems at migrant camps:</b> On March 3, 2022 the Greek DPA launched an investigation (<a href="#">Prot. No. 563/02-03-2022</a>) into the two surveillance systems Yperion</p>

	(Υπεριών) and Centaur (Κένταυρος) at refugee camps throughout Greece and following a joint complaint of Homo Digitalis and the Hellenic League for Human Rights.
Data protection and digital society	<b>New legislation regulating the use of AI technology:</b> In 2022, Greece adopted <a href="#">Law 4961/2022</a> which introduced provisions that guarantee the rights of natural and legal persons and enhance accountability and transparency during the use of AI technology.
Rights of the child	<b>Introduction of National Action Plan for EU Child Guarantee:</b> In September 2022, Greece's <a href="#">National Action Plan for the European Child Guarantee</a> (NAP) was published on the European Commission's website. It specifically prioritizes children in need based on specific characteristics (e.g. Roma children, children with disabilities, children in institutional care), due to which they face barriers to accessing basic services.
Access to justice, including victims of crime	<b>Victims of FGM and Supreme Court Circular for recognition of victims of trafficking:</b> Article 1 par. 33 of <a href="#">Law 4939/2022</a> for the reception and international protection of third country nationals, explicitly recognised victims of Female Genital Mutilation as a vulnerable group.  A Supreme Court Prosecutor Circular ( <a href="#">No. 7/23-05-2022</a> ) on the recognition of individuals as trafficking victims was issued. The circular applied the Council of Europe Convention on Action against Trafficking in Human Beings, by offering clear and specific instructions for all prosecutors in Greece in relation to the protection of victim's rights.
Convention on the Rights of Persons with Disability	<b>Introduction of European Accessibility Act:</b> On October 4, 2022 the Ministry of Development and Investments published on the public consultation platform a <a href="#">draft law</a> for the implementation of EU Directive 2019/882 (European Accessibility Act). The final draft was adopted through <a href="#">Law 499/2022</a> .

# 1 Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

In 2022 there were both legal and policy developments relevant to fostering equality and combatting discrimination focusing on LGBTIQ people and combatting discrimination on grounds of socio-economic status, health status and physical appearance.

### Inclusion of trans persons in COVID-19 measures

In January 2022, a Joint Ministerial Decision, No. ΔΙα/Γ.Π.οικ.4761/2022 on "Emergency measures to protect public health from the risk of further spread of the coronavirus COVID-19 in the whole Territory, for the period from Monday, 31 January 2022 and time 6:00 until Monday, 7 February 2022 and time 6:00",<sup>1</sup> included an explicit provision for trans persons in Article 9. The Decision stated that the identification of trans persons during the control procedures carried out by the competent authorities and the imposition of sanctions should take into account the trans person's statement of their gender identity, i.e. the verbal confirmation that they are exactly the same person identified by their documents, regardless of the fact that they have not been amended for the legal recognition of their gender identity.

### Important case-law

According to the NGO Greek Transgender Support Association (*Σωματείο Υποστήριξης Διεμφυλικών – Σ.Υ.Δ*), on November 3rd, 2022, the Athens Court of

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<sup>1</sup> Greece, Joint Ministerial Decision No. ΔΙα/Γ.Π.οικ.4761/2022 on "Emergency measures to protect public health from the risk of further spread of the coronavirus COVID-19 in the whole Territory, for the period from Monday, 31 January 2022 and time 6:00 until Monday, 7 February 2022 and time 6:00", ([Κοινή Υπουργική Απόφαση ΔΙα/Γ.Π.οικ. 4761/2022 Έκτακτα μέτρα προστασίας της δημόσιας υγείας από τον κίνδυνο περαιτέρω διασποράς του κορωνοϊού COVID-19 στο σύνολο της Επικράτειας, για το διάστημα από τη Δευτέρα, 31 Ιανουαρίου 2022 και ώρα 6:00 έως και τη Δ](#))(Ο.Γ. Β' 290/29-01-2022).

Misdemeanours issued the first ever decision on transphobic hate-speech.<sup>2</sup> The criminal complaint was filed by the organization's former president in 2017, when the adoption of legislation on the recognition of gender identity was being discussed in the Greek Parliament (namely, Law 4491/2017). The first defendant was convicted for incitement to transphobic hate and the second for transphobic hate crime (verbal abuse using transphobic terms). They were convicted to a suspended prison sentence of 10 months and 7 months, respectively. The judgement has not been published.

Furthermore, on May 3rd, 2022, the first instance trial for the death of a LGBTQ activist in Athens, in September 2018 was finally concluded and the Mixed-Jury Court of Athens delivered its decision.<sup>3</sup> The activist's death was first presented as an accident, however videos from the activist's arrest showed the extreme violence perpetrated against him. Once the identity of the victim was revealed the LGBTI community in Greece protested the activist's negative representation through the media, which they viewed as discrimination against the LGBTI community itself. Six individuals, among them four police officers, were accused of deadly bodily harm. Ten LGBTI organisations signed a joint statement on October 18, 2020, stating that they would monitor the progress of the trial.<sup>4</sup> To this end, the ZackieOh Justice Watch<sup>5</sup> was established which includes a website where the daily recordings of the trial are posted. According to the Court's decision only the two civilians were convicted to a ten-year prison sentence, and the police officers were acquitted. Even though the civil claimants requested the recognition of racist motivation in the case, the Court ruled against it. An appeal has been filed by the accused and the case will be heard in December 2023.

### Legislation on "intersex" persons

In 2022, Greece introduced legal provisions for the rights of intersex children and the conditions for undergoing medical procedures and therapy for the partial or complete alteration of gender characteristics. According to Article 1 para. 2 of Law 4958/2022,<sup>6</sup> the provisions aim to introduce a legal framework which will ensure the fundamental rights of intersex children and guarantee the smooth

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<sup>2</sup> Greece, Greek Transgender Support Association, Press Release, An important victory for the trans community: First conviction for incitement to violence and hatred based on gender identity ([Δελτίου Τύπου, Μία ιδιαίτερα σημαντική νίκη για τη τρανς κοινότητα: Η πρώτη καταδίκη για δημόσια υποκίνηση σε βία ή μίσος για λόγους ταυτότητας φύλου](#)), 4-11-2022, last accessed on 27-01-2023.

<sup>3</sup> Greece, ZackieOh Justice Watch, Day 18: Arguments of the Police Defense and the court's decision, ([Ημέρα 18η: Αγορεύσεις υπεράσπισης αστυνομικών και απόφαση του δικαστηρίου](#)), 3-05-2022, last accessed on 27-01-2023.

<sup>4</sup> Greece, Colour Youth, The beginning of the trial for the murder of Zak Kostopoulos, ([Έναρξη της δίκης για την δολοφονία του Ζακ Κωστόπουλου](#)), 18-10-2020, last accessed on 27-01-2023.

<sup>5</sup> The official website for the [ZackieOh Justice Watch](#), last accessed on 27-01-2023.

<sup>6</sup> Greece, Law 4958/2022, Reforms for medical reproductive assistance and other urgent provisions ([Μεταρρυθμίσεις στην ιατρικώς υποβοηθούμενη αναπαραγωγή και άλλες επείγουσες ρυθμίσεις](#))(O.G. A 142/21-07-2022).

development of their gender and personal identity by surrounding them with a protective framework during a vulnerable period of their lives. Furthermore, Articles 17-20 of Law 4958/2022 contain provisions for altering gender characteristics of intersex children and states that children over 15 years only need the consent of their parents or legal guardians to undergo a gender-related medical procedure whilst children under the age of 15 may only undergo medical procedures following an authorization by the competent County Court. The amendment of birth records can be achieved only following a judgment of the same court.

### Measures adopted by the Ministry of Justice

According to the Greek Ministry of Justice,<sup>7</sup> on January 28, 2022 the final information meeting for the "FAROS – Feature A protective environment for LGBTI+ persons" project ([www.faros2020.eu](http://www.faros2020.eu)) was held. The "FAROS" project was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020) with a total budget of €226,724.44.<sup>8</sup> The CSO's KMOP, Orlando LGBT+, COLOUR YOUTH, Rainbow Families and Positive Voice as well as the Ministry of Justice were partners in the project. With the finalization of the project in January 2022, a guide for Greek public servants was published containing basic guidelines for all professionals working in the public sector, guidelines for administrative personnel, for educators, for health professionals, for professionals working with asylum seekers and for mental health professionals.<sup>9</sup>

The Ministry of Justice also verified that the course on the European Convention for Human Rights (ECHR) and the EU Charter of fundamental rights taught at the National School of Judges on a pre-entry level, covers *inter alia*, homophobia.<sup>10</sup> The rights of LGBTIQ were also covered during separate educational seminars at the school.

Finally, it should be noted that in January 2022, the Greek Ministry of Health issued a decision abolishing from blood donor forms a field requesting information on the

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<sup>7</sup> Information provided by the Greek Ministry of Justice in its 11-10-2022 Communication.

<sup>8</sup> Greece, Ministry of Justice, ESPA Executive Unit, FAROS - FEATURE A PROTECTIVE ENVIRONMENT FOR LGBTI+ PERSONS, available in Greek, last accessed on 27-01-2023.

<sup>9</sup> Greece, Faros2020, Providing inclusive services to LGBTIQ+ persons: A practical guide for professionals in the public sector ([Παροχή συμπεριληπτικών υπηρεσιών προς ΛΟΑΤΚΙ+ άτομα Ένας πρακτικός οδηγός για επαγγελματίες στο δημόσιο τομέα](#)), January 2022, available in Greek, last accessed on 27-01-2023.

<sup>10</sup> Information provided by the Greek Ministry of Justice in its 11-10-2022 Communication.



donor's sexual orientation.<sup>11</sup> The decision's preamble states that exclusion criteria which prevent individuals from being able to donate blood should not be based on the sexual orientation of potential donors.

### National Anti-discrimination framework

In Greece, Equal Treatment Law 4443/2016<sup>12</sup> transposed Directive 43/2000/EC on the application of the principle of equal treatment irrespective of race and ethnic origin, and Directive 78/2000/EC on the configuration of the general framework of equal treatment in employment and work.

Equal Treatment Law 4443/2016 replaced the previous anti-discrimination Law 3304/2005 and introduced new protected grounds such as chronic illness, descent, family or social status and gender identity or characteristics.

In relation to the definition of specific grounds, the Explanatory Report (*Αιτιολογική Έκθεση*) of Law 4443/2016,<sup>13</sup> states that:

The term 'chronic illness' includes illnesses that have developed either through a medical condition or due to an accident which presents at least one of the following elements: indefinite duration and no known treatment, rebound effect or possibility of recurrence, permanency, long-term supervision, medical visits and diagnostic examinations, or a need for rehabilitation or special education in order to recover. Within this framework, persons with HIV/AIDS are also protected under the ground of disability or chronic illness, in full conformity with ILO Recommendation 200 (2010), which prohibits discrimination or stigmatisation thereof in employment and occupation. In other words, chronic illness refers to a health status.

Law 4443/2016 appears to adopt an implicit, universally acknowledged definition of sexual orientation.<sup>14</sup> According to the same explanatory report 'gender identity'

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<sup>11</sup> Greece, Common Ministerial Decision No. Γ.Π. οικ. 900/2022, ([Κοινή Υπουργική Απόφαση Αριθμ. Γ.Π. οικ. 900/2022 ΦΕΚ 36/Β/10-1-2022](#))(O.G. B. 36/10-01-2022).

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

<sup>13</sup> Greece, Explanatory Report to Law 4443/2016 ([Αιτιολογική Έκθεση Νόμου 4443/2016](#)), last accessed on 27-01-2023.

<sup>14</sup> The explanatory report of the Greek Equal Treatment Law refers [to CoE Recommendation CM/REC\(2015\)](#) of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, last accessed on 27-01-2023.

refers to transgender individuals while 'gender characteristics' refers to intersex individuals.

Discrimination based on social status refers to any social stigmatization of a person due to his/her distinctiveness as a member of a particular social subcategory of society, such as, for example, ex-drug users or ex-prisoners. At this point, it is worth clarifying that a particular social subcategory of society constitutes a group of persons who are linked by a common characteristic, which is often innate, immutable or fundamental to the identity, consciousness or exercise of the human rights of its members.

The Equal Treatment Law does not include physical appearance as a ground of discrimination.

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance**

In 2022 the following findings were published concerning experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance.

### Findings of the Greek Ombudsman

Law 4443/2016,<sup>15</sup> which incorporated Directives 78/2000/EC and 43/2000/EC, established 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

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<sup>15</sup> Greece, Law 4443/2016 'On the transposition of Directive 43/2000/EC on the application of the principle of equal treatment irrespective of race and ethnic origin, and the transposition of Directive 78/2000/EC on the configuration of the general framework of equal treatment in employment and work and Directive 54/2014/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers and other provisions' (*Νόμος 4443/2016*, Ενσωμάτωση της Οδηγίας 2000/43/EK περί εφαρμογής της αρχής της ίσης μεταχείρισης προσώπων ασχέτως φυλετικής ή εθνοτικής τους καταγωγής, της Οδηγίας 2000/78/EK για τη διαμόρφωση γενικού πλαισίου για την ίση μεταχείριση στην απασχόληση και την εργασία και της Οδηγίας 2014/54/EE 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).

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 the areas of 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 equal treatment, which is included in its Annual Report and is submitted to Parliament before the end of March each year.

In mid-2022 the Greek Ombudsman published its Equal Treatment-2021 Special Report.<sup>16</sup> According to the Report, in 2021 it received a total of 1054 new complaints (note that there was an 11% increase in comparison to 2020).<sup>17</sup> 1% of these complaints concerned grounds of sexual orientation, gender identity or gender characteristics; 3% on grounds of social status; and 25% on grounds of disability or chronic illness.

An issue highlighted in the Ombudsman's report in relation to sexual orientation concerned the requirement to identify the sexual orientation of volunteer-blood donors.<sup>18</sup> Specifically, the form provided to prospective blood donors to fill in, request in the field of their medical history, to include an answer sharing same-sex sexual relations – even once – since 1977. If a blood donor responded affirmatively to the question, he/she was excluded from ever donating blood.

The Ombudsman contacted the relevant authorities claiming that giving the advance in medical science applications, the requirement is anachronistic and should be abolished, following the example of other states. Even though the National Blood Donation Organisation (EKEA) appeared to consider amending the form, this was never implemented. The Ombudsman even noted that the relevant National Strategy for the Equality of LGBTIQI+<sup>19</sup> did not include any specific measure in this regard.

In 2022, the Greek Ombudsman also published separate findings on a specific case related to the rights of trans persons.

Namely, in October 2022, the Greek Ombudsman issued its findings following a complaint filed by the Greek Transgender Support Association in 2018 and concerning the inclusion of 'transsexualism' in the catalogue of mental diseases which lead to the *sine qua non* disqualification of candidates from being accepted to the Hellenic Police Academies.<sup>20</sup> The Ombudsman's intervention noted that a

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<sup>16</sup> Greek Ombudsman, [Equal Treatment-2021 Special Report](#), June 2022, last accessed on 27-01-2023

<sup>17</sup> Greek Ombudsman, [Equal Treatment-2021 Special Report](#), June 2022, p. 17, last accessed on 27-01-2023.

<sup>18</sup> Greek Ombudsman, [Equal Treatment-2021 Special Report](#), June 2022, p. 66, last accessed on 27-01-2023.

<sup>19</sup> Greece, National Strategy for the Equality of LGBTI+, ([Εθνική Στρατηγική για την Ισότητα των ΛΟΑΤΚΙ+](#)), June 2021, last accessed on 27-01-2023.

<sup>20</sup> Greece, Greek Ombudsman, Intervention Summary – The disqualification of trans persons from Police Academies violates the principle of equal treatment of Law 4443/2016 and Directive

call issued by the Hellenic Police in February 2022 referred to transsexualism as a “gender identity disorder”, which is included in the catalogue of disqualifying mental disorders. The Ombudsman highlighted that the provision constituted direct discrimination on grounds of gender identity and that the relevant authorities failed to provide a justification in accordance with national and European equality law. It issued a recommendation to the competent ministries for all Greek armed forces, calling for the removal of transsexualism from the catalogue of mental disorders. There has been no update on whether the recommendation was implemented.

In December 2022, the intervention of the Greek Ombudsman led to the removal of homophobic content from a book which was used as educational material for the course of “Hygiene and Microbiology”, taught at professional high-schools (“Επαγγελματικά Λύκεια – ΕΠΑ.Λ.”).<sup>21</sup> The book contained references linking homosexuality to the frequency of sexually transmitted diseases. Following the intervention of the Greek Ombudsman, the Institute of Educational Policy issued a relevant recommendation adopting its findings. The Greek Ministry of Education and Religion informed the Ombudsman that the content had been removed and a revised version of the book will be distributed to students for new school year.

#### Findings of ECRI

In 2022, the European Commission against Racism and Intolerance (ECRI) published its report on Greece.<sup>22</sup> The report dedicated a separate section on LGBTI equality<sup>23</sup> which included the results of a 2020 survey according to which 27% of LGBTI persons stated that, due to their sexual orientation or gender identity, they are sometimes, often or always discriminated against in public services. Only 7% had reported an incident of discrimination or violence to a public body and 72% said they did not feel safe reporting such an incident.

The report noted *inter alia* that the inclusion of transgender persons in the Greek Manpower Employment Organisation (OAED) programmes for providing work for members of vulnerable groups is an important step and encouraged the Greek authorities to pursue their action in support of transgender persons in the field of

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2000/78/EC ([Σύνοψη Διαμεσολάβησης – Ο αποκλεισμός των διεμφυλικών ατόμων από την εισαγωγή τους στις Αστυνομικές Σχολές παραβιάζει την αρχή της ίσης μεταχείρισης κατά το Νόμο 4443/2016 και την Οδηγία αρ. 2000/78/EK](#)), October 2022, last accessed on 27-01-2023.

<sup>21</sup> Greece, Greek Ombudsman, Intervention Summary – Removal of content linking homosexuality and immigration with the frequency of sexually transmitted disease from school book, ([Σύνοψη Διαμεσολάβησης – Αφαίρεση από σχολικό βιβλίο αναφορών που συνέδεαν την ομοφυλοφιλία και τη μετανάστευση με τη συχνότητα των σεξουαλικά μεταδιδόμενων νοσημάτων](#)), December 2022, last accessed on 27-01-2023.

<sup>22</sup> CoE, [ECRI Report on Greece](#) (Sixth Monitoring Cycle), adopted on 28-06-2022, 22-09-2022, last accessed on 27-01-2023.

<sup>23</sup> CoE, [ECRI Report on Greece](#) (Sixth Monitoring Cycle), adopted on 28-06-2022, 22-09-2022, last accessed on 27-01-2023, p. 11-13.

employment. The aforementioned measure was adopted through Ministerial Decision No. 42632/22-06-2021 (O.G. B' 2711/24-06-2021) and concerned a special support programme for employers and the hiring of 2,000 unemployed vulnerable groups.<sup>24</sup> Transgender persons were specifically mentioned as a vulnerable group covered by the support programme.

Referring to intersex persons, ECRI stated that both interviews with relevant experts and members of the intersex community, as well as FRA's (2020) data, indicate that intersex persons all too often fall victims of discrimination in Greece. The stance and perception of Greek society towards intersex people moves between ignorance, (medical) pathologisation and hostility. Hiding being intersex and/or harassment and discrimination on the grounds of sex characteristics in everyday life, particularly in health, education, and the employment sector, appear to be constantly present aspects of an intersex person's life in Greece.

In this connection, during the visit, the report states that the ECRI delegation heard credible accounts pointing to relatively widespread practices by medical doctors engaged in advising pregnant women and their husbands to recommend, or even exert pressure on parents, to abort unborn children who have been diagnosed as being intersex. It also heard accounts of health care staff and teachers showing intolerance towards intersex children.

Interestingly, this issue was also highlighted by the NGO Intersex Greece in its 2022 Shadow Report to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) for the Istanbul Convention.<sup>25</sup> More information on this shadow report is presented in Chapter 7 of the present report.

In relation to LGBTI equality, ECRI issued the following recommendation: "ECRI recommends as a matter of priority that the authorities take action to prevent intolerance and discrimination against intersex persons, in particular children. These efforts should entail i) the introduction of specific legislation prohibiting medically unnecessary sex-"normalising" surgery and other non-therapeutic treatments until such time as the intersex child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent, ii) the development of guidelines and training on intersex equality rights for relevant professionals, especially those who may come into contact with intersex children, such as teachers and health care professionals, and iii) the dissemination of any existing relevant material, such as guides for parents of intersex children, to the target groups."

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<sup>24</sup> Greece, Ministerial Decision No. 42632/22-06-2021 ([Υπουργική Απόφαση 42632/2021 - ΦΕΚ 2711/Β/24-6-2021](#)) (O.G. B' 2711/24-06-2021).

<sup>25</sup> CoE, Intersex Greece, [Violence against Intersex Women in Greece](#), 2022, last accessed on 27-01-2023.

## **2 Racism, xenophobia and related intolerance**

### **2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime**

In 2022, the following data was published concerning manifestations/incidents of ethnic and racial discrimination, racism and hate crime:

#### Findings of the Racist Violence Recording Network

The initiative for the establishment of the Racist Violence Recording Network (RVRN) was taken in mid-2011 by the Greek National Commission for Human Rights (GNCHR) and the Office of the UN High Commissioner for Refugees in Greece (UNHCR) following two major findings: a) the absence of an official and effective data collection system and b) the need for coordination among organizations which recorded, on their own initiative, incidents of racist violence against people who seek recourse to their services. Apart from the coordinators, UNHCR and GNCHR, RVRN is comprised of 51 Non-Governmental Organisations and civil society bodies, as well as the Greek Ombudsman and the Migrant Integration Council of the Municipality of Athens, as observers.

In pursuit of the common goal of its members, RVRN: i) submits recommendations to the Greek authorities in compliance with Greek and international law on the protection of human rights, ii) promotes public information and awareness raising on combating racist violence, iii) consults with various actors on issues pertaining to racist violence, iv) strengthens collaboration with other actors in pursuit of combating racist violence, v) organizes and participates in training programs held by civil society and other competent institutional bodies in relation to issues that refer to the identification, recording, and combating of hate crimes. RVRN applies a strict methodology by recording cases exclusively on the basis of interviews conducted with the victims. All members of RVRN have agreed on a cooperation agreement which sets out the rights and obligations of participants and have adopted the consolidated recording form of RVRN. Each RVRN organisation member appoints focal points which record the incidents, i.e. social workers, lawyers, or other professionals or volunteers, who are trained by RVRN. The appointed focal points are named and bear the responsibility of their recording. Recording forms are completed anonymously, forwarded to RVRN and used exclusively for the purpose of recording racism and hate crimes.

In May 2022, the RVRN published its 2021 Annual Report.<sup>26</sup> According to the report, during 2021 the RVRN recorded 72 incidents of racist violence.<sup>27</sup> In 28 incidents, migrants, refugees or asylum-seekers were targeted due to their national origin, religion or colour, as well as human rights defenders due to their association with refugees and migrants. In one of the incidents, refugees as well as a minor Greek citizen were targeted at the same time, due to their nationality and ethnic origin respectively. In 5 incidents, the targets were Greek citizens due to their ethnic origin. In 2 incidents, the targets were Jewish sacred sites. In 36 incidents, the targets were LGBTQI+ individuals as well as human rights defenders, due to their connection with the LGBTQI+ community. In three of these incidents, refugees were targeted due to their sexual orientation and gender identity. In 1 case, the target was the victim's disability.

Regarding the perpetrators' profile the RVRN noted<sup>28</sup> that in 43 incidents, there were civilians involved; in 7 incidents, the perpetrators were public servants; in 20 incidents, the perpetrators were law enforcement officials; in 1 incident, the perpetrator was an employer in agricultural works and based on the victim's testimony, he was a police officer by profession; and in 1 incident that occurred at the country's sea borders and appears to have resulted in the informal forced return of the victims, the latter were attacked when they arrived on land by a group of hooded men riding in cars and motorbikes.

The main conclusions<sup>29</sup> of RVRN found that the recordings for 2021 showed a decrease in incidents of organized violence, which is probably linked to the court ruling condemning Golden Dawn as a criminal organization at the end of 2020. However, the specific pattern of attacks seems to have emerged in other areas, such as within the school environment. This highlights the need for constant vigilance on the part of competent authorities, in order to focus on policies to effectively prevent and combat any relevant trend of organized violence

In most of the incidents recorded by RVRN and involving refugees and migrants, the victims identify law enforcement officials among the perpetrators.<sup>30</sup> According to the Network's recordings, racially motivated police violence has become a growing trend in recent years (2018-2021), especially during the pandemic.

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<sup>26</sup> Greece, Racist Violence Recording Network, [2021 Annual Report](#), 2022, last accessed on 27-01-2023.

<sup>27</sup> Greece, Racist Violence Recording Network, [2021 Annual Report](#), 2022, last accessed on 27-01-2023, p. 10.

<sup>28</sup> Greece, Racist Violence Recording Network, [2021 Annual Report](#), 2022, last accessed on 27-01-2023, p. 15.

<sup>29</sup> Greece, Racist Violence Recording Network, [2021 Annual Report](#), 2022, last accessed on 27-01-2023, p. 17-18.

<sup>30</sup> Greece, Racist Violence Recording Network, [2021 Annual Report](#), 2022, last accessed on 27-01-2023, p. 7.

## Findings of the Greek Ombudsman

Law 4443/2016,<sup>31</sup> which incorporated Directives 78/2000/EC and 43/2000/EC, established 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 the areas of 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 equal treatment, which is included in its Annual Report and is submitted to Parliament before the end of March each year.

In mid-2022 the Greek Ombudsman published its Equal Treatment-2021 Special Report.<sup>32</sup> According to the Report, in 2021 it received a total of 1054 new complaints (note that there was an 11% increase in comparison to 2020). Out of these complaints 1% were based on grounds of race or colour, 3% on grounds of national or ethnic origin and 2% on grounds of religion or religious beliefs. Cases it recorded included the following:

- Ethnic/national Origin: A mother submitted a complaint with the Ombudsman when the National Benefits Organisation (OPEKA) informed her that she could not be granted a birth allowance due to the fact that the father – a non-Greek citizen- had not submitted a tax return in Greece for the financial year 2019, a requirement for calculating the family's income.<sup>33</sup> The father, a UK citizen, was not a Greek resident, had not acquired any income or assets in the country and was therefore exempted from an obligation to file a tax return. The Ombudsman considered the refusal discrimination based on the father's national origin, contacted the organization and requested the review of the case based on the mother's income.

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<sup>31</sup> Greece, Law 4443/2016 'On the transposition of Directive 43/2000/EC on the application of the principle of equal treatment irrespective of race and ethnic origin, and the transposition of Directive 78/2000/EC on the configuration of the general framework of equal treatment in employment and work and Directive 54/2014/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers and other provisions' ([Νόμος 4443/2016](#), *Ενσωμάτωση της Οδηγίας 2000/43/ΕΚ περί εφαρμογής της αρχής της ίσης μεταχείρισης προσώπων ασχέτως φυλετικής ή εθνοτικής τους καταγωγής, της Οδηγίας 2000/78/ΕΚ για τη διαμόρφωση γενικού πλαισίου για την ίση μεταχείριση στην απασχόληση και την εργασία και της Οδηγίας 2014/54/ΕΕ περί μέτρων που διευκολύνουν την άσκηση των εργαζομένων στο πλαίσιο της ελεύθερης κυκλοφορίας των εργαζομένων και λοιπές διατάξεις*). Abbreviation: Equal Treatment Law (O.G.A 232/ 09-12-2016).

<sup>32</sup> Greek Ombudsman, [Equal Treatment-2021 Special Report](#), June 2022, last accessed on 27-01-2023.

<sup>33</sup> Greek Ombudsman, [Equal Treatment-2021 Special Report](#), June 2022, last accessed on 27-01-2023, p. 28.



- Ethnic/national origin: An NGO contacted the Ombudsman complaining that the Confederation of Multi-Child Parents (ASPE) refused to recognize beneficiaries of international protection with a multi-child status, due to the fact that they could not provide a certificate of marital status from their country of origin.<sup>34</sup> The Ombudsman contacted the competent services and highlighted that 'multi-child' status also applies to recognized refugees, stateless persons and beneficiaries of the humanitarian protection, who reside permanently in Greece. It also underlined the obligation of the state services (namely the Asylum Service) to issue attestations and certificates required for the exercise of their rights, given the objective limitations in addressing the competent services in their countries of origin. Failure to comply with the above, according to the Ombudsman, and the exclusion of recognized refugees from social benefits constitutes discrimination against the specific group.

In 2022, the Ombudsman published its findings in the case of a head-scarf ban during nursing internships at public hospital clinics.<sup>35</sup> In the aforementioned case, the Ombudsman stated the measure was not discriminatory, since it was not linked and not differentiated based on religious beliefs but introduced for the observance of the prescribed uniform dress-code for nurses, based on provisions of a regulatory nature, which are applied to the nursing staff indiscriminately.

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

Article 56 of Law 4443/2016 established the Ombudsman 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.

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<sup>34</sup> Greek Ombudsman, [Equal Treatment-2021 Special Report](#), June 2022, last accessed on 01-12-2022, p. 28-29.

<sup>35</sup> Greek Ombudsman, Summary of Intervention, The ban on the use of headscarves during nursing internships in clinics of public hospitals does not constitute discrimination based on religious beliefs, (Σύνοψη Διαμεσολάβησης, [Η απαγόρευση χρήσης μαντίλας κατά την πρακτική άσκηση νοσηλευτικής σε κλινικές δημόσιου νοσοκομείου δεν στοιχειοθετεί διάκριση λόγω θρησκευτικών πεποιθήσεων](#)), July 2022, available in Greek, last accessed on 27-01-2023.

In October 2022, the Ombudsman published its 2021 Special Report.<sup>36</sup> During 2021, three hundred and eight cases were submitted to the Ombudsman (308) concerning the special competence of the National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA), showing an increase of 17%, compared to 2020.<sup>37</sup> 40 cases concerned racist motive or discrimination (14%), specifically.

It is important to highlight that the Ombudsman refers to a case concerning the shooting of a young Roma boy in the Perama area of Attica in 2021. According to the report:<sup>38</sup> *"Another incident of police arbitrariness that has been of a major concern for the public opinion during the last months of 2021 is connected to the persecution and the consequent death of a young Roma man in the area of Perama. More specifically, according to the complaints, at the end of October 2021 shortly after midnight, seven police officers, while persecuting a private vehicle in which two young Roma men were riding, started shooting towards the car resulting in the death of the front passenger. The number of fatal injuries of the victim, the total number of shell casings found at the area of the incidents as well as the violation of the explicit order, which had been previously given to the said police officers by the Radio-telecommunications center to end the persecution, caused the social outcry as to the police handling of the case and the criminal prosecution of the police officers involved."*

It should be noted that following reports published in the press on the completion of the disciplinary investigation, the Ombudsman sent a relevant letter to the Hellenic Police, as a reminder to forward the entire case-file of the investigating procedure after the drafting of the relevant disciplinary conclusion. The case remains under internal investigation.

Finally, it should be highlighted that apart from the above incident mentioned in the Ombudsman's report, in 2022 there was another altercation between the police and a Roma teenager, which resulted in his death and reignited the debate around police violence in Greece especially against the Roma. A Roma teenager allegedly fled in the beginning of December 2022 a gas station without paying the bill and was tracked down by the police.<sup>39</sup> One of the officers opened fire against him injuring his head. The boy passed away a week later and by the end of the year the case was still pending in the investigation phase before the Court of Thessaloniki. The Roma community condemned the incident and addressed an

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<sup>36</sup> Greek Ombudsman, Special Report 2021, [National Mechanism for the Investigation of Arbitrary Incidents \(EMIDIPA\)](#), 2022, last accessed on 27-01-2023.

<sup>37</sup> Greek Ombudsman, Special Report 2021, [National Mechanism for the Investigation of Arbitrary Incidents \(EMIDIPA\)](#), 2022, last accessed on 27-01-2023, p. 19-20.

<sup>38</sup> Greek Ombudsman, Special Report 2021, [National Mechanism for the Investigation of Arbitrary Incidents \(EMIDIPA\)](#), 2022, last accessed on 27-01-2023, p. 77.

<sup>39</sup> Guardian, [Greece: thousands march after death of Roma boy shot in police chase](#), 13-12-2022, last accessed on 27-01-2023; BBC, [Anger as Roma teen shot by Greek police dies](#), 13-12-2022, last accessed on 27-01-2023; Ekathimerini, [Roma leaders urge calm after teen shot by police dies](#), 13-12-2022, last accessed on 27-01-2023.

open letter to the Prime-Minister calling for an end to discrimination and the marginalization of the Roma community by effectively implementing measures for their social integration.<sup>40</sup> The open letter was issued by the Roma organization Ellan-Passe and co-signed by more than thirty Roma organisations.

## Islamophobia

In 2022, the 2021 Report on “Islamophobia in Greece” was published.<sup>41</sup> The report is based on data collected during 2021 and takes into account local, national, and international events that might have influenced the (re)appearance or the rise of Islamophobia. The material was mainly collected from printed and electronic media, websites and blogs, reports of NGOs, international organisations and state authorities, and formal or informal contacts with members of the Muslim communities.

According to the findings of the report,<sup>42</sup> the situation with regard to Islamophobia and anti-Muslim attitudes in Greece during 2021 had not changed significantly compared to the previous years. Islamophobia was primarily found on the discursive level while physical attacks with religious motivation targeting mosques, cemeteries, Muslim migrants or refugees, which are actually difficult to record, remain fewer compared to other European countries.

Referring to the justice system,<sup>43</sup> the report states that Islamophobic cases mentioned either by Muslims themselves or reported in the media are not recorded. On the other hand, the Greek Helsinki Monitor (GHM) had in 2021 proceeded to a series of lawsuits against individuals, such as politicians and journalists, who reproduce Islamophobic rhetoric and hate speech in their public discourse, for example in texts, articles, and the Internet. In December 2021, a Greek court sentenced the editor of Makeleio, an extreme-right newspaper, for a racist front page targeting Pakistanis published back in 2017, after a lawsuit by the GHM. The sentence was six months in prison and a fine of 5,000 Euros.

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<sup>40</sup> Greece, Ellan-Passe, Press Release, Open Letter to the Greek Prime-Minister (*Ανοικτή Επιστολή προς τον Πρωθυπουργό της Ελλάδας*), 16-12-2022, last accessed on 27-01-2023.

<sup>41</sup> Ali Huseyinoglu & Alexandros Sakellariou, Islamophobia in Greece: National Report 2021, in: Enes Bayraklı & Farid Hafez, [European Islamophobia Report 2021](#), Vienna, Leopold Weiss Institute, 2022, pp. 289-314, last accessed on 27-01-2023.

<sup>42</sup> Ali Huseyinoglu & Alexandros Sakellariou, Islamophobia in Greece: National Report 2021, in: Enes Bayraklı & Farid Hafez, [European Islamophobia Report 2021](#), Vienna, Leopold Weiss Institute, 2022, pp. 289-314, last accessed on 27-01-2023, p. 296.

<sup>43</sup> Ali Huseyinoglu & Alexandros Sakellariou, Islamophobia in Greece: National Report 2021, in: Enes Bayraklı & Farid Hafez, [European Islamophobia Report 2021](#), Vienna, Leopold Weiss Institute, 2022, pp. 289-314, last accessed on 27-01-2023, p. 307.

Finally, the report identifies the following issues that need to be addressed with regard to monitoring and confronting Islamophobia<sup>44</sup>:

- 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.
- 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.
- 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.
- 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 and Muslims remains highly limited, which provides another space for Islamophobia to flourish and grow inside the Greek society. For the same purpose, training seminars provided particularly for those journalists, teachers, police officers, coastguards, and other civil servants who have contact with Muslims should be implemented.
- Muslims should be included in decision-making mechanisms combating anti-Muslim hatred in Greece. An effective mechanism of dialogue and cooperation should immediately be established; a platform is necessary where views of Muslims will be taken fully into consideration by Greek decision-makers in Greece's fight against Islamophobia.
- Even though the National Action Plan against Racism and Bigotry is an important development, further initiatives should be taken in order to tackle Islamophobia at every state level in a more concrete and well-organised way. Fragmented decisions and initiatives might lose any positive effect without continuation and consistency.

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<sup>44</sup> Ali Huseyinoglu & Alexandros Sakellariou, Islamophobia in Greece: National Report 2021, in: Enes Bayraklı & Farid Hafez, [European Islamophobia Report 2021](#), Vienna, Leopold Weiss Institute, 2022, pp. 289-314, last accessed on 27-01-2023, p. 312-313.

## **2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive**

In 2022 there were policy developments that relate to the Racial Equality Directive or the Framework Decision on Racism and Xenophobia.

In June 2021 the European Commission decided to send a letter of formal notice to Greece in relation to the transposition EU law criminalising hate speech and hate crimes.<sup>45</sup> According to the European Commission, the Greek legal system criminalises hate speech only when public incitement to violence or hatred endangers public order or poses a threat to life, freedom, or physical integrity of persons. Greece was given a deadline of two months to take the necessary measures to address the shortcomings identified by the Commission. Failing this, the Commission may decide to take the infringement procedure to the next step, by sending a reasoned opinion. Greece has responded to the European Commission providing clarifications on the existing relevant national legal framework, claiming that the existing legal framework, especially following the amendment of the Greek Criminal Code in 2019, is sufficient.<sup>46</sup> Specifically, Article 184 of the Code provides that whoever publicly, by any means, including the internet, causes or incites the commission of a crime and puts in danger the public order, is punished by one year of imprisonment or with a fine. If the intention was to perform violent acts against persons who are defined by race characteristics, colour, national or ethnic origin, descent, religion, disability, sexual orientation, gender identity or sex characteristics, the sentence may reach three years of imprisonment. In 2022 no relevant legislative amendment was introduced.

In 2022 a unified recording mechanism for racist violence incidents was established at the Greek Ministry of Justice.<sup>47</sup> Through this mechanism, the Hellenic Police will send twice a year, information on the cases reported or recorded by its services to the Ministry of Justice, which will in turn process the data and monitor the criminal progress of these cases.

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<sup>45</sup> European Commission, June Infringements packages, available at: [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_21\\_2743](https://ec.europa.eu/commission/presscorner/detail/en/inf_21_2743), last accessed on 27-01-2023.

<sup>46</sup> According to information provided by the Greek Ministry of Justice a letter was sent to the European Commission on 05-10-2021.

<sup>47</sup> Information provided by the Greek Ministry of Justice in its 11-10-2022 Communication.

During the first half of 2022, the Ministry of Justice distributed 2000 copies of a Guide for the Rights of Victims of Racist Crimes to 63 prosecution authorities, 86 NGOs, 14 General Police Directorates, public hospitals, asylum services and reception and identification centres.<sup>48</sup> The guide was translated into 9 languages (English, French, Farsi, Urdu, Arabic, Pastu, Albanian, Russian and Georgian).<sup>49</sup>

### National Action Plan Against Racism and Intolerance

The National Council against Racism and Intolerance (NCRI) adopted on December 8, 2020 the first National Action Plan Against Racism and Intolerance 2020-2023.<sup>50</sup> It should be noted that so far no report on the implementation and monitoring of the Action Plan has been made publicly available. The Action Plan itself states that the NCRI shall systematically monitor its implementation and ensure its regular updating and prepare an annual action report, which will be submitted by the end of January each year to the President of the Greek Parliament.

In 2022, the European Commission against Racism and Intolerance (ECRI) published its report on Greece.<sup>51</sup> When examining Greece's NAP, ECRI stated that<sup>52</sup>: *"ECRI is pleased to note that a National Action Plan (NAP) against Racism and Intolerance was drawn up by the NCRI and adopted in December 2020. The objective of the NAP is to eliminate any kind of racism or discrimination based on "race", colour, religion, nationality or national or ethnic origin, disability, belief, chronic illness, sexual orientation, gender identity or/and gender characteristics. The NAP is divided into four main areas, namely awareness-raising, education, social integration policies and justice. It allows for setting priorities on an annual basis and will be subject to mid-term evaluations. It also refers to the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA). Groups considered to be vulnerable to discrimination, such as migrants, asylum seekers and those granted asylum, Roma, and LGBTI people are specifically mentioned. NGOs and other civil society actors regarded positively the inclusive and thorough consultation processes undertaken in the preparation of*

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<sup>48</sup> Information provided by the Greek Ministry of Justice in its 11-10-2022 Communication.

<sup>49</sup> Greece, Ministry of Justice, National Council against Racism and Intolerance, [Guide for the rights of hate crime victims](#), last accessed on 27-01-2023.

<sup>50</sup> Greece, National Council against Racism and Intolerance, [National Action Plan against Racism and Intolerance](#), 2020, last accessed on 27-01-2023.

<sup>51</sup> CoE, [ECRI Report on Greece](#) (Sixth Monitoring Cycle), adopted on 28-06-2022, 22-09-2022, last accessed on 27-01-2023.

<sup>52</sup> CoE, [ECRI Report on Greece](#) (Sixth Monitoring Cycle), adopted on 28-06-2022, 22-09-2022, last accessed on 27-01-2023, p. 25.

*the NAP.*" Finally, the ECRI noted that the implementation of the National Action Plan was significantly delayed due to the Covid-19 outbreak.

#### ECRI findings regarding hate speech and hate crimes

According to the European Commission against Racism and Intolerance (ECRI) 2022 report on Greece,<sup>53</sup> refugees, asylum seekers and migrants, Roma and LGBTI communities are frequent targets of hate speech, involving at times politicians and even state officials and, in the case of LGBTIphobic hate speech, representatives of the Greek Orthodox Church. The ECRI notes that new guidance provided to prosecutors has largely been ignored, resulting in only some ten prosecuted cases of hate speech of a criminal nature in the last ten years, with the majority not resulting in a sentence, or even, in the worst case, with the complainant ending up accused and sentenced for libel instead. To this end the ECRI recommended that the Greek authorities launch public awareness campaigns against hate speech, in which the dangers posed by hate speech are underlined and the falsity and unacceptability of its foundations stressed, involving responsible political and religious leaders engaging in counter-speech.

In relation to hate crimes, the ECRI stated that the actual impact of Article 82A of the Criminal Code (on hate crimes) in recent criminal cases is still rather limited. There have been delays in the investigation of bias-motivated crimes. In a number of cases, the possible racist motivation was not, in practice, investigated by the police and the prosecutors did not address the issue either. The report referred to a main finding of the Greek Ombudsman as National Mechanism for the Investigation of Arbitrary Incidents, that the victims are all too often not formally interviewed, and that medical and other evidence is ignored. Alternatively, the victims are called to be heard by the investigators only months after the incident, which especially in the case of asylum-seeking victims often makes them hard to find. ECRI specifically mention as an example a case from the island of Lesbos in April 2019 when residents attacked asylum seekers who were protesting against the notoriously poor conditions in the Moria camp. 26 alleged perpetrators were identified in the course of the investigation. However, by November 2021, no date for any court hearing had been set.

ECRI expressed its concern on the overall reluctance of the police and prosecutors to consider hate motivations in police investigations and to prosecute hate crimes as such. This state of affairs was confirmed by the disproportion between registered hate crimes compared with the number of prosecutions and sentences for crimes motivated by hate.

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<sup>53</sup> CoE, [ECRI Report on Greece](#) (Sixth Monitoring Cycle), adopted on 28-06-2022, 22-09-2022, last accessed on 27-01-2023.

Finally, in relation to combatting racism and intolerance, ECRI requested priority implementation from the authorities of Greece for the following recommendation:

- ECRI recommends that the Greek authorities strengthen the support and litigation function of the Greek Ombudsman, in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level, in particular by introducing legislation enabling the Ombudsman to intervene as *amicus curiae* before courts.



### 3 Roma equality and inclusion

#### 3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	Yes In March 2022, the Ministry of Employment and Social Affairs published the National Strategy and Action Plan for the Social Integration of Roma 2021-2030. <sup>54</sup>
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	Yes. According to Annex II of the National Strategy and Action Plan for the Social Integration of Roma 2021-2030, 13 Roma and Traveller civil society organisations were consulted for the development of the action plan, including ELLAN PASSE and the Union of Greek Roma Mediators and Partners.
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	Yes. According to Annex I of the National Strategy and Action Plan for the Social Integration of Roma 2021-2030, both the Greek Ombudsman as well as the Greek National Commission for Human Rights were consulted. The Greek National Commission for Human Rights has published its contribution to the strategy. <sup>55</sup>

<sup>54</sup> Greece, Ministry of Employment and Social Affairs, National Strategy and Action Plan for the Social Integration of Roma 2021-2030 ([Εθνική Στρατηγική και Σχέδιο Δράσης για την Κοινωνική Ένταξη των Ρομά 2021-2030](#)), last accessed on 27-01-2023.

<sup>55</sup> Greece, GNCHR, Contribution in the framework of drafting a New Strategy for the Social Inclusion of Roma for 2021-2027), ([Συνεισφορά της ΕΕΔΑ στο στο πλαίσιο εκπόνησης της Νέας Εθνικής Στρατηγικής για την Κοινωνική Ένταξη των Ρομά για την περίοδο 2021-2027](#)), March 2021, last accessed on 27-01-2023.

Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	Other. The National Strategy and Action Plan for the Social Integration of Roma 2021-2030 foresees that its review and assessment will be carried out in three phases: in 2024, 2027 and in 2030 (ex-post assessment). The General Secretariat for Social Solidarity and Combatting Poverty of the Greek Ministry of Employment and Social Affairs is tasked with preparing the assessment reports.
<b>Implications of the war in Ukraine on the situation of Roma</b>	
Have Roma from Ukraine entered your country?	No available information
If Roma from Ukraine entered your country how was this communicated in the media?	No available information
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	No available information

### **3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion**

In 2022 there were legal developments concerning the Roma in Greece.

Specifically, concerning the area of health, Article 45 of Law 4931/2022<sup>56</sup> which regulates free access to health services, in relation to the obligations of primary health teams states that these should “carry out screening tests for the early detection of any pathogenicity, at an early age, in the school environment, in the work environment, as well as amongst the population of groups with particular needs, such as in refugee, migrant or Roma camps”. This means that when addressing the Roma, primary health-care providers should ensure early detection of preventable health problems from an early age and throughout the individual’s life.

However, the most significant development that took place in Greece in 2022 was the adoption of a new National Strategy and Action Plan for the Social Integration of Roma 2021-2030.<sup>57</sup>

The Strategy includes the following actions:

Education:

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<sup>56</sup> Greece, Law 4931/2022, Doctor for all, equal and quality access to services of the National Organisation for Providing Health Services and the Primary Healthcare and other provisions ([Γιατρός για όλους, ισότιμη και ποιοτική πρόσβαση στις υπηρεσίες του Εθνικού Οργανισμού Παροχής Υπηρεσιών Υγείας και στην Πρωτοβάθμια Φροντίδα Υγείας και άλλες επείγουσες διατάξεις](#))(O.G. A 94/13-05-2022).

<sup>57</sup> Greece, Ministry of Employment and Social Affairs, National Strategy and Action Plan for the Social Integration of Roma 2021-2030 ([Εθνική Στρατηγική και Σχέδιο Δράσης για την Κοινωνική Ένταξη των Ρομά 2021-2030](#)), last accessed on 27-01-2023.

- Support educational Interventions in Roma communities to enhance children's access to education and reduce early drop-outs
- Scholarships/awards for Roma students in secondary education
- Reception classes and recruitment of psychologists and social workers in schools to support the integration of students from vulnerable social groups (including Roma) (to be carried out in the framework of Child Guarantee)
- Support the transportation of students attending public schools/Special Education Units at regional level
- Creation/Upgrading of educational material to support the acquisition of skills for vulnerable students, e.g. Roma, refugees, immigrants
- Pilot Implementation of Romani language teaching programme in primary school based on a proposal of the Council of Europe (implicating Roma primary school students, teachers and the Roma parents, guardians, facilitators, and the wider community, etc.)
- Support social integration in the digital transformation of education through the Voucher Program "Digital Care". It will consist of a 200 euros voucher for students and youth aged 4 to 24 years for the purchase of technological equipment (tablet, laptop, desktop).
- Cultural mediation program support in schools in combination with employability programs for Roma youth - in the framework of Child Guarantee

#### Prevention and fight against Roma poverty and social exclusion:

- Implementation of a Minimum Guaranteed Income (MGI) (including Roma beneficiaries) – consists of financial support, additional social services (for families and children) in community centers and labour market integration services by the Greek Manpower Organisation (OAED).

- "Housing First" program: actions for the development of social housing for vulnerable groups, in order to promote their social inclusion
- "School Meals" Program- Provision of school meals to Primary Education students
- Harmonization of family and professional life program - Support the inclusion of children in preschool education (particularly vulnerable children) - in line with the Child Guarantee

Promoting the active participation of Roma in social, economic and political life:

- Local actions to promote Roma empowerment - mainly Roma youth and women
- Roma to Roma (peer to peer) support models for Roma women and families at-risk based on a combination of evidence-based information and empirical family-situated knowledge on different topics in the domains of nutrition/health and parenting within communities (including topics such as child rearing/protection, gender and GBV, reproductive health and the risks of early pregnancies/marriages, mental health and substance abuse)
- Enhance representation and active participation of Roma youth (e.g. in the Child Guarantee Steering Committee and in the Generation Unlimited Programme organized by UNICEF)
- Southeastern Europe (SEE) Roma Platform – promote joint cooperation and exchange of good practices among 10 SEE countries including Roma youth representatives and organizations on critical aspects of Roma children inclusion e.g child poverty, early school leaving, early marriages etc.

Apart from the above strategy, in 2022 the General Secretariat for Social Solidarity and Combatting Poverty published a report on Roma settlements and populations in Greece,<sup>58</sup> based on the results of the nationwide census carried out from the summer of 2021 till April 2022. According to the relevant report, the 2021 census covered the largest Roma population so far (232 settlements with a total population of 70.244 residents). By covering the entire territory of the country, the census managed to capture the existing situation by recording a multitude of subjects. For the first time an attempt was made to collect, group and systematically process the demographic and social data characteristics of the population as well as living conditions thus highlighting the Roma population's various needs.

### Evaluation of the Greek National Strategy

In 2022, the Roma Women Association of Dendropotamos prepared and published its evaluation of the quality of the national strategic framework for Roma equality, inclusion, and participation in Greece.<sup>59</sup> The report was prepared as part of the initiative 'Preparatory Action – Roma Civil Monitoring – Strengthening Capacity and Involvement of Roma and pro-Roma Civil Society in Policy Monitoring and Review'. The report welcomes the new National Strategy and Action Plan for the Social Integration of Roma 2021-2030, considering it a significant improvement to previous strategies, and states that it introduces a series of indicators (largely based on those proposed by the FRA), together with a more robust monitoring mechanism that will be receiving input from numerous sources, including from the participation of Roma civil society. Noting that the participation of civil society is considered a *conditio sine qua non* for the implementation, monitoring and evaluation of the Roma strategy, which is apparent from the several bodies and committees where active participation of Roma is sought. It remains to be seen how these instruments will be used in practice.

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<sup>58</sup> Greece, General Secretariat for Social Solidarity and Combatting Poverty, Recording of Settlements and Roma Population on a national level (2021)([Καταγραφή Οικισμών και Πληθυσμού Ρομά σε εθνικό επίπεδο \(έτος 2021\)](#)), September 2022, last accessed on 27-01-2023.

<sup>59</sup> European Commission, Roma Women Association of Dendropotamos, [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Greece](#), May 2022, last accessed on 27-01-2023.

The report notes that there is also a paradigm shift with regards to the understanding of structural issues that hindered the implementation of previous strategies and there is ample political will to comprehend Roma issues from the viewpoint of Roma themselves.

The report also records a series of shortcomings, including the lack of means to involve local authorities – that have a key role in the implementation of the Strategy, particularly in the field of housing - to devise and implement projects for the benefit of the Roma. Two issues are highlighted: the Strategy fails to acknowledge the existence of antigypsyism as a particular manifestation of racism and discrimination against Roma because of their ethnicity (and the lack of provision of adequate related measures thereof) and any reference to the issue of forced evictions and informal housing, which can have an impact both on assessing the challenges when devising Roma related policies, but also on their implementation.

It concludes that whereas it appears that steps have been taken to ensure proper coordination among the relevant stakeholders, it remains to be seen how effective this coordination will be. Regarding the relevance of the strategy, its provisions cover nine thematic fields and some of its measures are very positive and promising. If it is properly implemented, it will efficiently address the numerous challenges Roma encounter.

The report, *inter alia*, recommends local administrations to enhance political willingness on Roma-related policies, drafting a separate strategy/series of policies on antigypsyism as well as tackle measures to prevent the evictions of Roma that are not accompanied by the provision of alternative accommodation. Finally, the report records a lack of clear targets and that budgeting remains to be seen in the near future.

#### Findings of the Roma Human Rights Advocacy and Defense Observatory - Rom Project

To address the under-reporting of discrimination cases against Roma, the "ROM" initiative<sup>60</sup> was put forward in March 2021 with coordinating partner the Equal Society Organization and partners Ellan Passe - Panhellenic Confederation of Greek Roma and the Union of Greek Roma Mediators which created the first "Roma Human Rights Advocacy and Defense Observatory",

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<sup>60</sup> Greece, [Rom Project](#), available in Greek, last accessed on 27-01-2023.

which collects, processes and forwards Roma complaints to be resolved by competent bodies. The project is funded by the Active Citizens Fund with the budget of 13,5 million Euros.

In June 2022, the Observatory published its first Annual Report which covered the period of March 2021-February 2022.<sup>61</sup> According to the report, during the first year of the implementation of the Observatory, more than 200 complaints were collected and processed from the 4 Greek Regions with Roma settlements. During the period of March 2021-August 2021, complaints were made in relation to poor basic hygiene and living conditions, experiences of racism in multiple aspects of everyday life, police arbitrariness, difficulties in accessing primary health care and employment, discrimination and obstacles to the participation of Roma children in the educational field. Complaints collected during the period of September 2021-February 2022 referred to the systematic indifference of the local and regional authorities for the living conditions of Roma communities. More than 60% of reports submitted to the Observatory related to Roma access to public services and, the services provided by the municipal authorities. The report highlights the negative impact of COVID-19 on the integration of Roma, who became further marginalized during the pandemic.

### Police Violence and the Roma

As mentioned in the previous chapter, in 2022 there was another altercation between the police and a Roma teenager, which resulted in his death and reignited the debate around police violence in Greece which targets the Roma. A Roma teenager allegedly fled in the beginning of December 2022 a gas station without paying the bill and was tracked down by the police.<sup>62</sup> One of the officers opened fire against him injuring his head. The boy passed away a week later and by the end of the year the case was still pending in the investigation phase before the Court of Thessaloniki. The Roma community condemned the incident and addressed an open letter to the Prime-Minister calling for an end to discrimination and the marginalization of the

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<sup>61</sup> Greece, Roma Human Rights Advocacy and Defense Observatory, Annual Report March 2021-February 2022, ([Ετήσια Έκθεση Παρατηρητηρίου Μάρτιος 2021-Φεβρουάριος 2022](#)), available in Greek, last accessed on 27-01-2023.

<sup>62</sup> Guardian, [Greece: thousands march after death of Roma boy shot in police chase](#), 13-12-2022, last accessed on 27-01-2023; BBC, [Anger as Roma teen shot by Greek police dies](#), 13-12-2022, last accessed on 27-01-2023; Ekathimerini, [Roma leaders urge calm after teen shot by police dies](#), 13-12-2022, last accessed on 27-01-2023.



Roma community by effectively implementing measures for their social integration.<sup>63</sup> The open letter was issued by the Roma organization Ellan-Passe and co-signed by more than thirty Roma organisations. It also stated that the Roma community will be making the first steps for establishing a unified front by bringing together Roma representatives throughout Greece and assisting the State more effectively in the implementation of its integration policies.

As for events from previous years, it should be noted that in October 2022 the prosecutor in charge of the investigation into the shooting of a young Roma man in the Perama area<sup>64</sup> presented her findings to the Judiciary Council of Misdemeanours of Peiraeus and proposed that all seven police officers involved in the shooting be indicted for homicide (felony charge) by intent.<sup>65</sup> As of December 31<sup>st</sup>, 2022 a decision of the Judiciary Council was still pending.

In 2022 the case involving the shocking death of an 8-year-old Roma girl in Keratsini was still pending in the investigation phase. In November 2021, the girl died after she became wedged between the wall and an electric gate weighing one ton as it slid closed at a factory premises. The child was left there unaided even though workers at the factory had seen her but continued to walk by.<sup>66</sup> In September 2022, the attorney representing the girl's family reported that the Prosecutor handling the case had returned the casefile to the Hellenic Police for further investigation given that the evidence was inefficient. The case was still pending by the end of 2022.<sup>67</sup>

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<sup>63</sup> Greece, Ellan-Passe, Press Release, Open Letter to the Greek Prime-Minister (*Ανοικτή Επιστολή προς τον Πρωθυπουργό της Ελλάδας*), 16-12-2022, last accessed on 27-01-2023.

<sup>64</sup> Greece, GovWatch, [Police killing of Nikos Sampanis: Racial profiling and violation of the rules of police engagement](#), 22-10-2021, last accessed on 27-01-2023.

<sup>65</sup> Greece, efsyn.gr, The seven police officers to stand trial for the murder of Sampanis, ([Στο εδώλιο επτά αστυνομικοί για τη δολοφονία Σαμπάνη](#)), 22-10-2022, last accessed on 27-01-2023.

<sup>66</sup> Greece, Greek City Times, [Death of 8-year-old girl in Keratsini: Shocking Forensic Findings](#), 18-12-2021, last accessed on 27-01-2023.

<sup>67</sup> Greece, real.gr, 8-year-old's death in Keratsini: We are waiting for the case to find Justice, ([Θάνατος 8χρονης στο Κερατσίνι: «Ανυπομονούμε να φτάσει η υπόθεση στη Δικαιοσύνη...»](#)), last accessed on 27-01-2023.

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

### 4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

<b>EUMS</b>	<b>Implementation of Article 3 of <a href="#">Directive 2002/90/EC</a></b>	
	<b>How has your EUMS implemented Article 3 of Directive 2002/90/EU</b>	<p><b>Hyperlinked legal provision in EN and national language</b></p> <p>Article 30 of Law 4251/2015 "Immigration and Social Integration Code and other provisions" as amended.</p> <p>Άρθρο 30 του <a href="#">Νόμου 4251/2015 Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης κλπ. διατάξεις</a>, όπως ισχύει.</p> <p>[Article 3 of Directive was initially transposed with Article 80 of Law 3386/2005, <a href="#">Codification of Legislation on the Entry, Residence and Social Integration of Third Country Nationals on Greek Territory</a>. The law was abolished by Law 4251/2015]</p>
	<b>Cases [incident numbers] of criminalisation of humanitarian assistance</b>	
	<b>Number of cases recorded by the police in 2022</b>	<p><b>Number and details of cases (if available)</b></p> <p>Not available.</p> <p>It should be noted that more and more cases concerning the criminalisation of human rights defenders in the field of migration are being reported in</p>

		<p>Greece.<sup>68</sup> In May 2022, the United Nations Special Rapporteur on the situation of human rights defenders, presented preliminary observations and recommendations.<sup>69</sup> The UN Special Rapporteur noting an increase in the prosecution of human rights defenders in the field of migration states that: <i>“The provisions of the Migration Code provide an exception from punishment (although not from prosecution) for humanitarian actions in article 30 (6)), which is arguably applicable in the ongoing trials. Yet, the mere fact of a criminal prosecution and judicial proceedings is a heavy burden for human rights defenders and acts as a deterrent to others. Such persecutions of human rights defenders also compromise public trust in civil society, sabotage their fundraising activities, and often results in self-censorship or an end to their activities altogether. Human rights defenders not only face criminal sanctions for their activities but are operating in an increasingly hostile environment where the general public is influenced by negative rhetoric from high -ranking officials and their unfavourable portrayal by mainstream media, often conflating their activities with those of people traffickers and criminal networks”.</i></p> <p>By the end of 2022, two more cases involving human rights defenders were reported in the Press,<sup>70</sup> The cases concerned two activists, one of whom is the head of the Greek Helsinki Monitor, charged by Greek judicial authorities on the island of Kos for “forming or joining for profit and by profession a criminal organization with the purpose of facilitating the entry and stay of third country nationals into Greek territory.” They are alleged to have done this by sending information to Greek authorities about the</p>
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<sup>68</sup> Human Rights Watch, [Greek Authorities Target NGOs Reporting Abuses against Migrants](#), 22-07-2021, last accessed on 27-01-2023.

<sup>69</sup> United Nations, Special Rapporteur on the situation of human rights defenders, Mary Lawlor [Preliminary observations and recommendations](#), Athens, 22 June 2022, last accessed on 27-01-2023.

<sup>70</sup> Human Rights Watch, [Greece: Migrant Rights Defenders Face Charges](#), 26-01-2023, last accessed on 27-01-2023.

		<p>details and whereabouts of newly arrived migrants, so that the migrants could claim asylum in Greece. The court recently issued restrictions on the head of the Greek Helsinki Monitor, sought by the prosecution, preventing his organization from carrying out humanitarian work.</p>
	<p><b>Number of investigations initiated in 2022</b></p>	<p><b>Number and details of cases (if available)</b></p> <p>Not available.</p>
	<p><b>Number of court decisions taken in 2022</b></p>	<ul style="list-style-type: none"> <li>• <b>Number and type of court decisions, information if decision is final.</b></li> <li>• <b>Type of penalties imposed according to Article 1 <a href="#">2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</a></b></li> <li>• <b>Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)</b></li> </ul> <p>In 2022, one decision was published by the Appeals Court of Thrace (Decision No. 287/2022). The decision was published on the legal database 'Nomos' which is only available to subscribers.</p> <p>The decision was issued in first instance and concerned the transportation of third-country nationals into Greek territory without a right of entry via the use of a car for financial gain. Humanitarian reasons were not invoked during the trial by the defendant however he did apply for the recognition of mitigating circumstances. The court found the defendant guilty of the crimes and sentenced him to a total of 7 years and 1 month prison terms. It recognised that in case of an appeal, the prison term will be suspended</p>

		till the issuing of a final and irrevocable decision in the case. The court also approved the confiscation of the defendant's vehicle as well as other possessions on him at the time of his arrest. There is no data on whether the defendant filed an appeal.
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## 4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

In 2022 there were developments regarding the use of new technology in the area of asylum, migration and border control.

In December 2021 the NGO Homo Digitalis (a CSO working with EDRi) expressed its concern for the introduction of surveillance systems (including thermal cameras, drones, monitoring of entry and exits through key-cards, use of AI behavioural analytics, facial recognition, etc.) at refugee camps throughout Greece (which are guarded by the police) and how it would affect the personal data rights of asylum seekers.<sup>71</sup> The NGO has also expressed that the facial recognition technology may lead to racial discrimination because they cannot effectively distinguish among ethnic groups with darker skin.

Homo Digitalis and the European Digital Rights organisation launched an investigation into the issue in the summer of 2021 and given that it could not access any information on the surveillance project, it contacted in October 2021 the Ministry of Migration Policy requesting access to information on mainly two surveillance systems, Yperion (*Υπερίων*) and Centaur

<sup>71</sup> Greece, Homo Digitalis, International Interest for the work of Homo Digitalis and the surveillance systems in the new closed refugee camps ([Διεθνές ενδιαφέρον για τις δράσεις της Homo Digitalis και τα συστήματα παρακολούθησης στις νέες κλειστές δομές προσφύγων](#)), last accessed on 27-01-2023; Aljazeera, [With drones and thermal cameras, Greek officials monitor refugees](#), last accessed on 10-10-2022.

(Κένταυρος).<sup>72</sup> According to Homo Digitalis, by the end of 2021 it had not received any response to its request, which was also forwarded to the Greek DPA.<sup>73</sup>

On March 3, 2022 the Greek DPA launched an investigation into the two surveillance systems following a joint complaint of Homo Digitalis and the Hellenic League for Human Rights.<sup>74</sup> The Authority addressed a communication<sup>75</sup> to the Ministry of Migration and Asylum inviting it to inform it immediately about:

- the specific legal basis for the processing of personal data in the context of the operation of YPERION and KENTAYROS systems; and
- the carrying out of an impact assessment study on the impact of the processing on the protection of personal data, taking into account that in the case of the procurement of surveillance and monitoring systems, the carrying out of an impact assessment regarding their operation must be carried out not only before their operation, but also before their procurement, in order to comply with the principles of data protection by design and by default.

As the DPA states,<sup>76</sup> together with the request for investigation filed by Homo Digitalis, they had also received a request for information from the European Parliament's Civil Liberties, Justice and Home Affairs Committee (LIBE Committee) on the surveillance technologies generally used at the country's borders. The DPA has yet to issue a decision on the issue.

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<sup>72</sup> C. Petridi, Algorithm Watch Organisation, [Greek camps for asylum seekers to introduce partly automated surveillance systems, 27-04-2021](#), last accessed on 27-01-2023.

<sup>73</sup> Greece, Homo Digitalis, International Interest for the work of Homo Digitalis and the surveillance systems in the new closed refugee camps ([Διεθνές ενδιαφέρον για τις δράσεις της Homo Digitalis και τα συστήματα παρακολούθησης στις νέες κλειστές δομές προσφύγων](#)), last accessed on 27-01-2023.

<sup>74</sup> Greece, Homo Digitalis, Important success of civil society in Greece: the GDPA launches investigation of the Ministry of Immigration and Asylum for the systems YPERION and KENTAVROS, ([Σημαντική επιτυχία για την κοινωνία των πολιτών στην Ελλάδα: Η ΑΠΔΠΧ ξεκινάει έρευνα στο Υπουργείο Μετανάστευσης και Ασύλου για τα συστήματα ΥΠΕΡΙΩΝ και ΚΕΝΤΑΥΡΟΣ](#)), last accessed on 27-01-2023.

<sup>75</sup> Greece, DPA, Prot. No. 563/02-03-2022, Authority investigation in relation to the Kentavros and Yperion Programme, (Αρ. Πρωτ. 563/02-03-2022, [Έρευνα της Αρχής σχετικά με το Πρόγραμμα «Κένταυρος» και «Υπερίων»](#)), last accessed on 27-01-2023.

<sup>76</sup> Greece, DPA, Prot. No. 563/02-03-2022, Authority investigation in relation to the Kentavros and Yperion Programme, (Αρ. Πρωτ. 563/02-03-2022, [Έρευνα της Αρχής σχετικά με το Πρόγραμμα «Κένταυρος» και «Υπερίων»](#)), last accessed on 27-01-2023.

Apart from the above issue, in 2022 there was no other development concerning the use of new technology at a State level, nor was there any publicly available case-law concerning the right to information and access and rectification with respect to the large-scale EU IT systems (Eurodac, SIS and VIS).

## 5 Information society, privacy and data protection

### 5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Parliamentary	National Act	Law 4961/2022 introduces provisions that guarantee the rights of natural and legal persons and enhance accountability and transparency during the use of AI. These provisions include the obligation to provide the public with information on the initiation of an AI system, its parameters and technical characteristics, the decisions taken or acts published for their use and the execution of an algorithmic impact assessment. The Greek	Yes. Article 3 of Law 4961/2022 specifically stipulates that the application of its provisions shall not infringe upon the rights and obligations contained in National and EU law for the protection of personal data and private life. Article 9 para. 1 of the same law states that any private corporation using AI systems shall refrain from their use during decision making processes which affect employees or candidates and violate the principle of equal treatment and provisions for combatting discrimination in the field of employment.	Law 4961/2022 on Emerging information and communication technologies, reinforcing digital governance and other provisions ( <a href="#">Αναδυόμενες τεχνολογίες πληροφορικής και επικοινωνιών, ενίσχυση της ψηφιακής διακυβέρνησης και άλλες διατάξεις</a> )(O.G. A 146/27-7-2022).



		<p>National Transparency Authority (<i>Εθνική Αρχή Διαφάνειας</i>) is established as a complaint mechanism for violations of transparency and accountability in the use of AI systems.</p> <p>The law introduces a Registry for AI Systems where all stakeholders and private entities should register the AI system they apply, its purpose, functional parameters, safety measures it applies, etc.</p> <p>The law also establishes monitoring mechanisms for the development of AI. This includes a Coordinating Committee (<i>Συντονιστική Επιτροπή</i>), a Monitoring Committee for the</p>		
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		National Strategy on the development of Artificial Intelligence ( <i>Επιτροπή Εποπτείας της Εθνικής Στρατηγικής για την ανάπτυξη της Τεχνητής Νοημοσύνης</i> ) and an Observatory for Artificial Intelligence ( <i>Παρατηρητήριο Τεχνητής Νοημοσύνης</i> ).		
Academi a	Report/ Study	The Study presents the dangers of discriminatory treatment which might arise from the use of AI during the preliminary stages of workers' contracts as well as the challenges their use might present in relation to EU and national law combatting discrimination. The study attempts to address 'algorithmic discrimination' within the existing framework of	Yes, The Study examines how the use of AI during the recruiting stage may lead to indirect discrimination based on grounds of gender, racial origin, and even of social status in the employment field. The Study was concluded within the framework of the NoBias Project which aims to foster artificial intelligence without bias (nobias-project.eu). .	I. Papageorgiou, Artificial Intelligence (AI)-based systems and discrimination in recruitment ( <a href="#">Συστήματα Τεχνητής Νοημοσύνης και Διακριτική μεταχείριση κατά το προσυμβατικό στάδιο σύναψης της σύμβασης εργασίας</a> ) Efarmoges Astikou Dikaiou kai Politikis Dikonomias, Nomiki Bibliothiki Issue 10, October 2022.

		anti-discrimination law, in order to explain how employers could be held liable for using algorithmic bias which may amount to a form of indirect discrimination.		
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## 5.2 Legal and policy initiatives on data protection and private life

In 2022, there were no legal developments concerning the Law Enforcement Directive or the soon to be adopted Digital Services Act.

However, there was a significant development concerning sensitive personal data protection. Article 38 of Law 4947/2022<sup>77</sup> established for the first time the crime of 'revenge porn' by introducing Article 346 of the Greek Criminal Code. The article punishes perpetrators even in cases of threats to publish audio-visual material depicting private and intimate moments of the

<sup>77</sup> Greece, Law 4947/2022 Implementing EU Directive 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA and other emergency provisions ([Νόμος 4947/2022](#), Ενσωμάτωση της Οδηγίας (ΕΕ) 2019/713 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 17ης Απριλίου 2019 για την καταπολέμηση της απάτης και της πλαστογραφίας μέσω πληρωμής πλην των μετρητών και την αντικατάσταση της απόφασης-πλαίσιο 2001/413/ΔΕΥ του Συμβουλίου (L 123) και λοιπές επείγουσες διατάξεις)(Ο.Γ. Α 124/23-6-2022).

victim, with a prison term of one year. The sentence could even reach up to 8 years in prison if posted on the internet or on social media, when an adult publishes material concerning a minor or if it concerns an ex-partner or spouse, or when it is done for financial gain. When the previous acts lead to the death of the victim (including by suicide) the sentence imposed is at minimum 10 years imprisonment.

### *Activities of the National DPA*

In 2022 the Hellenic Data Protection Agency (*Αρχή Προστασίας Δεδομένων Προσωπικού Χαρακτήρα*) published with a significant delay its 2020 Annual Report.<sup>78</sup> According to the Report, in 2020, the number of incoming cases of complaints amounted to 973, with a decrease of 1% compared to 2019 (983), while 700 cases of complaints were resolved, showing an increase of about 15% from the previous year (608). The number of data breach incidents notified to the Authority under the GDPR amounted to 130, with a decrease of 2% compared to the previous year (132 in 2019), while 59 data breach notifications were submitted by electronic communications service providers under Law 3471/2006, showing a significant increase – more than double (22 in 2019). The examination of 51 cases was completed with the adoption of a decision by the Plenary or the Chamber. Furthermore, in 2020 the Authority issued five (5) opinions.

In 2022, the DPA carried out the following activities:

1) The Hellenic Data Protection Authority is taking part in the 2022 coordinated enforcement action of the European Data Protection Board (EDPB) on the use of cloud-based services by public bodies.<sup>79</sup> This is a joint initiative whereby the majority of EDPB members pursue a common topic in a coordinated manner.<sup>80</sup> In the context of its participation in this coordinated action, the Authority, following a relevant preliminary assessment, has decided to send the questionnaire drawn up by the EDPB specifically to five public bodies whose activities, performed with the use of cloud-based services, have a significant impact on the protection of personal data. This questionnaire contains detailed questions on different aspects of data protection

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<sup>78</sup> Greece, DPA, [Summary of Annual Report 2020](#), 2022, last accessed on 27-01-2023.

<sup>79</sup> Greece, DPA, [Participation of the Hellenic DPA in the coordinated enforcement action of the EDPB on the use of cloud-based services by the public sector](#), 18-02-2022, last accessed on 27-01-2023.

<sup>80</sup> European Data Protection Board, [Launch of coordinated enforcement on use of cloud by public sector](#), 15-02-2022, last accessed on 27-01-2023.

when selecting Cloud Service Providers and using the relevant services which include, among others, selection-related processes and safeguards, challenges in relation to any international transfers and provisions governing the controller-processor relationship. Subsequently, after processing the answers that will be received at national and European level, the Authority will take initiatives of proper guidance to public bodies, including the issuance of relevant Guidelines and/or other information activities. Furthermore, the results will be aggregated by the EDPB, generating deeper insights into this topic and taking further action at EU level. The EDPB will publish a relevant report by the end of 2022.

2) On the occasion of the celebration of the 16th Data Protection Day, the Hellenic Data Protection Authority (HDPa) organised, on 28 January 2022, an awareness online event.<sup>81</sup> The first part of the event was dedicated to contemporary data protection issues, such as a) processing of personal data in the context of contact tracing applications and b) data protection and remote working. In the second part of the event was dedicated to the “project byDesign” (<https://bydesign-project.eu/>), the Director of the DPA briefly explained the Authority’s efforts to prepare proposals and implement projects funded by the European Union, focusing especially on the objectives of the “project byDesign”, which is in its second year of implementation. More particularly, he stated that this project aims a) to support SMEs in their efforts to comply with the GDPR by providing them with standard documents, procedures, policies and information texts and a tool to adapt them to the needs of each party concerned; and b) to design a training programme in the field of data protection by design and by default for those involved in the development and promotion of ICT products and services and to carry out a series of relevant training seminars.

3) The Hellenic Data Protection Authority had issued specific guidelines no. 1/2020 on the compliance of websites with the specific legislation on electronic communications for the use of trackers.<sup>82</sup> However, in 2022 it observed that on several websites, in particular on informational websites, the method of obtaining consent for the use of trackers did not meet the compliance points of recommendations 1/2020.<sup>83</sup> Specifically, the pop-up message about the use of trackers (cookie banner) featured “I agree” and “More options” on the first level while the choices “I disagree” or “Reject” were absent. Also, the choice

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<sup>81</sup> Greece, DPA, [“byDesign project” awareness online event on the occasion of the Data Protection Day 28.1.2022](#), 22-02-2022, last accessed on 27-01-2023.

<sup>82</sup> Greece, DPA, No. 1/2020 Guidelines on compliance of websites with the specific legislation on electronic communications for the use of trackers (Συστάσεις 1/2020, [Συστάσεις για τη συμμόρφωση υπευθύνων επεξεργασίας δεδομένων με την ειδική νομοθεσία για τις ηλεκτρονικές επικοινωνίες](#)), last accessed on 27-01-2023.

<sup>83</sup> Greece, DPA, [Action of the Hellenic DPA on informational websites’ cookies](#), 09-05-2022, last accessed on 27-01-2023.

“I agree” was highlighted with a colour that prompts its selection. With these options, internet users are clearly influenced in favour of the acceptance of trackers, in breach of the law. The Authority carried out an *ex officio* audit action on 30 informational websites (they were selected on the basis of website traffic) and set a deadline of 15 days for their compliance. The result of the action was the compliance of all the websites that received the Authority’s letter with only one exception.

### *Interventions by civil society*

Following a complaint filed by the NGO Homo Digitalis in May 2021, the Hellenic DPA issued Decision 35/2022<sup>84</sup> which imposed a fine of 20 million euros on Clearview AI for its intrusive practices.<sup>85</sup> This is the highest GDPR fine, ever imposed by the Hellenic DPA. By the same Decision, the DPA prohibits the company from collecting and processing the personal data of data subjects located in Greece using facial recognition methods and requires it to delete immediately any data it has already collected. Specifically, in May 2021, an alliance of civil society organizations consisting of Homo Digitalis and the organizations Privacy International, Hermes Center, and noyb filed complaints before the competent authorities in Greece, the United Kingdom, Italy, Austria, France and the United Kingdom against Clearview AI for its mass surveillance practices through facial recognition. Clearview AI is an American company founded in 2017 that develops facial recognition software. It claims to have “the largest known database of more than three billion facial images” which it collects from social media platforms and other online sources. It is an automated tool that visits public websites and collects any images it detects that contain human faces. Along with these images, the automated collector also collects metadata that complements these images, such as the title of the website and its source link. The collected facial images are then matched against the facial recognition software created by Clearview AI in order to build the company’s database. Clearview AI sells access to this database to private companies and law enforcement agencies, such as police authorities, internationally.

Furthermore, Homo Digitalis together with the Hellenic League for Human Rights, HIAS Greece, Privacy International and a researcher submitted to the DPA on February 14, 2022, a request for the exercise of its investigative powers regarding a

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<sup>84</sup> Greece, DPA, Decision No. 35/2022 ([Απόφαση 35/2022](#)), 13-07-2022, last accessed on 27-01-2023.

<sup>85</sup> Greece, Homo Digitalis, [A big success for Homo Digitalis: The Hellenic DPA fines CLEARVIEW AI with €20 million](#), 13-07-2022, last accessed on 27-01-2023.

procurement tender published by the Hellenic Coast Guard for the acquisition of a Social Media Data Collection Software (protocol number 2322/15/2/22).<sup>86</sup>

Specifically, within the framework of the European Commission's "Internal Security Fund" (ISF) program, the Coast Hellenic Guard – Ministry of Maritime Affairs published a tender for the "Upgrade/maintenance of the computer room of the Directorate of Maritime Border Security and Protection" with a total estimated contract value of seven hundred and thirty thousand euros (730.000,00€) (including VAT and other deductions). One of the deliverables described in this call for tender is the supply of Social Media Data Collection Software (hereinafter referred to as Software). As explicitly stated by the Ministry of Maritime Affairs in this tender, the Software should support the social networks Facebook, Twitter, VK, Xing, Instagram, and Telegram, and some of the necessary features as described are:

- The creation of a visualization of multiple correlations (friends, comments, posts, likes and followers).
- The identification of user identifiers including their searches, and
- The simulation of human activity to avoid account blocking.

Specifically for Facebook, the software should allow, among other functions, storage of a profile's public contact list, storage of all 2nd degree public contacts, storage of public timeline posts (including images, videos, linked YouTube videos, comments and reactions), storage of image galleries, storage of published account information (employer, residences, education), and searching accounts for specific personal characteristics.

With respect to Twitter, the Software should, among other functions, allow for the storage of audience following a profile list, storage of all public contacts of the 2nd degree (Followers List), and storage of public messages (including images, videos, linked YouTube videos, and likes).

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<sup>86</sup> Greece, Homo Digitalis, [The Hellenic Coast Guard wants to acquire social media monitoring software: The Hellenic DPA is urged to exercise its investigative and supervisory powers](#), 15-02-2022, last accessed on 27-01-2023.

For Instagram, the Coast Guard is seeking the Software to allow, among other things, storage of the follower list, storage of the public list following a profile, storage of public comments per profile by time sequence including images, videos, linked YouTube videos, and storage of timelines and Profile Stories.

With regard to Telegram, the software must allow the storage of participants in group conversations (up to 10,000 participants), as well as the storage of the full content of each group conversation (text and photos or other material shared in them).

According to the above NGOs' referral, the software in question seeks to monitor an indeterminately large number of users of the social networks in question, and to collect, process and analyse their information, without indicating the purpose of the processing operations, the legal bases that allow them and any other safeguards for the protection of personal data. It is also worth noting that the European Border and Coast Guard Agency (FRONTEX) had in 2019 withdrawn a related call for tender for the procurement of similar social media data collection software, following a successful action by Privacy International.

Thus, the NGOs consider that the procurement of this software will challenge the right of protection of personal data and respect for the principle of lawfulness of processing, the principle of purpose limitation and the principle of proportionality (data minimisation) as outlined in EU and national legislation, as well as the rights to respect for privacy and freedom of expression. Also, the creation of a fake account simulating human activity is contrary to the terms of use of social media and messaging mentioned in the tender, while the logging of searches of third party accounts is a highly intrusive activity. Of course, highly intrusive is also the recording and monitoring of group conversations on Telegram.

#### Use of Pegasus and equivalent surveillance spyware

During 2022, following the complaints of an opposition leader and journalist, it was revealed that the National Intelligence Service (EYP) was monitoring through wire-tapping journalists, politicians and even EYP employees.<sup>87</sup> The Media reported that the software "Predator" was purchased by the Greek Government and used in these surveillance operations. The scandal led

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<sup>87</sup> European Parliament, Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, Rapporteur Sophie in 't Veld, Draft Report of the Investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware ([2022/2077\(INI\)](#)), last accessed on 27-01-2023, pp. 14-23.



to the resignation of the Prime-Minister's General Secretary and the head of the EYP. The case is currently under the scrutiny of the EU Parliament Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware. In November 2022, following an in situ visit of the Committee's Rapporteur, a Draft Report was published which included the case of Greece and the use of the Predator spyware.<sup>88</sup>

On a national level, investigations were also launched. Namely, on 22 July 2022, the National Transparency Authority (EAD) started an inquiry into the alleged purchase of the Predator spyware by the Ministry of Citizen Protection and the EYP.<sup>89</sup> The audit checked the Hellenic Police, the EYP, and the companies Intellexa and Krikel. EAD concluded its report on 10 July 2022, but it gave the report to the EYP for prior approval. The EAD report concluded that both the EYP and the Ministry of Citizen Protection had not concluded contracts with Intellexa and other related national companies.<sup>90</sup> They also had not purchased or used the Predator spyware.

A Parliamentary Committee of Inquiry was established on 29 August 2022. It began its work on 7 September 2022 and concluded its work on 10 October 2022.<sup>91</sup> As common conclusions could not be reached, each party participating in the parliamentary committee published its own report. Some 5 500 pages of documents, including the minutes and the deposition of key witnesses have been classified.

Following the aforementioned surveillance scandal, Greece in 2022 introduced a new legal framework for surveillance carried out by the competent public authorities, namely EYP. As highlighted by Human Rights Watch, the draft law submitted for

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<sup>88</sup> European Parliament, Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, Rapporteur Sophie in 't Veld, Draft Report of the Investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware ([2022/2077\(INI\)](#)), last accessed on 27-01-2023, pp. 14-23.

<sup>89</sup> European Parliament, Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, Rapporteur Sophie in 't Veld, Draft Report of the Investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware ([2022/2077\(INI\)](#)), last accessed on 27-01-2023, p. 19-20.

<sup>90</sup> European Parliament, Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, Rapporteur Sophie in 't Veld, Draft Report of the Investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware ([2022/2077\(INI\)](#)), last accessed on 27-01-2023, p. 20.

<sup>91</sup> European Parliament, Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, Rapporteur Sophie in 't Veld, Draft Report of the Investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware ([2022/2077\(INI\)](#)), last accessed on 27-01-2023, p. 21.

adoption by the Greek Parliament in December 2022, was flawed and lacked effective privacy and human rights safeguards.<sup>92</sup> The draft law failed to take into account the objections of two constitutionally independent public bodies: the Hellenic Authority for Communication Security and Privacy (ADAE), which oversees surveillance powers, and the Data Protection Authority, which oversees the use of personal data. ADAE is also tasked with monitoring compliance with the terms and the procedures of legally permitted interception of communications, but lacks the power of review that competent judicial authorities have. ADAE criticized the bill during the public consultation and said that the legislation effectively abolishes its oversight powers.<sup>93</sup> The Data Protection Authority raised concerns that the core of individual rights is affected by the bill.<sup>94</sup> The law was adopted on December 9<sup>th</sup>, 2022 (Law 5002/2022).<sup>95</sup>

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<sup>92</sup> Human Right Watch, [Greece: Problematic Surveillance Bill](#), 8-12-2022, last accessed on 27-01-2023.

<sup>93</sup> Greece, ADAE, Press Release, ([Δελτίο Τύπου της ΑΔΑΕ](#)), 21-11-2022, last accessed on 27-01-2023.

<sup>94</sup> Greece, DPA, Recommendation No. 5/2022, ([Γνωμοδότηση 5/2022](#)), last accessed on 27-01-2023, p. 10-11.

<sup>95</sup> Greece, Law 5002/2022, Procedure for lifting communication privacy, cybersecurity and protection of personal data ([Διαδικασία άρσης του απορρήτου των επικοινωνιών, κυβερνοασφάλεια και προστασία προσωπικών δεδομένων πολιτών](#))(O.G. A 228/09-12-2022).

## 6 Rights of the child

### 6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

<b>Legislative changes</b>	Article 104 of Law 4941/2022 Promoting and Supporting children for their integration in early childhood education, as well as for the access of school-age children, adolescents and disabled persons to creative activity services”, establishes the right of access to the service for children belonging to the target-groups of the Child Guarantee Recommendation, as well as the right of access to high-quality early childhood care services for vulnerable children. <sup>96</sup> The aforementioned article defines the beneficiaries of the financial support programme and the prerequisites for accessing the programme, which will be implemented through the provision of coupons that cover the participation fee for the above services. The budget of the programme will be covered by EU funding of the ESPA 2021-2027 (ESIF). <sup>97</sup> The enacting Common Ministerial Decision No. 77094/1-8-2022 <sup>98</sup> contained the categories of beneficiaries, the selection criteria, the implementation procedure, the possibility to expand the programme as well as any other detail that was necessary for the 2022-2023 school year.
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<sup>96</sup> Greece, Law 4941/2022, Reform of the institutional framework for the Financial Stability Fund and Investment Services Guarantee Fund, the modernization of the Public Debt Management Organisation and other provisions ([Αναμόρφωση του θεσμικού πλαισίου λειτουργίας του Ταμείου Χρηματοπιστωτικής Σταθερότητας και του Συνεγγυητικού Κεφαλαίου Εξασφάλισης Επενδυτικών Υπηρεσιών, εκσυγχρονισμός Οργανισμού Διαχείρισης Δημοσίου Χρέους και άλλες διατάξεις](#))(O.G. A 113/16-6-2022).

<sup>97</sup> The information was provided by the General Secretariat for Social Solidarity and Combatting Poverty of the Greek Ministry of Employment and Social Affairs in its 04-10-2022 Communication.

<sup>98</sup> Greece, Common Ministerial Decision No. 77094/1-8-2022 ([Κοινή Υπουργική Απόφαση υπ' αρ. 77094/1-8-2022](#))(O.G. B 4094/1-8-2022).

<p><b>Policy changes</b></p>	<p>In 2022 there were developments concerning the EU Child Guarantee.</p> <p>Article 53 of Law 4837/2021<sup>99</sup> regulated procedural matters for the implementation of the EU Child Guarantee and appointed the National Centre for Social Solidarity (<i>Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης - ΕΚΚΑ</i>) as the Greek National Coordinator for the EU Child Guarantee.</p> <p>In September 2022, Greece’s National Action Plan for the European Child Guarantee (NAP) was published on the European Commission’s website.<sup>100</sup> The NAP identifies children in need based on (a) the geographical dimension, which refers to children living in non-urban or rural and mountainous areas and children on islands, i.e. areas with evidently low accessibility to basic services for the inhabitants of these areas; and (b) the socio-economic dimension based on their family composition (single-parent and large families), which are most often found at the bottom of the income distribution ladder. It specifically prioritizes children in need based on specific characteristics (e.g. Roma children, children with disabilities, children in institutional care), due to which they face barriers to accessing basic services.</p> <p>More specifically, Pillar 3.4. of the Greek Resilience and Recovery Fund Pillar on "Increasing access to effective and inclusive social policies" includes the following actions<sup>101</sup>:</p> <p>A. Reform 2: Child Protection (Ref: 16919)</p> <ul style="list-style-type: none"> <li>- Development of an integrated curriculum aimed at the cognitive development of infants and toddlers (3 months to 4 years) (Kipseli) (Reform 1)</li> </ul>
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<sup>99</sup> Greece, Law 4837/2021 on the Prevention and addressing cases of child abuse and neglect, Project "Kipseli" for improving the quality of services provided in child-care centers and kindergartens, provisions for promoting fostering and adoption, "Personal Assistant for Persons with Disabilities" and other provisions ([Νόμος 4837/2021](#), Πρόληψη και αντιμετώπιση περιστατικών κακοποίησης και παραμέλησης ανηλίκων, Πρόγραμμα «Κυψέλη» για την αναβάθμιση της ποιότητας των παρεχόμενων υπηρεσιών σε βρεφικούς, βρεφονηπιακούς και παιδικούς σταθμούς, διατάξεις για την προώθηση της αναδοχής και της υιοθεσίας, «Προσωπικός Βοηθός για τα Άτομα με Αναπηρία» και άλλες διατάξεις)(O.G. A 112/14-06-2021).

<sup>100</sup> European Commission, [Greece – National Action Plan for the European Child Guarantee](#), September 2022, last accessed on 27-01-2023.

<sup>101</sup> European Commission, [Greece – National Action Plan for the European Child Guarantee](#), September 2022, last accessed on 27-01-2023, p. 54-55.

	<ul style="list-style-type: none"> <li>- Placement of children with disabilities greater than 67% and/or severe mental illness in the care of professional foster caregivers. (Reform 2)</li> <li>- Transfer of adolescents and adults from child protection facilities to Assisted Living Facilities (Investment 1)</li> <li>- Subsidy for the opening/creation of new early care facilities in existing facilities for infants and toddlers from 2 months to 2.5 years (Investment 2)</li> <li>- Establishment of a Center of Creative Activities for Children focused on technology (STEM) (Investment 3)</li> </ul> <p>Budget: EUR 184.04 million (excluding VAT)</p> <p>B. Reform 3: Disability (Ref: 16904)</p> <ul style="list-style-type: none"> <li>- Early intervention (pilot program)</li> <li>- Supporting the integration of people with autism spectrum disorders (ASD)</li> </ul> <p>C. Investment 4: Creating nurseries within large companies (Ref. 16945)</p> <p>This includes the remuneration of 240 workers in 120 nurseries which will operate in:</p> <ul style="list-style-type: none"> <li>-50 enterprises with more than 100 employees, and</li> <li>-70 enterprises with more than 250 employees</li> </ul> <p>Budget: EUR 14.27 million (excluding VAT)</p> <p>With regard to coordination and monitoring at regional and local level, a Network of actors already (Regions, Municipalities and other actors) has been established.<sup>102</sup> The further use and strengthening of Community Centers and/or other local actors will be completed after the end of</p>
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<sup>102</sup> European Commission, [Greece – National Action Plan for the European Child Guarantee](#), September 2022, last accessed on 27-01-2023, p. 56-57.

	<p>the transition phase, in the framework of the relevant Technical Assistance (TSI) study. As part of its coordinating role, E.K.K.A. will process and evaluate the information collected at all levels (national, regional and local) and coordinate administrative procedures in order to facilitate inter-ministerial cooperation with a view to formulating the necessary actions that will ensure the access of vulnerable categories of children to each service area.</p> <p>As regards the collection and uniform recording of the administrative data needed to monitor the implementation of the Recommendation, the commissioning of UNICEF with a study identifying the technical specifications of the Single National Digital Platform has already been approved.<sup>103</sup> In addition to the collection of administrative data from all stakeholders in a uniform way, the platform will also enable the monitoring of the progress of actions and works under the NAP.</p>
<p><b>Other measures or initiatives</b></p>	<p>Regular benefits such as the child benefit, the Minimum Guaranteed Income, child-birth benefit, and housing benefits were awarded in 2022. The budget for the child benefit was set at 1.102.000.000,00 Euros for 2022 and the 2.000 Euros child-birth benefit was set at 160.000.000,00 Euros.<sup>104</sup></p> <p>The awarded benefits have remained unaffected by the energy crisis and inflation. The amounts awarded are still calculated according to income-related criteria.<sup>105</sup></p> <p>The institution of Personal Assistants (elaborated in Chapter 8 of the present report) is part of a broader framework of social support for people with disabilities with a view to their equal integration and participation in society. Budget 2021: €5,442,800; 2022: €10,238,000; 2023: €6,710,000; 2024: €19,800,000 (Recovery &amp; Resilience Fund and ESF+).<sup>106</sup></p>

<sup>103</sup> European Commission, [Greece – National Action Plan for the European Child Guarantee](#), September 2022, last accessed on 27-01-2023, p. 57.

<sup>104</sup> The information was provided by the General Secretariat for Social Solidarity and Combatting Poverty of the Greek Ministry of Employment and Social Affairs in its 04-10-2022 Communication.

<sup>105</sup> Greece. OPEKA, Child benefits, Chats and Examples, ([Επίδομα Παιδιού: Πίνακες και Παραδείγματα](#)), available in Greek, last accessed on 27-01-2023.

<sup>106</sup> European Commission, [Greece – National Action Plan for the European Child Guarantee](#), September 2022, last accessed on 27-01-2023, p. 55.

## 6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

<b>Legislative changes</b>	<p>There were no legislative changes in 2022 in relation to the EU Directive on 2016/800. <b>The following existing legal framework has not been amended in 2022:</b></p> <p>Law 4689/2020 (O.G. A' 103/27-5-2020) transposed, <i>inter alia</i>, EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. The law introduced provisions related to certain rights of children that are suspects or accused within the criminal procedure framework, or that are subject to a European Arrest Warrant procedure pursuant to Law 3251/2004. It contained provisions on the rights enshrined in Articles 4, 5, 6, 7, 8, 10, 11, 13 and 14 of the above Directive.</p> <p>It should be added that Presidential Decree 141/1991,<sup>107</sup> "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> <p>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.).</p>
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<sup>107</sup> 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).

ii. Minors should be brought into custody in exceptional circumstances and for the 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)

iv. Minors are allowed to board police cars only following the order of the Director or Commander of the Competent Police Office when they are surrendered, transferred, or placed under Protective Custody (Art. 77, 97 and 118).

For any 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>On the other hand, Articles 65, 66 and 67 of Law 4921/2022<sup>108</sup> amended provisions of Law 4837/2021<sup>109</sup> on the prevention and addressing cases of child abuse and neglect. The aforementioned amendment introduced an obligation of Child Protection Authorities to report any instance of child abuse to the competent authorities and to establish a Child Protection Officer (<i>Υπεύθυνος Προστασίας Ανηλίκων</i>) who will be tasked with collecting and recording any reports of child abuse and forwarding them to the competent Prosecutor or other authority. The law also requires that all employees working for child protection services shall have to submit a personal record.</p>
<p><b>Policy developments</b></p>	<p>In November 2022, the Greek Government published on the public consultation website a National Action Plan for the Protection of Children from Sexual Abuse and Exploitation 2022-2027.<sup>110</sup> The Action Plan aims to create a Unified National Management Protocol, which will coordinate the actions of various specialists, taking clear and consistent steps and providing the necessary services. Regardless of where a criminal complaint is filed or which service first detects the existence of violent acts, each case will be recorded in a National Register, and specialists will have access to the file. Measures for a thorough examination of the background of all professionals working with children is also included Professionals who come into contact with children will be offered training to help them recognize signs of possible abuse and to take the necessary steps on a case-by-case basis address each situation. Twelve ministries are involved in the implementation of the action plan.</p>

<sup>108</sup> Greece, Law 4921/2022 on Jobs Again: Reforming the Public Employment Service and digitalization of its services, upgrading work force skills and identifying employment needs and other provisions ([Δουλειές Ξανά: Αναδιοργάνωση Δημόσιας Υπηρεσίας Απασχόλησης και ψηφιοποίηση των υπηρεσιών της, αναβάθμιση δεξιοτήτων εργατικού δυναμικού και διάγνωσης των αναγκών εργασίας και άλλες διατάξεις](#))(O.G. A 15/18-4-2022).

<sup>109</sup> Greece, Law 4837/2021 on the Prevention and addressing cases of child abuse and neglect, Project "Kypseli" for improving the quality of services provided in child-care centers and kindergartens, provisions for promoting fostering and adoption, "Personal Assistant for Persons with Disabilities" and other provisions ([Νόμος 4837/2021](#), Πρόληψη και αντιμετώπιση περιστατικών κακοποίησης και παραμέλησης ανηλίκων, Πρόγραμμα «Κυψέλη» για την αναβάθμιση της ποιότητας των παρεχόμενων υπηρεσιών σε βρεφικούς, βρεφονηπιακούς και παιδικούς σταθμούς, διατάξεις για την προώθηση της αναδοχής και της υιοθεσίας, «Προσωπικός Βοηθός για τα Άτομα με Αναπηρία» και άλλες διατάξεις)(O.G. A 112/14-06-2021).

<sup>110</sup> Greece, Government Presidency, National Action Plan on the Protection of Children from Sexual Abuse and Exploitation 2022-2027 ([Εθνικό Σχέδιο Δράσης για την Προστασία των Παιδιών από τη Σεξουαλική Κακοποίηση και Εκμετάλλευση 2022-2027](#)), last accessed on 27-01-2023.

	In September 2022, the Ministry of Justice started implementing the project JUST CLOSER on the practical application of Directive 2016/800. <sup>111</sup> The project aims to ensure the respect of children’s procedural rights as well as the rights of young individuals participating in judicial proceedings (either as victims or suspects), by taking into account their own suggestions and encouraging their active participation.
<b>Other measures or initiatives</b>	In 2022, the Ministry of Justice will also support the project “Child Front – Child friendly justice in the Greek and Cypriot Courts.” <sup>112</sup> The project will promote a child-friendly justice system in both Greece and Cyprus. It will record the educational needs of judges on issues related to child-friendly justice.

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<sup>111</sup> The information was provided by the Greek Ministry of Justice in its 11-10-2022 Communication.

<sup>112</sup> The information was provided by the Greek Ministry of Justice in its 11-10-2022 Communication.

## **7 Access to justice – Victims’ Rights and Judicial Independence**

### **7.1 Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025**

In 2022 there were no legal developments or measures in Greece concerning the rights of victims of crime. There were no developments concerning the implementation of the Victims’ Rights Directive and the EU Strategy for Victims’ Rights 2020-2023.

Greece transposed the EU Victim’s Rights Directive (2012/29/EU) through Law 4478/2017.<sup>113</sup> The most recent relevant amendment took place in 2021 and included a direct reference to Article 68 of Law 4478/2017 (Article 22 of the Victim’s Rights Directive) which should be applied during the examination of children and adult victim-witnesses of sex crimes and human trafficking. The amendment was made to Articles 227 and 228 Greek Code of Criminal Procedure through Law 4855/2021.<sup>114</sup>

#### National Authority for the Compensation of Victims of Crimes

In 2020, Article 54 of Law 4689/2020<sup>115</sup> amended Law 3811/2009 (OG A’ 231/2009) on the compensation of victims of crimes and established a new Greek Authority for the Compensation of Victims of Crimes (*Ελληνική Αρχή Αποζημίωσης Θυμάτων Εγκληματικών Πράξεων*) which operates under the auspices of the

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<sup>113</sup> Greece, Law 4478/2017 `IV) Implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA and other provisions ([IV\) Ενσωμάτωση της Οδηγίας 2012/29/ΕΕ για τη θέσπιση ελάχιστων προτύπων σχετικά με τα δικαιώματα, την υποστήριξη και την προστασία θυμάτων της εγκληματικότητας και για την αντικατάσταση της Απόφασης - Πλαίσιο 2001/220/ΔΕΥ του Συμβουλίου και λοιπές διατάξεις](#)) (O.G. A 91/23-06-2017).

<sup>114</sup> Greece, Law 4855/2021 Amendments to the Criminal Code, the Code of Criminal Procedure and other provisions ([Τροποποιήσεις του Ποινικού Κώδικα, του Κώδικα Ποινικής Δικονομίας και άλλες επείγουσες διατάξεις](#))(O.G. A 215/21-11-2021).

<sup>115</sup> Greece, Law 4689/2020 Transposition of EU Directives 2016/800, 2017/1371, 2017/541, 2016/1919, 2014/57/EE and other provisions (*Ενσωμάτωση στην ελληνική νομοθεσία των Οδηγιών (ΕΕ) 2016/800, 2017/1371, 2017/541, 2016/1919, 2014/57/ΕΕ, κύρωση του Μνημονίου Διοικητικής Συνεργασίας μεταξύ του Υπουργείου Δικαιοσύνης της Ελληνικής Δημοκρατίας και του Υπουργείου Δικαιοσύνης και Δημόσιας Τάξεως της Κυπριακής Δημοκρατίας, τροποποιήσεις του ν. 3663/2008 (Α’99) προς εφαρμογή του Κανονισμού (ΕΕ) 2018/1727 και άλλες διατάξεις*)(O.G. A’ 103/27-5-2020)

Ministry of Justice and decides on applications for compensation submitted by victims of crimes.

According to the Ministry of Justice,<sup>116</sup> the Greek Authority for Compensation received in 2022 a total of three applications (one of which was a transboundary request). Two applications were rejected and the remaining one is still pending.

#### Cooperation Memorandum for victims of criminal acts

In September 2022, the Ministry of Justice and the Ministry of Health signed a Cooperation Memorandum for the common design and implementation of policies and actions for ensuring the support and recovery of crime victims.<sup>117</sup> The memorandum includes initiatives for upgrading the support services offered to victims and targeted psychological support by mental health professionals; the expertise education of all professionals involved collaboration with Bar Associations for trainings and raising awareness amongst lawyer; and ensuring that victims are fully aware of all their rights. The memorandum has not been published by the aforementioned ministries. Only the Ministry of Health has published a Press Release containing its basic clauses.<sup>118</sup>

#### Working Group for the protection of Trafficking Victims

According to the Ministry of Justice,<sup>119</sup> a Working Group for the protection of the trafficking victims was established and began working under its auspices. So far the Working Group has assisted in the issuance of a Supreme Court Prosecutor Circular (No. 7/23-05-2022) on the recognition of individuals as trafficking victims.<sup>120</sup> The circular applied the Council of Europe Convention on Action against Trafficking in Human Beings, by offering clear and specific instructions for all prosecutors in Greece. The Working Group will also be preparing a guide for the rights of trafficking victims and will carry out common activities with the Hellenic Police.

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<sup>116</sup> The information was provided by the Ministry of Justice in its 11-10-2022 Communication.

<sup>117</sup> The information was provided by the Ministry of Justice in its 11-10-2022 Communication.

<sup>118</sup> Greece, Ministry of Health, Cooperation Memorandum between the Ministries of Health and Justice for ensuring the protection of victims of criminal acts, ([Μνημόνιο Συνεργασίας μεταξύ των Υπουργείων Υγείας και Δικαιοσύνης για την ενίσχυση της προστασίας των θυμάτων εγκληματικών πράξεων](#)), 6-09-2022, last accessed on 27-01-2023.

<sup>119</sup> The information was provided by the Ministry of Justice in its 11-10-2022 Communication.

<sup>120</sup> Greece, Supreme Court Prosecutor Circular No. 7/23-05/2022 ([Εγκύκλιος Αντιεισαγγελέα Αρείου Πάγου Αρ. 7/2022](#)), available in Greek, last accessed on 27-01-2023.

## National Referral Mechanism for the Protection of Human Trafficking Victims (NRM)

The National Referral Mechanism for the Protection of Human Trafficking Victims (NRM) is a coordinating mechanism, which monitors all the stages of a victim's inclusion in the country's protection system, beginning with its initial detection and identification, followed by the provision of protection and support services during the legal process, up to its voluntary assisted return to its country of origin or integration in the country of arrival.

It was first established in 2016 through Common Ministerial Decision no. 30840 (O.G. B 3003/20-9-2016) and funded by the Internal Security Fund – Police Cooperation 2014-2020.

Its 2021 Annual Report, published in May 2022,<sup>121</sup> presented information regarding victims that were either detected within 2021 (new cases), or/and received protection services (as trafficking victims) during the reporting period of 2021. The information is based on: a. the reports for trafficking victims that were detected and/or received protection services in Greece from January 1<sup>st</sup>, 2021 until December 31<sup>st</sup>, 2021, as well as b. the procedure of monitoring the cases of the victims that were reported to the NRM during 2019-2020 and continued to receive services during the reporting period (2021).

More specifically, during the NRM's first year of operation, in 2019, 154 reporting forms for presumed human trafficking victims were received while in 2020, 167 cases of presumed victims were reported. During 2021,<sup>122</sup> one hundred fourteen (114) cases of the years 2019 and 2020 remained 'open' - ninety-three (93) concerning adults and twenty-one (21) children - as they continued to receive protection services.

As for new cases in 2021, the NRM recorded one hundred and fifty-seven (157).<sup>123</sup> They were based on reports received both by Public Sector Services, which, however, have not been differentiated from previous years, as well as from Civil Society Bodies. Specifically, eighty-two (82) cases were reported by the following State Agencies: the Hellenic Police (2), the Asylum Service (3) and RIS/RICs-National Public Health Organization (EODY) (8). Within the same period, the NRM received seventy-five (75) referrals from non-Governmental Actors and International Organizations (51 in total) including the UNHCR, Greek Council for Refugees, A21, Solidarity Now, Doctors without Borders, ARSIS, the Network for Children's Rights and Diotima.

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<sup>121</sup> Greece, National Referral Mechanism for the Protection of Human Trafficking Victims, [Report 2021](#), 2022, last accessed on 27-01-2023.

<sup>122</sup> Greece, National Referral Mechanism for the Protection of Human Trafficking Victims, [Report 2021](#), 2022, last accessed on 27-01-2023, p. 2.

<sup>123</sup> Greece, National Referral Mechanism for the Protection of Human Trafficking Victims, [Report 2021](#), 2022, last accessed on 27-01-2023, p. 8-9.

According to the report, the services provided to the victims of trafficking mainly concerned social support, which was provided either by the Actors themselves, for those that have the capacity, or through referral to other actors.<sup>124</sup> It is though, obvious, that this is a need of the victims that should meet an immediate response. Social support is followed by psychological support and medical care. The escort of the victims by an Actor's professional in order to facilitate their access to services is essential. During 2021, the service of escort is reported by the Actors in forty-seven (47) cases, the majority of which included the provision of social support and medical care.

According to data provided by the National Centre for Social Solidarity (EKKA)<sup>125</sup> during the first semester of 2022 the NRM received a high number of referrals (134 cases) – almost double the number compared to the corresponding period of the previous three years. However according to the NRM there is no indication that this increase is connected to the ongoing movement of the refugees from Ukraine. In fact, the majority of the referred victims are asylum applicants, having suffered exploitation either in their country of origin, or during their journey. Out of the 134 referred cases, 113 concern women and girls, while 9 cases concern unaccompanied or separated children (3 boys, 6 girls). In regard to the adult victims' age, the majority is under 25 years old, while all 9 UASC are over 16 years old.

Adult victims were from African countries i.e. the Democratic Republic of Congo (24 victims), Cameroon, Ghana, Nigeria, Guinea, Eritrea, Cote d' Ivoire, Gambia, Kongo, Morocco, Sierra Leone, Mali and Somalia; Asian countries such as Iran, Nepal, Pakistan, Bangladesh and Syria. Moldova, Romania and Russia are among the European countries of origin that have been reported. Child victims originated from African countries such as Somalia, Cote d' Ivoire, Burundi and the Democratic Republic of Congo. Only Pakistan is reported among the Asian countries of origin and Albania among the non-EU European countries.

Finally, in 2022 the NRM published a Manual<sup>126</sup> (in Greek and English) has already been distributed to the NRM's Actors throughout Greece. The Manual describes the basic procedure according to which the NRM is implemented. It aims to clarify several issues related to trafficking victims' protection, including definitions, information on the legal framework, detection mechanisms, the procedure for the recognition of trafficking victims, the standard operating procedures of the NRM, etc.

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<sup>124</sup> Greece, National Referral Mechanism for the Protection of Human Trafficking Victims, [Report 2021](#), 2022, last accessed on 27-01-2023, p. 41.

<sup>125</sup> Information provided by the Greek NRM (EKKA-National) through its 15-12-2022 communication.

<sup>126</sup> Greece, [Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking](#), 2022, last accessed on 27-01-2023.

It also published a Practical Guide for field professionals,<sup>127</sup> which is designed to present the most critical aspects of professionals' work in relation to the protection of victims, using simple language and practical examples. The guide includes instructions for identifying trafficking victims, offering protection, filling a referral to the NRM, steps for the legal support of trafficking victims.

## 7.2 Measures addressing violence against women

In 2022 there were developments concerning the measures addressing violence against women.

In 2022 Greece introduced Article 1 par. 33 of Law 4939/2022 for the reception and international protection of third country nationals.<sup>128</sup> According to this provision vulnerable persons are: unaccompanied children, immediate relatives of shipwreck victims (parents, siblings, children and spouses), persons with disabilities, the elderly, pregnant women, single-parent families with minor children, victims of human trafficking, persons with serious illnesses, people with intellectual and mental disabilities and people who have suffered torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of genital mutilation. Victims of female genital mutilation (FGM) are thus explicitly recognised as victims of physical or sexual violence and consequently a vulnerable group.

The importance of being recognized as a vulnerable group means that the individual will receive specialized care and protection (i.e. medical, psychological support, referral to relevant public services). According to the aforementioned law, a vulnerable individual's needs will be addressed immediately without delay (Article 41).

### Istanbul Convention – Reporting to GREVIO

In March 2022, Greece submitted its first Baseline Report pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) to the Group

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<sup>127</sup> Greece, NRM, Identifying and Protecting Victims of Trafficking, Practical Guide for Front-line Professionals ([Εντοπισμός και Προστασία Θυμάτων Εμπορίας Ανθρώπων, Πρακτικός Οδηγός για Επαγγελματίες Πρώτης Γραμμής](#)), 2021, last accessed on 27-01-2023.

<sup>128</sup> Greece, Law 4939/2022 for the reception and international protection of third country nationals ([Κύρωση Κώδικα Νομοθεσίας για την υποδοχή, τη διεθνή προστασία πολιτών τρίτων χωρών και ανιθαγενών και την προσωρινή προστασία σε περίπτωση μαζικής εισροής εκτοπισθέντων αλλοδαπών](#))(O.G. Α' 111/10-06-2022).

of Experts on Action against Violence against Women and Domestic Violence (GREVIO).<sup>129</sup>

Two shadow reports were also submitted to GREVIO: a Joint Shadow Report by the Greek NGO Diotima and the End FGM European Network (End FGM EU)<sup>130</sup> and a Shadow Report by the NGO Intersex Greece.<sup>131</sup> In their shadow report, Diotima and End FGM EU highlighted the need to address the issue of FGM. It noted *inter alia*: absence of adequate data, research and professional expertise in FGM which reveals a lack of awareness of the practice in the country; the need to include a clearly defined policy in the National Action Plan on Gender Equality (2021-2025) elaborated by the Ministry of Employment and Social Solidarity; the need to recognise victims of FGM right to international protection; the need to establish a FGM mechanism; and that the Greek authorities must offer specialised support to FGM Survivors, include FGM in all relevant educational programs addressed to either professionals or target groups, include and elaborate on FGM as a form of violence against women and girls through a brochure.

On the other hand, the NGO Intersex Greece, in its shadow report, addresses the binary social perceptions on sex and gender which prevail in the Greek society and highlights that intersex women are victims of violence and discrimination from a very young age, especially in medical settings. The NGO recommended, *inter alia*, that Greece abolish the medical term "Disorders of Sex Development" when referring to intersex women and introduce non-medical empowering language and terminology on intersex issues; abolish degrading examinations and medical practices that intersex women and girls are subjected to, even today, in some public hospitals in the country; introduce reporting procedures that allow for immediate and direct report for intersex women survivors of violence; and raise awareness on the existence of intersex women with the aim to change social perceptions and attitudes.

Activities carried out by the GSDFPGE

In 2022, the General Secretariat for Demography, Family Policy and Gender Equality carried out the following activities.

- a) National Programme for Preventing and Combatting Violence against Women

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<sup>129</sup> CoE, Report submitted by Greece pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), [GREVIO/Inf\(2022\)4](#), 31-03-2022, last accessed on 27-01-2023.

<sup>130</sup> CoE, Diotima and End FGM EU, [Joint Shadow Report – Greece](#), 2022, last accessed on 27-01-2023.

<sup>131</sup> CoE, Intersex Greece, [Violence against Intersex Women in Greece](#), 2022, last accessed on 27-01-2023.



The GSDFPGE has developed and continues to implement the “National Programme on Preventing and Combatting Violence against Women” since 2010. A comprehensive Network of Shelters and Facilities for preventing and tackling all forms of violence against women has been created, including a national SOS 15900 24-hour helpline, 43 Counselling Centres throughout the country and 19 Shelters for Women also throughout the country that provide accommodation and food to women, victims of gender-based violence and their children.<sup>132</sup>

b) Memorandum of Understanding with UNCHR

In February 2022, the GSDFPGE of the Ministry of Labour and Social Affairs, the UNHCR and the Centre for Equality Research (KETHI), signed a Memorandum of Understanding.<sup>133</sup> The Memorandum of Cooperation aims to ensure that the needs of refugee women and girls are included in the National Action Plan for Gender Equality 2021-2025.

c) Operations of the National Gender-Based Violence Sub-Working Group (GBV - SWG)

The Working Group, chaired by UNHCR and co-chaired by the GSDFPGE, in 2022, continued its monthly meetings with the participation of NGOs, state actors and International Organizations. For the reference period of January-March 2022<sup>134</sup> the agenda of the meeting included the evaluation of the GBV WG’s operation for 2021 by the participants, a discussion around the National Integration Strategy, with the presence of representatives- among other- from the Ministry of Migration and Asylum and the Municipality of Athens, as well as the presentation of the Memorandum of Cooperation, signed between the GSDFPGE, UNHCR and KETHI. The meeting held in March was dedicated to the current situation in Ukraine. Specifically, a representative from the Ministry of Migration and Asylum contributed by presenting the support offered by the state to the Ukrainian people, while the representative of the Ukrainian Women in Greece Community attended the meeting and focused on the needs of the displaced Ukrainian women in Greece.

d) Measures for displaced women and children arriving from Ukraine

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<sup>132</sup> CoE, Report submitted by Greece pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), [GREVIO/Inf\(2022\)4](#), 31-03-2022, last accessed on 27-01-2023, p. 8-10.

<sup>133</sup> CoE, Report submitted by Greece pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), [GREVIO/Inf\(2022\)4](#), 31-03-2022, last accessed on 27-01-2023, p. 74.

<sup>134</sup> Greece, GSDFPGE, [Quarterly Newsletter Report No.7: Policies and Actions of the GSDFPGE, 2022](#), last accessed on 27-01-2023, p. 9.

The GSDFGE also launched an information campaign targeting Ukrainian women and informing them of the available support services.<sup>135</sup> To this end, a brochure with the title 'We are here for you' was prepared in four languages (Greek, English, Ukrainian and Russian) with a QR code that links to the website 'www.womensos.gr' and a list of counselling centers.<sup>136</sup> The pamphlet also includes the number of a 24h hotline (15900), which with the support of UNHCR also includes interpretation for Ukrainian and Russian speakers.

Finally, in Greece the UNHCR is working with the Ministry of Labour, the NGO 'A21', and Ukrainian communities in Athens and Thessaloniki to help identify potential cases of sexual violence and trafficking.<sup>137</sup> UNHCR is also raising awareness by disseminating leaflets on this very important issue, which affects disproportionately this population –in their majority women and children. The UNCHR online help portal, which was set up in for Ukrainians entering Greece, has an automatic pop-up when entering the relevant website asking whether the visitor or someone they know is a victim of trafficking and contact information.<sup>138</sup> There is also a specific section on trafficking, which provides the number of a hotline and a link to the website of A21.

## Annual Report on Violence against Women

In late November 2022, the GSDFPGE published its Annual Report on Violence Against Women.<sup>139</sup> The report highlights the most significant legal developments for combatting violence against women, presents the predominant forms of violence against women recorded in Greece, describes the Secretariat's main activities as well as the role of the bodies it has established for addressing violence against women (i.e. the National Mechanism for Gender Equality and KETHI-Research Center for Equality Issues).

The report also includes important statistical data collected by the Observatory for Gender Equality for the period 01-11-2021 to 30-09-2022 as follows:

- Throughout Greece 5,295 women-survivors of violence and 4,865 multiple-discrimination-victims received counseling services from the GSDFPGE

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<sup>135</sup> Greece, GSDFPGE, Information Campaign on violence against women in the Ukrainian and Russian languages ([Ενημερωτική εκστρατεία για τη βία κατά των γυναικών στην ουκρανική και ρωσική γλώσσα](#)), last accessed on 27-01-2023.

<sup>136</sup> Greece, GSDFPGE, Brochure 'We are here for you', 2022, last accessed on 27-01-2023.

<sup>137</sup> Greece, UNCHR, [Ukraine Situation - Greece Update No.1](#), April 2022, last accessed on 27-01-2023.

<sup>138</sup> Greece, UNCHR, [Help in Greece for Ukrainians](#), 2022, last accessed on 27-01-2023.

<sup>139</sup> Greece, GSDFPGE, Third Annual Report on Violence Against Women ([3<sup>η</sup> Ετήσια Εκθεση για τη Βία κατά των Γυναικών](#)), November 2022, last accessed on 27-01-2023.

structures. 430 third-party individuals contacted the structures seeking information on gender-based violence

- Gender-based violence was predominantly recorded (89%) in relation to multiple discrimination case (11%) Gender-based violence cases included domestic abuse (83,9%), sexual harassment (2,4%), rape (2%), other (4,4%) and unspecified (7,3%)
- Multiple discrimination cases included employment status (75,5%), single-parent status (8,7%), refugee status (3,4%), migrant status (2,3%), disability (2,2%), Roma (0,7%), other (5,7%) and unspecified (1,3%).
- Rapid increase in domestic abuse cases according to data published by the Hellenic Police, from 4,264 women in 2020 to 7,375 women in 2021 (73% increase)
- In 2021, 204 cases of rape were reported to the police, 45 of which were domestic abuse cases.

In 2021, 23 cases of femicide were recorded by the police. In the last 12 years, 69,7% of homicides recorded referred to women as victims.

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

### **8.1 CRPD policy and legal developments & implementation of the European Accessibility Act**

In 2022 in Greece, there were significant legal and policy developments related to the CRPD and the implementation of the European Accessibility Act.

Independent living of persons with disabilities

Articles 32-39 of Law 4837/2021<sup>140</sup> established for the first time in Greece a “Personal Assistant for Persons with Disabilities” (*Προσωπικός Βοηθός για Άτομα με Αναπηρίες*). The Personal Assistant was introduced in order to improve the implementation of Article 19 of the CRPD and promote the independent living of persons with disabilities and contribute to avoiding their

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<sup>140</sup> Greece, Law 4837/2021 on the Prevention and addressing cases of child abuse and neglect, Project “Kypseli” for improving the quality of services provided in child-care centers and kindergartens, provisions for promoting fostering and adoption, “Personal Assistant for Persons with Disabilities” and other provisions ([Νόμος 4837/2021](#), Πρόληψη και αντιμετώπιση περιστατικών κακοποίησης και παραμέλησης ανηλίκων, Πρόγραμμα «Κυψέλη» για την αναβάθμιση της ποιότητας των παρεχόμενων υπηρεσιών σε βρεφικούς, βρεφονηπιακούς και παιδικούς σταθμούς, διατάξεις για την προώθηση της αναδοχής και της υιοθεσίας, «Προσωπικός Βοηθός για τα Άτομα με Αναπηρία» και άλλες διατάξεις)(O.G. A 112/14-06-2021).

marginalization and institutionalization. It constitutes a response to the CRPD Committee's Concluding Observations concerning the lack of measures for the support of independent living of persons with disabilities.<sup>141</sup>

The pilot project of the Personal Assistant, according to Article 36 of Law 4837/2021, is to be carried out in two phases and will include a total of 1000 beneficiaries. The first phase of the pilot project was implemented through Common Ministerial Decision No. 28458<sup>142</sup> and an online platform for the submission of applications was launched on April 14, 2022 till June 26, 2022. On September 26, 2022 the online platform for the registration of Personal Assistant candidates was also launched.<sup>143</sup> The pilot project is limited to the Attica Region and will last for two years. The second phase of the pilot project which will be implemented in other areas of Greece is scheduled for 2023.

The National Confederation of Persons with Disabilities (ESAMEA), which also constitutes the National Observatory for disability related issues, considered the introduction of the Personal Assistant a very important step for the implementation of the UNCRPD, however it highlighted that pilot project does not include persons with mental disability and persons over the age of 65 years with a disability certification.<sup>144</sup> It considers their exclusion a violation of their right to equal treatment.

Concerning measures for the deinstitutionalization of persons with disabilities, and especially children, in 2022 the Greek Ministry of Employment and Social Solidarity adopted measures for the implementation of Common Ministerial Decision No. 60135/1579 "Deinstitutionalization of Persons with Disabilities", as it has been amended in December 2021.<sup>145</sup> The project for the deinstitutionalization (D.I.) of persons with disabilities will transfer individuals staying at two centers (one in the Attica Region and one in the Western Greece Region) to supported living houses, family-type housing or to their own families providing

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<sup>141</sup> UN, Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Greece, [CRPD/C/GRC/CO/1](#), 29-10-2019, last accessed on 27-01-2023.

<sup>142</sup> Greece, Common Ministerial Decision No. 28458 Implementation of Pilot Project "Personal Assistant for persons with disabilities (Υπ' αρ. 28458 Κοινή Υπουργική Απόφαση Υλοποίηση Πιλοτικού Προγράμματος «Προσωπικός Βοηθός για άτομα με αναπηρία»)(Ο.Γ. Β 1427/24-03-2022).

<sup>143</sup> The information was provided by the General Secretariat for Social Solidarity and Combatting Poverty of the Greek Ministry of Employment and Social Affairs in its 04-10-2022 Communication.

<sup>144</sup> Greece, Observatory on Disability Issues, 2021 National Report ([Παρατηρητήριο Θεμάτων Αναπηρίας, Ετήσια Έκθεση 2021](#)), 1-3-2022, last accessed on 27-01-2023, p. 173.

<sup>145</sup> Greece, Amendment of Common Ministerial Decision No. 60135/1579 on the Project "Deinstitutionalization of Persons with Disabilities" ([Τροποποίηση της υπό στοιχεία 60135/1579/ 15-12-2017 κοινής υπουργικής απόφασης «Πρόγραμμα "Αποϊδρυματοποίηση Ατόμων με Αναπηρία"»](#))(Ο.Γ. Β 6365/31-12-2021).

at the same time support under the D.I. project. The project's budget is 16.131.841,4 Euros (RRF and ESF+). By December 2022 the Ministry has set a target for the finalization of 5 supported living houses in the Attica Region and 2 in the Western Greece region (Lechena).<sup>146</sup>

### Implementation of the European Disability Act

On October 4, 2022 the Ministry of Development and Investments (*Υπουργείο Ανάπτυξης και Επενδύσεων*) published on the public consultation platform a draft law for the implementation of EU Directive 2019/882 (European Accessibility Act).<sup>147</sup> The draft law was adopted by the Greek Parliament and was published as Law 4994/2022.<sup>148</sup>

### Covid-19 related issues

The Greek Ombudsman published in September 2022 its 2021 Special Report on the Rights of Persons with Disabilities.<sup>149</sup> The report also examined issues related to the Covid-19 pandemic and its effects on the rights of persons with disabilities. It recorded four issues:

- 1) Mandatory vaccination of children with disabilities as a requirement for their inclusion in open social care facilities<sup>150</sup>

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<sup>146</sup> The information was provided by the General Secretariat for Social Solidarity and Combatting Poverty of the Greek Ministry of Employment and Social Affairs in its 04-10-2022 Communication.

<sup>147</sup> Greece, Draft Law on the Implementation of Directive (EU) 2019/882 of the European Parliament and the Council of 17 April 2019 on the accessibility requirements for products and services ([Ενσωμάτωση της Οδηγίας \(ΕΕ\) 2019/882 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 17ης Απριλίου 2019 σχετικά με τις απαιτήσεις προσβασιμότητας προϊόντων και υπηρεσιών](#)), available in Greek, last accessed on 27-01-2023.

<sup>148</sup> Greece, Law 4994/2022 Introduction of Directive (EU) 2019/882 of the European Parliament and the Council of 17 April 2019 on the accessibility requirements for products and services and other emergency provisions for supporting development ([Ενσωμάτωση της Οδηγίας \(ΕΕ\) 2019/882 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 17ης Απριλίου 2019 σχετικά με τις απαιτήσεις προσβασιμότητας προϊόντων και υπηρεσιών και άλλες επείγουσες διατάξεις για την ενίσχυση της ανάπτυξης](#))(O.G. A 215/18-11-2022).

<sup>149</sup> Greek Ombudsman, Greek Ombudsman, [2021 Special Report on the Rights of Persons with Disabilities](#), last accessed on 27-01-2022..

<sup>150</sup> Greek Ombudsman, [2021 Special Report on the Rights of Persons with Disabilities](#), last accessed on 27-01-2022., p. 53-56.

The Ombudsman examined cases related to the mandatory vaccination of children with serious disabilities as a requirement for their inclusion in Recreational Centers for Children and Persons with Disabilities as well as Daycare Centres. The Ombudsman noted that the measure did not apply to all children but only to children with serious disabilities. The Ombudsman found that children with disabilities were thus treated differently due their disability, especially when facing risks related to the vaccine. The Ministry of Employment responded by amending the relevant legislation and including a provision which exempts children with disabilities from mandatory vaccination when for objective health-related reasons the Covid-19 vaccine cannot be considered safe.

2) Request for the priority vaccination of children with serious disabilities<sup>151</sup>

The Ombudsman examined the complaint of a parent claiming that the health authorities refused to include their child – who had a serious disability - in the high-risk group of individuals qualifying for priority vaccination. The Ombudsman contacted the Ministry of Health and requested the re-examination of the child’s request. The Ministry responded and the child was immediately included in the priority vaccination. However, the Ombudsman noted that there were significant delays in the next vaccination doses.

3) Imposition of fines for the violation of Covid-19 restriction measures during the pandemic against persons with mental disability<sup>152</sup>

Relatives of persons with mental disabilities filed complaints with Ombudsman because their relatives had received notices from the Tax Authorities to pay fines for the violation of Covid-19 related restrictions. The Ombudsman examined these cases and found that even though some fines imposed by the police authorities were cancelled following the complaints of relatives, some police stations refused to cancel the fines even though the relatives would explain that the person had a mental disability. These fines were then forwarded to the Tax Authorities in order to be paid. The Ombudsman contacted the Hellenic Police and highlighting that persons with mental disabilities should be included in cases were due to a lack of liability there is no violation.

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<sup>151</sup> Greek Ombudsman, [2021 Special Report on the Rights of Persons with Disabilities](#), last accessed on 27-01-2022., p. 56.

<sup>152</sup> Greek Ombudsman, [2021 Special Report on the Rights of Persons with Disabilities](#), last accessed on 27-01-2022., p. 57.

#### 4) Refusal to hire a person with disabilities due to Covid-19 related reasons<sup>153</sup>

A person with disability filed a complaint with the Ombudsman stating that the Municipal authorities he had been selected to work for, refuse to hire him because even though he had been summoned three times to be sworn in, he failed to do so thus losing his position. The complainant stated that due to his disability as well as the fact that he was the caretaker of his brother who also had a disability, he could not appear due to personal health issues as well as the risk of being exposed to Covid-19. The Ombudsman contacted the Municipality highlighting the requirements of Article 27 of the CRPD and the limited number of available employment opportunities for the complainant. The Municipality complied to the Ombudsman's request and the complainant was consequently hired.

Concerning the reception and integration of displaced persons with disabilities from Ukraine, there do not appear to be any specific measures in place, though any disabilities are recorded during the registration of displaced persons arriving in Greece from the Ukraine and applying for temporary protection. It should be noted that Ukrainian refugees are entitled to access for free the services of public hospitals and medical centers, including mental health and physical rehabilitation facilities, even if they have not been provided yet with a social security number (AMKA).<sup>154</sup>

## 8.2 CRPD monitoring at national level

In 2022 there were no developments or changes related to the structures established under Article 33 of the CRPD.

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<sup>153</sup> Greek Ombudsman, [2021 Special Report on the Rights of Persons with Disabilities](#), last accessed on 27-01-2022., p. 58.

<sup>154</sup> Greece, Ministry of Health [Circular No. Γ2δ/Γ.Π.οικ.17033/22-03-2022](#), last accessed on 27-01-2023.



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 September 2022, the Greek Ombudsman published its 2021 Special Report on the Rights of Persons with Disabilities.<sup>155</sup> The report records the positive developments as well as the institutional problems, systemic issues and the repeated discrimination which prevents persons with disabilities from the full enjoyment of their rights and fundamental freedoms. More specifically, the report recorded administrative problems related to the issuance of disability certificates in light of the new regulation that was issued for the operation of certification centre (KEPA). Accessibility to structured environments and mobility related issues still persisted according to the Ombudsman report. The measures for ensuring the decent living conditions of persons with disabilities were still lacking and positive measures were still needed for ensuring equal access to work and employment. The area of education, the rights of children with disabilities and the impact of Covid-19 were also covered by the Ombudsman’s report. Finally, the Ombudsman declared that it would continue to monitor the application of the CRPD, as well as the implementation of the National Recovery and Resilience Plan, by issuing recommendations and proposals to ensure the full enjoyment of rights of persons with disabilities.

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<sup>155</sup> Greek Ombudsman, [2021 Special Report on the Rights of Persons with Disabilities](#), last accessed on 27-01-2022.

## Annex 1 – Promising Practices

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
<b>Title (original language)</b>	FAROS - FEATURE A PROTECTIVE ENVIRONMENT FOR LGBTI+ PERSONS
<b>Title (EN)</b>	FAROS - FEATURE A PROTECTIVE ENVIRONMENT FOR LGBTI+ PERSONS
<b>Organisation (original language)</b>	ΚΜΟΠ – Κέντρο Κοινωνικής Δράσης και Καινοτομίας, Colour Youth, Orlando LGBT+, Positive Voice, Οικογένειες Ουράνιο Τόξο, Υπουργείο Δικαιοσύνης
<b>Organisation (EN)</b>	Centre for Social Action and Innovation, Colour Youth, Orlando LGBT+, Positive Voice, Rainbow Families, Greek Ministry of Justice
<b>Government / Civil society</b>	Both
<b>Funding body</b>	EU Commission (REC), Budget of 283,405.55 Euros
<b>Reference (incl. URL, where available)</b>	<a href="https://www.faros2020.eu/">https://www.faros2020.eu/</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	Started 31-01-2020 and will last for 24 months
<b>Type of initiative</b>	FAROS is a European initiative aiming to strengthen protection, monitoring and prevention mechanisms as well as combat hate crimes and homophobic, biphobic and transphobic discrimination and violence, by enhancing

	the skills of public servants to better understand and respond to the needs of LGBTI+ people and by developing a network of stakeholders and interested parties which will serve as a safety net for LGBTI+.
<b>Main target group</b>	LGBTI+
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>FAROS is a European initiative aiming to strengthen protection, monitoring and prevention mechanisms as well as combat hate crimes and homophobic, biphobic and transphobic discrimination and violence, by enhancing the skills of public servants to better understand and respond to the needs of LGBTI+ people and by developing a network of stakeholders and interested parties which will serve as a safety net for LGBTI+.</p> <p>Aimed at:</p> <ul style="list-style-type: none"> <li>- PUBLIC SERVANTS (educators, administrative officers, health professionals, police officers and professionals working in justice and psychosocial support services</li> <li>- LGBTI+ and organisations representing LGBTI+</li> <li>- KEY STAKEHOLDERS from civil society organisations working with/for LGBTI+</li> <li>- DECISION AND POLICY MAKERS</li> <li>- WIDER PUBLIC</li> </ul>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	<p>As a part of the project a publication with the stories of LGBTI+ themselves was published in April 2021: Stories of anti-LGBTQI+ discrimination and violence, available at: <a href="https://www.faros2020.eu/wp-content/uploads/2021/04/D2.5_LGBTQI_stories_EN.pdf">https://www.faros2020.eu/wp-content/uploads/2021/04/D2.5_LGBTQI_stories_EN.pdf</a>, last accessed on 10-10-2021. The basic aim of the publication is to strengthen the protection, monitoring and prevention mechanisms of anti-LGBTQI+ hate crimes, violence and discrimination, and to improve access to public services for LGBTQI+ people, by sensitising and enhancing the skills of public servants as well as developing a network of stakeholders and interested parties.</p> <p>The Ministry of Justice has scheduled a total of 20 seminars for public servants in order to raise awareness on the issue of homophobia.</p>

	At the end of the project the Ministry of Justice will prepare a memorandum of understanding to promote the results of the project in the Media. The memorandum will be published in Greek and English.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The project involves both governmental as well as non-governmental partners and aims to expose the personal experiences of the LGBTI+ community itself. The project was praised by the ECRI in the sixth monitoring cycle Report on Greece, published in September 2022.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	In the end the relevant ministry will draft a memorandum of understanding in relation to the challenges the LGBTI+ community faces at the same time pledging to promote it in the Media, hold press conferences etc. This will give the results of the project added gravitas because it will be under the auspices of an official governmental authority.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	It is very simple and easily adjustable for implementation by other MS.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and</b>	LGBTI+ NGOs as well as LBGTIs themselves play a central role in the project.

<b>implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	N/A

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
<b>Title (original language)</b>	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
<b>Title (original language)</b>	Παρατηρητήριο Συνηγορίας και Προάσπισης των Ανθρωπίνων Δικαιωμάτων Ρομά - Rom Project
<b>Title (EN)</b>	Roma Human Rights Advocacy and Defense Observatory - Rom Project
<b>Organisation (original language)</b>	Συντονιστής φορέας Equal Society - εταίροι είναι η ΕΛΛΑΝ ΠΑΣΣΕ και η Ένωση Ελλήνων Ρομά Διαμεσολαβητών

<b>Organisation (EN)</b>	Coordinating partner the Equal Society Organization and partners Ellan Passe - Panhellenic Confederation of Greek Roma and the Union of Greek Roma Mediators
<b>Government / Civil society</b>	Civil Society
<b>Funding body</b>	Active Citizens Fund, Bodossaki Foundation and Solidarity Now Budget: 13,5 million Euros
<b>Reference (incl. URL, where available)</b>	<a href="https://www.romproject.gr/taftotita/perigrifi-ergou">https://www.romproject.gr/taftotita/perigrifi-ergou</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	March 2021-ongoing
<b>Type of initiative</b>	Multi-level project which created an Observatory, will offer training to Roma organisations and raise-awareness amongst Media professionals in order to combat Anti-gypsism.
<b>Main target group</b>	Roma
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>The "ROM" initiative was put forward in March 2021 and created the first "Roma Human Rights Advocacy and Defense Observatory", which collects, processes and forwards Roma complaints to be resolved by competent bodies. The Observatory will also prepare relevant reports.</p> <p>The coordinating body is the organisation "Equal Society" and the implementing bodies are the Roma organisation ELLAN-PASSE and the Hellenic Union of Roma Mediators.</p> <p>The project educates communities and local Roma Associations, including Women's Associations, on human rights and how they can exercise them. It will organize workshops aimed at raising awareness and providing information to representatives of institutions, professionals and the general public.</p>

	<p>Finally, the project will organize seminars for journalists and students of Media university departments on how the Media can contribute to improving society's attitude towards Roma and the fight against anti-Gypsyism.</p> <p>The project will also include an impact assessment in order to examine its impact on the social integration of Roma.</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	<p>The creation of the Observatory is a significant step in the promotion of rights of the Roma community in Greece since it is a body consisted of Roma representatives - and thus the Roma will feel better motivated to report discrimination or racist violence against them- which will also assist other bodies in the reporting of discrimination against Roma (such as the Equality Body and judicial/police authorities). In 2022 the Observatory met and consulted with the General Secretariat of Ministry of Employment and Social Affairs which is competent for Roma issues.</p>
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	<p>Representatives of the Roma community itself are involved in the implementation of the project and therefore their participation is guaranteed.</p>
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	<p>It involves the community itself directly. The Observatory may even receive complaints made by Roma and forwards them to the relevant competent authorities.</p>
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	<p>The measure is easily transferrable because as pointed out in various reports of relevant EU and International bodies, the situation in Greece is very similar to that of other countries. More efforts into promoting the participation of the Roma in various projects is crucial for their effective integration.</p>
<b>Explain, if applicable, how the practice involves beneficiaries and</b>	<p>The partners of the project are Ellan Passe - Panhellenic Confederation of Greek Roma and the Union of Greek Roma Mediators, therefore organisations that are directly linked to the Roma community. Furthermore, the project includes training for local Roma associations and organisations, meaning that the Roma</p>

<b>stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	community is directly involved in the project. Ellan Passe is also a member of the Greek National Commission for Human Rights. In June 2022, the Observatory published its first Annual Report, which covers the period March 2021-February 2022. According to the report, more than 200 complaints were collected and processed during the first year of the Observatory's operation. The Observatory has also been publishing every three months activity reports. (All reports are available at: <a href="https://romproject.gr/teleftaia-nea">https://romproject.gr/teleftaia-nea</a> ).
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	There is an obligation for regular reporting in relation to the operation of the Observatory as well as an impact assessment of the project in order to examine the impact on the social integration of Roma. The Observatory has been publishing so far trimester reports on its operation.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.</b>
<b>Title (original language)</b>	Εργαλειοθήκη Κυβερνοασφάλειας
<b>Title (EN)</b>	Cybersecurity Toolkit
<b>Organisation (original language)</b>	SHARE Foundation, Homo Digitalis, SCiDEV, Hivos and Digital Defenders Partnership
<b>Organisation (EN)</b>	SHARE Foundation, Homo Digitalis, SCiDEV, Hivos and Digital Defenders Partnership
<b>Government / Civil society</b>	Civil Society
<b>Funding body</b>	N/A
<b>Reference (incl. URL, where available)</b>	<a href="https://toolkit.sharecert.rs/gr/">https://toolkit.sharecert.rs/gr/</a>



<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	July 2022 - ongoing
<b>Type of initiative</b>	Online Guide for Cybersecurity
<b>Main target group</b>	Internet users
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	The Toolkit is aimed at assisting internet users in addressing issues related to cybersecurity such as personal data infringements, impersonation of individuals online (scams), threats, harassment, extortion and other forms of pressure. It provides additional educational material for encrypted data, internet harassment, access codes, malware, harassment and other forms of online pressure. With a two-step procedure the user can either select the field 'I am facing a problem' which will link to a list a specific subjects or select the field 'I want to learn' which will lead to a list of specific areas of interest.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The Toolkit is available through a user-friendly website and contains easy-to-understand instructions on what to do in case of online hate-speech, harassment, cyber-stalking, doxxing, revenge porn, deep-fakes, flaming, fake news, restrictions to freedom of expression, personal data breaches, etc.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The Toolkit is adjustable and always up-to-date, providing assistance on current issues not usually covered by other stakeholders such as the police, the national DPA, etc. Moreover, it is accessible to anyone using the internet and provided in an easy-to-understand manner.

<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>It is simple, user friendly and issues concerning sensitive subjects can be addressed without putting the individual in an uncomfortable position. Anyone can go online and seek help without being afraid to explain the specifics of their own case.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>As noted above, it is simple, user-friendly and accessible to anyone who has access online. It also covers a large range of cybersecurity issues and offers a platform with advice for potential victims but also educational material for those seeking more information.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>N/A</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>N/A</p>

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
<b>Title (original language)</b>	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b> Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.
<b>Title (original language)</b>	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
<b>Title (original language)</b>	No promising practice has been identified for this thematic area.

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	No case law has been identified for this thematic area

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
<b>Decision date</b>	No case law has been identified for this thematic area

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

<b>Thematic area</b>	<b>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</b> Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
<b>Decision date</b>	No case law has been identified for this thematic area

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
<b>Decision date</b>	No case law has been identified for this thematic area

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

<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b> Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
<b>Decision date</b>	13-9-2022
<b>Reference details</b>	Athens Misdemeanors Council, Decision No. 3177/2022, available on the Legal Database ‘Nomos’ (subscribers only)(Συμβούλιο Πλημμελειοδικών Αθηνών, αριθμός 3177/2022 Απόφαση)
<b>Key facts of the case (max. 500 chars)</b>	The decision concerned the sexual abuse of a minor over 12 years old but below 15 years. The case took into account provisions of the Istanbul Convention and clarified the measures for examining a child witness-victim of sexual abuse. The Council decided that the defendant should be tried for sexual abuse. Pre-trial detention was maintained pending a final decision in the case.

<b>Main reasoning/argumentation (max. 500 chars)</b>	The Council referred to article 36 par. 1 and 2 of the Istanbul Convention claiming that it has a supra-legislative force following the ratification of the Convention by Greece and its transposition through Law 4531/2018.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	By referring to Article 36 of the Istanbul Convention, the court clarified that non-consensual acts of a sexual nature constitute sexual abuse. To this end it even considered inappropriate touching of intimate areas sexual abuse.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The defendant was indicted to be tried for the sexual abuse of the child-victim. Pre-trial detention was maintained pending a final decision of the court.
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>Ο κύριος γνώμονας για το εάν μία πράξη πρέπει να χαρακτηριστεί ως γενετήσια είναι η ένταση της προσβολής του εννόμου αγαθού της γενετήσιας ελευθερίας του θύματος. Κατά συνέπεια, πράξεις με έντονο σεξουαλικό χαρακτήρα θεωρούνται γενετήσιες κατά τον νέο Ποινικό Κώδικα. Τα παραπάνω είναι σύμφωνα και με το άρθρο 36 παρ. 1 και 2 της Σύμβασης της Κωνσταντινούπολης, που κυρώθηκε με τον Ν. 4531/2018 και έχει υπερνομοθετική ισχύ. Κατά την εν λόγω διάταξη, η ποινικοποίηση των πράξεων κατά της γενετήσιας ελευθερίας πρέπει να αφορά όχι μόνο τη «διάπραξη μη συναινετικής, κολπικής ή στοματικής διείσδυσης σεξουαλικού χαρακτήρα στο σώμα άλλου ατόμου με τη χρησιμοποίηση οποιοσδήποτε οργάνου του σώματος ή αντικειμένου» αλλά και «τη διάπραξη άλλων μη συναινετικών πράξεων σεξουαλικού χαρακτήρα».</p> <p>The main criterion for whether an act should be characterized as sexual is the intensity of the infringement of the sexual freedom of the victim. Consequently, acts with a strong sexual character are considered sexual acts according to the new Criminal Code. The above is also in accordance with article 36 par. 1 and 2 of the Istanbul Convention, which was ratified by Law 4531/2018 and has supra-legislative force. According to this provision, the criminalization of acts against sexual freedom must concern not only refer to "committing non-consensual, vaginal or oral penetration of a sexual nature, into the body of another person using any body organ or object" but also "committing other non-consensual acts of a sexual nature".</p>

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b> Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
<b>Decision date</b>	No case law has been identified for this thematic area