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Non-discrimination

Greece

2025

including summary

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European Commission
B-1049 Brussels

EUROPEAN COMMISSION

Country report
Non-discrimination

Transposition and implementation at national level of Council Directives 2000/43 and 2000/78

Greece

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Reporting period 1 January 2024 – 1 January 2025

2025 Directorate-General for Justice and Consumers

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Luxembourg: Publications Office of the European Union, 2025

PDF ISBN 978-92-68-25427-1 ISSN 2599-9176 doi: 10.2838/0335651 DS-01-25-062-EN-N

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CONTENTS

EXECUTIVE SUMMARY

1. Introduction

Greece is a parliamentary republic. Popular sovereignty is the foundation of Government, and all powers derive from the people and exist for the people and the nation. The national legislative authority rests jointly with Parliament and the Government. Greece has a civil (continental) legal system, with fields of law separated into specific bodies (civil law, public/administrative law, criminal law, commercial law, labour law, etc). Greece does not have a constitutional court, but all courts of all instances have an inherent obligation to interpret rules and laws in conformity with the Greek Constitution. Greece has three supreme courts: the Council of State (*Συμβούλιο της Επικρατείας*) (for public law), the Supreme Court (*Άρειος Πάγος*) (for private law) and the Chamber of Accounts (*Ειδικό Ελεγκτικό Συνέδριο*) (a limited-jurisdiction administrative court). The Greek Constitution contains fundamental rules on the elimination of all forms of discrimination and the promotion of equality, most of which are contained in Part II, headed 'Civil and Social Rights'. These rights are the principle of human dignity, the free development of one's personality and participation in the financial, social and political life of the country, the principle of equality, the right to health, religious freedom, freedom of speech and the press, the right to legal protection, the protection of personal data, free education, protection of family, marriage and children, protection of persons with disabilities, the right to work and equal remuneration. Gender identity, even though not explicitly mentioned in the text of the Greek Constitution, is considered by national case law to derive from the constitutional right of the free development of an individual's personality (Article 5 of the Constitution).[1] The Greek Ombudsman has always maintained that protection from discrimination on the ground of sexual orientation derives from Article 5 as well as the right of respect for human dignity (Article 2 of the Constitution).[2] There is case law from the Greek Supreme Court, in which a bishop was convicted for homophobic speech, which confirms this opinion.[3] However, according to Article 28, 'generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law'. Therefore, treaties and conventions signed and ratified by Greece that aim to protect individuals from discrimination, based, among other things, on their sexual orientation or gender identity, prevail over national law.[4] According to Article 25 of the Constitution, the state is obliged to eliminate any existing discrimination. These fundamental rules are applicable to all national fields of law and should always be adhered to. However, special laws have been adopted for each field.

2. Main legislation

In Greek law, there is explicit anti-discrimination legislation: Equal Treatment Law 4443/2016.[5] This law replaced the previous main Greek anti-discrimination legislation

1 Decision No. 67/2018 Marousi Magistrate Court (*ΕιρηνοδικείοΑμαρουσίου Απόφαση 67/2018*).

2 The Greek Ombudsman, Equal Treatment Manual for Public Servants (*ΟδηγόςΙσηςΜεταχείρισηςΕγχειρίδιογιαΔημόσιουςΥπαλλήλους*), 2017, available at: https://old.synigoros.gr/resources/im_odigos_web_o_sevasmos_kanei_ti_diafora_gr.pdf, last accessed on 15.07.2024.

3 Decision No 858/2020, 30 June 2020 (Άρειος Πάγος, 858/2020).

4 The Greek Courts have referred to international and European treaties when examining cases of equal treatment in general. However, it should be added that there is no recorded case law where the courts have applied Article 21 of the EU Charter (on the protection of sexual orientation) as prevailing over national law.

5 Law 4443/2016 on the transposition of Council Directive 2000/43/EC on the application of the principle of equal treatment irrespective of race and ethnic origin, and the transposition of Council Directive 2000/78/EC on the configuration of the general framework of equal treatment in employment and work and Council Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers and other provisions. Abbreviation: Equal Treatment Law (OJ 232 A/09.12.2016).

(Law 3304/2005[6]). The protected grounds under this law were race, colour, national or ethnic origin, religious or other beliefs, disability, age and sexual orientation, chronic illness, genealogical descent, family[7] or social status and gender identity or characteristics.[8] In February 2024, Equal Treatment Law 4443/2016 was amended by Law 5089/2024[9] and the grounds of discrimination were extended to include sexual orientation, gender identity, gender expression and gender characteristics in the areas of social protection, social benefits and tax relief, education and access to the provision of goods and services (see section 4 of the executive summary on 'Material scope'). The same law established same-sex marriage for the first time in Greece.

In addition, at the normative level (concerning the rules of the Greek legal system), there are many constitutional provisions (mainly setting out general principles) enshrining human rights that directly or indirectly address discrimination. Nevertheless, it is extremely difficult to derive specific enforceable rights from these general principles. Article 25 of the Constitution is immensely important, because it clearly states that private employers must respect the constitutional rights of their employees (e.g. the rights to equality and non-discrimination). The Civil Code contains certain open-ended clauses which may be invoked by people who have experienced discrimination and are seeking equal treatment and non-discrimination in their working life.[10] However, in practice, such claims are rarely made, except in the employment sector, where the principle of equal treatment is often invoked, but only with regard to equal pay between men and women, not than on the basis of the five discrimination grounds. As regards criminal law, there are no provisions outlawing general discriminatory practice, but there are criminal laws prohibiting discrimination on grounds of racial or ethnic origin, although these are never applied in practice.

Hate speech is addressed in Law 927/1979,[11] as amended. Furthermore, Article 82A of the Greek Criminal Code (Law 4619/2019), punishes hate crimes. Article 184 of the Criminal Code establishes an aggravating circumstance for incitement to hatred and violence where it targets individuals on the basis of race, colour, national or ethnic origin, disability, sexual orientation or gender identity. In addition to Equal Treatment Law 4443/2016, Greek labour law consists of numerous statutes that seek to combat discrimination in employment, mainly on the grounds of sex and racial or ethnic origin. For example, there are statutes which outline a protective framework within which employers are obliged to abide by the protective provisions and to eliminate discriminatory practices, such as dismissals of pregnant women or practices related to the race or ethnic origin of the employee. These statutes also protect some of the Directive 2000/78 grounds, in particular disability and age and addresses all the fields covered by the Directive, such as conditions of access to employment or self-employment activities, including promotion, vocational training, employment and working conditions (including pay, dismissals, obligation for reasonable accommodation at the workplace to allow workers with disabilities to work, and

6 Law 3304/2005 on the application of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation (OJ 16 A/27.01.2005).

7 Whether or not LGBT families are included is an issue of future judicial interpretation. Greece recently introduced a law which allows same-sex couples to become foster parents. However, Greece does not permit the adoption of children by same-sex couples, and individuals of the same sex cannot both be considered parents of a child in cases where a child is biologically related to one of them, in which case only the biological parent is registered as the parent.

8 According to the explanatory memorandum to Law 4443/2016, the term 'gender characteristics' refers to intersex individuals, namely individuals who were born with reproductive or sexual anatomy that does not fit the typical binary notions of male or female.

9 Greece, Law 5089/2024, on equality in civil marriage, amendment of the Civil Code and other provisions, (*Νόμος 5089 για την «ισότητα στον πολιτικόγάμο, τροποποίηση του αστικούκώδικα και άλλεςδιατάξεις'*) (OJ 27 A /16.02.2024).

10 For instance, Article 57 of the Civil Code stipulates that 'anyone whose personality is unlawfully insulted has the right to demand that the insult be revoked and not be repeated in the future'. Furthermore, according to Article 932 of the Civil Code, the court may award at its discretion reasonable compensation due to moral damages, especially to a person who has suffered an insult to his dignity.

11 Law 927/1979 on punishing acts or activities aimed at racial discrimination (Anti-racism Law) (OJ 22 A/26.06.1979).

membership of and involvement in a union of employers or workers or any other organisation whose members carry on a particular profession).

Greece has ratified all the major human rights treaties (See Annex 1).[12] On 13 September 2017, Law 4488/2017[13] became part of Greek statute. It includes, among other things, a series of very important provisions regarding the rights of persons with disabilities in Greece. The legislation on the protection of the rights of persons with disabilities (addressed to all stakeholders including government bodies and private employers) introduces a series of reforms designed to promote their equal treatment and full enjoyment of fundamental rights, as well as facilitating their lives and daily routine. At the same time, the regulations promote the treatment of persons with disabilities not as persons with needs but as persons with potential, which the state must recognise in order to allow them to gain access to every aspect of social and economic life. In particular, any natural person or legal person in the wider public or private sector is required to facilitate the equal exercising by persons with disabilities of their rights in their respective fields of competence or activity by taking all appropriate measures and refraining from any action that may affect the exercising of those rights. The equalising of the legal status of Greeks with that of a number of citizens of other non-EU countries in terms of social benefits has been a positive legal development in 2020. However, Law 4659/2020[14] seems to impose restrictions on Roma people in receiving housing allowance. Moreover, Law 4674/2020[15] abolished a positive measure concerning the access of stateless Roma to naturalisation procedures.

3. Main principles and definitions

Article 2 of Equal Treatment Law 4443/2016 contains definitions of 'direct discrimination', 'indirect discrimination', 'harassment', 'discrimination', 'discrimination by association', 'discrimination based on perception', 'multiple discrimination', 'denial of reasonable accommodation' and 'reasonable accommodation'. Equal Treatment Law 4443/2016 does not contain any other definitions on the specific grounds of discrimination. Some terms have been clarified, however, by the explanatory report (*Αιτιολογική Έκθεση*)[16] submitted with the draft Equal Treatment Law 4443/2016. In its *2021 Special Report on Equal Treatment*,[17] issued in July 2022, the Ombudsman found that, as far as reasonable accommodation is concerned, the refusal of public sector bodies to finalise the hiring process of persons originally deemed suitable for appointment, exclusively on the grounds that, in the end, their disability would render them unsuitable for the position, constitutes direct discrimination. The Ombudsman linked this case to reasonable accommodation because reasonable accommodation measures could have made the individuals in question suitable for the position offered. Nevertheless, the public sector bodies did not even consider such a possibility.

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12 Greece has expressed a reservation on the application of Article 27(1) of the UNCRPD.

13 Law 4488/2017 on provisions for pensions in the public sector and various insurance provisions, on strengthening the protection of employees, on the rights of persons with disabilities and other provisions (OG A 137/13.9.2017).

14 Law 4659/2020 on birth allowance and other provisions (*Νόμος 4659/2020 για 'επίδομα γέννησης και άλλεςδιατάξεις'*) (OG A 21/03.02.2020).

15 Law 4674/2020 on strategic development perspectives of local authorities, settlement of the Ministry of the Interior issues and other provisions) (*Νόμος 4674/2020 για τη 'Στρατηγική αναπτυξιακή προοπτική τωνΟργανισμών Τοπικής Αυτοδιοίκησης, ρύθμισηζητημάτων αρμοδιότητας Υπουργείου Εσωτερικών και άλλεςδιατάξεις'*) (OG A 53/11.03.2020).

16 Explanatory memorandum to the draft law on the transposition of Council Directive 2000/43/EC on the application of the principle of equal treatment irrespective of race and ethnic origin, and the transposition of Council Directive 2000/78/EC on the configuration of the general framework of equal treatment in employment and work and Council Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers and other provisions (Explanatory memorandum to the Equal Treatment Law), available in Greek: http://www.parliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/e-odew-eis.pdf.

17 Greek Ombudsman (2022), Report on Equal Treatment 2021 (*ΈκθεσηΙσηςΜεταχείρισης 2021*), July 2022, available at: https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-2021-or-equal-treatment.

No developments took place in 2024 with regard to the main principles and concepts, including in case law.

4. Material scope

Article 3(2) of Equal Treatment Law 4443/2016 concerning the principle of equal treatment which applies to all 'persons' in the public as well as the private sector was amended by Article 9 of Law 5089/2024, which extended the material scope of equal treatment to cover the full scope of Directive 2000/43/EC for all protected grounds – with the exception of age. Age is a protected ground in the field of work and employment (in both the public and private sector), including in the access to employment, professional training, working conditions, benefits and union rights. Furthermore, even though age is not a protected ground in the access to services and goods under Article 3(2) of the Equal Treatment Law, it is protected as a ground in Article 11 of the same Law in relation to the imposition of criminal sanctions for discrimination in the provision of goods and services.

Law 4356/2015, under Article 29, introduced the punishment of perpetrators who treat others with contempt (this corresponds to the term *καταφρόνηση* used in the original Greek legal text) by refusing to provide them with goods and services on grounds of race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, sexual orientation, gender identity or disability, thus expanding the grounds covered in relation to goods and services. It should be clarified that this provision is a criminal law provision separate from the Equal Treatment Law and covers conduct in the context of voluntary or humanitarian assistance, usually following a relevant public announcement, and directed only at a specific group of people in a clearly discriminatory manner. This provision aimed to target Golden Dawn's practice of organising charity food handouts 'only for Greeks', which would always end in violence and require police intervention.[18] The same Law was the first to recognise same-sex civil partnerships and to introduce provisions to various laws in order to eliminate discrimination on the ground of sexual orientation in various fields including employment and social protection.[19]

Article 8 of Law 4779/2021, entitled 'Prohibition of incitement to violence or hatred' (Article 6 of Directive (EU) 2010/13), provides that 'audiovisual media services must not incite violence or hatred against a group of people or group members identified on the basis of race, colour, ethnic or national origin, creed, religion, disability, sexual orientation, gender identity or characteristics'. This national provision appears to provide a larger scope than that of the Directive. On 9 March 2023, Law 5029/2023[20] was passed by the Greek Parliament. Article 4 of the Law refers to bullying and intra-school violence as any form of physical, verbal, psychological, emotional, social, racist, sexual, electronic or other violence and delinquent behaviour, which affects the school community and disrupts the educational process, including, in particular, an insult, discrimination or harassment on the grounds of a school student's religious beliefs, ethnic origin, race, gender, sexual orientation, gender identity, gender expression, gender characteristics (including sex characteristics), health and physical or other actual condition (age is excluded).

[18] 'Golden Dawn nationalists hand out 'Greeks only' food', BBC, 01.08.2012; 'Athens: Golden Dawn's 'Greek-only' food handout shut down – video', *The Guardian*, 02.05.2013; 'The "Only for Greeks" food handouts by Golden Dawn are illegal', (*Παράνομα τα "μόνογια Έλληνες" συσσίτια τηςΧρυσήςΑυγής*), *News247*, 10.11.2015.

[19] With the exception of family-related rights, such as the right to adopt children.

[20] Law 5029/2023 on 'Living in Harmony Together – Breaking the Silence': Regulations to prevent and deal with violence and bullying in schools and other provisions (*Νόμος 5029/2023 με τίτλο 'Ζούμε Αρμονικά Μαζί – Σπάμε τη Σιωπή»: Ρυθμίσεις για την πρόληψη και αντιμετώπιση της βίας και του εκφοβισμού στα σχολεία και άλλες διατάξεις'*) (OJ 55 A/10.03.2023).

Moreover, according to Ministerial Decision No. 58782 EX 2023,[21] an explicit prohibition of discrimination on grounds of race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or gender characteristics was introduced in respect of the right to carry out activities in various bodies of water.

Finally, according to an amendment to the Regulation on the Rights of Passengers, by the Ministry of Infrastructure and Transport on 29 December 2023 with Ministerial Decision 362897/2023,[22] it is permissible to refuse to book and issue tickets to, as well as to deny boarding to, persons due to their disabilities or reduced mobility exceptionally, if this is not safe and operationally possible.

There were no other developments in 2024 with regard to the material scope of the prohibition of discrimination on any of the five grounds, including in case law.

5. Enforcing the law

Article 8 of Equal Treatment Law 4443/2016 enshrines Article 7 of Council Directive 2000/43/EC and Article 9 of Council Directive 2000/78/EC. There are various procedures for enforcing the principle of equal treatment: judicial (under both civil and criminal procedure), administrative, and alternative dispute resolution, such as mediation. In Greece, associations, organisations and trade unions are entitled to act on behalf of victims of discrimination. Article 8(3) of Law 4443/2016 states that:

> 'legal persons, unions or organisations including social partners and trade unions, whose purpose also includes the safeguarding of the principle of equal treatment regardless of race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics, may represent the injured party before the courts and represent them before any administrative authority or organ, as long as he/she provides in advance his/her consent through a notarial document or private document, which will bear their certified signature'.

Therefore, sanctions apply to more than the five grounds that are included in the Directives.

Moreover, Article 8(4) further states that the aforementioned legal persons may also intervene in proceedings examining discrimination cases before the civil or administrative courts free of charge (i.e. they do not have to submit a separate court fee). However, organisations cannot engage in judicial proceedings in order to defend the public interest (*actio popularis*).

In Greece, national law requires a full shift of the burden of proof from the complainant to the respondent. This means that the respondent has to prove that the complainant has not been discriminated against (although exceptions apply to criminal procedures, where the burden is partially shifted). The exceptional full shift in burden of proof for cases of anti-discrimination law is provided for in Article 9 of Equal Treatment Law 4443/2016. In cases of non-compliance with the principle of equal treatment within the context of an administrative action, the victim has the protection – in addition to judicial protection – granted by Articles 24 to 27 of the Code of Administrative Procedure.

[21] Ministerial Decision 58782 EX 2023 'on defining terms, conditions, technical issues, necessary details and procedure for the granting of simple use of seashore, beach, bank, riparian zone, sea water element, lagoon, lake and navigable river' (OJ B΄/11.04.2023).

[22] Ministerial Decision 362897/2023 of the Ministry of Infrastructure and Transport on 'amendment on Regulation of passenger rights on regular and special lines by means of road transport (buses, trolleys) and means of fixed track (metro, tram)', (*Τροποποίηση Κανονισμού δικαιωμάτων επιβατών τακτικών και έκτακτων γραμμών με οδικά μέσα μεταφοράς λεωφορεία, τρόλει και μέσα σταθερής τροχιάς μετρό, τραμ*). (OJ B 7483/29.12.2023).

Article 10 of Equal Treatment Law 4443/2016 prohibits victimisation. 'Protection under Article 8 includes dismissal or unfavourable treatment of a person in general, which is manifested as reprisal to a complaint or a request for legal protection, in order to ensure compliance with the principle of equal treatment'. Article 82A of the Greek Criminal Code contains stricter penalties or sanctions for offences committed due to bias motivation. Article 15 of Law 4356/2015 established a National Council against Racism and Intolerance as an advisory body to improve the consultation process and cooperation among stakeholders and to improve services related to preventing and combating racism and intolerance. Article 17 states that the Council will be responsible for the harmonisation of national law and policies with international and European regulations and practice and for the development of initiatives throughout the whole public sector in order to achieve the most effective protection of people and groups who are targeted because of their race, colour, national or ethnic origin, genealogical descent, social origin, religious or other beliefs, sexual orientation, gender identity or disability. Furthermore, a national action plan for combating racism (the timespan of which is yet to be announced) was to be implemented, with clear qualitative and quantitative indicators. The plan is to progress through three stages – prioritisation of goals and cost, observation and update, and evaluation – and aims to ensure the coordinated combating of racism and intolerance by the state. However, it has not yet been finalised.

The National Strategy for the Social Integration of the Roma (ESKE Roma) 2021-2030 started its implementation in July 2022. In this context, in 2024, the second cycle of the programme for granting business initiatives to employ young freelancers aged 20 to 44 who belong to marginalised social groups such as the Roma was implemented in Attica, the Peloponnese and Western Greece. The first Greek National Action Plan for the Rights of Persons with Disabilities was launched in 2020 and is the first such initiative since the implementation of the United Nations Convention on the Rights of Persons with Disabilities. In February 2021, a National Accessibility Authority was established in order to facilitate the integration of persons with disabilities into the social, economic, political and cultural life of the country, as dictated by the UN Convention on the Rights of Persons with Disabilities (ratified by Law 4074/2012).The introduction of the National Accessibility Act is not connected to national legal provisions transposing the European Accessibility Act. On 17 March 2021, by decision of the Greek Prime Minister, a committee was set up with the aim of drafting a National Strategy for the Equality of LGBTQI+ people in Greece, which was published and adopted the same year for the period of 2021-2025.[23] In July 2022, for the first time in Greece, a detailed guide to dealing with and managing incidents of violence against LGBTQI+ citizens, in the form of an official operational order, was issued by the Hellenic Police.[24]

Articles 15 and 16 of Equal Treatment Law 4443/2016 regulate the coordination of anti-discrimination issues on a national level. Law 4443/2016 also provides that the General Secretariat for Transparency and Human Rights of the Ministry of Justice, within the context of its jurisdiction for the protection of human rights and the combating of all forms of discrimination, will also participate in the promotion of equal treatment.

As for enforcement, following Decision 4421/2024 of the single-member Court of First Instance of Athens, issued on 5 July 2024, Article 94 of Law 5128/2024 abolished the discriminatory provision of Article 6(7) of Law 4726/2020, according to which persons over the age of 70 were not allowed to submit a candidacy application for the position of a member of the board of directors of a sports federation, since it was struck down as unconstitutional and discriminatory (see in section 12.2 below on case law).

[23] Office of the Greek Prime Minister (2021), *National Strategy for the Equality of LGBTQI+ Citizens*, (*ΕθνικήΣτρατηγικήγιατηνΙσότηταωνΛΟΑΤΚΙ+*), June 2021, last accessed on 19.05.2025.

[24] Hellenic Police (2022), 'Guide to addressing and managing violent incidents against LGBTQI+ citizens', (*Οδηγός αντιμετώπισης και διαχείρισης περιστατικών βίας σε βάρος ΛΟΑΤΚΙ+ πολιτών*), Prot. Nr. 7100/5/22-b/19.07.2022, last accessed on 19.05.2025.

There were no other developments in 2024 with regard to the enforcement of anti-discrimination law.

6. Equality bodies

The most important feature of the Equal Treatment Law 4443/2016 is the unification of separate jurisdictions – private and public – under one equality body, the Ombudsman, which is tasked with the monitoring and promotion of equal treatment, not only for the public sector but for the private sector as well. The General Secretariat for Transparency and Human Rights of the Ministry of Justice, within the context of its jurisdiction for the protection of human rights and the combating of all forms of discrimination, is responsible for the promotion of equal treatment. The Social Protection Directorate of the Ministry of Labour monitors the application of anti-discrimination policies in the field of labour and employment, informs employees and employers about issues related to discrimination in the field of employment and raises awareness, as well as providing scientific support to the Labour Inspectorate.

There were no developments in 2024 with regard to the mandate, capacity or activities of the national equality body, including in case law.

7. Key issues

The key issues for Greece in the anti-discrimination field can be summarised as follows:

Issues identified regarding the text of Law 4443/2016

- The law has not been amended in order to improve the protection framework (sanctions, damages and procedural aspects) – with the exception of some very limited cases. There is a need to establish disciplinary sanctions especially for public servants, as the sanctions currently provided for those in public employment cannot be considered to fulfil the requirement of EU law for effectiveness, proportionality and dissuasiveness. The administrative sanctions imposed by the Labour Inspectorate do not suffice. What is more, discrepancies in the Civil Code need to be addressed, especially concerning the lack of provisions to link non-discrimination law with actions for damages.

Recommended steps for a more effective national anti-discrimination framework

1) Currently, the Ombudsman has no legal standing to take part in administrative, civil or criminal cases in support of the victim. The Ombudsman's statute, as well as the relevant procedure codes, should be amended in order for the Ombudsman to be able to intervene in court proceedings in support of victims of discrimination.
2) Extension of the *ratione temporis* 'jurisdiction' of the Ombudsman over cases which have been filed in the courts until the first hearing of the case or the issuing of interim measures. Given that a complaint submitted to the Ombudsman does not suspend the deadlines for judicial remedies, if the mediation of the Ombudsman is not fruitful, the discrimination victim could be deprived of their right to judicial protection. This extension might encourage discrimination victims to have recourse to the Ombudsman and could limit the number of potential cases before the courts, where the procedure is more time-consuming and costly.
3) Systematic monitoring by the Ombudsman, in cooperation with the Labour Inspectorate, the Department for Equal Opportunities of the Ministry of Labour and the Organisation for Mediation and Arbitration of developments in employment and occupation, collective agreements, codes of ethics and practices involving combating discrimination.
4) The creation, within the Economic and Social Council, of a permanent consultative body composed of representatives of NGOs and organisations in general, with the

participation of the Ombudsman, tasked with conducting a social dialogue on equal treatment, together with the plenary body of the Economic and Social Council.

In addition, legislative amendments should be introduced to resolve the following issues:

- The requirements for the legal standing of NGOs before the courts should become less strict.
- Legal aid should be introduced for victims of discrimination in both judicial and extrajudicial proceedings, especially when they cannot afford it. Support for the provision of legal aid, such as training for legal practitioners and staff, should also be included in any governmental efforts.
- Provisions should be made for the imposition of sanctions for all the areas of discrimination protected by anti-discrimination law.

In Greece, there are no issues of concern regarding the use of artificial intelligence in relation to the implementation of the national legislation transposing the directives, or regarding the regulation of artificial intelligence.

INTRODUCTION

The national legal system

Greece is a parliamentary republic.[25] Popular sovereignty is the foundation of Government, and all powers derive from the people and exist for the people and the nation.[26] The national legislative authority rests jointly with Parliament and the Government. Greece has a civil (continental) legal system, with fields of law separated into specific bodies (civil law, public/administrative law, criminal law, commercial law, labour law, etc). Greece does not have a constitutional court, but all courts of all instances have an inherent obligation to interpret rules and laws in conformity with the Greek Constitution. Greece has three supreme courts: the Council of State (Συμβούλιο της Επικρατείας) (for public law), the Supreme Court (Άρειος Πάγος) (for private law) and the Chamber of Accounts (Ειδικό Ελεγκτικό Συνέδριο) (a limited-jurisdiction administrative court).

As a result of Greek accession to the European Communities, EU law has become part of the legal system. As well as the rules contained in primary sources of EU law, which prevail over domestic law, secondary EU legislation, especially regulations, is directly applicable in Greece.

List of main legislation transposing and implementing the directives

Official title of the law: Law 4443/2016[27] Abbreviation: Equal Treatment Law Date of adoption: 2 December 2016 Entry into force: 9 December 2016 Latest relevant amendment: on 17.2.2024 by Law 5089/2024[28]which amended Articles 1 and 3(2),(4) Web link: https://www.gov.gr/sdg/work-and-retirement/equal-treatment/general/law-4443-2016-against-discrimination-at-work-and-employment Grounds covered: race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity, characteristics or expression. Civil/administrative/criminal law: All three kinds of law. Material scope: public employment, private employment, self-employment, access to goods or services (including housing), social protection, social advantages, education. Principal content: prohibition of direct and indirect discrimination, harassment, instruction to discriminate or creation of a specialised body.
Official title of the law: Law 4285/2014[29] Abbreviation: Anti-racism Law Date of adoption: 9 July 2014 Entry into force: 10 July 2014 Latest relevant amendment: none Web link: https://www.e-nomothesia.gr/kat-anthropina-dikaiomata/n-4285-2014.html

[25] Greek Constitution, Article 1(1). Greece is not a federal state. The text of the Constitution is available in English at: www.hellenicparliament.gr/en/Vouli-ton-Ellinon/To-Politevma/Syntagma.

[26] Constitution, Articles 1(2) and 1(3).

[27] 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'.

[28] Greece, Law 5089/2024, on equality in civil marriage, amendment of the Civil Code and other provisions (*Νόμος 5089 για την «ισότητα στον πολιτικόγάμο, τροποποίηση του αστικούκώδικα και άλλεςδιατάξεις'*) (OJ 27 A /16.02.2024).

[29] Law 4285/2014 on the amendment of Law 927/1979 (A' 139) and adjustment to the Framework Decision 2008/913/JHA of 28 November 2008, on combating certain forms and acts of racism and xenophobia through criminal law (L 383) and other provisions. (OJ 191 A/10.09.2014).

Grounds covered: race, colour, religion, genealogical descent, national or ethnic origin, disability, sexual orientation, gender identity. Criminal law. Material scope: all persons in both the public and private sectors; violations of the Criminal Code (criminal offences). Principal content: Prohibition of crime on the above grounds.
Official title of the law: Law 4488/2017[30] Abbreviation: none Date of adoption: 13 September 2017 Entry into force: 13 September 2017 Latest relevant amendment: none Web link: https://www.e-nomothesia.gr/kat-ergasia-koinonike-asphalise/nomos-4488-2017-fek-137a-13-9-2017.html Grounds covered: disability. Administrative law. Material scope: The provisions apply to all persons in the private and public sectors. Principal content: Articles 60 to 72 contain provisions transposing the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

[30] Law 4488/2017 on provisions for pensions in the public sector and various insurance provisions, on strengthening the protection of employees, on the rights of persons with disabilities and other provisions (OG A 137/13.09.2017).

1 GENERAL LEGAL FRAMEWORK

Constitutional provisions on protection against discrimination and the promotion of equality

The Greek Constitution includes the following articles dealing with non-discrimination: Article 4(1), Article 4(2), Article 5(1-2), Article 2(1), Article 9A, Article 16(4), Article 21(1), Article 22(1-2)(b), Article 25(1) and Article 116(2).

The Constitution has always contained a general provision requiring equality for all Greeks before the law (Article 4(1)). In 1975, when the Constitution came into force, one of its important features was the strengthening of human rights.

In its first part, the Constitution assigns to the state the primary obligation to respect and protect the value of the human being. The Constitution also contains a specific and general non-discrimination provision that explicitly protects all people – Greek citizens and foreign nationals,[31] men and women, old and young. In particular, Article 5(1) stipulates:

> 'All persons shall have the right to develop freely their personality and to participate in the social, economic and political life of the country, insofar as they do not infringe the rights of others or violate the Constitution and the good usages [i.e. the principles of morality]. 2. All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law.'[32]

Therefore, Article 5 of the Constitution is considered as the constitutional basis of all Greek non-discrimination law.[33]

Moreover, according to Article 28 of the Greek Constitution,

> 'generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law'.

Therefore, treaties and conventions signed and ratified by Greece that aim to protect individuals from discrimination based on grounds other than those explicitly mentioned in the Constitution prevail over national law.[34]

[31] The text of the Constitution does not refer explicitly to undocumented migrants and refugees, however it is generally accepted that a minimum of rights are constitutionally protected by virtue of Article 25(1) of the Constitution (which refers to 'rights of the human being as an individual and as a member of the society') and Article 28 (which refers to the superiority of generally recognised international rules and treaties ratified by the state over national legislation).

[32] The above excerpt has been taken from the official English version of the Constitution, as displayed on the Greek Parliament's official website. The term 'good usages' refers to the Greek term *χρηστάήθη*. A more precise translation of this term would be 'principles of morality'.

[33] The grounds of disability, age and sexual orientation are considered to be constitutionally protected. However, this protection derives from interpretation under Article 28 of the Greek Constitution (see below). According to this Article, treaties and conventions signed and ratified by Greece that aim to protect individuals from discrimination based on these grounds prevail over national law – and not because they are explicitly included in the text of the Constitution. This provision is understood as such due to the wording of the text itself and there is a plethora of case law reiterating the prevalence of international and EU treaties signed and ratified by Greece over national law.

[34] Article 28 of the Constitution is frequently cited in national case law. See e.g. Supreme Court Decisions Nos. 582/2020, 257/2019, 362/2019 and 1062/2019 and Council of State Decision No. 2100/2019.

The Constitution includes the principles of human dignity[35] and the free development of personality;[36] the principle of general equality;[37] the right to protection of health;[38] freedom of religion; freedom of opinion and of the press; freedom of art, science, research and teaching; the right to judicial protection; the right to be protected against misuse of personal data;[39] the right to receive free education on all levels at state educational institutions;[40] the right to a family;[41] the protection of marriage, motherhood, childhood and families with many children;[42] the right to work and to receive equal pay for work of equal value;[43] the right to respect of human and social rights;[44] and the right to enjoy affirmative measures to counterbalance real inequality.[45]

These rights and principles cover all the anti-discrimination grounds and material fields mentioned in Directives 2000/43/EC and 2000/78/EC. Theoretically, therefore, nothing would stand in the way of victims of discrimination, regardless of their race, colour, national or ethnic origin, religious or other beliefs (disability, age and sexual orientation are also included; although they are not specifically mentioned in the Constitution, they are covered by virtue of Article 28)[46] invoking these provisions and attempting to initiate a discussion with a view to promoting social integration and inclusion and combating discrimination through general human rights protection.[47] As general principles, such constitutional provisions clearly cover every aspect of human life and personal development, and as such they offer a resource for people who are not protected under other provisions of national law. Even though constitutional anti-discrimination provisions are directly applicable, it would be extremely difficult to derive specific enforceable rights from these general clauses, given that such general clauses are no substitute for more specific legislation which adds clarity and enforceability to individual rights.

These provisions apply to all areas covered by the Directives. Their material scope is broader than those of the Directives.

The constitutional equality clauses can be enforced against private actors (as well as against the state). Article 25 of the Greek Constitution is immensely important, because it clearly indicates that private employers must also respect the constitutional rights of their employees (e.g. the rights of equality and non-discrimination). This Article was added as part of the last constitutional amendment of 2001,[48] and it supersedes the previously predominant doctrine that constitutional provisions protect citizens against unequal treatment or discrimination by state entities only and not by employers in the private sector.

[35] Constitution, Article 2(1).
[36] Constitution, Article 5(1).
[37] Constitution, Article 4(1).
[38] Constitution, Article 5(5).
[39] Constitution, Article 9A.
[40] Constitution, Article 16(4).
[41] Constitution, Article 21(1). As previously noted, whether or not LGBT families are included is an issue of future judicial interpretation. In one case, the Greek Council of State highlighted that the constitutional protection of the family is not subject to its creation through marriage, but its nature is necessarily affected by social variations in the course of time undergoing development and redefinition (Decision No. 2003/2018 of the 3rd Section of the Council of State).
[42] Constitution, Article 21(1–2).
[43] Constitution, Article 22(1)(b).
[44] Constitution, Article 25(1).
[45] Constitution, Article 116(2).
[46] Article 28 states that treaties and conventions signed and ratified by Greece prevail over any internal rules. Therefore, this includes treaties and conventions ratified by Greece that aim to protect individuals from discrimination based on these grounds, such as the ECHR as well as the EU Charter of Fundamental Rights, which explicitly refers to grounds of, *inter alia*, sexual orientation, disability, and age (Article 21).
[47] This has been especially true following the constitutional amendment of Article 25, whereby '[human rights] also apply to the relations between [private] individuals to which they are appropriate' (excerpt taken from the English version of the Greek Constitution).
[48] Parliamentary Resolution of 6 April 2001 of the VIIth Revisionary Parliament (OJ 84 A/17.4.2001).

2 THE DEFINITION OF DISCRIMINATION

2.1 Definition of the grounds of unlawful discrimination within the directives

Equal Treatment Law 4443/2016 contains in its text definitions of some of the specific grounds of discrimination. Terms that are not defined in the text of the law itself, however, can be clarified by the explanatory report[49] (*Αιτιολογική Έκθεση*), which was submitted with the draft Equal Treatment Law 4443/2016. The terms that are provided with a definition under the Greek legal system are set out below.[50]

a) Racial or ethnic origin

There is a legal definition of 'racial discrimination' in the Greek legal system. According to Article 1(1) of Legislative Decree 474/1970,[51] which ratified the International Convention on the Elimination of All Forms of Discrimination (ICERD),

> 'racial discrimination means any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.'

Apart from this, there is no other separate legal definition of 'race' or 'racial discrimination' at national level.

There is no separate legal definition of 'ethnic origin' in the Greek legal system. There is no distinction between discrimination based on 'race' and discrimination based on 'ethnic origin' (see above definition included in Decree 474/1970).

b) Religion or belief

There is no legal definition of religious or other beliefs in the Greek legal system.[52] Under Article 28 of the Greek Constitution, a definition maybe derived from international treaties

[49] Explanatory memorandum for the draft law on the transposition of Council Directive 2000/43/EC on the application of the principle of equal treatment irrespective of race and ethnic origin, and the transposition of Council Directive 2000/78/EC on the configuration of the general framework of equal treatment in employment and work and Council Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers and other provisions. Explanatory memorandum to the Equal Treatment Law, available in Greek: http://www.parliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/e-odew-eis.pdf.

[50] Law 4443/2016 also contains the following grounds, which are not mentioned in the Directive: a) 'family status' was added in order to ensure the equal treatment of people who have entered into a civil union agreement, including same-sex couples only when they have entered such agreements, within the employment field. This is in accordance with Law 4356/2015, which introduced same-sex civil union agreements (however this only refers to same-sex civil partners and equal treatment in relation to rights afforded to heterosexual civil partners. Family rights are restricted vis-à-vis children since same-sex civil partners cannot adopt children and Law 4838/2018 only allows same-sex civil partners to foster children); and b) Social status, which refers to the 'social stigmatisation' of a person due to his/her link to a certain social sub-group such as former drug addicts or former detainees/prisoners. The explanatory memorandum to Equal Treatment Law 4443/2016 states that other types of group are also included, given that they constitute specific social sub-groups consisting of a group of people who are linked by a common characteristic, which is often inherent, unaltered or fundamental to the identity, conscience or exercise of rights of the group's members.

[51] Legislative Decree 474/1970 on the ratification of the International Convention on the Elimination of All Forms of Discrimination (OJ 77 A/21.03.1970).

[52] The Hellenic Constitution recognises the Greek Orthodox Church as the prevailing religion in Greece. Under Article 13 of the Constitution, religious freedom is safeguarded in relation to 'known religions'. For many years there was no definition of 'known religion' until the adoption of Law 4301/2014. This Law set the criteria for the recognition of the legal personalities of religious bodies and recognised Islam, the Catholic Church, the Evangelical Church, the Anglican Church, the Ethiopian Orthodox Church, the Orthodox Coptic Church of Egypt and Armenian Orthodox Church. Israeli (Jewish) Communities were first recognised as legal personalities in public law in 1920 through Law 2456/1920, a status maintained until today, with a

or generally accepted international rules. Case law of the Greek Council of State (Supreme Administrative Court of Greece) has stated that the constitutionally protected right of religious or other beliefs will be subject to the conditions set out in the Greek Constitution itself, namely the protection of public order and public morals and the prohibition of proselytism.[53]

c) Disability

There is a legal definition of 'disability' in the Greek legal system. Since the adoption of Law 4074/2012[54] by the Greek Parliament on 11 April 2012, the definition (or guidance on the concept)[55] of disability included in the UN Convention on the Rights of Persons with Disabilities (UNCRPD) is applicable. The UNCRPD definition also applies in the context of Law 4443/2016. Thus, in this indirect way, the definition is compatible with – though broader than – the concept adopted by the Court of Justice of the European Union in joined cases C-335/11 and C-337/11, *Skouboe Werge* and *Ring*, paragraph 38. There is no national case law in which this definition has been applied. In practice, the Greek courts do not refer to a definition of 'disability' but instead rely on medical evidence as proof of disability. This practice, however, does not appear to be in line with CJEU case law, which has never indicated that such proof is necessary. Finally, Law 4488/2017,[56] which specifies the implementation of the UNCRPD, also provides the relevant definitions (of 'persons with disabilities', 'reasonable accommodation', etc.) and guidelines for the equal exercise of the rights of persons with disabilities and the mainstreaming of disability in all public policies. According to Article 60(1) of Law 4488/2017, 'persons with disabilities' are persons who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, in particular institutional, environmental or social and behavioural barriers, may hinder their full and effective participation in society on an equal basis with others.[57]

According to the explanatory memorandum to Equal Treatment Law 4443/2016, the aforementioned term 'disability' is further supplemented by the term 'chronic illness'. This addition aims to expand the protection model for equal access and social inclusion for persons with disabilities established through Law 4074/2012 (see above). Thus, chronic illness is also covered by Equal Treatment Law 4443/2016. The term 'chronic illness', according to the same explanatory memorandum, includes illnesses that have developed either through a medical condition or due to an accident which present 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. Persons with HIV/AIDS are also protected under the ground of disability or chronic illness, in full

number of legal texts having been published in the meantime, refining their status. Apart from the Muslim minority of Thrace, which has been recognised as a religious minority under the Lausanne Treaty between Greece and Turkey since 1923, there have only recently been attempts to establish mosques in Greece, such as the Athens Mosque, which was inaugurated in the summer of 2019.

53 Greek Council of State, Plenary, Decision Nos. 2281-2285/2001, Greek Council of State, Fourth Division, Decision No. 2188/2010.

54 Law 4074/2012 on the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol (OJ 88 A/11.04.2012).

55 'Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.' (UN Convention on the Rights of Persons with Disabilities, Article 1(2)).

56 Law 4488/2017 on provisions for pensions in the public sector and various insurance provisions, on strengthening the protection of employees, on the rights of persons with disabilities and other provisions (OG A 137/13.9.2017).

57 The original text in Greek is: *«Ως «Άτομα με Αναπηρίες (ΑμεΑ)» νοούνται τα άτομα με μακροχρόνιες σωματικές, ψυχικές, διανοητικές ή αισθητηριακές δυσχέρειες, οι οποίες σε αλληλεπίδραση με διάφορα εμπόδια, ιδίως θεσμικά, περιβαλλοντικά ή εμπόδια κοινωνικής συμπεριφοράς, δύναται να παρεμποδίσουν την πλήρη και αποτελεσματική συμμετοχή των ατόμων αυτών στην κοινωνία σε ίση βάση με τους άλλους.»*.

conformity with ILO Recommendation 200 (2010), which prohibits discrimination or stigmatisation thereof in employment and occupation.[58]

According to the decision of the Court of Appeal of Piraeus 447/2022,[59] in order to establish the existence of a chronic disease, it is necessary that there is a relapse in the state of health of an employee and that this is shown by medical certificates. The specific court decision refers to the opinion of a local primary health committee, which certified with its relevant opinion, the inability of a person with a disability or chronic disease to work during the period from 25 January 2020 to 8 February 2020, following relevant medical certificates from neurologists and psychiatrists who described a type of chronic disease of the nervous system. The court pointed out that regardless of the fact that in the medical certificates presented there is neither a detailed description of her disease and her more specific symptoms nor an explicit characterisation of her as a person belonging to a vulnerable group, the employee's belonging to a vulnerable group is fully proven by the relevant opinions, medical certificates and medical data, which were also accessible and known to the workplace doctor employed by the employer.

Moreover, medical evidence to determine the existence of a disability and its grade is determined by the joint Ministerial Decisions of the Minister of Labour and Social Affairs and the Minister of Health 37095/1436 (OJ B 4011/18.9.2020) and 39363/1537 (OJ B 4262/ 30.09.2020), according to which the certification that the employee belongs to a high or intermediate risk group i.e. severe disability or chronic disease is made with a reasoned opinion: a) by the attending physician of the relevant speciality or b) by a doctor of a relevant speciality in the healthcare structure (public or private) for cases of special therapeutic methods such as chemotherapy, radiation therapy and immunotherapy. In such an opinion, it must be stated exactly whether the employee belongs to one of the above cases.

d) Age

There is no legal definition of the protected ground of age in the Greek legal system. Greek legal scholars and case law have identified discrimination against certain age groups – younger persons (under 24 years) and older persons (over 65 years) – especially in reference to labour law.[60]

e) Sexual orientation

Equal Treatment Law 4443/2016 does not contain a specific definition of sexual orientation; however, the explanatory report to Law 4443/2016 refers to a 'universally acknowledged definition of sexual orientation', without offering further clarification.[61] According to the same explanatory report, 'gender identity' refers to transgender individuals, while 'gender characteristics' refers to intersex individuals.

In its decisions Nos. 47 and 49/2019, the three-member Court of Misdemeanours of Aigio examined key issues and interpreted a series of terms, including that of 'sexual orientation', in the context of a case of homophobic speech. The court defined 'sexual orientation' as the characterisation of individuals based on their sexual orientation, which includes heterosexuals, homosexuals and bisexuals (individuals who engage in specific

[58] This is included verbatim in the explanatory memorandum to Equal Treatment Law 4443/2016.
[59] Court of Appeal of Piraeus, Decision No. 447/2022, referring to a medical certification of disability as a document of proof in the case of dismissal of an employee due to disability, available in Greek at: https://www.efeteio-peir.gr/?p=9688.
[60] See for example Greek Council of State Decisions Nos. 2421/2018 and 1898/2015; Administrative Appeals Court of Athens Decisions Nos. 3135/2015, 1781/2014, 3249/2014 and 1920/2013.
[61] The explanatory report 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.

sexual acts or practices are excluded).[62] It should be noted that the legislative reform of 2024 regarding same-sex marriage did not include any definitions of the previous terms.

2.2 Multiple and intersectional discrimination

In Greece, multiple discrimination is prohibited by law.

Equal Treatment Law 4443/2016 includes the term 'multiple discrimination'. The Law clearly defines 'multiple discrimination' in Article 2(2)(g) as 'any discrimination, exclusion or restriction of a person based on multiple grounds of discrimination'. No other concepts related to multiple discrimination have been introduced. Despite this definition, however, the law does not appear to provide for more severe sanctions (or other revised consequences) in cases of multiple discrimination, as opposed to discrimination on one single ground. Accumulated compensation for multiple grounds of discrimination is not provided for in the law.

Law 3996/2011[63] on a general reform of the Labour Inspectorate and other provisions on social insurance described in detail the competence and the mission of the Inspectorate as an auditor in the protection of workers' and employees' rights. This was the first time that a legislative instrument explicitly referred to multiple discrimination, as well as to discrimination concerning people living with HIV/AIDS (as a special category of persons with disabilities). Specifically, Law 3996/2011 states clearly in Article 2(1)(h) that '[the Labour Inspectorate] supervises the implementation of the principle of equal treatment irrespective of race, colour, national or ethnic origin, religion or other beliefs, disability, age or sexual orientation, taking into consideration instances of multiple discrimination in accordance with Article 19 of Law 3304/2005'.

In Greece, there has been no information on whether multiple discrimination is taken into account when deciding on discrimination cases (e.g. when imposing a sanction).

In Greece, intersectional discrimination is not prohibited by law.

In Greece, there has been no information on whether intersectional discrimination is taken into account when deciding on discrimination cases (e.g. when imposing a sanction). The number of court decisions that are published in Greece is limited, and those that are published do not provide any relevant information. Thus, even legal or academic commentary is limited.

In Greece, there is no case law dealing with multiple and/or intersectional discrimination.

The Greek Ombudsman has not examined multiple discrimination cases in 2024, however, it has examined several relevant cases in the past, such as in cases of job listings for secretary positions asking for women, under the age of 35 and Greek nationals. The Greek Ombudsman has characterised such listings as discriminatory on multiple grounds, i.e. gender, age and national or ethnic origin.

[62] Concerning unlawful sexual acts, the Supreme Court referred to paedophilia as an example of an unlawful sexual act and cited the findings of the ECtHR in the case of *E.B. v. France* [GC], No. 43546/02, 22 January 2008, for its reasoning. The Court mentioned paedophilia because of claims made by the defendant in the specific case. It should be mentioned that the case was examined by the Supreme Court of Greece (Areios Pagos), which upheld the conviction for homophobic speech (Decision 858/2020 of the Sixth Criminal Division). It is the first time homophobic speech has been examined by the Supreme Court.

[63] Law 3996/2011 on the reform of the Hellenic Labour Inspectorate, social security issues and other provisions (OJ 170 A/13.08.2011).

2.3 Assumed and associated discrimination

a) Discrimination by assumption

In Greece, discrimination based on a perception or assumption of a person's characteristics is prohibited in national law. Article 2(2)(f) of Equal Treatment Law 4443/2016 includes 'discrimination based on perception', which is 'the less favourable treatment of a person who is perceived to have specific characteristics of race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics'.

There is no case law on discrimination based on perceptions or assumptions of a person's characteristics.

b) Discrimination by association

In Greece, national law prohibits discrimination based on association with people with particular characteristics. Article 2(2)(e) of Equal Treatment Law 4443/2016 defines 'discrimination by association' as 'the less favourable treatment of a person due to his/her close association to a person or persons with specific characteristics of race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics'.

According to the explanatory memorandum to Equal Treatment Law 4443/2016, 'close association' is defined as the relationship of a person, in particular, with people who fall under the category of 'familiars' (*οικείων*), meaning 'family members, adopted family members, same-sex partners,[64] betrothed partners, siblings, spouses, or siblings' spouses/betrothed, custodial parent or a person under someone's custody' (using the exact wording of the explanatory report). Therefore, this definition is more limited, and it does not seem to be in line with the CJEU's ruling in the *Chez* case[65] which had established that associative discrimination also applies to indirect discrimination – in other words, in a situation where a neutral practice disadvantages people of a specific ethnic group and a person not of the same ethnicity suffers the same disadvantage by association with that group.

According to the explanatory memorandum to Equal Treatment Law 4443/2016, a definition on discrimination by association was included in the legislation in order to ensure that Greek law is in line with the judgment in C-303/06, *Coleman v. Attridge Law and Steve Law.*[66]

In Greece there is no case law on discrimination by association.

According to the Greek Ombudsman's *2023 Special Report on Equal Treatment*,[67] issued in 2024, in addition to the measures taken for the persons with disabilities themselves, it is necessary to introduce support measures for those workers who have fully and

[64] The explanatory memorandum does not clarify if this includes only same-sex partners that have entered a civil partnership agreement. However, given that the law which introduced same-sex civil partnership agreements was adopted a year later, it is safe to assume that all same-sex partners are included.

[65] Judgment of 16 July 2015, *CHEZ Razpredelenie Bulgaria AD v. Komisia za zashtitaotdiskriminatsia,* C-83/14, EU:C:2015:480, available at: http://curia.europa.eu/juris/document/document.jsf?text=&docid=165912&pageIndex=0&doclang=en&mode=req&dir=&occ=first&=1&cid=350201.

[66] Judgment of 17 July 2008, *S. Coleman v. Attridge Law and Steve Law*, C-303/06, ECLI:EU:C:2008:415, available at: http://curia.europa.eu/juris/liste.jsf?language=en&num=C-303/06.

[67] Ombudsman (2023), *2023 Special Report on Equal Treatment* (*Έκθεση Ίσης Μεταχείρισης 2023*), November 2023, p. 34, available in Greek at: https://www.synigoros.gr/el/category/default/post/eidikh-ek8esh-2023-or-ish-metaxeirish.

demonstrably taken over the daily care of persons with disabilities. The Ombudsman emphasises that precisely because the forms of direct or indirect discrimination prohibited under Article 2(2)(e) of Law 4443/2016 have also included '*discrimination by association'*, interpretational issues for the application of the law arise in relation to provisions of national law concerning leave-of-absence and facilitations for employees in the public and wider public sector, where specific provisions have been introduced for those workers/employees that demonstrably undertake the daily care of persons with a physical, mental or intellectual disability, i.e. persons belonging to the close family or relatives of the person with disability. These facilitations aim to create work flexibility for the caregivers that would allow them to meet their care responsibilities. In such cases, the Ombudsman considers that there is a need for a necessary balance between the needs of the service and the special circumstances that occur for the associated person, especially when he/she carries out the day-to-day care of a minor child with a disability. The Ombudsman considered a case in which a working woman and single parent, majoring in nursing, who worked in a hospital, submitted a request to be transferred to a local health centre so that she could work only the morning shift, because her child had been diagnosed with type I diabetes (insulin-dependent) and needed systematic monitoring of his health, especially during the afternoon and evening, when the risk of a hypoglycaemic crisis is greater.[68] However, the hospital did not agree to the transfer of the nurse, and the relevant health district supported its view. Addressing the above bodies, with his opinion No. 334273/2023, the Ombudsman emphasised that the necessary adjustments must be made to support the employee, to the extent that this is objectively and operationally possible, and to exhaust every effort to find a solution, which would flexibly deal with the requirement to cover service needs, but at the same time the need of the working woman to support the health of her child, taking into account that there is no other person to take care of him during her absence. The Ombudsman's opinion was not implemented.

2.4 Direct discrimination (Article 2(2)(a))

a) Prohibition and definition of direct discrimination

In Greece, direct discrimination is prohibited in national law and is defined.

Equal Treatment Law 4443/2016 enshrines the definitions of direct discrimination from both the Racial Equality Directive and the Employment Equality Directive. Article 2(2)(a) states that direct discrimination is the less favourable treatment of a person, 'due to race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics,' than that afforded to a person without these characteristics in a comparable situation. Use of the term 'person' does not necessarily imply that the scope is limited to individuals.

This definition appears to be in line with the Directives. There is no relevant recent case law.

b) Justification for direct discrimination

Equal Treatment Law 4443/2016 permits the justification of direct discrimination in relation to nationality. More specifically, this law stipulates that:

> 'The provisions of equal treatment shall not apply to cases which are provided with a "specifically justified different treatment" [*ειδικώς αιτιολογημένηδιαφορετική μεταχείριση*] based on nationality and as long as they do not violate the provisions and preconditions of the legal status of third-country nationals outside the EU or stateless persons living within Greek territory' (Article 3(3)).

[68] Ombudsman (2023), *2023 Special Report on Equal Treatment*, p. 37.

The test that must be satisfied to justify direct discrimination basically requires a 'specifically justified difference in treatment' and adherence to provisions on the legal status of third-country national and stateless persons, when referring to nationality.

It should be added that in accordance with the Constitution (Article 25), any measure restricting the rights and freedoms of persons should be applied in light of the principle of proportionality. Therefore, apart from the above exception of Article 3(3) of Law 4443/2016, the justification should also meet the constitutional proportionality test (i.e. a legal measure which satisfies a legitimate aim, through appropriate and proportionate means).

There is no relevant recent case law.

2.5 Indirect discrimination (Article 2(2)(b))

a) Prohibition and definition of indirect discrimination

In Greece, indirect discrimination is prohibited in national law and is defined.

Under Article 2(2)(b) of Equal Treatment Law 4443/2016, indirect discrimination is:

> 'when a seemingly neutral provision, criterion or practice places a person with certain characteristics of race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation and gender identity or characteristics, in a less favourable position in comparison with other people [without these characteristics].'

There is no relevant case law on prohibition and definition of indirect discrimination.

b) Justification test for indirect discrimination

Article 2(2)(b) of Equal Treatment Law 4443/2016 includes a justification test for indirect discrimination. In its second paragraph it adds:

> 'There is no indirect discrimination if the provision, criterion or practice is objectively justified by a legitimate aim and the means for accomplishing this aim are appropriate and necessary, if the measures taken are necessary for maintaining public safety, ensuring public order, preventing the commission of crimes, protecting health, the rights and freedoms of others or when [the measures] are taken in favour of persons with disability and chronic illness, in accordance with Article 6(5) of the Constitution and Article 5 of the present law'.

There is no other relevant jurisprudence or practice on this justification test, although it is in line with Article 25 of the Constitution (the proportionality test).

2.5.1 Statistical evidence

a) Legal framework

In Greece, there is legislation regulating the collection of personal data.

Statistical evidence may be admitted under Greek law in order to establish indirect discrimination.[69] Specifically, there are national rules permitting data collection. In 2015, a presidential decree was issued which codifies all legislation on access to data. Presidential

[69] Statistical data can be used in discrimination cases in general.

Decree 28/2015,[70] which is in force, enshrines the relevant articles of Law 2472/1997,[71] which regulate the collection of data. It should be noted that some articles of Presidential Decree 28/2015 referring to data protection are considered to be amended following the abolishment of certain articles of Law 2472/1997 (and as per Article 84 of Law 4624/2019, which introduced the General Data Protection Regulation (GDPR) to the Greek legal order).[72] Article 9 of the GDPR on the processing of special categories of personal data was introduced through Article 72, in combination with Article 44 of Law 4624/2019.

Statistical data are not used to design positive action measures.

In Greece, national law does not explicitly prohibit the use of statistical evidence, but at the same time does not expressly allow it. No relevant jurisprudence exists.

No further developments have taken place during 2024.

b) Practice

In Greece, statistical evidence is not used in practice in order to establish indirect discrimination. The use of statistical evidence is generally avoided because it is considered to conflict with data protection rules. There is no influence from practice in other countries.

There is no relevant case law in this area.

2.6 Harassment (Article 2(3))

a) Prohibition and definition of harassment

In Greece, harassment is prohibited in national law and is defined.

According to Article 2(2)(c) of Equal Treatment Law 4443/2016, harassment is considered 'discrimination within the scope of paragraph 1 [prohibited discrimination] as long as it concerns unacceptable behaviour[73] linked to the grounds of Article 1, which aims to or results in offending a person's dignity and creating an intimidating, hostile, derogatory, degrading or aggressive environment'. Again, the term 'person' does not necessarily imply that only individuals are protected.

Therefore, Article 2(2)(c), in combination with Article 1, prohibits harassment based on all grounds covered by Law 4443/2016 and in all fields.

In Greece, harassment explicitly constitutes a form of discrimination as stipulated in Article 2(2)(c) of Equal Treatment Law 4443/2016, which states that 'harassment falls within the scope of paragraph 1 [discrimination]'.

There is no relevant case law.

Law 4808/2021,[74] which ratified Convention 190 of the International Labour Organization for the elimination of violence and harassment, and at the same time transposed

[70] Presidential Decree 28/2015 on the codification of provisions for access to public documents and data (OJ 34 A/23.03.2015).
[71] Law 2472/1997 on the protection of individuals in relation to personal data processing (OJ 133 A/10.04.1997).
[72] Article 108 of Law 4727/2020 (OJ 184 A/23-09-2020) abolished Articles 2, 4 and 5-20 of PD 28/2015, following the introduction of Council Directive 2019/1024/EU.
[73] This is the exact wording of the legal provisions. It is a matter of judicial interpretation whether the behaviour is unacceptable. There is no available case law on the matter.
[74] Law 4808/2021 on 'the Protection of Labour – Establishment of an Independent Authority "Labour Inspection" – Ratification of Convention 190 of the International Labour Organization to eliminate violence and harassment in the world of work – Ratification of Convention 187 of the International Labour

Directive 1158/2019/EC on work-life balance, was introduced in June 2021. Article 4 of the above Law states that harassment is forbidden whether it is carried out on grounds of gender or 'any other ground of discrimination'.

The Law requires the adoption of measures and regulations to prevent, address and combat forms of violence and harassment against employees and workers in the private and public sector, regardless of their contractual status, including contract workers, independent services, employed through third-party service providers, as well as persons attending training, including trainees and apprentices, volunteers, employees whose employment has been terminated, as well as persons seeking employment and workers in the informal economy.

b) Scope of liability for harassment

Where harassment is perpetrated by an employee in Greece, liability is as follows.

First, the scope of liability is narrow. In national anti-discrimination law, there are no provisions concerning the extension of liability with regard to the discriminatory actions of employees, third parties, co-workers or clients, members of trade unions or other trade or professional associations. However, under the general civil law (Article 922 of the Civil Code), employers are liable for the actions of their employees. Employees are also liable (joint civil liability).[75]

There is no relevant case law.

2.7 Instructions to discriminate (Article 2(4))

a) Prohibition of instructions to discriminate

In Greece, instructions to discriminate are prohibited in national law and are defined.

Equal Treatment Law 4443/2016 prohibits instructions to discriminate.

Article 2(2)(d) states that 'any order to the effect of carrying out the discriminatory treatment of a person based on any of the grounds mentioned in Article 1' constitutes discrimination. The term 'order' implies a hierarchical relationship between the instructor and the person who executes the instruction to discriminate (discriminator). This applies to all grounds covered by Law 4443/2016 and to all fields.

National law does not go beyond the requirements of the directives. In Greece, instructions explicitly constitute a form of discrimination under Article 2(2)(d) of Equal Treatment Law 4443/2016.

b) Scope of liability for instructions to discriminate

In Greece, the instructor, in other words the superior ordering a person to carry out an instruction to discriminate, is liable. The discriminator, being the person executing the order, is not liable.

Organization for the Protection of Labour and Social Work Occupational Health – Implementation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on the work-life balance, other provisions of the Ministry of Labour and Social Affairs and other urgent arrangements' (OG A 101/19.06.2021).

[75] Under Article 922 of the Civil Code, when more than one individual is liable for damages suffered during the service of an employee, each individual is liable in whole. Whoever pays the full compensation may afterwards seek compensation from the others who are liable, and the court may decide on the amount to be paid in relation to his/her degree of culpability. If culpability cannot be determined, the parties will pay in equal parts (see also Supreme Court Decision No. 1261/2012).

The scope of liability is narrow. There are no provisions concerning the extension of liability with regard to the actions of employees, third parties, co-workers or clients and members of trade unions or other trade or professional associations. As for employees, vicarious liability applies. Therefore, the individual who commits a discriminatory act because they receive an instruction to do so cannot be held liable. This means that employers are liable for discrimination flowing from instructions.

There is no relevant case law.

2.8 Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

a) Implementation of the duty to provide reasonable accommodation for persons with disabilities in the area of employment

In Greece, the duty to provide reasonable accommodation is included in the law and is defined.

Article 5 of Equal Treatment Law 4443/2016 defines 'reasonable accommodation' as the necessary and appropriate modifications, provisions and measures that should be adopted so as to ensure the equal treatment of persons with disabilities or chronic illness, under the condition that none of these measures creates an excessive or unjustified burden for the employer. There is no specific definition of 'reasonable' or of 'disproportionate burden', even though Articles 2 and 5 of the Equal Treatment Law refer to both terms.

As for the availability of financial assistance from the state as a factor to be taken into account in assessing whether there is a disproportionate burden, Article 5 of Equal Treatment Law 4443/2016 provides that, in such cases (where financial assistance is provided by the state), accommodation cannot be regarded as a disproportionate burden.

Law 4488/2017 adds, in Article 61, that any natural person or public or private legal person in the wider public or private sector is required to provide, where necessary in a specific case, reasonable accommodations in the form of tailor-made and appropriate modifications, arrangements and appropriate measures, without imposing any disproportionate or unjustified burden. This Article was introduced as an enacting provision for the UNCRPD and supplements the protection offered under Article 5 of the Equal Treatment Law.

b) Case law

Case law on reasonable accommodation is very rare in Greece, although there is a court decision from 2008 that addresses failure to provide reasonable accommodation as direct discrimination. This was the case in a judgment of the Athens Court of First Instance, which found that failure to meet the duty of reasonable accommodation counts as direct discrimination,[76] and in more recent decisions, such as Decision No. 447/2022 of the Appeals Court of Peiraeus.[77] Other publicly available decisions merely mention the provisions on reasonable accommodation as an employer's obligation without examining whether this is discrimination or whether there is a violation of Anti-Discrimination Law.[78]

[76] Judgment 2048/2008 of the Athens Court of First Instance.
[77] Decision No. 447/2022 of the Appeals Court of Peiraeus (ΕφΠειρ 447/2022) available through the legal database ISOKRATIS.
[78] Such as Supreme Court Decision No. 1334/2021 (ΑΠ 1334/2021) and Decision No.43/2024 of the Larisa Appeals Court (ΕφΛαρ 43/2024), both available through the legal database ISOKRATIS.

The Greek Ombudsman, as outlined in its *2023 Special Report on Equal Treatment*,[79] received a complaint by a working single parent and carer of her child with a disability, who was denied reasonable accommodation in the form of more flexible working hours (see case No. 334273/2023, in section 2.3, above). The woman claimed that she had no one to help her take care of her disabled son and that she needed more flexible hours to be able to take care of him. Even though the Ombudsman intervened by emphasising that the employer should make the required adjustments to support the employee, as far as this was objectively and officially possible, and assist her in supporting her child's health, the Ombudsman's opinion was ultimately not implemented by the employer. No other information is available on the case.

c) Definition of disability and non-discrimination protection

In Greek non-discrimination law, disability is a protected characteristic (Article 1, Equal Treatment Law 4443/2016), yet there is no definition of disability in the Equal Treatment Law other than that it includes 'chronic illness'. The original text in Greek refers to 'disability or chronic illness' as a single ground of discrimination. Yet, according to the explanatory memorandum to Equal Treatment Law 4443/2016, the term 'disability' is in fact further supplemented by the term 'chronic illness', meaning that either condition receives the same protection under the Law (however this is not a definition *per se*). The addition of the term 'chronic illness' aims to expand the protection model for equal access and social inclusion for persons with disabilities that was established under Law 4074/2012, which incorporated the UNCRPD into Greek law. Article 27(1) of Law 4074/2012 (which corresponds to Article 27(1) of the UNCRPD), specifically states that a person who is protected against discrimination on the ground of disability necessarily has the right to reasonable accommodation if he or she needs it (in the context of employment). It therefore appears that under the Equal Treatment Law, 'chronic illness' could be a separate category of disability. Further judicial interpretation will be necessary to clarify the relationship between these two terms. The explanatory report to Law 4443/2016 states, however, that the term 'chronic illness' includes illnesses that have developed either through a medical condition or due to an accident, and that at least one of the following elements must be present: 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. In this context, persons with HIV/AIDS are 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. Equal Treatment Law 4443/2016 therefore does not contain a definition. However, Law 4488/2017,[80] which specifies the implementation of the UNCRPD, provides the relevant definitions (of 'disabled people', 'accommodations' (as noted above), etc.) and guidelines for the equal exercise of the rights of persons with disabilities and the mainstreaming of disability in all public policies, which are absent from Equal Treatment Law 4443/2016. According to Article 60(1) of Law 4488/2017, 'persons with disabilities' are persons who have long-term physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, in particular institutional, environmental and social and behavioural barriers, may hinder their full and effective participation in society on an equal basis with others.[81] The definitions of disability for the purposes of non-discrimination law and

[79] Greek Ombudsman (2024), *Report on Equal Treatment 2023* (*Έκθεση Ίσης Μεταχείρισης 2023*), July 2024, p.36, available in Greek at: https://www.synigoros.gr/el/category/default/post/eidikh-ek8esh-2023-or-ish-metaxeirish.

[80] Law 4488/2017 on provisions for pensions in the public sector and various insurance provisions, on strengthening the protection of employees, on the rights of persons with disabilities and other provisions (OG A 137/13.9.2017).

[81] The original text in Greek is: '*Ως «Άτομα με Αναπηρίες (ΑμεΑ)» νοούνται τα άτομα με μακροχρόνιες σωματικές, ψυχικές, διανοητικές ή αισθητηριακές δυσχέρειες, οι οποίες σε αλληλεπίδραση με διάφορα εμπόδια, ιδίως θεσμικά, περιβαλλοντικά ή εμπόδια κοινωνικής συμπεριφοράς, δύναται να παρεμποδίσουν την πλήρη και αποτελεσματική συμμετοχή των ατόμων αυτών στην κοινωνία σε ίση βάση με τους άλλους.*'

reasonable accommodation are the same, this definition having been inspired by the UNCRPD.

Moreover, there is judicial precedent concerning the definition of disability for the purposes of claiming reasonable accommodation, in that the courts rely on medical evidence of a disability in order to determine its existence (usually based on a disability assessment for social security reasons).[82] The courts have a long-term practice of not resorting to a definition in order to see whether a person has a disability. Instead, they rely on the medical evidence submitted by the applicant (person with a disability) with their case file, which classifies the grade of disability. This is taken as proof of the existence of a disability, and therefore the court does not need to resort to a definition in order to determine the individual's disability. In the author's opinion, requiring proof of disability in the form of a public certificate of disability does not appear to be in line with CJEU case law.

Since the adoption of the UNCRPD in 2017, there have been no court decisions related to discrimination, disability and reasonable accommodation.[83] Therefore, it is impossible to determine whether this practice (using medical evidence to determine the existence of a disability and its grade) is still being employed by the courts. It should be noted that existing case law (see below) appears to confuse reasonable accommodation with the general rule of non-discrimination, with the courts using both terms interchangeably in their reasoning.

d) Failure to meet the duty of reasonable accommodation for persons with disabilities

In Greece, failure to meet the duty of reasonable accommodation is recognised as a form of discrimination, and in particular as direct discrimination. This is in line with the wording of the explanatory report to Law 4488/2017, which introduced provisions for persons with disabilities.[84] In a recent decision, the court stated that the refusal to hire an individual on the basis that the employer would have to provide reasonable accommodations that are expensive constituted direct discrimination on grounds of disability.[85] In this case, the court examined the notion of reasonable accommodation as a separate notion.

In particular, according to Judgment 2048/2008 of the Athens Court of First Instance, failure to meet the duty of reasonable accommodation counts as direct discrimination. In fact, the court did not consider 'reasonable accommodation' as a separate notion or provision. Instead, it examined the case as a form of direct discrimination. Therefore, although the court found that there had been direct discrimination, the claim of the applicant to be entitled to reasonable accommodation was not accepted as such.[86]

For this type of discrimination there is no defence or justification other than on grounds of disproportionate burden.

There is no specific separate sanction for failure to meet the duty of reasonable accommodation. Instead, as derived from the aforementioned court decision, this is interpreted as direct discrimination, thus applying the sanction of the relevant provision. The general sanction for a direct form of discrimination, according to Article 11 of Equal

[82] See for example, single-member First Instance Court of Athens, case 2048/2008, *ΕΕρΔ 2008*, 1514.
[83] In Greece, court decisions are not publicly available, due to data protection reasons. There are, however, subscribers' databases, which publish redacted decisions. These decisions have been submitted by the lawyers involved in given cases on a voluntary basis. Therefore, it is impossible to have access to every decision in order to determine whether a definition has been introduced in light of the *Ring* case.
[84] Explanatory memorandum to Law 4488/2017, pp. 25-26, available in Greek at: http://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/s-syndas-eis-%CE%BF%CE%BB%CE%BF.pdf.
[85] Decision 1476/2021 of the First Instance Court of Peireus, available in Greek through the legal database NOMOS. The court also referred to CJEU case law, namely the joint judgment in the cases C-335/11 and C-337/11.
[86] Single-member First Instance Court of Athens, case 2048/2008, *ΕΕρΔ* 2008, 1514.

Treatment Law 4443/2016, is provided by Law 3996/2011 (Article 24 on the violation of employment law) and concerns administrative sanctions for employers that include a fine ranging from EUR 300 to EUR 50 000 and a temporary suspension of the employer's business for three days.

Equal Treatment Law 4443/2016 also includes a provision on a reversal of the burden of proof in Article 9, which is also applicable to reasonable accommodation:

> 'When the injured party claims that the principle of equal treatment has not been upheld and he/she proves before the court or administrative authority the facts which can support a direct or indirect discrimination, then it is the burden of the contesting party or administrative authority to prove that there were no conditions supporting a violation of this principle.'

According to the Greek Ombudsman's *2023 Special Report on Equal Treatment*,[87] an officer of the Greek Police who had been assigned to desk duty received consecutive long periods of sick leave due to an emotional disorder with psychotic components, under treatment and monitoring. In his last examination, the competent committee decided that he should leave the police force. In case No. 335774/2023, the Ombudsman argued that, in view of the negative consequences of a judgment of unfitness for office, the decision to withdraw him from Greek Police should be specifically justified and as a result, the obligation to take measures of reasonable accommodation should have been exhausted, in a combination of Article 5 of the Equal Treatment Law 4443/2016 and Article 61(1)(c) of Law 4488/2017 regulating the retirement of public servants. In the contrary case, as the Ombudsman pointed out, the withdrawal would constitute indirect discrimination, unless it could be objectively justified by a legitimate purpose and be considered an appropriate measure for its achievement or necessary to maintain public safety. The opinion of the Ombudsman was not accepted by the Police.

e) Duties to provide reasonable accommodation in areas other than employment for persons with disabilities

In Greece, there is no duty to provide reasonable accommodation for persons with disabilities outside the employment field. However, such a duty could derive from the UNCRPD, which has been incorporated into Greek law.

The ratified UNCRPD may, by virtue of Article 28 of the Greek Constitution, be regarded as a legal basis for more opportunities regarding reasonable accommodation (e.g. in education or health), but its relevance to the issue remains unclear until there is case law on the matter.

Fields other than employment and education are not included in the relevant article, Article 5 of Equal Treatment Law 4443/2016.

There is no case law in this regard.

f) Duties to provide reasonable accommodation in respect of other grounds

In Greece, there is no duty to provide reasonable accommodation in respect of any other grounds (race, colour, national or ethnic origin, religion or belief, age or sexual orientation) in either the public sector or the private sector. There is no information concerning 'chronic illness', which was added through Equal Treatment Law 4443/2016. However, given that Law 4443/2016 refers to 'disability or chronic illness' as a single ground, chronic illness should be covered by the duty to provide reasonable accommodation. There is no special

[87] Greek Ombudsman (2023), *2023 Special Report on Equal Treatment* (*Έκθεση Ίσης Μεταχείρισης 2023*), November 2023, p.25, available in Greek at: https://www.synigoros.gr/el/category/default/post/eidikh-ek8esh-2023-or-ish-metaxeirish.

legislation or collective agreements regarding specific issues such as days off work for religious reasons. However, in November 2015 national social partners issued a non-binding joint statement containing guidelines that were supposed to encourage the employers' organisations (SEV, GSEVE, ESEE, SETE) and employees' organisations (GSEE) to include in collective agreements and in individual contracts provisions that would combat illegal discrimination, racism and xenophobia in the workplace (however, there were no references to religious celebrations or wearing religious symbols).[88] These guidelines promoted reasonable accommodation for all grounds of discrimination and concerned future action in general and not only in a specific year (therefore constituting a policy change). In the context of this initiative, information-sharing/awareness-raising events took place all over the country in order to promote the need to effectively combat discrimination and encourage equality in the workplace. The final selection of the trainers and the implementation of the above seminars (training material and method, duration, etc.) were jointly agreed by the participating organisations. There is no information on the final number of collective agreements or individual contracts that included provisions concerning reasonable accommodation in the workplace.

No further development have taken place during 2024.

[88] See: Greek social partners (2015), 'Reinforcing social dialogue with a view to effectively combating discrimination in the labour market prohibited by law', policy paper, 26 November 2015.

3 PERSONAL AND MATERIAL SCOPE

3.1 Personal scope

There have been no cases of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems in Greece.

3.1.1 EU and non-EU nationals (Recital 13 and Article 3(2), Directive 2000/43 and Recital 12 and Article 3(2), Directive 2000/78)

In Greece, the following residence, citizenship and nationality requirements are applied for protection under the relevant national laws transposing the directives.

There is only one uniform law, Equal Treatment Law 4443/2016, that transposes the directives; its provisions apply to everyone in both the public and private sectors. This Law does not provide for any restriction related to residence. However, in Article 3(3), the Law contains a restriction related to citizenship/nationality requirements, since it stipulates that it does not cover differences of treatment based on nationality, for example in the exercise of the general interest of public authorities or the state (Law 2431/1996 on the appointment or employment of EU nationals in the public administration),[89] and it is without prejudice to provisions and conditions relating to the entry and residence of third-country nationals or stateless persons on Greek territory or to any treatment that arises from the legal status of third-country nationals and stateless persons. Furthermore, Law 2431/1996 provides that the precondition of Greek nationality is not included among the other prerequisites for the employment of EU nationals. According to Article 1, the only exemption allowed requires that nationals of other Member States are employed in positions where the duties and competencies do not result in direct or indirect participation in the exercise of the general interest of public authorities, the state or other public sector interests.

It has already been noted as a general principle that foreign nationals are entitled to the same rights as Greek nationals under the applicable law, according to rules allowing foreign nationals to choose whether Greek law applies or not.

Presidential Decrees 358/1997 and 359/1997[90] confer equal employment rights on Greek citizens and all foreign nationals legally working in Greece, with no discrimination, racial or otherwise. Furthermore, Article 4 of the Civil Code stipulates that foreign nationals enjoy the same civil law rights as Greek nationals.[91]

From this general legal principle, it has been concluded in Greek law that foreign nationals legally employed or working in Greece are subject to Greek labour law under the same conditions as Greek nationals (Article 3(1)(a) and (c) of the Directive). Law 1876/1990[92] on free collective bargaining covers everyone employed in the private sector.[93]

However, Greek labour law contains provisions that are discriminatory to migrant workers, such as those regarding compensation for accidents at work. According to the Decree of 24 July/25 August 1920 (as amended), compensation due to foreign workers is dependent on various conditions such as their residence in Greece.[94] According to the same law,

[89] Law 2431/1996 on the appointment and hiring of EU citizens in the public sector (OJ 175 A/ 30.07.1996).
[90] Presidential Decrees 358/1997 and 359/1997 on the registration and legalisation of aliens (OJ 240 A/01.03.1997).
[91] Article 4 does not explicitly refer to the legal status of migrants, and there is no guarantee that irregular migrants will not be treated differently.
[92] Law 1876/1990 on free collective negotiations and other provisions (OJ 27 A /08.03.1990).
[93] Ληξουριώτης, Ι. (1998) *Τονομικό καθεστώςτουμετανάστη μισθωτούστηνΕλλάδα*, Αντ. Ν. Σακκουλας 1998 (Lixouriotis, G., The legal status of the immigrant worker in Greece).
[94] Ληξουριώτης, Ι. (1998) *Τονομικό καθεστώςτουμετανάστη μισθωτούστην Ελλάδα*, Αντ. Ν. Σακκουλας 1998 (Lixouriotis, G., The legal status of the immigrant worker in Greece). See also Council of State

foreign workers are entitled to the same treatment as nationals on condition that there is reciprocity between Greece and their respective countries of origin by virtue of relevant inter-state agreements. These provisions raise serious questions of compatibility between the above Greek legislation and the international social rights standards established by the International Covenant on Economic, Social and Cultural Rights.

Finally, Article 19 of Law 4358/2016[95] protects the rights of migrant workers and their families by ensuring their protection and assistance, particularly in obtaining accurate information, through the adoption of measures that will secure treatment for such workers that is no less favourable than that given to Greek nationals.

3.1.2 Natural and legal persons (Recital 16, Directive 2000/43)

a) Protection against discrimination

In Greece, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of protection against discrimination (Article 8 of Law 4443/2016).

There is no relevant case law.

b) Liability for discrimination

In Greece, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of liability for discrimination.

Law 4443/2016 does not distinguish between natural and legal persons as far as liability is concerned. Article 3(1) of the Law merely uses the term 'persons' with no other specific reference. It is obvious that both natural and legal persons are liable when discrimination derives from them.

There is no relevant case law.

3.1.3 Private and public sector including public bodies (Article 3(1))

a) Protection against discrimination

In Greece, the personal scope of national law covers the private and public sectors, including public bodies, for the purpose of protection against discrimination. Article 3(1) of Equal Treatment Law 4443/2016 clearly states that the principle of equal treatment applies to all 'persons' (natural and legal) in the public sector as well as the private sector. The national provisions comply with the Directive.

There is no special reference in the law.

There is no relevant case law.

b) Liability for discrimination

In Greece, the personal scope of anti-discrimination law covers the private and public sectors, including public bodies, for the purpose of liability for discrimination.

judgments 2599/1982, 2637/1982 and 1318/1990, affirming the above, as reported in the UNHCR *Yearbook of refugee and aliens law 1999,* pp. 160-166 (GYRAL) (*Ύπατη Αρμοστεία Ηνωμένων Εθνώνγια τους Πρόσφυγες, Επετηρίδα Δικαίου Προσφύγων και Αλλοδαπών 1999*). See also Auditors Court judgment 1617/1998, affirming the right of the alien widow of a Greek citizen, a former public servant, to receive the pension of her deceased husband, reported in GYRAL, p. 182.

[95] Law 4358/2016 on the ratification of the Revised European Social Charter (OJ 5 A/20.01.2016).

Law 4443/2016 does not distinguish between the private and public sectors where liability is concerned. Article 3(1) of the aforementioned Law specifically refers to the private sector as well as the public sector.

There is no relevant case law.

3.2 Material scope

Regarding the material scope of Equal Treatment Law in Greece, Law 5089/2024 amended Article 3(2) of Law 4443/2016 by extending the prohibition of discrimination on the grounds of sexual orientation, gender identity, gender expression and gender characteristics, and religious or other beliefs. Age was not included as a ground of discrimination in relation to the areas of social protection, social benefits, education or access to goods and services. However, it is a protected ground of the Equal Treatment Law under Article 1 for the area of employment and work, as per Directive 2000/78/EC.

Finally, it should be highlighted that in Greece there are no cases of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems

3.2.1 Conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy (Article 3(1)(a))

In Greece, national legislation prohibits discrimination in relation to conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy for the five grounds in both the private and public sectors, as described in the directives. National legislation applies to all sectors of private and public employment, self-employment and occupation, including contract work, military service and holding statutory office, for the five grounds. These grounds per Article 2(2) of the Equal Treatment Law 4443/2016 also include gender identity/expression or sex characteristics.[96]

As to its scope, Article 3 of Equal Treatment Law 4443/2016 enshrines Article 3 of the Racial Equality Directive and of the Employment Equality Directive. Note that exceptions are included in Article 4 of the Equal Treatment Law.

There is no specific information on conditions for access to self-employment. Equal Treatment Law 4443/2016 does not mention self-employment *per se*; however, it is generally accepted that self-employment is also included. For example, the Greek Ombudsman includes access to self-employment within its mandate as an equality body; however, it has rarely examined conditions for access to self-employment.[97]

There is relevant case law, especially on the introduction of age limits, under which restrictions related to the age of candidates for the armed forces, firefighters, judges, etc. are considered to constitute discrimination based on age.[98]

[96] In 2024, gender expression was explicitly included as a ground of discrimination in the Equal Treatment Law. Prior to the amendment, 'gender expression' was considered to be covered by the terms 'gender identity or characteristics'.

[97] See information on the Greek Ombudsman's website on its mandate concerning equal treatment: 'The Department of Equal Treatment is competent for handling cases of discrimination pertaining to all aforementioned grounds as they relate to access of employment, vocational training and promotion and working conditions, both in the public and the private sector, including contractual employment, self-employment, work and pay', available at: https://www.synigoros.gr/?i=equality.en.home.

[98] Decisions before the Council of State Nos. 1421/2005, 413/1993 (Plenary), 1844/1994, 3354/1996, 2325/2002 255/2003, 594/2003, 3133/2004, 3444/2004, 3786/2007, 1319/2008, 1146/2010 and

The Ombudsman has repeatedly stated that any justification for the introduction of differential treatment should be based on genuine and determining occupational requirements and satisfy a legitimate aim in a proportionate manner, as required by Article 4(1) of Equal Treatment Law 4443/2016.

In its *2021 Special Report on Equal Treatment*,[99] issued in July 2022, the Ombudsman published an opinion ascertaining discrimination against a person with a disability with a 70 % rating, for whose appointment the competent municipality assessed that there was an obstacle, despite the fact that he was in the list of appointees. The Ombudsman found that the municipality had assumed from the start that the claimant was unsuitable for the position of a member of the cleaning staff due to his disability and for this reason it tried to prevent his appointment. The refusal to appoint the applicant constituted discrimination on the grounds of disability with regard to access to work, given that, although the applicant was found capable of exercising certain responsibilities outlined in the position, the municipality did not take steps to adapt the duties to be assigned in accordance with the relevant medical opinion, as a measure of reasonable accommodation. Considering this, the Ombudsman called on the municipality to complete the hiring procedure for the individual concerned and the municipality accepted its opinion (case 281053/2021).

There is no other relevant case to report for 2024.

3.2.2 Employment and working conditions, including pay and dismissals (Article 3(1)(c))

In Greece, national legislation covers working conditions, including pay and dismissals, for all five grounds and for both private and public employment.

The relevant article is Article 3(1)(c) of Equal Treatment Law 4443/2016 (according to Article 3, it should be read in conjunction with Article 4 of the same Law). Gender identity, gender expression or sex characteristics are also covered in national legislation (Article 3(1) of Equal Treatment Law 4443/2016).

Article 12 of Law 4808/2021,[100] which refers to the consequences of violation of the prohibition of violence and harassment in the workplace, stipulates that every person who is affected by an incident of violence and harassment perpetrated against her/him has the right, in addition to judicial protection, to file a complaint before the Labour Inspectorate and the Ombudsman as the competent equality body. Moreover, whenever another employee who works at the same workplace violates the prohibition of violence and harassment, the employer is obliged to take the necessary proportionate and appropriate measures on a case-by-case basis against the perpetrator(s), in order to prevent a recurrence of such an incident. These measures may include a compliance notice, a change of position, schedule, place or manner of employment or the termination of the employment or cooperation relationship. Furthermore, as noted in the same Article, every person who suffers an incident of violence and harassment has the right to leave the workplace for a reasonable period of time, without deprivation of salary or other adverse consequences, if in her/his reasonable belief there is an imminent serious danger to life or

2365/2010, available at: http://www.adjustice.gr/webcenter/portal/ste/ypiresies/nomologies?_adf.ctrl-state=sfspw8mbt_4&_afrLoop=4159591819940474#.

[99] Greek Ombudsman (2022), Report on Equal Treatment 2021 (*Έκθεση Ίσης Μεταχείρισης* 2021), July 2022, available at: https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-2021-or-equal-treatment.

[100] Law 4808/2021 on 'the Protection of Labour – Establishment of an Independent Authority "Labour Inspection" – Ratification of Convention 190 of the International Labour Organization to eliminate violence and harassment in the world of work – Ratification of Convention 187 of the International Labour Organization for the Protection of Labour and Social Work Occupational Health – Implementation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on the work-life balance, other provisions of the Ministry of Labour and Social Affairs and other urgent arrangements' (OG A 101/19.06.2021).

her/his health or safety, in particular, when the employer is the perpetrator of such conduct or when the latter does not take the necessary appropriate measures to restore peace in the employment, or when such measures are not capable of terminating the behaviour of violence and harassment.

Moreover, according to Article 41 of Law 4808/2021, parents who work in a company or holding that employs at least 50 people and have a child with a mental, intellectual or physical disability that is certified by a medical opinion of the insurance company to which these persons belong, have the independent right per child, to request the reduction of their working hours by one hour per day, with a corresponding reduction of their salaries. The employer must grant such a request if it is made. Facilitation for working parents of children with disabilities is extremely important to help with their complicated and demanding parenting tasks. However, the Government did not accept the proposal of the General Confederation of Greek Workers, according to which such facilitation should also be provided to employees of companies that employ fewer than 50 people.

As revealed by the Ombudsman's *2021 Special Report on Equal Treatment*,[101] issued in July 2022, a trade union of a big company providing services to financial institutions reported mass dismissals of employees with disabilities or chronic diseases to the Labour Inspectorate. The company invoked financial and technical reasons accounting for staff reduction and claimed that the selection of these specific employees was made on the basis of their low performance, compared to other colleagues, and not because of their health condition. However, three cases were examined and it was found that in one of them the company fired a female employee while she was undergoing chemotherapy, without submitting evidence justifying the selection of the aforesaid employee on the basis of objective criteria pertaining to her performance. Furthermore, according to the equality body, no evidence was presented to demonstrate that the company made efforts to improve the employee's performance, nor was it proven that the company ran out of alternative solutions that would have allowed the continuation of the employment. Considering this, the Ombudsman recommended that the Labour Inspectorate impose administrative sanctions provided in the law against the business (case 297745/2021). So far, the Ombudsman has not published any new data related to the case.

The Ombudsman's *Equal Treatment Report for 2024* has not yet been issued.

Finally, on 5 July 2024, the single-member Court of First Instance of Athens[102] ruled that the exclusion of individuals over 70 from becoming members of a sports federation's administrative board – a voluntary position without remuneration – is unconstitutional and discriminatory. Specifically, the court found that the age limit that was introduced does not serve the good administration of the sports federation and conflicts with both the Greek Constitution and EU Directive 2000/78/EC on equal treatment. The court invalidated the relevant provision of Law 4726/2020[103] citing that it introduced unlawful discrimination and violated various constitutional protections. As a result, a bill to eliminate the age limit provision was submitted to Parliament on 9 July 2024.

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[101] Greek Ombudsman (2022), *Report on Equal Treatment 2021* (*Έκθεση Ίσης Μεταχείρισης 2021*), July 2022, available at: https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-2021-or-equal-treatment.

[102] Single-member Court of First Instance of Athens, case No. 4421/2024 on obstacle to the election of candidates over the age of 70 to the administrative board of a sports federation (*Μονομελές Πρωτοδικείο Αθηνών, υπόθεση 4421/2024 σχετικάμε 'κώλυμα εκλογής υποψηφίωνάνωτων 70 ετώνστο Διοικητικό Συμβούλιο αθλητικήςομοσπονδίας'*), 1 May 2024, available in Greek at: https://www.athensinlaw.gr/wp-content/uploads/2024/07/%CE%9C%CE%A0%CF%81%CE%91%CE%B8-4421-2024.pdf.

[103] Greece, Law 4726/2020 on the reform of the institutional framework of the internal elections in sports organisations, distinguished companions of athletes with disabilities, establishment of a National Platform for Sports Integrity, Hellenic Olympic Committee (HOC), Hellenic Paralympic Committee (HCO) and other provisions (*Νόμος 4726/2020 για την 'αναμόρφωσηθεσμικού πλαισίουτων αρχαιρεσιών των αθλητικώνφορέων, διακρινόμενοι συνοδοί αθλητών ΑμεΑ, σύσταση Εθνικής Πλατφόρμας Αθλητικής Ακεραιότητας, Ελληνική Ολυμπιακή Επιτροπή (Ε.Ο.Ε.), Ελληνική Παραολυμπιακή Επιτροπή (Ε.Π.Ε.) και άλλεςδιατάξεις.'*) (OJ 181 A/18.09.2020).

3.2.3 Access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3(1)(b))

In Greece, national legislation applies to vocational training outside the employment relationship, such as that provided by technical schools or universities, or through adult lifelong learning courses. All grounds are covered. Gender identity, expression or sex characteristics are also covered in national legislation (Article 3(1) of Equal Treatment Law 4443/2016). According to Article 3(1)(b) of Equal Treatment Law 4443/2016 (which should be read in conjunction with Article 4 of the same Law):

> '1. Without prejudice to paragraphs 3 and 4 of this Article, and to Article 4, the principle of equal treatment, (...) shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:
> …
> (b) Access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience.'

There is no indication of the extent of the application of Law 4446/2016 with regard to technical schools, universities, adult lifelong learning courses, etc.

Nevertheless, national anti-discrimination law must be interpreted in the light of EU law and the Greek Constitution. In addition, under Article 16(7) of the Constitution, technical schools, universities and adult lifelong learning courses fall under the protection of the state.

Law 2956/2001[104] on restructuring the Manpower Employment Organisation (*Οργανισμός Απασχόλησης Εργατικού Δυναμικού* – OAED) provides for the vocational training of persons with disabilities. Articles 9 and 10 of Law 2224/1994[105] ensure access by nationals of non-EU countries to all vocational guidance and training programmes run by the OAED.

Concerning the elimination of discrimination related to vocational training, Article 10 of Law 4358/2016[106] seeks to ensure the right of all persons to technical and vocational training. To this end, measures have been taken to offer grants that will facilitate access to higher technical and university education, based solely on individual aptitude. Article 10 also provides for a system of apprenticeship and other systematic arrangements for training young boys and girls, which will provide adequate and readily available training facilities for adult workers. As for persons with disabilities, Article 15 of the same Law seeks to ensure that persons with disabilities, irrespective of their age and the nature and origin of their disabilities, may effectively exercise their right to independence, social integration and participation in the life of the community. For this reason, Greece is committed to introducing measures to provide persons with disabilities with guidance and vocational training, public or private, to facilitate their access to employment and to promote their full social integration and participation in the life of the community.

Article 37 of Law 4590/2019[107] abolished Article 36 of Law 1943/1991,[108] which stipulated that a public employee could not participate in a programme of postgraduate education

[104] Law 2956/2001 on the restructuring of the OAED and other provisions (OJ 258 A/06.11.2001).
[105] Law 2224/1994 on the regulation of employment, union rights, worker's health and safety and the organisation of the Labour Ministry and the legal bodies it supervises and other provisions (OJ 112 A/06.07.1994).
[106] Law 4358/2016 on the ratification of the Revised European Social Charter (OJ 5 A/20.01.2016).
[107] Law 4590/2019 on strengthening the Supreme Council for Personnel Selection, strengthening and upgrading the public administration and other provisions (*Νόμος 4590/2017 για 'ενδυνάμωσητου Ανώτατου Συμβουλίου Επιλογής Προσωπικού, ενίσχυση και αναβάθμισητηςδημόσιας διοίκησης και άλλεςδιατάξεις*') (OJ 17/07.02.2019).
[108] Law 1943/1991 on the modernisation of planning, the functioning of the public administration, the upgrading of its personnel and other relevant provisions (*Νόμος 1943/1991 'για*

that would result in the improvement of his/her status within the hierarchy of the public administration if he/she had reached the age limit of 45. The age limit concerned specific programmes that were relevant to the needs of the specific position and would result in a different work status. The gaining of such an educational qualification matters for professional development within the public service, resulting in an improved salary.

In April 2020, the Ministry of Education introduced a bill which set the 17th year of age as the maximum age limit for enrolment in vocational high schools.[109] However, following reactions from federations and unions that claimed that such an age limit for training young people violated their free and equal choice of professional career, the Ministry withdrew the specific provision, which never became law.

On 8 July 2022, the Greek Ombudsman issued its findings regarding the prohibition of the wearing of headscarves during nurses' training in public hospital clinics.[110] The Ombudsman examined the case following a complaint filed by a Muslim trainee nurse claiming to be a victim of religious discrimination. In the specific case, the Ombudsman stated that the ban was not discriminatory, since the measure did not introduce different treatment based on the individual's religious beliefs but instead was adopted for the observation of the prescribed uniform dress-code for nurses, based on provisions of a regulatory nature, which are applied to the nursing staff indiscriminately and irrespective of their religion. The Ombudsman did not refer to indirect discrimination.

On 23 February 2023, the Hellenic Federation of the Deaf[111] made a strong protest against the fact that the Ministry of Education and Religious Affairs and the Institute of Educational Policy did not ensure equal access for deaf and hard-of-hearing teachers, through interpretation in Greek Sign Language and subtitling, to the introductory training programme for primary school teachers, secondary education teachers and members of special educational and special auxiliary staff. As pointed out by the Federation of the Deaf of Greece, on 17 February 2023, it had addressed a letter to the Minister of Education and Religious Affairs and to the Institute of Educational Policy, calling on them to ensure the access of deaf/hard-of-hearing teachers to the programme in question by the appropriate means, in accordance with the national and European legislative framework for persons with disabilities. As a result, the Federation called on the Ministry to remove the exclusion of deaf and of hard-of-hearing teachers, ensuring their equal access to the programme in question, as well as to any educational activity in the future.

The Ombudsman's *Equal Treatment Report for 2024* has not yet been issued.

3.2.4 Membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations (Article 3(1)(d))

In Greece, national legislation prohibits discrimination in relation to membership of and involvement in workers' or employers' organisations, as formulated in the directives for all

τονεκσυγχρονισμότηςοργάνωσης και τηςλειτουργίας τηςδημόσιας διοίκησης, την αναβάθμισητου προσωπικού της και άλλεςσυναφείς διατάξεις') (OJ 50 A/11.04.1991).

[109] The specific provisions of the draft law are available in Greek at: http://www.opengov.gr/ypepth/?p=5082&cpage=24.

[110] Opinion of the Greek Ombudsman with case reference number 264690/08.07.2022), available in Greek at: https://www.synigoros.gr/el/category/default/post/h-apagoreyshxrhshs-mantilas-kata-thn-praktikh-askhsh-noshleytikhs-se-klinikes-dhmosioynosokomeioy-den-stoixeio8etei-diakrish-logw-8rhskeytikwnpepoi8hsewn?fbclid=IwAR36AuecOnuo8PZuM9jxMrKyIZt-1KNDjVFj1h4vIpUOaxOL0FIKm092sg.

[111] Press release of the Hellenic Federation of Deaf, issued on 23.02.2023, available in Greek at: https://www.alfavita.gr/ekpaideysi/408865_epimorfosi-iep-ston-kaiada-oi-kofoi/barikooi-ekpaideytikoi?fbclid=IwAR032f7GV17V4zvaFyl8EgAuhE31u2yHWcJbAT_gDr7WnEM923gzrrEgI2I.

five grounds and for both private and public employment.[112] Gender identity, expression or sex characteristics are also covered in national legislation (Article 3(1) of Equal Treatment Law 4443/2016).

Article 3(1)(d) of Equal Treatment Law 4443/2016 repeats the text of Article 3 of the Employment Equality Directive (and should be read with Article 4 of the same Law):

> '1. Without prejudice to paragraphs 3 and 4 of this article, and to Article 4, the principle of equal treatment, (...) shall apply to all persons, as regards both the public and private sectors in relation to: (d) membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations, especially the right to vote and be elected.'

Article 7(1) of Law 1264/1982[113] provides for the right of foreign nationals who are legally employed in Greece to be members of professional associations of any kind. Until recently, problems had been experienced with the right of foreign workers to establish themselves and join professional associations. According to Article 107 of the Introductory Law of the Civil Code, executive board members of non-profit associations (*σωματεία*) must be Greek nationals. Judicial interpretation proves that this antiquated provision is no longer applied.[114]

The Ombudsman's *Equal Treatment Report for 2024* has not yet been issued.

3.2.5 Social protection, including social security and healthcare (Article 3(1)(e) Directive 2000/43)

In Greece, Article 3(2)(a) of Equal Treatment Law 4443/2016 prohibits discrimination relating to social security and healthcare. Initially, Law 4443/2016 covered social security and healthcare merely as they had been formulated in the Racial Equality Directive. This meant that only the grounds of race, colour, national or ethnic origin and genealogical descent were initially covered, as far as social security and healthcare are concerned. Disability was also protected following the amendment of Article 3(2) of the Equal Treatment Law by Article 3 of Law 5023/2023. However, with Law 5089/2024, the scope of national law that transposed Directive 2000/43/EC (Law 4443/2016) has been expanded to cover the full material scope of the Directive with regard to all the grounds. Age was not included as a protected ground in the amendment. However, it is still a protected ground in the area of employment and work. The explanatory report to the law did not provide any reason for this exclusion nor did it appear to come up during the parliamentary debate. Thus, under Article 9(2) of Law 5089/2024, religious or other beliefs, sexual orientation, gender identity, characteristics or gender expression have been added as grounds of discrimination to the material scope of Article 3(2) of Law 4443/2016, in addition to race, colour, national or ethnic origin, genealogical descent, disability or chronic illness.

Moreover, sexual orientation had been initially included as a ground for certain criminal provisions on combating racism (namely, racist crimes and incitement to hatred) following the adoption of Law 4356/2015, which amended the relevant legal provisions. It should be added that Law 4356/2015 also included provisions for the equal treatment of couples who have entered into a civil partnership agreement (including same-sex couples),

[112] In addition to Law 4443/2016, Law 1426/1984 on the ratification of the European Social Charter recognises and prohibits any discrimination on the grounds of membership of and activity in trade unions or employers' or employees' organisations.

[113] Law 1264/1982 on the democratisation of the union movement and the establishment of workers' union rights (OJ 71/01.07.1982).

[114] Single-member First Instance Court of Thessaloniki, Decision 4300/1996 and single-member First Instance Court of Thessaloniki, Decision 5251/2004.

recognising that they enjoy the same social protection rights granted to married couples (spousal benefits, etc.) on the basis of being in a civil partnership agreement.

It should be noted that regular insurance risks are considered to include sickness, maternity, disability, industrial injury or disease, old age, the death of a family provider, a lack of housing and the destruction of agricultural production. With regard to healthcare, the Greek Constitution, through an amendment in April 2001,[115] provides that 'all persons' have the right to health protection (Article 5(5)).

Social care is the subject of Law 2646/1998[116] on the development of the national system of social care. According to this Law, social care means:

> 'Protection provided to persons or groups through programmes of prevention and rehabilitation and aims to create the conditions for equal participation by these persons in economic and social life and safeguards a decent standard of living for them.'

According to Article 1(2) of Law 2646/1998, 'social care' involves state responsibility, and anyone legally residing in Greece who is in an emergency situation is entitled to social care from the institutions of the national system.

Article 3(3) of the same law expressly provides that social care services should be provided without any distinction, according to the particular personal, family, economic and social needs of the beneficiaries.

It should be noted that couples who enter a civil partnership (irrespective of their sexual orientation) do not have the same family rights as married couples.[117]

There is no available case law on this issue.

The Greek Ombudsman notably argued that the benefits system for the long-term unemployed constitutes a complex provision of social insurance that falls within the scope of social welfare, and that it therefore also falls within the scope of application of the principle of equal treatment of long-term third-country residents and second-generation holders of residence permits.[118]

Finally, the prohibition of discrimination based on race, colour, national or ethnic origin also applies in the area of social housing under Equal Treatment Law 4443/2016 (Article 3(2)(d)). It should be mentioned that Greece does not have a general social housing policy; instead, social housing is offered by local authorities or municipalities, NGOs and the Greek Church. Only in recent years has the state been addressing the matter through projects on homelessness and unemployment.[119]

[115] The Greek Constitution is amended through parliamentary resolutions issued by a revisionary Parliament (a special form of Parliament which convenes for the sole purpose of amending the Constitution). The amendment of 2001 was carried out through the Parliamentary Resolution of 6 April 2001 of the VIIth Revisionary Parliament. The last amendment to the Constitution was in 2008, through the Parliamentary Resolution of 27 May 2008 of the VIIIth Revisionary Parliament.

[116] Law 2646/1998 on the development of a national care system and other provisions (OJ 236 A/20.10.1998).

[117] Note that the law was amended after the cut-off date of this report, to allow same-sex marriage, therefore this will no longer be a standing issue.

[118] Greek Ombudsman (2017), *Annual Report 2016* (*Συνήγοροστου Πολίτη*, *Ετήσια Έκθεση 2016)*, available in Greek at: https://old.synigoros.gr/?i=equality.el.reports.433945.

[119] The Housing and Re-integration Project (*Στέγαση και Επανένταξη*), which ended in December 2017, and the Housing and Employment Project (*Στέγαση και Εργασία*), renewed every two years and ongoing in 2024, which is currently run by OPEKA - Organisation of Welfare Benefits and Social Solidarity.

On 3 March 2021,[120] 21 MPs exercised parliamentary control against the Minister of Health in relation to the phenomena of discriminatory treatment of patients on the basis of ethnic origin and alluding to the intersectional nature of such treatment, after a complaint that had been submitted to the General Hospital of Samos by a human rights lawyer. Specifically, according to the deputies, in the hospital of Samos there is a regime of segregation of patients into 'locals and immigrants/refugees' residing in centres of reception and identification (KYT), by establishing quotas in a ratio of 8:10 to locals and 2:10 to immigrants/refugees, as far as outpatient services are concerned, while it is possible for immigrants and refugees who live in a structure or apartment outside KYT to have appointments only if there is a vacancy or a cancellation of an appointment by a local patient. The deputies stressed that the Ombudsman, as equality body, in writing from 8 January 2021, in the context of the investigation of the relevant complaints about the treatment policy for those seeking an appointment at the outpatient services of the hospital clinics, called on the Ministry of Health to provide written explanations, as any discriminatory treatment for reasons of ethnic or racial origin is prohibited by Equal Treatment Law 4443/2016. The minister replied that the access of foreigners without quotas turned out to be an ineffective system, according to which the presence of a translator could not be ensured, and also that the quotas do not concern foreigners who use the emergency units but only the regular services. There has been no follow-up to the case by the Ombudsman or the Greek courts.

The Ombudsman's *Equal Treatment Report for 2024* has not yet been issued.

a) Article 3(3) exception (Directive 2000/78)

Article 3(4) of Law 4443/2016 relies on the exception in Article 3(3) of the Employment Equality Directive in relation to religion or belief, age, disability and sexual orientation. However, there has been no case law in this regard so far.

3.2.6 Social advantages (Article 3(1)(f) Directive 2000/43)

In Greece, Article 3(2)(b) of Equal Treatment Law 4443/2016 prohibits discrimination relating to social advantages. Initially, Law 4443/2016 covered social advantages merely as they had been formulated in the Racial Equality Directive. This meant that only the grounds of race, colour, national or ethnic origin and genealogical descent were initially covered in respect of social advantages. Disability was also protected following the amendment of Article 3(2) of the Equal Treatment Law by Article 3 of Law 5023/2023.

However, with Law 5089/2024, the scope of national law that transposed Directive 2000/43/EC (Law 4443/2016) has been expanded to cover the full material scope of the Directive with regard to all the grounds (except age). Thus, under Article 9(2) of Law 5089/2024, religious or other beliefs, sexual orientation, and gender identity, characteristics or gender expression have been added as grounds of discrimination in the material scope of Article 3(2) of Law 4443/2016, in addition to race, colour, national or ethnic origin, genealogical descent, disability or chronic illness.

The category of 'social advantages' is not often explicitly addressed in Greek law and, when it is, it is generally and broadly defined. For example, Law 139/1975[121] on the status of stateless persons explicitly addresses 'social advantages'. In this context, this term covers housing, the supply of goods through coupons (basically, beneficiaries are supplied with coupons they can use when shopping for products in supermarkets, etc. instead of cash), public education and care, and even the entirety of labour law protection and social security.

[120] Parliamentary Question submitted to the Greek Parliament, 3 March 2021, available in Greek: https://www.hellenicparliament.gr/UserFiles/c0d5184d-7550-4265-8e0b-078e1bc7375a/11586373.pdf.

[121] Law 139/1975 on the ratification of the UN Convention relating to the Status of Stateless Persons (OJ 176 A/25.08.1975).

In Greece, the lack of a definition of 'social advantages' does not create problems. For instance, reduced-rate train travel or reduced bus fares for large families were granted to all large families, regardless of their racial or ethnic origin, on the legal basis of Law 3304/2005 (previous legislation) and in accordance with the general constitutional principles of equal treatment and non-discrimination. This does not appear to have changed under the framework of Law 4443/2016.

Article 15 of Law 4659/2020,[122] which was voted through on 3 February 2020, explicitly guarantees annual childcare allowances for various categories of persons such as stateless persons (Roma) and third-country nationals who have received a refugee status or a subsidiary protection status or who have been granted a humanitarian residence permit. More specifically, according to Articles 28 and 29 of the Asylum Code, beneficiaries of international protection should enjoy the same rights and receive the necessary social assistance according to the terms that apply to nationals, without discrimination.

The social benefit[123] 'birth allowance' is granted once to any mother who is legally and permanently residing in Greece and amounts to EUR 2 000 for every child born in Greece. Third-country nationals are entitled to receive this allowance if they can demonstrate 12 years of permanent stay in Greece. Exceptionally, for births that took place in the years 2020-2023, the allowance was granted to any mother and third-country national who had been permanently residing in Greece since 2012. Permanent stay is demonstrated with the submission of tax declarations. Hence the vast majority of beneficiaries of international protection are effectively excluded from this benefit.

In its case 280546/33593 of 27 July 2020,[124] the Greek Ombudsman considered the requirement of a permanent residence permit as indirect discrimination based on grounds of nationality and gender (multiple discrimination) against a third-country national mother who had a Greek spouse but was denied the relevant childbirth allowance. Taking into account the content of OPEKA's rejection, the Ombudsman pointed out that the applicant mother had resided in Greece since 2008 with a legal residence permit. However, for the years 2012-2014, she had not submitted a tax return, due to an exemption for attending a Greek university, while inadvertently, she was not declared as a dependent member in her father's tax return. Regarding the rejection of the application on the grounds of non-proof of the condition of required time of residence in the country by the foreign mother, the Ombudsman called on OPEKA to avoid a restrictive interpretation of the relevant provision for proof of permanent residence, taking into account only the tax return form, because this would exclude foreign mothers who did not have an obligation to file a tax return (due to studies, age or lack of income) from receiving the childbirth allowance. Finally, the Ombudsman, requesting a review of the mother's application by OPEKA, underlined the fact that even if the mother was not eligible due to lack of proof of the aforementioned condition of legal stay in the country for the specified period, then OPEKA must examine whether the father, who had already officially recognised the child by a notarial deed and had the child registered in his municipal family register, was eligible for the birth allowance. The mother's request was finally granted. After this successful intervention, the Ombudsman received additional complaints with similar content, pertaining to the rejection of applications for childbirth allowance to mothers of EU or third-country citizens, whose partner and father of their child was a Greek citizen. These cases constitute a typical example of a restrictive interpretation of a beneficial law provision, which may lead to the indirect exclusion of beneficiaries who, due to their national origin, are not able to prove for formal reasons that they meet the relevant requirements. These

[122] Law 4659/2020 on birth allowance and other provisions (*Νόμος 4659/2020 για 'επίδομα γέννησης και άλλεςδιατάξεις'*) (OG A 21/03.02.2020).
[123] Articles 1 and 7 of Law 4659/2020.
[124] Greek Ombudsman (2021), *Special Report on Equal Treatment 2020* (*Συνήγοροστου Πολίτη, Ετήσια Έκθεση 2020*), p. 57, available in Greek at: https://www.synigoros.gr/resources/docs/120721-ekthesh-ish-metaxeirhsh-2020.pdf.

cases were also successfully resolved, following the Ombudsman's recommendations to OPEKA for a review of the rejected applications.

In 2018, Article 214 of Law 4512/2018[125] had established the child allowance, also known as 'A21' due to the terminology used in annual tax declarations. Afterwards, with Law 4659/2020,[126] the Article 214 of Law 4512/2018 was amended and a paragraph 17 was added. This paragraph stipulates that 'in the case of a dependent child, for whom the conditions for attending compulsory education are met, the A21 benefit is granted on the condition that each child is enrolled in school and actually attends school, which is considered to occur when the dependent child is not required to repeat the same class due to the number of absences'. However, during the following years, the above legal provision was not applied in practice. Suddenly, in March 2023, in the middle of the school year, paragraph 17 was applied horizontally for the first time: specifically, new applications are now requested to attach in advance the certificate of attendance or the student registration number. However, this means that persons who had already applied and received the benefit will continue receiving it. The Panhellenic Confederation of Roma organisations 'ELLAN PASSE' criticised this development because it failed to take into account the situation of Roma families that needed the financial aid. Specifically, the organisation emphasised that in practice, many Roma parents could not always enrol their children in the schools of their area, due to overcrowding in school units and avoided enrolling their children because most families were urged to look for places in schools that could be as far as tens of kilometres away from the place of residence of the child. Moreover, many Roma children who have left school earlier are now at an age where they are not allowed to attend primary school, nor can they be admitted to a 'second chance school', as an adult can, or enrol in a night school. Thus, for these ages (14-18) there is no relevant provision, which can also give rise to discrimination on grounds of age. The Government did not accept the requests made by ELLAN PASSE and the law remained as is. The Government just did not respond, without having developed any arguments in this regard. In the author's view, the current provision leads to a violation of the prohibition of discrimination based on age. Considering that children of these specific age groups that drop out of school at an earlier age (i.e. 14-18) are usually Roma, this also amounts to indirect racial discrimination.

Law 5089/2024, which established same-sex marriage for the first time in Greece, also extends social benefits such as parental leave to same-sex spouses and parents. For example, Article 6(3) states that in the case of a common child by spouses of the same sex, parental leave is granted after a relevant declaration to the employer or employers about which parent will use the leave.

There is no relevant case law in this area. The Ombudsman's *Equal Treatment Report for 2024* has not yet been issued.

3.2.7 Education (Article 3(1)(g) Directive 2000/43)

In Greece, Article 3(2)(c) of Equal Treatment Law 4443/2016 prohibits discrimination relating to education. Initially, Law 4443/2016 covered education merely as it had been formulated in the Racial Equality Directive. This meant that only the grounds of race, colour, national or ethnic origin and genealogical descent were initially covered, in respect of education. Article 3(2) of the Equal Treatment Law was amended by Article 3 of Law 5023/2023 to include disability. However, with Law 5089/2024, the scope of national law that transposed Directive 2000/43/EC (Law 4443/2016) has been expanded to cover the

[125] Law 4512/2018 on arrangements for the implementation of the structural reforms of the economic adjustment programme and other provisions' (*Νόμος 4512/2018 σχετικάμε 'Ρυθμίσεις για την εφαρμογήτων Διαρθρωτικών Μεταρρυθμίσεων του Προγράμματος Οικονομικής Προσαρμογής και άλλες διατάξεις'*) (OJ 5A/17 January 2018).

[126] Law 4659/2020 on the birth allowance and other provisions (*Νόμος 4659/2020 σχετικάμε 'Επίδομαγέννησης. καιάλλεςδιατάξεις'*) (OJ 21A/03 February 2020).

full material scope of the Directive with regard to all the grounds (except age). Thus, under Article 9(2) of Law 5089/2024, religious or other beliefs, sexual orientation, gender identity, characteristics or gender expression have been added as grounds of discrimination in the material scope of Article 3(2) of Law 4443/2016, in addition to race, colour, national or ethnic origin, genealogical descent, disability or chronic illness.

On 9 March 2023, Law 5029/2023[127] was passed by the Greek Parliament. Article 4 of the Law refers to bullying and intra-school violence as any form of physical, verbal, psychological, emotional, social, racist, sexual, electronic or other violence and delinquent behaviour, which affects the school community and disrupts the educational process, including, in particular, an insult, discrimination or harassment on the grounds of a school student's religious beliefs, ethnic origin, race, gender, sexual orientation, gender identity, gender expression, gender characteristics (including sex characteristics), health and physical or other actual condition. The same applies by analogy in the case of forms of violence or such conduct against teachers or other members of the school community. Moreover, Article 3, which refers to actions and programmes to prevent and deal with incidents of intra-school violence and bullying, provides that the Ministry of Education and Religious Affairs, at central and regional level, will develop actions and programmes with the aim of preventing, identifying and dealing with school violence and bullying, as well as strengthening relationships of trust among members of the educational community. Actions and programmes include: a) the training of teachers, parents or guardians and students, b) the development of relevant actions, programmes and educational material, c) the preparation of scientific research, d) the conclusion of collaborations between the competent services of the Ministry of Education and Religious Affairs with all kinds of bodies and structures, and e) sending to all primary and secondary schools guidelines on how to handle incidents of discrimination and of bullying directed against students belonging to vulnerable groups due to race, disability, religious beliefs, ethnic origin, sexual orientation, family status and gender identity, gender expression or gender characteristics. Given that all the above have been stipulated in the relevant law, they should be implemented by the state.

In addition, Article 5 stipulates that the standard operating regulations of school units at all levels of education must be updated, so that issues related to vulnerable groups of students, as listed in paragraph (e) of Article 3, regarding race, disability, religious beliefs, ethnic origin, sexual orientation, family status and expression of gender identity or gender characteristics, are addressed. In order to protect the victims, Article 6 provides that the special digital platform that is created and operates, under the responsibility of the Institute of Computer Technology and Publications, to deal with intra-school violence and bullying phenomena, is accessible to students and parents, as well as to those who have custody of students. The access is secured by the use of individual access codes to the digital platform and facilitated by creating a digital website that welcomes complaints and anonymous reports. Finally, Article 7 states that the responsible recipients at the school unit level of reports on incidents of bullying and intra-school violence that are submitted digitally are in primary education, the director or head of the school unit and one teacher designated by him/her for this purpose; in secondary education, the principal in each school unit is assisted by one school life counsellor who is responsible for crisis management and the prevention of all types of anti-social behaviour.

There have been no cases concerning sexual orientation related to the prohibition of discrimination in the area of education; however, cases regarding the grounds of age, religion and disability are outlined below.

[127] Law 5029/2023 on 'Living in Harmony Together – Breaking the Silence': Regulations to prevent and deal with violence and bullying in schools and other provisions (*Νόμος 5029/2023 μετίτλο 'Ζούμε Αρμονικά Μαζί – ΣπάμετηΣιωπή»: Ρυθμίσεισγια την πρόληψη και αντιμετώπιση της βίας και τουεκφοβισμού στα σχολεία και άλλεςδιατάξεις'*) (OJ 55 A/10.03.2023).

– Age

In relation to discrimination based on the ground of age, the Ombudsman, in its *Annual Report 2015*, recognised in principle that support for younger students who fulfil all the necessary financial and social prerequisites (such as children from a family with many children, orphans, victims of terrorism, etc.) is a legitimate aim in order to ensure their support through scholarships. It highlighted, however, that this legitimate aim does not cancel out another legitimate aim, such as the lifting of rigid exclusions against older students in relation to relevant benefits. If older students face the same educational needs and fulfil the specific financial and social prerequisites, then they should not be automatically excluded from enjoying the same benefits, especially those that are linked to their performance or studies.[128]

– Religion

According to Article 2 of Law 4777/2021,[129] which was voted through on 16 February 2021, candidate students of the Muslim minority of Thrace, who are usually regarded as disadvantaged due to their bilingual status and lack of proper integration on behalf of the state, are specifically excluded from the new strict system of the minimum admission base in higher education institutions, so that their position is not made worse by facing an additional condition for access to universities and technology schools.

This is considered to be a positive measure for the achievement of equal treatment in the field of education, since this new exception constitutes a continuation of a previous policy that used to favour the social integration of Muslims of the area of Thrace through education. There is a quota system for admission to universities and technology schools for this minority.[130]

The impacts of the policy seem to be impressive: in 1996, when a special category of candidates for the Muslim minority of Thrace was introduced for the first time by the then Minister of Education, only 98 candidates in this category were admitted to the universities, whereas in recent years about 500 have been admitted, which shows that measures of positive action seem to function in a satisfactory way. There are no data on the success rate for these students attending Greek universities.

– Disability

Law 2817/2000 (O.G. A 78/14-03-2000), which relates to education for children with disabilities, mandates the free education of children with special needs in kindergartens, primary and secondary schools and educational institutions with different curriculum models. According to the Law, the rule (i.e. the preference) for these groups of pupils is mainstream education, and the exception (in very special cases) is segregated education. The latter is not regarded as discriminatory. The above legal framework is complemented by Law 3699/2008 (O.G. A 199/02-10-2008) on special education for persons with disabilities or special educational needs.

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[128] Greek Ombudsman (2016), Special Annual Report 2015, p. 11, available in Greek at: https://old.synigoros.gr/?i=human-rights.en.recentinterventions.389382.

[129] Law 4777/2021 on the introduction to Higher Education, protection of academic freedom, upgrading of the academic environment and other provisions (*Νόμος 4777/2021 για την 'εισαγωγή στηνΤριτοβάθμια Εκπαίδευση, προστασία της ακαδημαϊκής ελευθερίας, αναβάθμισητου ακαδημαϊκού περιβάλλοντος και άλλεςδιατάξεις'*) (OJ 25A/17.02.2021).

[130] Law 2341/1995 on the regulation of issues of the teaching staff of minority schools of Thrace and the Special Pedagogical Academy of Thessaloniki and other provisions (*Νόμος 2341/1995 για τη 'ρύθμισηθεμάτωντουεκπαιδευτικού προσωπικού μειονοτικώνσχολείωντηςΘράκης και της Ειδικής Παιδαγωγικής Ακαδημίας Θεσσαλονίκης και άλλεςδιατάξεις'*) (OJ 208A/06.10.1995) and Ministerial Decision F.152.11/B3/790/1996 on determining the percentage of candidate positions that come from the Muslim minority of Thrace, for admission to universities and high technology schools (*Υπουργική Απόφαση Φ.152.11/Β3/790/1996 για τον 'καθορισμόποσοστούθέσεων υποψηφίων που προέρχονται από τημουσουλμανικήμειονότητα της Θράκης, για εισαγωγή στα ΑΕΙ και ΤΕΙ'*) (OJ 129B/28.02.1996).

The Ombudsman has consistently pointed out the deficiencies of the Greek educational system, especially concerning issues of non-discrimination, participation, social integration and the inclusive education of children with disabilities or/and special needs.[131]

Furthermore, with regard to reasonable accommodation for children with disabilities at schools, Greece, after having ratified the UNCRPD, is obliged to proceed with the necessary adjustments, to ensure that children with disabilities enjoy the rights of education and access to school on an equal basis with other children, placing particular emphasis on inclusive education. The GNCHR adds that, despite the fact that actions targeted at inclusive education for children with disabilities are included in the National Plan of Action for Children's Rights,[132] it does not include an explicit guarantee of an inclusive educational system for children with disabilities. Apart from an unreasonable delay on behalf of the state in issuing the relevant executing acts (enabling legislation) on equal treatment in the field of education, the lack of a reference in the National Plan of Action for Children's Rights on specific measures of reasonable accommodation, places additional obstacles to work in this direction.

A thematic report of the Ombudsman, which was issued within the context of its competence for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities, was made public on 12 September 2022, and refers to the year 2021.[133] The report highlights the obstacles that students with disabilities and/or special educational needs face in respect of inclusion in general education. According to the report, despite the fact that Law 3699/2008 explicitly provides that special education, as well as general education, is compulsory and functions as an integral part of the unified public and free education, it is still treated by the state as of secondary importance in relation to general education. It is indicative that for the total number of 8 990 approved requests for parallel support teachers in the 2021-2022 school year, only 3 586 such support teachers were provided. This means that only 39.89 % of approved requests were satisfied.

A large part of the problem, according to the report, the constant insufficiency of the available resources to meet the educational needs of students with disabilities, especially as far as the implementation of the necessary measures to support their studies in general school is concerned, such as the parallel support and the regular operation of all inclusion departments that exist for students with disabilities within general schools with fixed adequate staff since the beginning of each school year.

On 18 November 2023, the Greek Ombudsman made a public announcement[134] that he investigated cases according to which private schools in various indirect ways reject or refuse to accept children with disabilities and/or special educational needs, despite the contrary express provision in the law. The Ombudsman attempted to mediate between the Ministry of Education and the schools concerned, notably by sending a letter to the Minister of Education and to the Directorate of Private Education of the Ministry of Education in July 2023. The letter referred to the unfavourable treatment of students with low scores, disabilities and learning difficulties, etc. in violation of the existing legislation which explicitly defines the equal treatment of all children in private schools. The letter emphasised that certain private schools, in effect, denied access or removed – informally expelling – students with low performance or learning difficulties under the pretext of either the internal regulations or the conduct of selection exams. The Ombudsman found

[131] See for example: Greek Ombudsman (2020), *Equal Treatment Report 2019* (*Έκθεση Ίσης Μεταχείρισης 2019*), April 2020, available at: https://old.synigoros.gr/?i=equality.en.recentinterentions.678643 .

[132] The official website of the Plan: https://government.gov.gr/ethniko-schedio-drasis-gia-ta-dikeomata-tou-pediou/.

[133] Greek Ombudsman (2022) *Special Report 2021 on the Implementation of the UN Convention on the Rights of Persons with Disabilities*, available in Greek at: https://www.synigoros.gr/el/category/ekdoseis-ek8eseis/post/dikaiwmata-twn-atomwn-me-anaphries-or-eidikh-ek8esh-2021.

[134] Greek Ombudsman's public announcement issued on 18 November 2023, available in Greek at: https://www.synigoros.gr/el/category/default/post/synopsh-diamesolabhshs-or-foithsh-paidiwn-me-anaphries-se-idiwtika-sxoleia.

that the practice of the private schools amounted to a violation of the International Convention of the Rights of the Child, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as Law 4485/2017, which is punished with a fine and temporary or permanent withdrawal of the school's operating licence.

In January 2022 the municipality of Chalandri,[135] with the unanimous approval of the municipal council, decided to establish a special school for children with disabilities. According to the municipality, the unit includes a primary school and kindergarten with a capacity of up to 60 students, 14 departments and 24 teachers, with specifications of a modern classroom to achieve the pedagogical goals, but also the principles of inclusion. The organisation 'Zero Tolerance'[136] criticised this practice as a form of segregation that violated fundamental rights of children with disabilities. The municipality of Chalandri defended the decision by replying that the existing legal framework governing special education (Law 3699/2008, as in force with Law 4823/2021) allows: a) parallel support or integration classes in conventional schools; and b) attendance at special schools.[137] The municipality also responded that the parents of children with disabilities, for whom the opinion of the competent body KEDASY recommends attending special schools, are forced to travel long distances to the public special schools of other municipalities. In Greece, there are 81 special education institutions. Finally, the municipality confirmed that it will continue, within the framework of its competencies, to undertake actions for the inclusion of persons with disabilities.

The Ministry of Education promised to issue a relevant circular to prevent further instances of discrimination of children with disabilities in the field of private education. Thus, on 20 May 2024, the Ministry of Education issued a circular[138] in response to the suggestions of the Ombudsman's 2021 special report. The circular attempts to address problems that were pointed out by the Ombudsman's report, according to which, despite the fact that Law 3699/2008[139] explicitly provides that special education, as well as general education, is compulsory and functions as an integral part of unified public and free education, it is still treated by the state as of secondary importance in relation to general education.

In the circular, the Ministry of Education points out that:

a) the Directorates of Education are responsible in an obligatory way for the supervision, control and imposition of sanctions provided for by the legislation in all the schools under their jurisdiction; and

b) the internal operating regulations of all private and foreign schools in the Directorates' area of responsibility should be re-examined and referred to in case a specific term of the regulation conflicts with an express provision of the law.

It is also clearly stressed that particular emphasis must be placed on the implementation of special private education legislation, special education legislation, the International Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), so that cases of discrimination of children with disabilities and/or special educational needs from private education could be excluded.

[135] Press release of municipality of Chalandri, issued on 08.02.2022, available in Greek at: https://www.chalandri.gr/uncategorized/80230/.

[136] Press release of the organisation of persons with disabilities 'Zero Tolerance', issued on 02.02.2022, available in Greek at: https://thepressproject.gr/ola-ta-paidia-sta-scholeia-tis-geitonias-choris-diachorismeni-eidiki-ekpaidefsi-idrysi-eidikou-scholeiou-sto-chalandri/?fbclid=IwAR2lZAZ9qtqBWlYJxqpFh9CU0jq47mp3qauDO5Xv6U6_gIqPuApZwwSF9ss.

[137] See: Amarysia.gr, 'Chalandri Municipality: The road to a special school at Patima' (Δήμος Χαλανδρίου: Άνοιξε τον δρόμο για ειδικό σχολείο στο Πάτημα), 05.01.2022.

[138] Circular ΨΦΠΤ46ΝΚΠΔ-ΔΘ6 of the Directorate of Private Education of the Ministry of Education (with Protocol Number 51484/N1 -20.05.2024).

[139] Law 3699/2008 on the Special Education and Training of persons with disabilities or with special educational needs (*Νόμος 3699/2008 'για την ΕιδικήΑγωγή και Εκπαίδευση ατόμωνμε αναπηρία ή μεειδικέςεκπαιδευτικές ανάγκες'*) (OJ 199A /02.10.2008).

On 15 July 2024, in the context of a general merger of school departments, the Ministry of Education issued circular C.7/80483/D1/15-7-2024, which allowed the reduction of the number of students in a basic school classroom by three, if the school happens to have a parallel support system for students. On the other hand, Law 4452/2017[140] defines that the number of students with disabilities cannot be higher than one per classroom, while the number of students with diagnosed special learning difficulties cannot be higher than four per section. If the number of students with disabilities is increased, the extra persons are automatically removed to another classroom so that the quality of their education can be ensured. However, the above Law defines what adjustments can be made within school classrooms only if the number of students with disabilities increases. But there is an absence of legal provision concerning a proportionate reduction of students without disabilities if – through a possible merger of classrooms – the number of students without disabilities increases rather than the number of students with disabilities, as would happen after the implementation of the circular, which would actually have a practical impact on the quality of education of students with disabilities. According to the view of organisations and trade unions such as the Teaching Federation of Greece,[141] based on the combination of the Law and the new circular, the situation of children with disabilities is expected to deteriorate. Their criticism consisted of the fact that there should have been a parallel provision for the classrooms that have children with disabilities, apparently in order to exempt them from the merger or at least to establish a proportionally greater reduction of the students without disabilities within the classroom, so that the presence of children without disabilities does not affect the quality of education for the ones with disabilities. Following this public discourse, the Ombudsman intervened on his own initiative and with opinion number 52349/2024 requested that the merger of school departments be reviewed and that the above circular be amended as problematic, because it opposes Law 4452/2017, which provides that the number of children with disabilities and/or special educational needs or special learning difficulties cannot be higher than one or four, respectively, per section.

The Ombudsman's *Equal Treatment Report for 2024* has not yet been issued.

– Ethnic origin

In recent years, significant progress has been recorded in the field of education of foreign students who have the status of asylum seekers or refugees. One example is the launch of the 'All Children in Education – ACE' programme, which started in the school year 2021-2022, continued during the school year 2022-2023 and terminated in June 2024.[142] This programme was implemented nationwide in collaboration with the Ministry of Education and Religious Affairs, the Ministry of Immigration and Asylum and with the support of the European Union. The specific programme included, among other things, interpretation services in schools, Greek reinforcement courses outside school hours, psychosocial support services for students, empowerment of teachers through an integrated training programme, development of educational tools and support for parents through translated material for the smooth access and inclusion of children from third countries in the education system. The final total number of children supported by the programme (2021-2024) was 26 164 (15 792 boys and 10 372 girls).[143]

[140] Greece, Law 4452/2017 on 'Regulation of subjects of the State Certificate of Language Proficiency, the National Library of Greece and other provisions' (Νόμος 4452/2017 γιατη 'ΡύθμισηθεμάτωντουΚρατικού Πιστοποιητικού Γλωσσομάθειας, τηςΕθνικήςΒιβλιοθήκης τηςΕλλάδας και άλλεςδιατάξεις') (OJ 17 A/15.02.2017).

[141] Teaching Federation of Greece, press release issued on 30.07.2024, available in Greek.

[142] Description of the programme for specialised education, available in Greek at: https://www.alfavita.gr/ekpaideysi/anakoinoseis/375129_unicef-16417-paidia-prosfyges-einai-eggegrammena-sta-ellinika?fbclid=IwAR26L8r_c1ZcHiUxuK_Kj1mKfjWUwjDqREV_fDWwU0zm_U9OKpF850qiix8.

[143] Official answer to the author by the Education Officer of UNICEF Greece on 28.01.2025.

Moreover, according to UNICEF's *2023 Annual Report on Greece*,[144] it was estimated that by October 2023 there were 25 000 refugee and migrant children in Greece, including 7 000 children from Ukraine, while by the end of the year the number of unaccompanied and separated children was 2 000. Moreover, as of the end of 2023, 15 134 refugee and migrant children, including 1 289 children from Ukraine, were enrolled in schools. According to the available data provided by the Ministry of Education, as of 10 January 2024, in the year 2022-2023, out of the total 15 134 children enrolled, 14 222 actually attended.[145] Attendance during the school year 2022-2023 decreased compared to the previous year. In general, during the school year 2022-2023, about three quarters of the children who were enrolled dropped out of school.[146] In particular, in secondary education where the dropout rate is significant, of the children who remain in the accommodation structures, two out of five drop out of school and of the ones who manage to reach the end of the school year, half are rejected due to absences. Only 1 in 12 children enrolled in secondary education was promoted to the next class (8.16 %) with the other 11 out of 12 children (91.84 %) either rejected or dropping out of school. There are no data available for the school year 2023-2024. However, according to the Greek Council for Refugees,[147] it is a fact that after March 2023, attendance in schools was reduced mainly due to the closure of the ESTIA (which translates as 'Home') accommodation programme, the removal of families and their children from the centre of Athens and their confinement in camps outside Attica.

Education is also linked to the granting of a special residence permit given to unaccompanied minors (UAMs) who have reached adulthood, according to the new provision of Article 16(1)(c) of Law 5038/2023 , which states that: 'Third country nationals residing in the country are granted a 10-year residence permit, which grants the right to full access to the labour market, provided that they: […] iii) are adult third country nationals or stateless persons who entered Greece as unaccompanied minors and have successfully completed at least three (3) classes of secondary education in a Greek school in Greece before reaching the age of 23'. According to Circular No. 17314/2024, issued on 12 January 2024, only evidence of successful completion – and therefore promotion – to the next class are accepted, and not simple attestations of attendance.

On 22 April 2024, in the context of Article 26(1) (b) of Law 3879/2010,[148] which introduced 'Educational Priority Zones' for the equal inclusion of all students in the educational system, the Ministry of Education issued a circular[149] with instructions and directions for the establishment and operation of reception classes in primary schools for the school year 2024-2025. The guidelines aimed to smooth the educational adaptation of students with differentiated ethnic and cultural backgrounds, such as refugee children, and constituted a horizontal intervention in all schools that display relevant student populations, with the aim of enabling such students to cope with their curriculum and remain in the education system by completing their studies, so as to reduce their early school leaving. Specifically, it is stipulated that for the education of students who do not have the required knowledge of the Greek language (Roma, foreigners, repatriated Greeks, refugees, vulnerable social groups, etc.) a flexible scheme of institutional and educational intervention will be developed in the context of intercultural education, which allows the school unit – after weighing the real educational needs of these students and its capabilities – to choose the scheme that can provide them with additional teaching support, with the aim of helping them to adapt and fully integrate into the regular classes in which they are enrolled, in accordance with current legislation.

[144] UNICEF (2024), *Country Office Annual Report 2023 - Greece*, p. 2, available at: https://bit.ly/4baeZiL.
[145] Information included in a common ECRE, AIDA and GCR Report on Greece for the year 2023.
[146] Foster Educators (2023), *School attendance of unaccompanied refugee minors during the 2022-23 school year*, December 2023, p.271, https://tinyurl.com/2k5xepn2.
[147] Foster Educators (2023), *School attendance of unaccompanied refugee minors during the 2022-23 school year*, December 2023, p.271.
[148] Greece, Law 3879/2010 on the development of lifelong learning and other provisions (*Νόμος 3879/2010 για την 'Ανάπτυξη της Δια ΒίουΜάθησης και Λοιπές διατάξεις'*) (OJ 163 A/21.09.2010).
[149] Circular No. Φ1/42235/Δ1 of the Ministry of Education, issued on 22.04.2024.

The Ombudsman's *Equal Treatment Report for 2024* has not yet been issued.

There are no cases of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems.

a) Trends and patterns regarding Roma pupils

In Greece, there are specific patterns in education regarding Roma pupils, including segregation.

In general, the persistent housing, employment and social protection problems of the Roma appear to constitute the most crucial obstacles to improving the situation in education.

Article 70 of Law 4485/2017[150] introduced a measure for hiring special educational staff, consisting of psychologists and social workers at specific school units of general and professional education, where this is necessary for the support of vulnerable groups or where it is necessary for providing psychosocial and emotional support for children. It should be highlighted that, before every school year, the Ministry of Education issues circulars instructing local educational authorities to take measures for the integration of Roma children into their schools. There are no publicly available data on the exact number of Roma children enrolled in schools each year.

In 2018, the Ministry of Labour, Social Security and Social Solidarity inaugurated 'multi-centres' (*Πολυκέντρα*) located close to Roma schools and settlements, including facilities and services dealing with personal and environmental hygiene. These multi-centres continued to function during 2024. In conjunction with the Roma Annexes – introduced in previous years as special divisions within municipalities – the multi-centre provides holistic services, especially to Roma children, so that they can integrate smoothly into the education system.

Finally, Article 17 of Law 4659/2020[151] imposes as a condition for the provision of housing allowance, the adequate education of every minor member of a household in an attempt to enforce compulsory education and motivate students to finish high school. In practice, civil societies have criticised the measure for not directly tackling the issue of school absenteeism (see also below).

In the Ombudsman's *2021 Equal Treatment Report*, the Ombudsman commenting on the introduction of a new national strategy for the integration of Roma and the field of education, stated that there were problems related to the attendance and follow-up of Roma children, in the increase of two-year preschool education, in the reinforcement of attendance in secondary education and in actions to combat student dropouts.[152] However, basic shortcomings that, in essence, hinder the participation and inclusion of Roma children in education are not sufficiently addressed according to their age and needs (non-existence of school buildings and classrooms, refusal to enrol them in existing schools with unsubstantiated excuses, problems of transporting them to schools located outside Roma settlements).

[150] Law 4485/2017 on the organisation and operation of higher education, arrangements for research and other provisions (*Οργάνωση και λειτουργία της ανώτατης εκπαίδευσης, ρυθμίσεις για την έρευνα και άλλες διατάξεις*) (O.G.A114/04-08-2017).

[151] Law 4659/2020 on birth allowance and other provisions (OG A 21/03.02.2020).

[152] Greek Ombudsman (2022), Report on Equal Treatment 2021 (*Έκθεση Ίσης Μεταχείρισης* 2021), July 2022, p. 38, available at: https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-2021-or-equal-treatment.

A flagship pilot project in the field of education, the National Strategy for the Social Integration of the Roma (ESKE Roma) 2021-2030 started its implementation in July 2022.[153]

The ESKE Roma 2021-2030 was prepared by the General Secretariat for Social Solidarity and Combating Poverty of the Ministry of Labour and Social Affairs, as part of its responsibilities as the body responsible for the coordination and monitoring of Roma social integration policies at the national level and as the national focal point for Roma issues, following European recommendations and guidelines. This ongoing strategic targeting sets out synergies and coordination with the co-competent ministries as well as strategic collaborations with key stakeholders on specific issues for the planning and implementation of interventions in the different fields of Roma social integration. As the issue of the inclusion and retention of Roma children in education is a key priority in the context of the new strategy, a programme to award diligent attendance awards to Roma secondary education students has begun, following systematic and long-term cooperation between the General Secretariat for Social Solidarity and Combating Poverty, the State Scholarship Foundation and the relevant services of the Ministry of Education and Religion. The aim of the programme is to contribute to tackling the phenomenon of early school dropouts and encouraging the participation, diligent study and attraction of Roma students to secondary education.

On 26 July 2024, it was announced[154] that under a cooperation protocol signed with the Ministry of Social Cohesion and Family, the Hellenic Open University would offer 35 places on its study programmes to candidate and active students from the Roma social group. Specifically, the Hellenic Open University offered 9 undergraduate and 61 postgraduate study programmes as of October 2024 and 2 postgraduate study programmes as of March 2025. Beneficiaries of the scholarships are: a) those who belong to the special social group of Roma; b) beneficiaries of child protection structures; and c) the homeless. The undergraduate degrees are in various subjects: natural sciences, informatics, business and organisation management, public administration, tourism management, Greek culture, European culture, Spanish language and culture, and film writing, practice and research.

To improve the equal participation of Roma students in the school community, in 2024, for the third consecutive year, the Roma branch of the Community Centre of the Municipality of Patras implemented a remedial teaching programme, offering significant support to the children of the Roma community.[155] The activity took place in parallel in two areas with a high concentration of the target population: in Vrachneika and in the wider area where the community centre is based (Terpsi and Agia Varvara). Under the guidance of the community centre teacher, the volunteer teacher, as well as the Roma mediator, 27 students had the opportunity to expand their learning skills.

The Ombudsman's *Equal Treatment Report for 2024* has not yet been issued.

3.2.8 Access to and supply of goods and services that are available to the public (Article 3(1)(h) Directive 2000/43)

In Greece, Article 3(2)(c) of Equal Treatment Law 4443/2016 prohibits discrimination relating to access to and the supply of goods and services. Initially, Law 4443/2016 covered discrimination in the field of access to and the supply of goods and services, merely as formulated in the Racial Equality Directive. This meant that only the grounds of race, colour, national or ethnic origin and genealogical descent were initially covered, in

[153] Information from the relevant Government site, available in Greek.
[154] Information available at the official site of the Hellenic Open University at: https://www.eap.gr/2024/07/10/prosfora-35-thesewn-ypotrofia.
[155] Information from local specialised site: https://gnomip.gr/2024/07/26/epituxhs-oloklhrwsh-mathimatwn-enisxutikhs-didaskalias/.

relation to access to and the supply of goods and services. Article 3(2) of the Equal Treatment Law was amended by Article 3 of Law 5023/2023 to explicitly include disability as a ground protected from discrimination in the access to and supply of goods and services. With Law 5089/2024, however, the scope of national law that transposed Directive 2000/43/EC (Law 4443/2016) has been expanded to cover the full material scope of the Directive with regard to all the grounds (except age). Thus, under Article 9(2) of Law 5089/2024, religious or other beliefs, sexual orientation, gender identity, characteristics or gender expression are now included as grounds of discrimination in the material scope of Article 3(2) of Law 4443/2016, in addition to race, colour, national or ethnic origin, genealogical descent, disability or chronic illness.

It should be clarified, however, that all grounds of discrimination are protected under the provision of Article 11(1) of 4443/2016 (implementing Article 15 of Directive 2000/43 and Article 17 of Directive 2000/78), which introduces sanctions for discrimination in the provision of goods and services also on the grounds of gender identity and expression or sex characteristics, sexual orientation, religion or belief and age.[156]

Article 11(1) of this Law is a criminal provision, which stipulates that whoever refuses to provide goods and services on grounds of race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, sexual orientation, gender identity and expression or sex characteristics, or disability and chronic illness will be punished with a term of imprisonment ranging from three months to five years and a fine ranging from EUR 1 000 to EUR 5 000.

On 23 December 2021, Law 4875/2021 was enacted to regulate the issues of accessibility and possibility of visits for tourists/visitors to a series of businesses, with the aim of promoting tourism in the country. More specifically, according to Article 36, city tour buses must be accessible to persons with disabilities. Furthermore, pursuant to Article 47(1)(b), the conditions for obtaining the special operating licence for spa treatment centres and spa centres related to thalassotherapy and spa services must ensure accessibility for persons with disabilities and reduced mobility. Finally, according to Articles 49, 50 and 51, for the acquisition of a special operating licence for a 'visitable brewery', a 'visitable olive mill' or a 'visitable cheese factory' specific spaces and facilities of special standards should be available in such a way as to ensure accessibility to all, including persons with disabilities and reduced mobility.

Ministerial Decision 362897/2023 of the Ministry of Infrastructure and Transport[157] amended the Regulation on the rights of passengers on road public transport (buses, trolleys) and on fixed-track means (metro, tram), to increase the fines and compensation awarded (as just satisfaction in cases where persons with disability are denied access) for the impeded transport of persons with disabilities. The aim is to prevent and avoid incidents of discrimination against people with mobility problems and to more effectively protect the right of these citizens to travel, by creating a stricter regime to combat inappropriate behaviour.

Specifically, the most important adjustments enacted are:

- Refusal to board, reserve, issue or provide a ticket to a person with disability entails compensation ranging from EUR 30 to EUR 200.

[156] Article 11 of Equal Treatment Law 4443/2016 introduces sanctions for discrimination during the provision of goods and services.

[157] Ministerial Decision 362897/2023 of the Ministry of Infrastructure and Transport to amend the Regulation of passenger rights on regular and special lines by means of road transport (buses, trolleys) and means of fixed track (metro, tram) (*Τροποποίηση Κανονισμού δικαιωμάτων επιβατών τακτικών και έκτακτων γραμμών με οδικά μέσα μεταφοράς λεωφορεία, τρόλει και μέσα σταθερής τροχιάς μετρό, τραμ*). (OJ B 7483/29.12.2023), available in Greek at:https://www.athenstransport.com/2024/01/sygkoinonies-atoma-me-anapiria/.

- Establishment of an administrative fine ranging from EUR 2 000 to EUR 2 500 in the case of non-payment of compensation for loss/damage to a wheelchair or other aids.
- The untimely and out-of-date response to a citizen's complaint for violation of the right to equal treatment entails compensation ranging from EUR 30 to EUR 100.

However, at the same time, the regulations also introduced a notable and explicit exception: 'the refusal to issue tickets as well as the refusal of boarding to persons due to disability or reduced mobility is exceptionally permitted, in cases that this is not safe and operationally possible' and 'in order for the transport means to comply with the applicable safety requirements set by international, EU or national law and health and safety requirements set by competent authorities or in cases in which this is required by the design of the vehicle or the infrastructure, including bus stops and terminals or departure areas'. For this reason, in the above cases of refusal for health and safety issues, the person with a disability and any other person who accompanies him/her, has the right to choose between:

a. Refund of the money paid for the ticket, or
b. Provision of free transportation of an accompanying person of the choice of the person with a disability who will provide them with the assistance needed.

Even though such exception is allowed under Article 10 of EU Regulation 181/2011, the Ministerial Decision was criticised because it might be used as a way to avoid carrying out improvements to the current infrastructure of public transport that will make it more accessible for persons with disabilities.[158]

The following cases relate to accessibility in the provision of goods and services, and were included in the *2023 Ombudsman's Special Report*, issued in July 2024.[159]

i) In case No. 302455/2023, a relative of a person with a mobility disability contacted the Ombudsman about a problem that persons with disabilities were facing when accessing Neapolis Thessaloniki Health Centre, as well as at the entrance of the building, where there are steps. The Ombudsman contacted the health centre, asking it to take the necessary actions in order to ensure the access of persons with disabilities and persons with reduced mobility to its premises as soon as possible. The centre informed the Ombudsman that a platform lift for persons with disabilities had been placed at its entrance, where the stairs are, so that access to all its premises could be secured.

ii) In case No. 332486/2023, a citizen filed a report with the Ombudsman over lack of accessibility for persons with disabilities to the facilities of night clubs in the Ladadika area of Thessaloniki. From the investigation of the case, it emerged that, based on a relevant decision of the Minister of Environment and Energy, an extension had been given to the imposition of sanctions for non-compliance with the accessibility conditions in buildings open to the public and for which the building permit was issued before 2012. Buildings with permits issued before 2012 were given a time extension to implement accessibility requirements by 31 March 2024 or risk being fined. The Ombudsman provides no further information on this complaint.

[158] 'Outrage at the new regulation on public transport and restrictions on boarding for people with disabilities' (ΣάλοςμετονέοκανονισμόγιαταΜΜΜκαιτουςπεριορισμούςστηνεπιβίβασηΑμΕΑ), *In.gr*, 04.01.2024, available at: https://www.in.gr/2024/01/04/greece/salos-neo-kanonismo-gia-ta-mmm-kai-tous-periorismous-stin-epivivasi-amea/, last accessed on 15.07.2024.

[159] Greek Ombudsman (2022), *Report on Equal Treatment 2023* (*Έκθεση Ίσης Μεταχείρισης 2023*), November 2023, pp. 26 and 27, available in Greek at: https://www.synigoros.gr/el/category/default/post/eidikh-ek8esh-2023-or-ish-metaxeirish.

According to the *2023 Ombudsman's Special Report*,[160] issued in July 2024, in case No. 331553/2023, a naturalised Greek woman tried to apply for a loan through the online service of a bank where she maintained a deposit account. After completing the relevant form, she found that her request could not be registered and, after submitting the relevant question via a form provided by the bank, she received the reply that, among the other conditions, those who could apply for a loan online not only had to have Greek citizenship, but also Greek national origin. She was informed, however, that she could submit a loan request through a physical visit to a bank branch. The Ombudsman contacted the bank, invoking the legislation on prohibition of discrimination on the ground of national/ethnic origin to access at the disposal and provision of goods and services commercially available to the public. The Ombudsman emphasised that the exclusion of naturalised Greek citizens from the possibility of submitting an application online for obtaining a loan constitutes impermissible discrimination between Greek citizens due to ethnic origin and unfavourable treatment of them during the use of the specific service facility, without the purpose served and the differentiation that exists in comparison to the live submission of an application by a customer in a physical store of the bank being justified. The bank cited a technical problem with the system and pledged to take immediate action to rectify it.

a) Distinction between goods and services available publicly or privately

Greek law distinguishes between goods and services that are available to the public (to anyone) and those that are available privately (for instance, goods or services provided only to members of an association).

Article 3(2)(d) of Equal Treatment Law 4443/2016 states:

> 'Apart from the reservations of paragraphs 3, 4, 6 below and article 4 of the present, the provisions of the present chapter apply to all individuals in the public and private sector in relation to …d. access to the availability and supply of goods and services which are [commercially – *συναλλακτικά*] available to the public, including housing.'

The Ombudsman's *Equal Treatment Report for 2024* has not yet been issued. There are no cases of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems.

3.2.9 Housing (Article 3(1)(h) Directive 2000/43)

In Greece, Article 3(2)(d) of Equal Treatment Law 4443/2016 prohibits discrimination relating to housing. Initially, Law 4443/2016 covered discrimination relating to housing merely as formulated in the Racial Equality Directive. This meant that only the grounds of race, colour, national or ethnic origin and genealogical descent were initially covered, as far as discrimination in the field of housing is concerned. Article 3(2) of the Equal Treatment Law was amended by Article 3 of Law 5023/2023 to explicitly include disability as a ground protected from discrimination in the field of housing. With Law 5089/2024, however, the scope of national law that transposed Directive 2000/43/EC (Law 4443/2016) has been expanded to cover the full material scope of the Directive with regard to all the grounds (except age). Thus, under Article 9(2) of Law 5089/2024, religious or other beliefs, sexual orientation, gender identity, characteristics or gender expression are included as grounds of discrimination in the material scope of Article 3(2) of Law 4443/2016, in addition to race, colour, national or ethnic origin, genealogical descent, disability or chronic illness.

According to Article 21(4) of the Greek Constitution, 'the acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special State care'.

[160] Greek Ombudsman (2024), *Report on Equal Treatment 2023* (*Έκθεση Ίσης Μεταχείρισης 2023*), November 2023, p. 22, available in Greek at: https://www.synigoros.gr/el/category/default/post/eidikh-ek8esh-2023-or-ish-metaxeirish.

Also, Article 9 of the Constitution provides – without making any differentiation for reasons of race or ethnic origin or other grounds – that:

1. Every person's home is a sanctuary. The private and family life of the individual is inviolable.[161] No home search will be made, except when and as specified by law and always in the presence of representatives of the judicial power.
2. Violators of the preceding provision will be punished for violating the home's asylum and for abuse of power and will be liable for full damages to the sufferer, as specified by law.

Since Article 3(2)(d) of Equal Treatment Law 4443/2016 prohibits discrimination based on the grounds of race or ethnic origin, migrants and refugees enjoy the same rights as Greek nationals when it comes to housing (including social benefits).

In 2024, there were no Government policies in place for ensuring the prohibition of discrimination in the field of housing based on race or ethnic origin.

There have been no major court decisions related to this issue.

According to all the annual reports of the Greek Ombudsman as an equality body, all cases involving discrimination in the field of housing exclusively concern Roma people.

In Greece, housing issues are largely considered to belong to the private rather than the social sphere, which means that they are regarded as an individual responsibility, and therefore state policies on social housing are limited.

A significant negative development in the issue of social integration of asylum seekers through housing took place on 23 February 2022,[162] which reduced the housing placements of the 'ESTIA II' housing programme for vulnerable refugees from 27 000 (in 2021) to 10 000. Following reports that the programme was not going to be renewed, the UNHCR[163] noted that even with less capacity, 'ESTIA' should be maintained as a key part of the asylum system in the country. Moreover, it expressed the view that the accommodation of asylum seekers in safe and decent conditions in apartments facilitates their integration and autonomy, promotes social cohesion and interaction with the local community, is cost-effective and works for the benefit of municipalities, local societies and people in need. The Social Policy Committee of the Central Union of Municipalities of Greece (KEDE)[164] also expressed its opposition to the closure of the programme, by arguing that the maintenance of the camps is expensive and that the housing in apartments in the urban setting ensures smooth integration and strengthens the fight against xenophobia.

Despite the reactions, during 2024 there was no reset of the 'ESTIA' programme.

[161] The Greek Constitution does not explicitly mention same-sex families. However, it should be highlighted that, in a case, the Greek Council of State stated that the constitutional protection of the family is not subject to its creation through marriage, but by its nature is necessarily affected by social variations in the course of time undergoing development and redefinition (Decision No. 2003/2018 of the 3rd Section of the Council of State), which leaves the term 'family' open to interpretation. Through Article 28 of the Greek Constitution, the Greek courts would be able to justify an application of the definition of 'family' as it has been applied by the ECtHR, even the one provided in *Schalk and Kopf v. Austria*.

[162] Press release of Ministry of Migration and Asylum, issued on 22.02.2022 and available in Greek at: https://migration.gov.gr/oloklironetai-to-programma-stegasis-estia-ii-to-2022/.

[163] Declarations of Ms Stella Nanou, a representative of the UNHCR, on 23 February 2022 in the newspaper *Efimerida Syntakton*.

[164] Declarations of KEDE representative Mr Simos Daniilidis on 23 February 2022 in the newspaper *Efimerida Syntakton*.

As for beneficiaries of international protection, who are citizens of non-Greek origin, the HELIOS programme[165]– which used to be the only nationwide integration programme – includes a housing component that can support people towards independent accommodation in apartments rented in their name through two initial instalments aimed at contributing to the start of independent living (e.g. household equipment) and subsequent contributions to rental costs for up to a total of 12 months. The programme is implemented by the International Organization for Migration (IOM) in partnership with several non-governmental organisations. After being briefly paused, its implementation was extended, first until 30 June 2024[166] and finally until 30 November 2024,[167] although the extension concerned the provision of rent subsidies only for beneficiaries already receiving subsidies. As of the end of February 2024, 45 688 beneficiaries of international and temporary protection had been registered in the HELIOS programme since its launch. Some 14 % of the total enrolments still concern Ukrainian nationals covered by temporary protection.[168] Therefore, the number of beneficiaries of international protection who have benefited or continue to benefit from this type of support (rental subsidy), is probably even lower.

a) Trends and patterns regarding housing segregation for Roma

In Greece, there are patterns of housing segregation and discrimination against Roma.

A legislative provision in the Municipal and Communal Code contains a duty on the part of the municipal authorities to plan and implement integration schemes for Roma people.[169]

A number of relocation schemes for Roma settlements were completed in 2023 in Thiva, Kozani and Agia Triada. In practice, the purpose of most of them was to remove existing Roma settlements from urban areas. Moreover, their settlements are relocated to isolated areas, which made it nearly impossible for the Roma to enjoy dignified living conditions or to access education, health services and employment. In its 2017 report, the Ombudsman had recommended that all bodies involved in housing cases (municipalities, police departments, regional authorities, etc.) avoid undertaking any measures of violent expulsion or forced eviction of the Roma from their places of residence, underlining the point that their departure from an area requires prior actions on the part of the competent services, indicating a specific place of relocation, suitable for permanent residence, which would meet the minimum conditions of dignified and secure living.

The Ombudsman's *Special Report on Equal Treatment 2022*,[170] issued in November 2023, outlines case 282381/2022, in which a resident of the Sepolia area of Attica reported the particularly unhealthy conditions prevailing in the area of a former factory where Roma used to live until their relocation. The Ombudsman addressed the relevant services of the

[165] The project used to be implemented by the International Organization for Migration (IOM) and is funded directly by the Ministry of Migration and Asylum. Information available also in English at the Ministry's website:https://migration.gov.gr/en/migration-policy/integration/draseis-koinonikis-entaxis-se-ethniko-epipedo/programma-helios/.

[166] General Secretariat for Migration Policy, 'Memorandum with number 39917/2024 of 9th Amendment of the Programme Agreement between the Ministry of Immigration and Asylum and the International Organization for Migration for the implementation of the Programme "HELIOS - Hellenic Integration Support for Beneficiaries of International Protection and Temporary Protection/HELIOS', 2 February 2024, available in Greek at: https://bit.ly/3VuObDN.

[167] Information available at International Organization for Migration's official website at: https://greece.iom.int/el/hellenic-integration-support-beneficiaries-international-protection-and-temporary-protection-helios?fbclid=IwY2xjawH8fglleHRuA2FlbQIxMAABHd1M31S-OUEOjf7sMi48n_ZaOB-a0bzguMTo8ks_KCtpOFy1PO2s4tZ95g_aem_pQ_X810BkqB9qqAtA5kZjQ.

[168] RSA and Stiftung Pro Asyl (2024), 'Beneficiaries of international protection in Greece, Access to documents and socioeconomic rights', March 2024, available at: https://bit.ly/3Vy9DYJ, p. 22.

[169] Law 3463/2006 on the Municipality and Community Codex, Article 75(1)(e)(5) (OJ A 114/08.06.2006), entered into force 01.01.2007.

[170] Greek Ombudsman (2023), Report on Equal Treatment 2022 (*ΈκθεσηἸσηςΜεταχείρισης 2022*), November 2023, p. 27, available in Greek at: https://www.synigoros.gr/el/category/default/post/deltio-typoy-or-eidikh-ek8esh-ishs-metaxeirishs-2022.

Municipality of Athens, the Region of Attica and the Hellenic Police in order to provide adequate housing for the Roma living in the area, before taking measures to remove them. From the investigation of the Ombudsman and from the on-site investigation, it was established that in the area of the former factory, small groups of people, especially Roma, were living in poor conditions, surrounded by waste and unsuitable materials. At the same time, as found during the investigation, the factory building has suffered irreparable damage. The Ombudsman, in his Opinion on the case, emphasised that a final settlement of the matter required a different approach from simply repeated cleaning and sealing of the site, which is reoccupied after the crews have left. Given that the building is a preserved monument and belongs to the state company Building Infrastructure S.A., the Ombudsman suggested that care should be taken to assess its risk on the one hand and the possibility of its exploitation on the other. However, no improvement took place in practice.

Ruling No. 1861/2024 of the Administrative Court of Appeal of Athens, published on 10 September 2024, overturned the decision on the relocation of a Roma settlement to the Municipality of Spata, following an application by that municipality. The Municipality of Chalandri, where the Roma settlement is currently located and which intervened in the case in favour of the relocation, commented on this decision by referring to the prevalence of 'racist logic' on the part of the Municipality of Spata, the residents of which had threatened to burn it down should it be relocated there.

There were no other developments in 2024. The *Ombudsman's Equal Treatment Report for 2024* has not yet been issued.

4 EXCEPTIONS

4.1 Genuine and determining occupational requirements (Article 4 Directive 2000/43, Article 4(1) Directive 2000/78)

In Greece, national legislation provides for an exception for genuine and determining occupational requirements.

Article 4(1) of Equal Treatment Law 4443/2016 introduces justified differential treatment based on the protected grounds, which is also enshrined in common Article 4 of both EU Directives. It reiterates that the differential treatment should be based on genuine and determining occupational requirements and should satisfy a legitimate aim in a proportionate manner.

There is no known case law related to this issue.

4.2 Employers with an ethos based on religion or belief (Article 4(2) Directive 2000/78)

In Greece, national law provides for an exception for employers with an ethos based on religion or belief.

As regards occupational requirements, Article 4(2) of Equal Treatment Law 4443/2016 contains special provisions for professions related to churches, religious institutions and public or private organisations. According to these provisions, the Law does not affect the right of public or private organisations whose ethos is based on religious or other beliefs to demand that the people working for them act in compliance with that ethos (no limitation on roles exist). In these cases, religion or belief compatible with such an ethos constitutes a genuine, legitimate and justified occupational requirement. In practice, for example, the Orthodox Church invokes ethos requirements in order to discriminate against individuals who are homosexual or in a same-sex civil partnership agreement, without linking it to specific occupational requirements but by claiming that their way of life in general is not 'compatible' with the teachings of the Church (it should be noted that Law 4356/2015 which first introduced the prohibition of discrimination on grounds of sexual orientation does not include any specific exceptions to ethos requirements and there is no relevant case law).[171] There has been no discussion on the legality of this approach. According to the official view of the Greek Orthodox Church, as far as ethos is concerned, homosexuality is contrary to God's creative plan for the unity of the human race, which should lie in the existence of a heterosexual orientation for all persons, and therefore the right of someone to define himself/herself as he/she wants is perceived by the Greek Orthodox Christian teaching as the selfish intention of man to dominate nature and lead it where he thinks it should go.[172]

Furthermore, Article 4(2) also specifies that it does not affect provisions or policies already in existence that relate to the occupational activities of churches or other organisations or associations, the ethics of which are based on religious or other beliefs. This difference in treatment is based on general principles of EU law and cannot justify discrimination based on other protected grounds (i.e. those apart from religion or belief; as noted above, in practice, sexual orientations other than heterosexuality, are not considered compatible with certain religious or other beliefs, namely that of the Orthodox Church, and this may

[171] The explanatory memorandum for Law 4443/2016 states that different treatment is justified due to specific occupational requirements. In practice, however, the Church applies this approach irrespective of this requirement to provide a justification linked to occupational requirements and contrary to ECJ case law, specifically the cases of *Egenberger* and *IR v. JQ*.

[172] See: Doukellis, I. (2018) 'The Christian perspective on the issue of homosexuality', *Pemptousia*, 13 July 2018, https://www.pemptousia.gr/2018/07/i-christianiki-optiki-sto-zitima-tis-omofilofilias/. This appears to refer to both sexual orientation as well as gender identity and expression or sex characteristics.

lead to unjustified discrimination).[173] This would be an issue requiring legislative intervention. Given that Greece is not a secular state, this would be extremely difficult to achieve.

4.3 Armed forces and other specific occupations (Article 3(4) and Recitals 18 and 19 Directive 2000/78)

In Greece, national legislation provides for an exception for the armed forces in relation to age or disability discrimination (Article 3(4) of Directive 2000/78/EC).

Article 3(5) of Equal Treatment Law 4443/2016 provides that:

> 'The provisions of this chapter [Equal treatment in employment and occupation], in so far as they relate to different treatment on the grounds of age, disability or chronic illness, relevant to service, shall not apply to the armed forces.'

On 11 April 2012, Greece ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol through Law 4074/2012.[174] According to Article 2 of this Law, Article 27(1) of the Convention does not apply to the armed forces and law enforcement agencies (due to a reservation made by Greece upon signing the UNCRPD) with regard to differential treatment due to disability as provided for in Article 3(5) of Equal Treatment Law 4443/2016 (which implements equal treatment pursuant to Articles3(4) and 4 of Directive 2000/78/EC).

In Greece, the scope of the extension is limited to safeguarding the combat effectiveness of the armed forces.

In Greece, the scope of the extension does not extend to other non-combat staff, such as civilians employed in administrative positions in the army.

According to the Greek Ombudsman's *2023 Special Report on Equal Treatment*,[175] issued in 2024, the Ombudsman received several complaints concerning access to the training schools of the armed forces and security forces on the part of students with mild learning difficulties, such as dyslexia, dysgraphia, dyscalculia, etc. The Ombudsman's view is that the complete exclusion of persons with learning disabilities from access to the schools in question, regardless of grade and the type of learning difficulty they face, and regardless of the duties of each position to which the graduates of these schools are going to be directed, is not in line with the principle of equal treatment. However, subsequently, Decision No. 1643/2023[176] of the Supreme Administrative Court (the Council of State), it was judged that the requirement that candidates for the schools of the armed forces and security forces must not have learning disabilities is relevant to the duties of the positions they fill and is justified for reasons of public interest.

4.4 Nationality discrimination (Article 3(2))

a) Discrimination on the ground of nationality

In Greece, national law includes exceptions relating to difference of treatment based on nationality.

[173] This exception under Greek law does not appear to be compatible with EU law, especially in light of the CJEU's *Egenberger* and *IR v. JQ* rulings of 2018. However, how to bring the provision into line with the specific ruling is a matter of judicial interpretation.

[174] Law ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol (OJ 88 A/11.4.2012).

[175] Greek Ombudsman (2023), *2023 Special Report on Equal Treatment* (Έκθεση Ίσης Μεταχείρισης 2023), November 2023, p.27, available in Greek at: https://www.synigoros.gr/el/category/default/post/eidikh-ek8esh-2023-or-ish-metaxeirish.

[176] Greek Council of State, Decision 1643/2023 published on 28.09.2023.

Adopting the wording of Article 3(2) of the two directives, Article 3(3) of the Equal Treatment Law incorporates all the exceptions allowed by the directives, including nationality and stateless status.

In Greece, nationality (i.e. citizenship) is not explicitly mentioned as a protected ground in national anti-discrimination law.

Moreover, Article 3(3) of Equal Treatment Law 4443/2016 stipulates that the anti-discrimination legal provisions do not cover difference of treatment based on nationality and are without prejudice to provisions and conditions relating to the legal status of third-country nationals and stateless persons residing on Greek territory.

There is no relevant case law.

b) Relationship between nationality and 'racial or ethnic origin'

According to the Greek legal system, there is little difference between 'nationality' and 'race or ethnic origin'. Nationality is perceived as citizenship. In recent decades, only people of Greek origin could obtain Greek nationality. Recently, the legislature has provided that Greek nationality can be obtained by people of non-Greek parentage. This distinction is particularly important in light of Article 3 of Law 4443/2016, which states that the law does not cover differences of treatment based on nationality and in relation to social protection, including social insurance and healthcare (meaning that discrimination based on nationality is permitted in relation to social protection).

4.5 Health and safety at work (Article 7(2) Directive 2000/78)

In Greece, there are exceptions in relation to disability and health and safety at work (Article 7(2), Directive 2000/78/EC).

Article 7(2) of Equal Treatment Law 4443/2016 provides that:

> 'With regard to disability or chronic illness, the introduction or maintenance of measures which aim to safeguard health and safety in the working environment or measures aimed at creating or maintaining the preconditions or facilitations for ensuring or encouraging the integration of persons with disabilities into the working environment, shall not constitute a discrimination.'

There are no other exceptions relating to health and safety law in relation to rules on ethnic origin or religion, where there may be issues of dress or personal appearance.

There is no relevant case law.

4.6 Exceptions related to discrimination on the ground of age (Article 6 Directive 2000/78)

4.6.1 Direct discrimination

a) Exceptions to the prohibition of direct discrimination on grounds of age

In Greece, national law provides an exception for direct discrimination on the ground of age.

Article 6(1) of Equal Treatment Law 4443/2016 allows the following exemption (defences) as far as the criterion of age is concerned, repeating the text of Article 6 of the Employment Equality Directive:

'Such differences of treatment may include, among others:

1. the setting of special conditions on access to employment and vocational training, employment and occupation, including dismissal and remuneration conditions, for young people, older workers and persons with caring responsibilities in order to promote their vocational integration or ensure their protection;
2. the fixing of minimum conditions of age, professional experience or seniority in service for access to employment or to certain advantages linked to employment;
3. The fixing of a maximum age for recruitment which is based on the training requirements of the post in question or the need for a reasonable period of employment before retirement.'

Article 6(2) adds:

'Notwithstanding Article 2, the fixing for occupational social security schemes of ages for admission or entitlement to retirement or invalidity benefits, including the fixing under those schemes of different ages for employees or groups or categories of employees, and the use, in the context of such schemes, of age criteria in actuarial calculations, does not constitute discrimination on the grounds of age, provided this does not result in discrimination on the grounds of gender.'

There is no relevant case law.

There are no problems or conflicts with the requirements of the Directive.

b) Justification of direct discrimination on the ground of age

In Greece, it is possible, either generally or in specific circumstances, to justify direct discrimination on the ground of age.

The relevant article is Article 6(1) of Equal Treatment Law 4443/2016.

There is currently no debate developing in Greece about the implementation of the requirements of the Directive with regard to direct discrimination and, therefore, there is no way to verify whether the test is compliant with the test in Article 6, Directive 2000/78/EC, taking account of the decisions of the Court of Justice of the European Union in C-144/04, *Mangold*,[177] and C-555/07, *Kücükdeveci.*[178]

There is no information on a specific and generally applied test used to justify directly discriminatory actions. Practice could be derived from a recent case of an age restriction introduced for board members of sports federations. As noted above, with Decision No. 4421/2024, the single-member Court of First Instance of Athens[179] found that the age limit introduced (70 years) does not serve the good administration of the sports federation and is in conflict with both the Greek Constitution and EU Directive 2000/78/EC on equal

[177] Judgment of 22 November 2005, *Werner Mangold v. Rüdiger Helm*, C-144/04, ECLI:EU:C:2005:709, available at: http://curia.europa.eu/juris/liste.jsf?language=en&num=C-144/04.

[178] Judgment of 19 January 2010, *Seda Kücükdeveci v. Swedex GmbH & Co. KG*, C-555/07, ECLI:EU:C:2010:21, available at: http://curia.europa.eu/juris/liste.jsf?language=en&num=C-555/07.

[179] Single-member Court of First Instance of Athens, Case No. 4421/2024 on the obstacle to the election of candidates over the age of 70 to the administrative board of a sports federation (*Μονομελές Πρωτοδικείο Αθηνών, υπόθεση 4421/2024 σχετικάμε 'κώλυμα εκλογής υποψηφίωνάνωτων 70 ετώνστοΔιοικητικό Συμβούλιο αθλητικήςομοσπονδίας'*), 01 May 2024, available in Greek at: https://www.athensinlaw.gr/wp-content/uploads/2024/07/%CE%9C%CE%A0%CF%81%CE%91%CE%B8-4421-2024.pdf.

treatment. The court invalidated the relevant provision of Law 4726/2020[180] citing that it introduced unlawful discrimination and violated various constitutional protections.

Article 6 of Equal Treatment Law 4443/2016 lists potential legitimate aims such as: the introduction of special conditions for access to employment and vocational training as well as for employment and occupation, including dismissal and remuneration, for young people, older people and other dependents, in order to facilitate their integration or to ensure their protection; setting minimum age limits, employment experience or seniority in employment for access to it or to certain employment-related benefits; and setting an age limit for recruitment, based on the training required for the specific job position or the need for a reasonable period of employment before retirement.

c) Permitted differences of treatment based on age

In Greece, national law does not permit differences of treatment based on age for any activities within the material scope of Directive 2000/78/EC, except for the armed forces, as detailed in the remainder of this section (see above).

d) Fixing of ages for admission to occupational pension schemes

In Greece, national law allows occupational pension schemes to set ages for admission to the scheme, taking up the opportunity provided by Article 6(2).

Article 6(2) of Equal Treatment Law 4443/2016 allows occupational pension schemes to set ages for admission to the scheme and entitlement to benefits.

The Law does not refer to the use of age criteria in actuarial calculations or to relevant restrictions.

There is no relevant case law.

4.6.2 Special conditions for younger or older workers

In Greece, there are special conditions set by law for older or younger workers in order to promote their vocational integration.

Article 6 of Equal Treatment Law 4443/2016 transposes Article 6 of Directive 2000/78/EC verbatim.

It is notable that, in the Recommendations[181] adopted by the plenary session of 20 November 2014 on the protection of older people from discrimination, the National Commission for Human Rights (NCHR) noted that the existence of a coherent legal framework for protection against discrimination on the ground of age is of fundamental importance, especially now that age has become the most common reason for discrimination in Europe.[182] The NCHR pointed out that prohibition of discrimination on the ground of age is not provided *expressis verbis* in most of the international conventions for the protection of human rights.

[180] Greece, Law 4726/2020 on the reform of the institutional framework of the internal elections in sports organisations, distinguished companions of athletes with disabilities, establishment of a National Platform for Sports Integrity, Hellenic Olympic Committee (HOC), Hellenic Paralympic Committee (HCO) and other provisions (*Νόμος 4726/2020 για την 'αναμόρφωσηθεσμικού πλαισίουτων αρχαιρεσιών των αθλητικώνφορέων, διακρινόμενοι συνοδοί αθλητών ΑμεΑ, σύσταση Εθνικής Πλατφόρμας Αθλητικής Ακεραιότητας, Ελληνική Ολυμπιακή Επιτροπή (Ε.Ο.Ε.), Ελληνική Παραολυμπιακή Επιτροπή (Ε.Π.Ε.) και άλλεςδιατάξεις.'*) (OJ 181 A/18.09.2020).

[181] GNCHR, Decision on the rights of older persons, 20 November 2014.

[182] Stangkos, P. (2014), 'Discrimination on the ground of age and the challenge of solidarity between generations in Greek and European Law', *Review of Labour Law*, vol. 73, p. 178.

It was also highlighted that both Article 19 of the Treaty on the Functioning of the European Union and Article 21 of the Charter of Fundamental Rights do, however, explicitly prohibit discrimination on the ground of age. According to the NCHR opinion, a general framework for combating discrimination in employment and workplaces has been established in Greece, under Law 3304/2005, in accordance with Directives 2000/43/EC of 29 June 2000 and 2000/78/EC of 27 November 2000, to ensure the application of the principle of equal treatment. Age discrimination was explicitly mentioned in Law 3304/2005. However, the NCHR noted that the above legislative framework was not considered as adequate for combating age discrimination, given that it was vague and was limited to a mere prohibition of discrimination on the ground of age.

The NCHR also noted that Law 3304/2005 exclusively concerned employment. Moreover, the fact that the legislative framework was not adequate had already been highlighted by the Council of Europe's Committee of Social Rights. The NCHR stressed that it had already identified the need to amend several articles of the Law concerning the scope of equal treatment, positive action, occupational requirements and differences of treatment on the ground of age in order to make these provisions consistent with the letter of Directive 2000/78/EC.[183]

Finally, the NCHR noted that attention should be given to combating stereotypes and prejudice against older people, which lead to discrimination against them (ageism). This phenomenon is associated with viewing older people as 'non-persons' or not the same people as they were before, or as people of a separate and lower category, simply because they have passed through specific life stages. The negative impact of these stereotypes on older people's enjoyment of their fundamental rights should not be underestimated.

Equal Treatment Law 4443/2016 has not introduced any changes to this effect.

The issue of establishing an upper age limit of 23 years, set as a condition for the admission to and the attendance at the apprenticeship vocational education schools (EPAS) of the Hellenic Manpower Employment Organisation (OAED), was brought to the Ombudsman's attention in its *2021 Special Report on Equal Treatment*, issued in July 2022.[184] Addressing OAED, the Ombudsman put forward the legislative framework prohibiting discrimination on grounds of age and requested to be informed about the exact reasons that led to the establishment of the above-mentioned age limit, as well as about the necessity and the purpose served by this limit. In response to the Ombudsman, OAED said that it would forward the Ombudsman's recommendations to the Ministry of Labour, so that a possible modification of the relevant ministerial decision, provisioning the upper age limit of 23 years as a condition for the admission to and the attendance at the apprenticeship vocational education schools, may be examined (Case 284217/2021). The Ombudsman has not published any update related to this case.

4.6.3 Minimum and maximum age requirements

In Greece, there are exceptions permitting minimum and maximum age requirements in relation to access to employment (notably in the public sector) and training.

However, under the provision of Laws 3051/2002, 3144/2003 and 3174/2003, maximum age limits have been abolished for both 'ordinary' personnel and compulsorily placed individuals (persons with disabilities, subject to Law 2643/1998) in relation to access or

[183] In its previous relevant Recommendations (2003 and 2010), the NCHR had stressed that the anti-discrimination law, Law 3304/2005, should, in order to incorporate Council Directive 2000/78/EC in a technically correct manner, repeat provisions included in Law 3051/2002, according to which an upper age limit for hiring people for positions is abolished in both the public and private sectors (with exceptions).

[184] Greek Ombudsman (2022), Report on Equal Treatment 2021 (*Έκθεση Ίσης Μεταχείρισης* 2021), July 2022, p. 34, available at: https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-2021-or-equal-treatment.

appointment to the public sector, public entities, local administration organisations (at levels a and b), and legal entities established under private law operating in the public sector.

Age is specified as a condition for participating in the competitive recruitment arrangements for court clerks, firefighters and armed and security corps and for the appointment of mediators and referees.[185] Younger and older people usually face restrictions and disincentives upon accepting or when maintaining a position.[186]

Concerning the protection of young persons from discrimination in the field of employment, Article 7 of Law 4358/2016[187] introduced a minimum age of 15 years for the employment of young persons, subject to specific exceptions, and a minimum age of 18 years for admission to employment for occupations regarded as 'dangerous' or 'unhealthy' – but without any further definition of the above terms. The same Article bans the employment of children who are still attending compulsory education, as this would deprive them of the full benefit of their education; and it limits the working hours of persons under 18 years of age. Finally, it forbids the employment of persons under 18 in night work and ensures their special protection against physical and moral dangers to which children and young people may be exposed, particularly those resulting directly or indirectly from their work.

The Greek Ombudsman examined a plethora of petitions it received concerning the arbitrary and abusive determination of maximum age requirements in order for people to have access to professional activities, with no specific reasoning concerning the use of age as a criterion for access. In the vast majority of these cases, the justification provided by the administration – when there was no complete lack of justification– was indefinite and inadequate and was not based on objective evidence. The efforts of the Ombudsman are focused on familiarising the administration with the obligation to specifically justify any maximum age requirement determination, with an undertaking to act towards the revocation of arbitrary age constraints, especially when such constraints are a result of stereotypical remnants or prejudice. Usually, people belonging to older age groups are excluded from the possibility of accessing a plethora of professional activities, based on the indiscriminate assumption that the said people lack characteristics – immediately connected to their age – which would have allowed them to effectively fulfil their duties.

With his Opinion No. 328523/67719,[188] which was adopted on 20 January 2023, the Greek Ombudsman, as the competent equality body for combating age discrimination among other grounds of discrimination, after having received a relevant complaint on 5 December 2022, dealt with the issue of the refusal by the Rodopi Bar Association to hire an administrative employee with an open-ended employment contract, as in the relevant advertisement the upper age limit was the 40th year of age. In particular, according to the call for expression of interest, among the required qualifications it was defined that candidates must be between 25 and 40 years old.

The Ombudsman's Opinion, addressed to the Rodopi Bar Association, noted that based on Equal Treatment Law 4443/2016, any form of discrimination is prohibited on the grounds of, *inter alia*, age, whether direct or indirect. He also informed the Association that the prohibition of discriminatory treatment applies, in principle, to all persons, in the public and private sectors, in the field of work and employment, which, among other things,

[185] Information in this section was taken from the Greek Ombudsman's *Annual Report 2012*, available in Greek at: https://old.synigoros.gr/?i=stp.el.annreports.93950 . In 2012, the Ombudsman received seven complaints on discrimination on the ground of age.

[186] National Centre for Social Research (2012), *Combating discrimination in Greece: State of the art, challenges and policy interventions*, p. 56, available at http://ekke.gr/ocd/wp-content/uploads/2014/01/EKKE_discrimination_book_en.pdf.

[187] Law 4358/2016 on the ratification of the Revised European Social Charter (OJ 5 A/20.01.2016).

[188] Greek Ombudsman's Opinion No. 328523/67719, available in Greek at: https://www.aftodioikisi.gr/nomothesia/paremvasi-stp-gia-tinapaloifi-anotatoy-orioy-ilikias-se-prokiryxi/.

covers the conditions of access to work and employment in general, including the selection criteria and hiring conditions, regardless of the branch of activity and at all levels of the professional hierarchy (Equal Treatment Law 4443/2016, Article 3 paragraph 1a). According to the Ombudsman, in order for the different treatment to be acceptable and not to constitute discrimination, it should be based on a characteristic which, due to the nature or context of the specific professional activities, constitutes a genuine and determining occupational requirement, and if the relevant purpose is legitimate and the condition proportionate.

Furthermore, the Ombudsman emphasised that in many cases that he has examined and which had as their object the establishment of an upper age limit for access to jobs, he has found that age is linked, often stereotypically, to physical characteristics and special physical abilities that are considered to be found only in younger people, without it even appearing that such abilities are necessary for the exercise of the duties of the specific positions. In addition, the Ombudsman informed the Rodopi Bar Association that it is tasked with investigating whether provisions or conditions introducing upper age limits have been based on specific justification, as required by law.

Moreover, as emphasised by the equality body, a legitimate derogation from the general principle of prohibition of age discrimination is allowed only when the different treatment based on an age-related characteristic is specifically justified. In light of the above, since the disputed proclamation set an upper (and lower) age limit for the speciality of the administrative officer, the Ombudsman expressed the view that it introduces direct age discrimination and is prohibited based on Directive 2000/78/EC and Law 4443/2016. Finally, the Ombudsman called on the Rodopi Bar Association to let him know the exact reasons why age has been considered an essential qualification for the exercise of the duties of the specific speciality of the administrative officer, what purpose exactly is served by the determination of the age limitations – minimum and maximum – and how the principle of proportionality is fulfilled. For this reason, as pointed out by the Ombudsman, it would be appropriate to clarify the exact tasks that the recruited administrative employee will be asked to perform, because it is neither obvious nor self-evident that the exercise of administrative tasks is linked to age.

As a result, the Rodopi Bar Association, responding directly to the Ombudsman's document, issued a new call for expressions of interest, completely removing both the age restrictions.

Another case that should be highlighted is one regarding the public competition for notaries: on 8 September 2023, the list of winners of the 2022 Notary Competition[189] was made public. The list showed that out of 1 000 applicants, less than 450 public notaries were appointed, because the remaining 550 applicants were older than 40, the maximum age limit imposed by the law.[190] A group of participants excluded from the process filed a complaint before the administrative courts claiming discrimination on grounds of age. While the age of the complainants had been known from the beginning to the competent three-member organising committee of the Athens Court of Appeal, the committee had allowed them to participate in a demanding and exhaustive examination process. However, at the end, their appointment was denied, since they exceeded the age limit, despite the fact that, in the past, the previous upper age limit of 42 years of age, which had been established by the Code of Notaries (with Law 2830/2020), was found to be unlawful by both the Supreme Administrative Court[191] and the State Law Council.[192] More specifically,

[189] Administrative act of publication of the Final Ranking Table of Candidate Notaries for the year 2022 (OJ C 921/18.04.2022).

[190] Greece, Law 4871/2021 on 'Reforms to the legislative framework of the National School of Judicial Officers and other urgent provisions' (*Νόμος 4871/2021 μετίτλο 'Μεταρρυθμίσεις στο νομοθετικό πλαίσιο της Εθνικής Σχολής Δικαστικών Λειτουργών και άλλες επείγουσες διατάξεις'*) (OJA 246/10.12.2021), Article 17.

[191] The Council of State.

[192] The State Law Council is the official legal service of the Government.

the Council of State in the past had found that the establishment of the then upper age limit of 42 years of age was not justified and therefore, in violation of Articles 4(1) and 6(1) of Directive 2000/78/EC (decision 2421/2018[193]). In that case (from 2018), the court ordered the Ministry of Justice to appoint the candidates that were then excluded; their appointment took place in 2024.

In the Greek Ombudsman's *2023 Special Report on Equal Treatment*,[194] issued in 2024, the Ombudsman once again recalled the issue of maximum age limit. The report very clearly stated that even though the upper age limit of the 42nd year of age that had previously applied to the appointment of a public notary (under Article 21 of Law 2830/2000) – and which had already been found by Decision 2421/2018 of the Council of State (Supreme Administrative Court) to be contrary to Equal Treatment Law 4443/2016 and to Articles 4(1) and 6(1) of Directive 2000/78/EC – had been increased to 45 years (from 42) by Article 54 of Law 4745/2020, it in no way remedied the previously established violation of essential provisions of EU and national law, since the selection of the specific maximum age limit of 45th year had not been specifically justified, as it should be, under the provision of Article 4(1) or Article 6(1) of Law 4443/2016 and, of course, under the corresponding provisions of the above Directive. According to the Ombudsman, the age limit should be abolished completely. However, there was no further response from the Ministry of Justice regarding this specific proposal. Instead, an even lower upper age limit for 40 years was established through Law 4871/2021, as mentioned earlier above. In essence, within a couple of years the upper age limit fluctuated: it went from 42 years to 45 years only to be reduced again, this time to 40 years.

The *2023 Special Report on Equal Treatment*[195] also includes a case in which the equality body received a complaint when a draft law relating to the establishment of the Judicial Police Service was put out to public consultation and provided, as an upper age limit for the staff of the Judicial Police, the 28th year. Addressing the Ministry of Justice, the Ombudsman commented on this and requested a specific justification for the choice of the specific upper age limit. Finally, in the law that was passed (Article 7 of Law 4963/2022), the 30th year of age was defined as the maximum age limit. However, the Ombudsman returned to the issue in his case 321392/2023 and, taking into account the tasks that the candidates in the police sector would be asked to undertake but also the fact that their physical fitness would be established through health examinations and sports tests, again asked for clarification of the necessity of setting the 30th year of age as the upper age limit. In a new draft law submitted to Parliament in September 2023, the 32nd year of age was set as the upper age limit. Finally, in Law 5049/2023 as passed, the maximum appointment age for staff in the police sector was further increased and was fixed at the 35th year.

4.6.4 Retirement

a) State pension age

In Greece, there is a state pension age (at which individuals may begin to collect their state pensions);[196] this age is 67 years old but for certain categories it may even start

[193] Not available online.
[194] Greek Ombudsman (2023), *2023 Special Report on Equal Treatment* (Έκθεση Ίσης Μεταχείρισης 2023), November 2023, p. 50, available in Greek at: https://www.synigoros.gr/el/category/default/post/eidikh-ek8esh-2023-or-ish-metaxeirish. Please note that he Ombudsman's Equal Treatment Report for 2024 was issued after the preparation of present report.
[195] Greek Ombudsman (2023), *2023 Special Report on Equal Treatment*, p.50.
[196] The state pension age varies and corresponds to specific categories which combine years of service with age, gender and family status, including up to 2022.

from 62 years old (with 40 years of service). A similar scheme also applies to the private sector.[197]

An individual cannot collect their state pension and still work in the public sector. If an individual wishes to work for longer (for a different employer),[198] then no legal provision allows the collection of pension benefits prior to their retirement. Thus, only when people retire may they collect state pension benefits. This means that a civil servant would have to file a petition to retire first and then start working for a private employer in order to collect state pension benefits. It should be highlighted, however, that in such cases, the worker will not be awarded the full amount of their pension (because they will be insured for their new work position under a different insurance scheme from that which applies to the private sector).

There is no relevant case law.

b) Occupational pension schemes

In Greece, there is a standard age when people can begin to receive payments from occupational pension schemes and other employer-funded pension arrangements. This 'normal age' is not fixed, but it is determined by the sector-related pension scheme that each person belongs to.

According to Article 1 of Law 4093/2012, individuals may work for longer if they wish, but only in the private sector. If an individual wishes to work for longer, payments from such occupational pension schemes can be deferred.

There is no legal provision allowing a person to collect a pension and still work. Yet this does not necessarily mean that a person is not allowed to do it. However, given the way the social insurance framework is structured, it would be highly unlikely, in practice, that the person would receive the full amount.

There is no relevant case law.

An important issue that had been revealed by civil society organisations in 2022[199] consisted in the different calculation of the pension for citizens of third countries, which seems to be in contrast with what is defined in the Immigration and Social Integration Code (No. 21 paragraph 2 of L. 4251/2014) on equality of insurance rights of nationals and foreigners legally residing in the country. Most such foreigners are of an ethnic origin different from the one of nationals and this is the reason why civil society organisations such as Generation 2.0 consider this unequal treatment to be discriminatory. In particular, according to the current legislation (Law 4387/2016), foreigners, like Greek citizens, in order to receive the full amount of the minimum pension (EUR 384), must have completed at least 20 years of insurance. Foreigners, however, in order to receive it, will have to meet an additional condition: to prove 40 years of permanent and legal residence in Greece. Those who do not meet this condition receive a reduced pension at a ratio of 1/40 for each year that is missing. Proof of 40 years of legal residence is impossible for most third-country nationals, as the only way of certification is residence permits and the first coordinated legalisation process in Greece only started in 1998.

[197] For occupations characterised as hard and unsanitary (*βαρέα και ανθυγιεινά*), i.e. with hazardous working conditions, individuals may be awarded a full pension at the age of 62 as long as they have been insured for 4 500 days, 3 375 of which must include hazardous work.

[198] In Greece, there is a mandatory retirement age in the public sector, which requires an individual to resign. However, this does not mean that the individual does not have access to employment under a different employer.

[199] Press release of Generation 2.0 issued on 27.09.2022, available in Greek at: https://g2red.org/el/double-standards-in-immigrants-pensions/.

Since 2019, the organisation Generation 2.0 had submitted a report to the Ombudsman regarding the issue, who in his response on 25 February 2020 emphasises that 'the criterion of years of residence is foreign to the Greek insurance system', because 'the calculation of benefits based on insurance time was and remains a key element of its architecture'. In addition, the Ombudsman states that the 40-year residence test in Greece for the granting of the full national pension requires applicants to submit impossible proof and therefore the loopholes in the legislation during the 1990s should be taken into account. The reduction of the national pension based on years of residence leads to very low pensions and at the same time to very large inequalities between insured persons with the same insurance period and the same pensionable earnings.

Moreover, a joint ministerial decision[200] was issued in 2022 defining a new way of calculating the national pension of expatriates coming from Albania and the former Soviet Union, reducing for them the required years of legal residence from 40 to 30. However, it is obvious that this specific provision does not solve the discrimination but perpetuates it. On the one hand, it does not concern all citizens of third countries, but creates one more subcategory and two periods in the calculation of the national pension for foreigners, and on the other hand, the reduction to 30 years is not enough for most of the expatriates. As of December 2024, the Ombudsman has not published anything on this issue.

c) State-imposed mandatory retirement ages

In Greece, there is a mandatory retirement age of 67 years, which is constitutionally established for certain public servants – for both men and women equally. In particular, Article 16(6) of the Greek Constitution provides that university professors may not exceed the age of 67, while Article 118(1) of the Constitution provides that judges may not exceed the age of 67.

There is no state-imposed mandatory retirement age in the private sector.

There have been no recent changes in this respect, and none are planned in the near future.

There is also a mandatory retirement age for civil servants (67 years of age after the completion of 40 years).[201]

d) Retirement ages imposed by employers

In Greece, national law does not permit employers to set retirement ages (or ages at which the termination of an employment contract is possible) by contract and/or collective bargaining and/or unilaterally.

There are still company operating manuals and corporate charters (mainly of banks and state enterprises) which provide for different retirement ages based on gender (women having to retire at a lower age). However, these provisions, by virtue of Law 4443/2016, the Equal Treatment Law, can no longer be applied. On the other hand, under the terms of collective labour agreements, other binding regulatory provisions still exist (mainly the aforementioned bank corporate charters), which permit employers to require employees to retire because they have reached a certain age. Nevertheless, under the terms of the Equal Treatment Law, these provisions have been nullified (and are therefore no longer in force), as they are not in conformity with the Law's requirements. In this respect, the law on protection against dismissal could apply to all workers, irrespective of age, although – as has been stressed before – these issues have not yet been properly and seriously examined.

[200] Ministerial Decision 73135/2022 'on calculation of national pension of expatriated persons' (*Υπουργική Απόφαση* 73135/2022 '*για τον υπολογισμότηςεθνικήςσύνταξης τωνομογενών*') (OJ B 4135/03.08.2022).
[201] Article 1(IA.4) of Law 4093/2012 (OJ 222 A/12.11.2012).

In practice, people in older age groups often choose to retire early in order to avoid being subject to negative treatment or feelings of educational inferiority and limited occupational adaptability. This is due to the fact that older people face stereotyping regarding their age (e.g. lack of strength, poorer health, lack of physical agility and endurance, outdated education, etc).

e) Employment rights applicable to all workers irrespective of age

The national law on protection against dismissal (Law 2112/1920[202] and Law 3198/1955)[203] applies to all workers, irrespective of age. Therefore, these rights are not lost on attaining pensionable age or another age. However, as noted above, a worker dismissed because they reached their pensionable age can, apart from their pension, also claim 50 % of the compensation for being dismissed (or 40 % if they are in a subsidiary insurance scheme).

The advanced age of certain workers has in the past – prior to the adoption of equal treatment legislation – constituted a reason for their being dismissed. There were cases where workers had reached full pension age and were dismissed on this basis.[204] This put workers in a worse position than those who had reached the full pension age, but who were nonetheless dismissed on other grounds (allowing them to claim compensation in addition to their pension). Following the adoption of Equal Treatment Law 4443/2016, people who have been dismissed because they reached their pensionable age can claim 50 % of the compensation for being dismissed (or 40 % if they are in a subsidiary insurance scheme).[205] Older people are also forced to overcome other difficulties concerning their access to or reintegration into the job market, because they have been unemployed for a long time, they were dismissed a few years before reaching retirement age or because of the lack of adequate infrastructure for the care of vulnerable groups.[206]

f) Compliance of national law with CJEU case law

In Greece, national legislation is in line with the CJEU case law on age regarding mandatory retirement.

4.6.5 Redundancy

a) Age and seniority taken into account for redundancy selection

In Greece, national law permits age and/or seniority to be taken into account in selecting workers for redundancy.

In line with the EU Directive 98/59, Law 1387/1983 defines 'collective redundancies' as 'dismissals effected by an employer for one or more reasons not related to the individual workers concerned' (Article 1). The legislation does not refer specifically to economic and technical reasons. In the past, the courts, in contradiction to the above provision, would relate these 'reasons' to the individual worker by including those related to the behaviour or ability (as in the skill set) of the worker or those related to the personal situation of the

[202] Law 2112/1920 on the mandatory breach of contract (OJ 67 A/18.03.1920).
[203] Law 3198/1955 on the amendment of the mandatory breach of contract (OJ 98 A/23.04.1955).
[204] Decision 33/2006 of the Authority for Personal Data Protection. In this case, an employer requested information from his workers in order to identify those who were of pensionable age. The Authority stated that this was clearly discriminatory on the ground of age. Available in Greek at: www.dpa.gr/portal/page?_pageid=33%2C15453&_dad=portal&_schema=PORTAL&_piref33_15473_33_15453_15453.etos=2006&_piref33_15473_33_15453_15453.arithmosApofasis=33&_piref33_15473_33_15453_15453.thematikiEnotita=-1&_piref33_15473_33_15453_15453.ananeosi=%25.
[205] Individuals who will be granted a reduced pension or a pension due to disability can claim the full amount of the compensation if they are dismissed.
[206] Information in this section was taken from: 50plus Hellas (2013), 'Position paper on active and healthy ageing' (*50καιΕλλάς: Θέσεις και προτάσειςγια τηνενεργό και υγιήγήρανση στηνΕλλάδα*), www.50plus.gr/images/files/50kaiHellas_Position_Paper_on_Active_and_Healthy_Ageing.pdf.

worker (e.g. illness or retirement); however, this is no longer the case.[207] Retirement has been accepted as a reason for preference for redundancy.

b) Age taken into account for redundancy compensation

As far as compensation for redundancy is concerned, this is affected by the number of years the employee has worked for one employer. It could be said that compensation is hence indirectly affected by the age of the worker.

In Greece, national law provides compensation for redundancy, since there is no specific exception for this kind of compensation in the relevant Laws 2112/1920 and 3198/1955 that concern the private sector. Therefore, this is affected by the age of the worker.

There is no relevant case law.

4.7 Further exceptions necessary in a democratic society: Public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others (Article 2(5), Directive 2000/78)

In Greece, national law includes exceptions that seek to rely on Article 2(5) of the Employment Equality Directive.

Article 2b of Law 4443/2016, which transposes Articles 2 of both EU Directives 2000/43/EC and 2000/78/EC, verbatim states that:

> '"Indirect discrimination" does not exist if the provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving it are appropriate and necessary, if the measures taken are necessary to maintain public security, ensure public order, prevent criminal offences, protect the health, rights and freedoms of others or when it concerns persons with disabilities or chronic illnesses and measures taken in their favour, in accordance with par. 6 of Article 21 of the Constitution and Article 5 of this Act.'

4.8 Any other exceptions

In Greece, there are no other exceptions to the prohibition of discrimination (on any grounds covered by this report) provided in national law.

[207] Court of Appeal of Thessaloniki, 2840/1987, in *Revue de Droit du Travail*, 1987, vol. 44, p. 88 (in Greek).

5 POSITIVE ACTION (Article 5 Directive 2000/43, Article 7 Directive 2000/78)

a) Scope for positive action measures

In Greece, positive action in respect of race, colour, national or ethnic origin, religion or belief, disability, age or sexual orientation is permitted in national law.

Article 7 of Equal Treatment Law 4443/2016 enshrines Article 5 of Council Directive 2000/43/EC and Article 7 of Council Directive 2000/78/EC. It reiterates that any measures adopted for promoting and ensuring equal treatment are not considered to be discrimination.

The text of Law 4443/2016 does not include any requirements that must be met in order for positive action to be implemented, e.g. necessity or proportionality.

Moreover, the adoption of positive measures for promoting equality is an obligation imposed upon the state under Article 116(2) of the revised Constitution.

This provision, in conjunction with Articles 21(3) and 21(6) of the Constitution, is perceived as guaranteeing the principle of 'proportional equality' and assisting in the 'elimination of existing inequalities'.

Even though the main preoccupation of the Constitution of 2001 is obviously the promotion and protection of women's rights, the wording of Article 116(2) is all-inclusive, laying down an obligation on the state to act through positive measures for the elimination of all kinds of 'inequalities', a term that undoubtedly pertains to discrimination on all grounds covered by Council Directives 2000/78/EC and 2000/43/EC, given that it has been transposed into the Greek legal system.

Greek case law, especially that of the Greek Council of State, accepted and established the legitimacy of legislative or administrative positive action measures aimed at the advancement of gender equality even before the above provision of the Constitution. The majority opinion of the Greek Council of State, in its Judgment 1917/1998,[208] explicitly recognised that there may be cases which show that, in practice, a certain category of individuals has been discriminated against 'due to social prejudice', leading to only nominal equality. Concomitantly, the court stated that, in principle, the spirit of Articles 4(1) and 4(2) of the Constitution (the latter provision stating that 'Greek men and women have equal rights and obligations') allows the state to take appropriate and necessary 'positive action' for a certain period of time, until the existing situation of inequality has ceased. The Greek Council of State concluded that, in principle, it would certainly be legitimate for the Greek state to adopt 'positive measures' for women, in so far as these measures are aimed at 'accelerating the restoration of *de facto* equality between men and women'.

This jurisprudence was affirmed by the same court's Judgment 1933/1998,[209] in which 'positive action' in favour of women by the state was regarded as justified and was founded not only on the Constitution, but also on Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions (Article 2(4)), as well as on Article 4(1) of the UN Convention on the Elimination of All Forms of

[208] Greek Council of State Judgment 1917/1998 (Plenary). *Review of public and administrative law* (*Επιθεωρήσεις δημοσίου δικαίου και διοικητικού δικαίου)*, 1998, vol. 42*,* p. 577. Article 6 of Law 2839/2000 also established in principle a quota of one third in favour of women with regard to posts on boards of public and private organisations.

[209] *Review of public and administrative law*, 1998, vol. 42 p. 585. On the right to equality, see also Greek Council of State Judgments 1156/2000 and 2096/2000, *To Syntagma*, 2000, vol. 26, pp. 927 and 1 288 respectively (in Greek).

Discrimination Against Women of 1979 (which has been ratified by Greece). The wording of the Greek Supreme Administrative Court judgments is almost identical to that of the UN Convention provision. This significant case law, along with the constitutional provision of Article 116(2), should certainly be regarded as a basis for the establishment of positive action by Greece in favour of racial and ethnic groups, as well as other grounds upon which discrimination occurs *de facto* and/or *de jure*. Greek courts still apply this case law in recent judgments.[210]

Finally, as far as persons with disabilities are concerned, in July 2019, the National Commission of Human Rights in its shadow report to the UN Committee on the Rights of Persons with Disabilities made a set of recommendations in which it called for the Greek state:[211]

- To take more targeted measures to implement the principle of equal treatment in the employment of persons with disabilities and to measure their effectiveness through the use of concrete benchmarks and indicators. It also called for the state to keep diversified statistical data on persons with disabilities with additional characteristics, namely women, children, older persons migrants, etc.
- To intensify its efforts to achieve better results regarding the transition of persons with disabilities from sheltered workshops to the open labour market, and to introduce new forms of social cooperative enterprise guaranteeing the right to work for persons with disabilities.
- To take measures to mainstream the dimension of disability into the policy design of the OAED (Manpower Employment Organisation).
- To re-establish the procedure for concluding national general collective agreements (NGCAs) and implementing their full content, scope and binding force with a view to maintaining the NGCA as the key institutional instrument guaranteeing the general interest and the interests of workers.

The Greek National Commission for Human Rights has not published any new data in relation to the above recommendations. It should be noted that the Greek Government has to report to the UNCRPD Committee by 30 June 2026.

b) Quotas in employment for persons with disabilities

In Greece, national law provides for quotas for the employment of persons with disabilities.

A number of measures exist in Greece to promote the employment of persons with disabilities. A quota system exists whereby a quota of jobs is reserved for people from certain vulnerable groups in the population and includes persons with disabilities.

Articles 1 and 2 of Law 2643/1998,[212] as amended, provide that both private enterprises and public sector bodies that employ more than 50 persons are subject to the quota.

According to Article 2, the quotas for vulnerable groups amount to 8 % for the private sector and 10 % for the public sector. Article 6 of Law 4765/2021[213] raised the 10 % quota to 12 % of the total of the announced permanent public sector staff positions and of the

[210] Namely, Decision No. 115/2021 of the Greek Court of Auditors and Nos. 319-322/2020 of the Plenary of the Greek Court of Auditors.

[211] NCHR (2019) *Shadow Report to the UN Committee on the Rights of Persons with Disabilities*: http://www.nchr.gr/images/pdf/apofaseis/ellinikes_ektheseis_en_ell_org/OHE/GNCHR%20Shadow%20Report%20on%20the%20Rights%20of%20Persons%20with%20Disabilities%20CRPD.pdf.

[212] Law 2643/1998 on care for the employment of persons of special categories and other provisions (OJ 220A/28.09.1998).

[213] Law 4765/2021 on a modernisation of the recruitment system in the public sector and strengthening of the Supreme Personnel Selection Board (*Νόμος* 4765/2021 '*για τονεκσυγχρονισμότουσυστήματος προσλήψεωνστονδημόσιοτομέα και ενίσχυσητου Ανώτατου Συμβουλίου Επιλογής Προσωπικού*') (OJ 6 A/15.01.2021).

positions of personnel who have an indefinite employment contract in the public sector in the categories of university education, technological education, secondary education and compulsory education by branch and speciality that should be filled by those who have a disability grade of at least 50 %. The provision still applied in 2024.

Therefore, in total, since 1998 there has been a remarkable increase of the quota percentage set in the legislation for the recruitment of persons with disabilities (i.e. they started initially from 5-7 %, then to 10 % and since 2021 to a 12 % quota for placing persons with disabilities in public sector posts.

As far as sanctions are concerned, Article 12(1) of the Law provides for the imposition of a fine equal to six monthly (minimum) salaries for the private sector, under an order issued by the competent labour inspector and per each identified violation. This fine is added as a tax burden to the entity if it is not paid on time (Article 12(3)). Although there are no specific sanctions for the public sector, the latter is obliged in any case to implement the relevant legislation, and any possible non-compliance would result in a breach of duty. However, there are no available data concerning the imposition of fines, and thus it is difficult to determine how this measure works in practice.

There is no case law or data on the number of persons with disabilities employed in the public sector and the civil service, and therefore there are no data on the levels of compliance with the quota(s).

However, there have been a number of judgments in cases brought by individuals who were not hired, where public or private enterprises are condemned for not applying the quotas and are ordered to pay compensation and hire the individual.[214] This means that an individual person with disabilities has a right to be hired under the quota for the available placements.

[214] See, for example: Administrative Court of Appeal of Athens, Decision No. 378/2015; Greek Council of State, Decision No. 879/2017; Appeal Court of Patra, Decision No. 735/2006; Appeal Court of Athens, Decision No. 8728/2006.

6 REMEDIES AND ENFORCEMENT

6.1 Judicial and/or administrative procedures (Article 7 Directive 2000/43, Article 9 Directive 2000/78)

a) Available procedures for enforcing the principle of equal treatment

In Greece, the following procedures exist for enforcing the principle of equal treatment: judicial, administrative, or alternative dispute resolution such as mediation.

Article 8 of Equal Treatment Law 4443/2016 enshrines Article 7 of Council Directive 2000/43/EC and Article 9 of Council Directive 2000/78/EC.

A victim of discrimination in the private sector, including in the field of employment, can raise a complaint before the Greek civil courts and criminal courts, or can choose, through his/her lawyer, to reach an extrajudicial settlement, even through mediation. They can also file a complaint before the Labour Inspectorate (SEPE) or with the Office of the Greek Ombudsman.

A victim in the public sector, including in the field of employment, can raise a complaint not only before the civil and criminal courts but also before the administrative courts (in accordance with the jurisdictional requirements related to the competence of the courts). The victim can also notify the SEPE or file a complaint with the Ombudsman.

Persons with disabilities are entitled to request information to be supplied and/or trials to be held using alternative formats, for example using sign language or information in Braille. All the courts are physically accessible for persons with disabilities (e.g. wheelchair users). There are administrative procedures which allow for the inspection of workplaces, schools and public buildings (i.e. inspections in relation to persons with disabilities and their needs).[215]

According to Article 44 of Law 3386/2005,[216] as amended by Article 42 of Law 3907/2011,[217] if a criminal prosecution has been initiated, victims of criminal acts under Articles 1 and 7 of the basic Anti-racism Law 927/1979[218] may be granted a residence permit on humanitarian grounds until the judgment is issued. If the victims are undergoing medical treatment, the duration of the permit is extended until the treatment is completed, regardless of its relevance to the crime.

The above procedures are binding in both the private and public sectors.

b) Barriers and other deterrents faced by litigants seeking redress

The principal barrier that litigants face is the requirement to instruct a lawyer, mainly in judicial and administrative procedures, because the fees are very high for the victim (in administrative procedures in particular, lawyers are especially necessary because certain preconditions related to the procedure and the substantiality of the complaint are necessary and must be met for the admissibility of a case before the administrative courts), which means that in cases where the respondent is the public administration, the applicant will have to pay lawyer's fees for two separate procedures: the administrative procedure and the judicial procedure before the administrative court. This is an issue mainly for public servants or litigation with the administration. If, however, the respondent

[215] Ministry of the Interior (2007), *Οδηγός του Πολίτημε Αναπηρία* (Guide for citizens with disabilities), Chapter 2.8, available in Greek.
[216] Law 3386/2005 on the entry, stay and social integration of third-country nationals in Greek territory (OJ 90 A/18.04.2013).
[217] Law 3907/2011 on the establishment and organisation of the Asylum Service *et al*. (OJ 7 A/26.01.2011).
[218] Law 927/1979 on penal sanctions for acts of discrimination based on race (OJ 139 A/28.6.1979).

is a private person, there is no necessary administrative procedure that has to be concluded prior to seeking redress before the civil courts.

Moreover, on 30 January 2011, in accordance with Ministerial Decision KYA 123827//23-12-2010, the fee that has to be paid to the police in order to register a complaint before the criminal courts was increased by 900 % (EUR 100 instead of EUR 10). This seems to constitute a deterrent to seeking redress.

There is no separate procedure for legal aid in relation to discrimination cases. The general procedure applies. Responsibility for legal aid is shared between the Ministry of Justice, the courts and the bar associations. In civil, administrative and criminal cases, a person who lacks the financial means to pay for legal assistance submits an application to the Ministry of Justice. A judge or justice of the peace reviews the application and decides whether to grant legal aid. This decision is appealable to a three-judge district court. Each bar association creates a list of lawyers who are on duty to provide legal aid services.

Time limits are very strict (there is a three-month period in which to file a complaint), regardless of sector.[219]

On the other hand, individuals can bring a case after the employment relationship has ended (because of either dismissal or resignation) in both the private and public sectors within a time period set out in the employment agreement.

Finally, it should be noted that the conditions for providing legal aid to low-income citizens were adjusted under Law 5023/2023. Free legal aid is now provided to persons with disability of 67 % and above, irrespective of their income status. The provision aims to improve access to justice for persons with disabilities by effectively implementing both the provisions of the Greek Constitution (Article 20) as well as Article 13 of the United Nations Convention on the Rights of Persons with Disabilities.

c) Number of discrimination cases brought to justice

In Greece, statistics on the number of court cases related to discrimination which have been brought to justice are not available.

It should be noted that, in relation to racist violence, a uniform way of recording crimes with possible racist characteristics was established, between the State Security Directorate of the Greek Police Headquarters and the Ministry of Justice. In this context, a single state mechanism for recording incidents of racist violence has been established at the Ministry of Justice, with the obligation of the Hellenic Police to send, twice a year, the data on cases that are reported or recorded in its services, so that they can be further analysed and used for the monitoring of the criminal procedure of the relevant cases. These data are collected in order to correspond to the state's international obligations (obligations arising from Greece's participation in international organisations, for example the Council of Europe and Organisation for Security and Co-operation in Europe - OSCE) and to provide information to the EU institutions. They are also used for continuous monitoring of the phenomenon as well as the planning of the prevention and suppression of racist crimes.

Based on the data recorded, the following reports are produced on an annual basis:

- pending cases at the beginning of the reporting period
- pending cases at the end of the reporting period
- criminal prosecutions
- first-degree convictions
- second-degree convictions

[219] Article 117(1) of the Greek Criminal Code (P.D. 283/1985, as amended) (OJ 106 A/31.05.1985).

- first-degree acquittals
- second-degree decisions
- final judgments
- cases filed in the archive by law provision
- cases filed in the archive of unknown perpetrators.

It should be noted that data collection is expected to be further improved following the operation of the integrated case management system (CMS) for civil and criminal cases (phase I), which has been implemented under the National Strategic Reference Framework (NSRF), for the following areas:

- Management of court cases and workflows.
- Provision of external services through the project portal.
- Production of statistical and administrative reports for the Administration of Justice
- Interoperability with third parties/systems.
- Digitisation of the operational function of the units involved in the flow of 41 courts and prosecutors of the appellate courts of Athens, Thessaloniki, Piraeus and Evia.

In addition, the Greek Police, in the context of improving the recording of incidents of racist violence and building trust with the victims, issued an order to all its services on racism, xenophobia and discrimination which was accompanied by the relevant order of Prosecutor of the Supreme Court and includes the list of 'bias indicators' as defined by the OSCE–Office for Democratic Institutions and Human Rights (OSCE–ODIHR) in 2017.

As yet, there has been no information on the implementation process of the above nor is there a relevant timeline for when the data will become publicly available. So far, the Ministry of Justice has been forwarding data concerning racist crimes to the OSCE-ODIHR (since 2019).[220] This includes quantitative data on hate crimes recorded by the police, prosecution and sentencing.

d) Registration of national court decisions on discrimination cases

In Greece, court decisions on discrimination are not registered as such by national courts.

6.2 Legal standing and associations (Article 7(2) Directive 2000/43, Article 9(2) Directive 2000/78)

a) Engaging in proceedings on behalf of victims of discrimination (representing them)

In Greece, associations, organisations and trade unions are entitled to act on behalf of victims of discrimination.

Article 8(3) of Law 4443/2016 states that:

> 'legal persons, unions or organisations including social partners and trade unions, whose purpose also includes the safeguarding of the principle of equal treatment regardless of race, colour, national or ethnic origin, genealogical descent, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics, may represent the injured party before the courts and represent them before any administrative authority or organ, as long as he/she provides in advance his/her consent through a notarial document or private document, which will bear their certified signature'.

[220] OSCE-ODIHR, *Hate Crime Report, Greece*, last accessed on 19.05.2025.

However, there were no instances in 2024 or in previous years of NGOs or trade unions providing legal support (acting on behalf of the victim) and representation to victims of discrimination.

The categories of legal entities authorised to defend victims of discrimination is very restricted, since it includes only those which have a statutory aim to guarantee and protect the principle of equal treatment (Article 8(3)). There has been no broad interpretation of this Article so far such that any organisation involved in human rights issues could be legitimised. Current legislation does not specify the types of legal entities concerned, and therefore all forms described in the Civil Code fall, in theory, within the scope of national law (associations, non-profit organisations, syndicates and union groups).

The criteria demanded within the framework of Equal Treatment Law 4443/2016, in combination with the general requirements laid down by Greek procedural statutes (Article 62 of the Code of Civil Procedure), are: (a) that NGOs and/or trade unions have 'a legitimate interest in ensuring the application of the principle of equal treatment', which means that any intervening organisations should have as their objective the effective implementation of the principles laid down by the law; and (b) that the victim has given their consent to the organisation, stating that they want and agree to be represented by that organisation. It goes without saying that, under the Greek Code of Civil Procedure, the NGO or trade union must be represented in court by an accredited lawyer (this is not necessary for other bodies such as the Labour Inspectorate). In other words, NGOs that wish to act on behalf of a victim must hire an accredited lawyer, which can be quite costly. Moreover, the only permitted forms of authorisation are either an official notarised document or a private document with an officially authorised signature (Article 8(3) of Equal Treatment Law 4443/2016). There are no special provisions on victim consent in cases where obtaining formal authorisation is problematic.

Moreover, in order for the aims of the relevant provision to be fulfilled, it does not suffice for the aforementioned legal entities to be able to represent discrimination victims; they must also be able to act in their own name. In this way, discrimination victims will be encouraged to report infringements of their rights without fear of retaliation by their employers. In this area, the NCHR[221] has emphasised the need for an explicit provision to the effect that a negative *res judicata* in a case that was filed by a legal entity in its own name will not be binding for the discrimination victim.

Action by all associations is discretionary.

Associations may engage in all types of proceedings (civil, administrative or criminal), in accordance with Article 8(3) of Equal Treatment Law 4443/2016.

There are no specific rules on shifting the burden of proof where associations are engaged in proceedings. The law does not explicitly state that the burden of proof is shifted specifically in cases where the victim is represented by an organisation. However, it is implied, given that the law states that when an individual claims to have been subject to discrimination, there is a shift in the burden of proof.

b) Engaging in proceedings in support of victims of discrimination (joining existing proceedings)

In Greece, associations, organisations and trade unions are entitled to act in support of victims of discrimination.

[221] NCHR (2010), *Παρατηρήσειςσχετικά με το Ν. 3304/2005* (Observations on Law 3304/2005), available at: www.nchr.gr/images/pdf/apofaseis/protaseis_epi_nomoth_keimenwn/n_3304.pdf.

They are entitled to act in support of victims by joining already existing proceedings according to Article 82 of the Code of Civil Procedure, which provides for the possibility of 'additional intervention' in a court process (but only under the strict general requirements laid down by Article 62 of the Code concerning 'legitimate interest', the consent of the victim to be represented, authorisation to the representing lawyer, etc). Moreover, Article 8(4) of Law 4443/2016 further states that legal persons may also intervene (*πρόσθετη παρέμβαση*)in the court proceedings examining a discrimination case before the civil or administrative courts free of charge (i.e. they do not have to submit a separate court fee, *παράβολο*).

Action by all associations is discretionary.

Associations may engage in all types of proceedings (civil, administrative or criminal), according to Article 8(4) of Equal Treatment Law 4443/2016, which refers to the procedures contained in Article 8(3) thereof.

There are no specific rules on shifting the burden of proof where associations are engaged in proceedings. However, since they are participating in support of the victim (and not as a party to the proceedings), a shift in the burden of proof will apply.

c) *Actio popularis*

In Greece, national law does not allow associations, organisations or trade unions to act in the public interest on their own behalf without a specific victim to support or represent (*action popularis*). There was no discussion concerning *actio popularis* when Law 4443/2016 was being introduced.

There is no legal provision for *actio popularis*.

d) Class action

In Greece, national law does not allow associations, organisations or trade unions to act in the interest of more than one individual victim (class action) for claims arising from the same event. There was no discussion concerning class action when Law 4443/2016 was being introduced.

There is no legal provision for class action.

6.3 Burden of proof (Article 8 Directive 2000/43, Article 10 Directive 2000/78)

In Greece, national law requires a full shift of the burden of proof from the complainant to the respondent (in civil law cases). This means that the respondent has to prove that the complainant has not been discriminated against (exceptions apply to criminal procedures where the principle of 'innocent until proven guilty' means that the civil party should prove beyond doubt that the defendant is guilty; note that under Greek law the prosecutor is not a party to the case but is considered part of the judicial body which 'introduces the case' to the court and issues a non-binding opinion to the judges).

The burden of proof in cases where anti-discrimination law has been violated is covered in Article 9 of Equal Treatment Law 4443/2016, which stipulates:

'1. when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment;
2. Paragraph 1 shall not apply to criminal procedures;

3. Paragraph 1 shall also apply in the case of Article 8, para.1.'

There are no separate provisions applying a shift in the burden of proof for each case of alleged harassment, instruction to discriminate or victimisation. A shift in the burden of proof applies in these cases by virtue of the general provision of Article 9 of the Equal Treatment Law.

There was no provision for a shift of the burden of proof before Law 3304/2005 was enacted. Following the repeal of Law 3304/2005, this provision was repeated in Equal Treatment Law 4443/2016 under Article 9.

However, it should be highlighted that the burden of proof is not always shifted in cases before the administrative courts, because there has not been an amendment to the Administrative Procedure Code. Claimants have to include a request for the burden of proof to be shifted in their case by citing the provision of Law 4443/2016 in their claim.

Law 4808/2021,[222] which prohibits all forms of violence and harassment that occur during or associated with or arising from work, stipulates in Article 15 that when the affected person claims that there is violence and harassment in accordance with this Law, his/her claim before the competent court may include a request for the reversal of the burden of proof (the request should be an invocation of the specific article of the Equal Treatment Law on the reversal of burden of proof). The court is obliged to examine the request, otherwise it will constitute grounds for an appeal.

There is no known relevant case law specifically on the burden of proof.

6.4 Victimisation (Article 9 Directive 2000/43, Article 11 Directive 2000/78)

In Greece, there are legal measures of protection against victimisation.

Article 10 of the Equal Treatment Law states:

> 'Protection under Article 8 also includes dismissal or unfavourable treatment of a person in general, which is manifested as a reprisal for a complaint or a request for legal protection, in order to ensure compliance with the principle of equal treatment'.

The wording of the provision shows that prohibition of victimisation also includes protection from dismissal when it is used as a form of reprisal. Therefore, protection against victimisation also includes such measures as are necessary to protect employees against dismissal or other adverse treatment by the employer as a reaction to a complaint within the workplace, or to any legal proceedings aimed at enforcing compliance with the principle of equal treatment (Article 10 of Equal Treatment Law 4443/2016). Taking into account Article 3 of the Equal Treatment Law and the exceptions introduced to the application of the principle of equal treatment, victimisation is prohibited for all grounds in the field of employment, whereas in other fields the ground of age is excluded (see section 3.2 above).

Given that witnesses play the most crucial role in supplying evidence under Article 9 of Equal Treatment Law 4443/2016, they may easily be considered as 'protected persons', as they fall within the definition of 'person' in Article 10, which provides that protection includes protection from dismissal or adverse treatment of a person (or persons) as a reaction to a complaint or proceedings aimed at enforcing compliance with the principle of equal treatment.

[222] See below in section 12.1.

According to the wording of Equal Treatment Law 4443/2016, the reversal of the burden of proof also applies to victimisation by virtue of the general provision of Article 9.

6.5 Sanctions and remedies (Article 15 Directive 2000/43, Article 17 Directive 2000/78)

a) Applicable sanctions in cases of discrimination – in law and in practice

Article 11 of Equal Treatment Law 4443/2016 lists criminal sanctions (six months' to three years' imprisonment and a pecuniary fine of EUR 1 000 to EUR 5 000) and administrative sanctions (pecuniary fine of EUR 146 to EUR 805). The maximum fine imposed on the discriminator in criminal cases is EUR 5 000 (fine to be paid to the state). The maximum fine imposed on those responsible for discrimination in administrative cases is EUR 30 000 (fine to be paid to the state).

The victim can lodge an action for compensation before the civil courts for infringement of their personality rights in cases of 'unlawful harm' (Article 57 of the Civil Code). Compensation for moral damage can be awarded under Articles 920 and 932 (restitution). Actions based on Civil Code violations and relevant restitution is available in administrative cases outside the field of employment through Articles 105-106 of the Introductory Law of the Civil Code (annexed to the Civil Code) when a public sector body or a public authority is liable. In employment cases, public sector employees may claim compensation before the administrative courts.

Based on the above information, there is a differentiation that concerns the specific ground of discrimination based on age (see section 3.2, above) compared to the other grounds. However, all grounds are covered in relation to criminal sanctions imposed for discrimination in the provision of goods and services. There is no differentiation depending on the adjudicating body, since both courts and inspection authorities (e.g. in the field of employment) are entitled to impose pecuniary sanctions (compensation and fines, respectively). Obviously, only courts are entitled to impose criminal sanctions (and only in the case of access to goods and services for all grounds).

It should be noted that under Article 57 of the Greek Civil Code, a generic provision that provides for the protection of everyone's personality in cases of 'unlawful harm', a victim could also request, among other things, the termination of the harm to their personality and its non-repetition in the future. When accepting such a claim, the court may impose an obligation to refrain from a certain harmful act and/or to perform a certain act, such as to order desegregation practices in the fields of housing and education. This all depends on the original lawsuit and the claims contained therein.

In Greece, the legislation does not provide for preventive and socio-preventive sanctions *per se*. As noted above, courts may impose an obligation to perform a certain act. While it may not be considered preventive or socio-preventive, arguably it appears to be at the very least a one-off injunction.

In Greece, there are no sanctions specific to cases of collective redress (*actio popularis* or class actions).

In Greece, there are no sanctions in place to deal with cases of mass discrimination, particularly as a result of the use of AI or automated systems.

b) Pecuniary sanctions – maximum and average amounts

The available pecuniary sanctions fall into two categories: fines and compensation.

The sanctions included in Equal Treatment Law 4443/2016 include fines that must be paid to the state (for more information, see 6.5.a above).

However, in civil cases – where the victim has lodged an application for compensation – the victim can be awarded compensation by the civil courts under the procedures described above. In this case, there is no maximum amount of compensation since this is determined at the discretion of the civil court.

Article 57 of the Greek Civil Code is a generic provision that provides for the protection of everyone's personality in cases of 'unlawful harm'. This provision, in conjunction with Article 914 of the Civil Code, entitles the victim to damages and to demand termination of the harm to their personality and its non-repetition in the future. It also includes a court-imposed obligation to refrain from a certain act and/or to perform a certain act, such as to implement desegregation in the fields of housing and education.

There is no known case law concerning compensation to victims.

There is no information available on the average level of fines imposed in discrimination cases, or on the average amount of compensation awarded.

c) Assessment of the sanctions

There is no information available on the effectiveness of the sanctions. However, according to a written warning from the European Commission (No. 2005/2356) regarding the sanctions (as specified in Law 3304/2005), questions have been raised about their lack of proportionality. No measures have been taken in response to this warning. In fact, Law 4443/2016 on Equal Treatment has maintained the exact same sanctions under Article 11.

Although there are no data on the effectiveness of the sanctions as foreseen in Law 4443/2016, it is important to highlight the observations made by the Greek National Commission for Human Rights (NCHR) when the draft of the law was published.[223] According to the latter, the sanctions as provided by national law are neither effective, proportionate nor dissuasive in practice and this is not an issue of the law's wording. In practice, as the NCHR notes, they are rarely applied and when applied they do not prevent employers from repeating the same discriminatory behaviour.[224]

There is no information on relevant good practice.

d) Enforcement and monitoring of the implementation of sanctions

i) Courts and other adjudicating bodies' mechanisms to monitor or enforce their decisions

[223] NCHR (2016), Observations on the Draft Law of the Ministry of Justice, Transparency, and Human Rights, 'Application of the principle of equal treatment irrespective of race, colour, ethnicity or ethnic origin, creed, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics, and other provisions', September 2016, available in Greek.

[224] See GNCHR (2016), Observations on the Draft Law of the Ministry of Justice, Transparency, and Human Rights, 'Application of the principle of equal treatment irrespective of race, colour, ethnicity or ethnic origin, creed, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics, and other provisions', September 2016, available in Greek.

As for mechanisms to monitor decisions, with Law 3068/2002[225] and Presidential Decree 61/2004,[226] the Greek legal order created a procedure to ensure the administration's compliance with court decisions. In particular, it provided for the establishment and operation of three-member special judicial councils in the Council of State (the administrative supreme court), the Supreme Court for civil and penal cases (Areios Pagos), the Court of Auditors and the local administrative courts, which are composed of members of the relevant court who did not participate in issuing the decision to be executed. After establishing – at the request of the interested party – a delay, omission, refusal to comply or defective compliance with what was determined by a court decision, these councils invite the competent administrative authority to state its views and submit the data available to it. If, after a relevant investigation, they diagnose unjustified non-compliance with the court order, they call on the competent administrative authority to state its views and submit the data available to it. If, after a relevant investigation, they find unjustified non-compliance with the court decision, they call on the authority to comply within a reasonable period of time, and they can appoint a mandated judge to assist the administration with a view to compliance.

In the event of non-compliance, they confirm the non-compliance and specify a sum of money to be paid to the interested party as a penalty for the non-compliance. There are four criteria for determining the amount: (a) the nature and importance of the dispute; (b) the circumstances of the non-compliance; (c) the consequences of the non-compliance for the person affected; and (d) the duration and deterrent nature of the sanction. If, after imposing the sanction, the administration still does not comply with the court decision, after repeating the procedure the three-member council can impose a new sanction. These bodies/mechanisms are part of the judiciary and their decisions are not subject to a request for annulment (as they constitute acts of a judicial body of an administrative nature). This is a competence of an administrative nature assigned to special formations of the relevant courts (Article 94(4) of the Constitution).

When it comes to non-compliance between private parties, Civil Procedure Law offers options under the forced execution chapter of the Civil Procedure Code (*αναγκαστική εκτέλεση*), such as seizure of property when compensation is awarded, etc. Under the Criminal Code, refusal to adhere to a court decision is punished under Article 169 with imprisonment of up to 6 months or a fine. Before resorting to the above options, the court decision or order must first have been duly served to the respondent party. There are no other mechanisms for court decisions.

ii) Possibility for courts and other adjudicating bodies to retain jurisdiction after sanctions have been imposed

In Greece, courts or other adjudicating bodies retain jurisdiction only in cases of non-final orders or non-final decisions due to *lis pendens* (pending lawsuit). These types of decisions are usually issued when more evidence is required, when the court orders the appointment of an independent expert (*πραγματογνώμονα*) who will investigate issues as described in the order and draft a report, etc. However, once a final decision has been issued in a case, there is no provision which allows the court or the adjudicating body to monitor and ensure compliance with an imposed sanction. There is no provision for periodic reviews, follow-up hearings, reporting by social services or follow-up inspections. Any measure to ensure compliance with sanctions usually requires relevant action by the complainant/victim, as demonstrated in the sections below.

[225] Greece, Law 3068/2002 on compliance of the Administration with the court decisions, promotion of the judges of the regular administrative courts to the rank of State Councilor and other provisions'(*Νόμος 3068/2002 γιατη 'Συμμόρφωση της Διοίκησηςπροςτις δικαστικές αποφάσεις, προαγωγήτων δικαστών τωντακτικών διοικητικών δικαστηρίων στο βαθμό του συμ βούλου Επικρατείας και άλλες διατάξεις'*) (OJ 274 A/14.11.2002).

[226] Greece, Presidential Decree 61/2004 on control procedure of the Administrations compliance with court decisions (*ΠροεδρικόΔιάταγμα 61/2004 γιατη 'Διαδικασία ελέγχουτηςσυμμόρφωσηςτηςΔιοίκησης προςτιςδικαστικές αποφάσεις*) (OJ 54 A/19.2.2004).

iii) Further steps/measures courts or adjudicating bodies can take in case of non-compliance with the sanction

As for further steps/measures, according to Article 95(5) of the Constitution, the administration has an obligation to comply with court decisions. Violation of this obligation gives rise to responsibility for any competent body as defined by law. The law defines the necessary measures to ensure the administration's compliance. Therefore, in application of the above constitutional provision, in accordance with Article 50(1) of Presidential Decree 18/1989,[227] the decision that accepts the application for annulment recites the annulment of the contested act and entails its legal abolition against all, whether it is regulatory or whether it is an individual act. Similarly, according to Article 196 of the Code of Administrative Procedure, decisions by which the annulment or modification of an enforceable administrative act or the annulment of the omission of a due legal action is imposed are valid against everyone. Furthermore, according to Article 50(4) of Presidential Decree 18/1989, the administrative authorities must, in execution of the obligation arising from Article 95(5) of the Constitution, comply in each case with positive action towards the content of the decision of the Council of State or refrain from any action that is contrary to what was decided by it. The offender, in addition to being prosecuted for breach of duty under Article 259 of the Criminal Code, is also personally liable for civil damages. As noted above, for disputes between private parties, Civil Procedure Law offers options under the forced execution chapter of the Civil Procedure Code (*αναγκαστική εκτέλεση*), such as seizure of property when compensation is awarded, etc. Under the Criminal Code, refusal to adhere to a court decision is punished under Article 169 with imprisonment of up to 6 months or a fine. Before resorting to the above options, the court decision or order must first have been duly served to the respondent party.

iv) The burden of enforcing sanctions

The body that imposed the sanctions bears the burden of enforcing them. For instance, according to Article 549 of the Code of Criminal Procedure, the public prosecutor of the court that issued the decision is responsible *ex officio* for the execution of the decision that imposes sanctions. There are provisions in place that address cases of non-compliance with court decisions. In administrative cases, there is a separate application that can be filed seeking to force the administration to comply, which places a burden on the applicant/victim (Article 3, Law 3068/2002). For the enforcement of civil court decisions, the winning party may resort to the provisions of the Civil Procedure Code related to enforcement (*δίκαιο εκτέλεσης*).

[227] Greece, Presidential Decree 18/1989 on codifying provisions of law for the Council of State (*ΠροεδρικόΔιάταγμα 18/1989 γιατην 'Κωδικοποίησης Διατάξεων Νόμων για το Συμβούλιο της Επικρατείας*) (OJ 8 A/09.01.1989).

7 BODY FOR THE PROMOTION OF EQUAL TREATMENT (Article 13 Directive 2000/43)

7.1 National equality body

a) General 'architecture' of equality bodies

The only body exercising the competences as listed in Article 13 of the Racial Equality Directive is the Greek Ombudsman (see section 7.1.b, below).

The most important feature of the Equal Treatment Law 4443/2016[228] was the unification of separate jurisdictions – private and public – under one equality body, the Ombudsman, which has competence in the fields of employment, education and access to goods and services.[229]

Under Article 14 of the Law, the Ombudsman is tasked with the monitoring and promotion of equal treatment, not only for the public sector but also for the private sector.

The Greek National Commission for Human Rights (NCHR) also plays an important role in the promotion of equal treatment. According to Law 2667/1998,[230] under which it was established, the NCHR, although it is not an 'equality body' as described in Law 4443/2016, has competence – within its consultative role – to examine the ways in which Greek legislation may be harmonised with the international legal standards on human rights protection, and subsequently to submit relevant non-binding opinions to competent state bodies. The contribution of the NCHR is important for general policy on the promotion of equal treatment because, through its unique structure – allowing representation in the decision-making processes of various stakeholders – it is able to advise the state on legislation and policy plans.

b) Designated body for the promotion of equal treatment irrespective of racial/ethnic origin according to Article 13 of the Racial Equality Directive

The services of the Greek Ombudsman as equality body are accessible on an equal basis for all, without costs and reasonable accommodation is provided where necessary to persons with disabilities, which means that any disability of persons who use the Ombudsman's services is taken into consideration (accessibility to offices through wheelchair ramps, creation of a menu for website accessibility through an icon on the right of the screen that persons with disabilities can click in order to adapt the website to their needs, etc).

7.2 Political, economic and social context of the designated body

There is no evidence of recent political support for the designated body – but neither is there any indication of hostility or interference.

7.3 Institutional architecture

In Greece, the designated body forms part of a body with multiple mandates.

The Greek Ombudsman is an independent authority, established by the Constitution (Article 103(9)). It was first created by Law 2477/1997 (Article 1) on 17 April 1997 as an independent authority (subject to the amendment by Equal Treatment Law 4443/2016).

[228] This Law entered into force on 9 December 2016.
[229] Therefore, the Committee for Equal Treatment no longer has jurisdiction over discrimination in the private sector and has thus been abolished. Note that the previous anti-discrimination law, Law 3304/2005, had established the Equal Treatment Committee as an equality body, although it never functioned.
[230] Law 2667/1998 on the establishment of a National Commission for Human Rights (OJ 281 A/16.12.1998).

Prior to adopting its mandate as an equality body, the Ombudsman was responsible only for mediating between citizens and the administrative authorities in cases of maladministration. It now holds the following mandates:

- the mandate of its founding law, which includes, in addition to equal treatment, relations between citizens' rights and the administration, the rights of the child, arbitrary police action, torture and inhuman and degrading treatment (Law 2477/1997 as amended);
- an equal treatment mandate[231] (2005);
- a gender equality mandate (2009);
- a mandate for the equal treatment of men and women in the field of employment and occupation (2010);
- following the adoption of Law 4488/2017,[232]the Ombudsman is the designated monitoring framework for promoting the implementation of the UN Convention on the Rights of Persons with Disabilities (Article 33(2) UNCRPD).[233]

As a mediator, the Greek Ombudsman makes recommendations and proposals to the public administration and private actors. It basically acts as a mediator either between an individual and the public administration or between individuals and private employers. The Ombudsman does not impose sanctions or annul illegal actions by the public administration or private employers.

Following the introduction of Law 4443/2016, which added tasks to its jurisdiction as an equality body (such as the promotion of equal treatment and combating discrimination in the private sector in addition to the public sector), the Ombudsman set up a special section in preparation for its extended role. This department operates today and focuses on promoting equal treatment and combating discrimination based on – after the entry into force of Law 5089/2024 – gender, colour, national or ethnic origin, genealogical descent, religion or religious freedom and other beliefs, disability, age, sexual orientation or gender identity, or characteristics or gender expression.

7.4 Status of the designated body – general independence and resources

a) Status of the body

- Separate or other legal status or personality: The Ombudsman is an independent authority, recognised by the 2001 Constitutional Revision (Article 103 of the Greek Constitution).
- Selection of governing body: The Ombudsman is elected by a special parliamentary committee, in accordance with Article 101A(3) of the Constitution. The Ombudsman and deputy ombudsmen are appointed for a non-renewable five-year term. The Ombudsman can be removed from office before the end of his/her term only due to reasons of health (physical or mental), following the issuing of a presidential decree

[231] Under Anti-discrimination Law 3304/2005, the grounds of racial or ethnic origin, religious or other beliefs, disability, age and sexual orientation were initially covered. This Law was repealed and replaced by Equal Treatment Law 4443/2016, which extended the scope of protected grounds by adding gender identity or characteristics and family or social status.

[232] Law 4488/2017 on provisions for pensions in the public sector and various insurance provisions, on strengthening the protection of employees, on the rights of persons with disabilities and other provisions (*Νόμος 4488/2017 'Συνταξιοδοτικές ρυθμίσειςΔημοσίου και λοιπές ασφαλιστικές διατάξεις, ενίσχυσητης προστασίας τωνεργαζομένων, δικαιώματα ατόμωνμε αναπηρίες και άλλεςδιατάξεις'*) (OJ A 137/13.9.2017).

[233] The term 'monitoring framework' corresponds to that used by the UNCRPD itself in Article 33(2): 'States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention'. The same term is also used by the FRA in its *Fundamental Rights Report 2018* (available at: http://fra.europa.eu/en/publication/2018/fundamental-rights-report-2018), which, at pp. 232-233, refers to the Greek Ombudsman as the monitoring 'Framework' for the UNCRPD.

proposed by the Ministerial Council, with the prior consent of a special parliamentary committee.
- Sources of funding: National budget and other sources (such as EEA Grants).
- Powers to recruit and manage staff: The Ombudsman has the authority to recruit its own staff.
- Accountability: The Ombudsman is not accountable before any governmental or administrative authority, only before Parliament. The Ombudsman and deputy ombudsmen are not held accountable for, prosecuted for or examined on their opinions or on the actions that they carry out within the scope of their duties (Article 1 of Law 2477/1997, as amended).

b) Independence of the body

The independence of the Greek Ombudsman is stipulated in Law 2477/1997 (Article 1(1)). In addition, according to Article 1(2), the Ombudsman is not subject to any governmental or administrative authority, which allows it to carry out its work freely without the fear of political or other consequences. The Ombudsman and deputy ombudsmen enjoy full personal and functional independence, which allows them to carry out their duties in an independent manner. This independence appears to exist in practice, since the Ombudsman's office constitutes a 'watchdog' for Government legislation and policies, often criticising and highlighting any issues which may give rise to the violation of citizens' rights or even *in proprio motu* issuing recommendations prompting the authorities to take action and address issues which have not been examined before or which are lacking regulation.

c) Resources

- The annual budget of the Ombudsman changes each year.[234] The Ombudsman's funding comes from the Government (state budget) and under the Ministry of Administrative Reconstruction. The Ombudsman's budget was significantly cut previously due to the financial crisis in Greece. In 2009, the budget was set at EUR 10 085 418. In 2015 the amount was no more than EUR 6 045 000.[235] It should be noted that similar cutbacks were made to all public bodies in order to deal with the financial deficit in the state budget. For 2017, the budget was set at EUR 6 452 992, a minimal increase in comparison with the cuts of recent years. There was also an increase for 2018, with the budget set at EUR 6 679 902,[236] and a further increase for 2019, with the budget set at EUR 6 851 341.[237] In 2020, it was set at EUR 7 358 320, in 2021 at EUR 7 086 503,[238] in 2022 at EUR 7 282 281,[239] in 2023 at EUR 7 205 775[240] and in 2024 at EUR 7 511 698.[241]

- There are no available data on the share of the annual budget of the Ombudsman dedicated to the equality body mandate. As for the sufficiency of the resources allocated to the designated equality body, according to the author's assessment,

[234] Budget information for the Greek Ombudsman is available at: www.synigoros.gr/?i=stp.el.stoixeia-proipologismou.
[235] Information on the budget for 2009 to 2015 is available on the Greek Ombudsman's website at: https://www.synigoros.gr/?i=stp.el.stoixeia-proipologismou and https://www.synigoros.gr/?i=stp.el.stoixeia-proipologismou.
[236] Information on the 2018 budget is available on the Greek Ombudsman's website at: https://old.synigoros.gr/?i=stp.el.budget&yearFilter=2018.
[237] Information on the 2019 budget is available on the Greek Ombudsman's website at: https://old.synigoros.gr/?i=stp.el.budget&yearFilter=2019.
[238] Information on the 2021 budget is available on the Greek Ombudsman's website at: https://old.synigoros.gr/?i=stp.el.budget&yearFilter=2021.
[239] Information on the 2022 budget is available on the Greek Ombudsman's website at: https://diavgeia.gov.gr/doc/Ψ97ΞΙΜ0-ΤΕ5.
[240] Information on the 2023 budget is available on the Greek Ombudsman's website at: https://www.synigoros.gr/el/category/default/post/pinakas-ekteleshs-proypologismoy-or-dekembrios-2023.
[241] Information on the 2024 budget is available on the Greek Ombudsman's website at: https://www.synigoros.gr/el/category/ektelesh-proypologismoy.

most of the Ombudsman's experts have emphasised in public that human and material resources are adequate and that there are no practical problems related to this specific factor. It should be noted that the Equal Treatment Department does not have its own budget and its actions are included and financed by the general budget of the Ombudsman.

– The Greek Ombudsman is a body with multiple mandates. To this end, the Ombudsman is assisted by a total of six sector-specific deputy ombudsmen. For the mandate of equal treatment, the Ombudsman is assisted by the Deputy Ombudsman on Equal Treatment. Each deputy ombudsman has a staff of experts at their disposal. According to the *2024 Ombudsman's Annual Report*,[242] issued in March 2025, the human resources (scientific and administrative) available to the Ombudsman on 31 December 2024 amounted to 191 staff, including the Ombudsman and 6 deputies, of whom 44 are men (23.04 %) and 148 are women (77.49 %). The scientific workforce consists of 135 specialist scientists (special scientific staff) and the administrative workforce consists of 51 executives (administrative staff). Of the scientific staff, 37 people (27.41 %) hold a doctorate degree, 84 (62.22 %) hold a master's degree and 13 (9.63 %) have higher education degrees from educational institutions. Of the administrative staff and secretarial support staff 2 people (3.85 %) hold a PhD, 21 people (40.38 %) hold postgraduate degrees, 11 people (21.15 %) are graduates of higher educational institutions, 3 individuals (5.77 %) are graduates of technological educational institutions, 16 people (30.77 %) hold secondary education qualifications and 2 staff members (3.85 %) hold compulsory education qualifications.

  The executive workforce covers a wide range of specialities. Among them are: 84 lawyers, 14 political scientists, 5 philologists, 1 theologian, 7 economists, 9 sociologists, 9 archaeologists, 2 communicators, 5 psychologists, 3 geologists, 1 physicist, 1 chemist, 1 chemical engineer, 3 civil engineers, 2 pedagogical studies scientists, 1 statistical and insurance science scientist, 1 doctor, 2 surveyor engineers, 6 computer scientists, 1 librarian and 1 archivist, 8 business administration scientists, 6 humanities scientists, 1 health unit management scientist, 1 agronomist and 2 journalists.

– The number of staff dedicated to the equality body mandate: Following the adoption of Law 4443/2016, 10 persons were hired especially for the Equal Treatment Department. In late December 2024,[243] the number of staff dedicated to the equality mandate amounted to 16 persons. The Equal Treatment Department hired no new staff in 2024. Therefore, in the year 2024, the Equal Treatment Department employed 13 specialists, 2 administrative employees and the head. The specialties of the scientific staff are as follows: 6 lawyers, 2 political scientists, 2 sociologists, 2 graduates of the National School of Public Administration, and 1 historian.

7.5 Grounds and fields covered by the designated body

All grounds (i.e. race, national or ethnic origin, genealogical descent, colour, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics) in both the private and public sectors fall within the Ombudsman's jurisdiction. Gender as a ground of discrimination is also included, although under the Ombudsman's gender equality mandate. The Ombudsman's competence also covers the areas of children's rights and Roma and extends to all fields – it is not limited to occupation and employment.

[242] Greek Ombudsman (2025), *Annual Report 2024*, issued in March 2025 (*Ετήσια Έκθεση 2024*), p.201, available at: https://www.synigoros.gr/el/category/eidikes-ek8eseis/post/eidikh-ek8esh-or-ish-metaxeirish-2024, last accessed on 19.05.2025.

[243] According to information provided to the author by the Secretariat of the Equal Treatment Department on 5 February 2025.

In particular, it covers:

a. the terms of access to work and employment, including selection criteria and recruitment terms, and the terms of official and professional advancement;
b. access to all types and to all levels of vocational guidance, apprenticeship, vocational training, retraining and vocational reorientation, including acquisition of practical work experience;
c. the terms and conditions of work and employment, in particular as regards remuneration, dismissal, health and safety at work and in the event of unemployment, rehabilitation and re-employment;
d. membership status, and participation in a trade union of workers or employers or in any professional organisation, including the advantages and obligations arising from participation in them, and in particular the right to vote and to stand as a candidate;
e. social protection, including social security and healthcare;
f. social benefits and tax concessions or advantages;
g. education;
h. access to the supply and provision of goods and services made available to the public, including housing and evictions.

There are no data on whether the technical staff under each deputy ombudsman cover all grounds or work on a ground-specific basis.

All grounds appear to receive equal attention in practice. Press releases show that the Ombudsman constantly works on all grounds and monitors the legislative work of Parliament by highlighting the grounds affected by any legislative initiatives.

Migrants are treated as a priority issue by the Greek Ombudsman and the Deputy Ombudsman for Human Rights. The annual report always contains a section on the Ombudsman's work concerning migrants and refugees.

7.6 Competences of the designated body – and their independent exercise

a) Independent assistance to victims

In Greece, the designated body has the competence to provide independent assistance to victims. It should be noted that this does not refer to traditional victim support. This 'assistance' means that the Ombudsman will intervene by contacting the violator and urging him/her to rectify any wrongdoing (Article 3(6a) of Law 3094/2003, as amended by Article 19 of the Equal Treatment Law). There is no mention of assistance to victims being exercised by a third party (at local level for example).

The work of the Ombudsman is undertaken independently. Through a complaint system, the Ombudsman can mediate between the public administration / private employers and citizens.

There are no data available regarding the staff and budget allocated for specific tasks (or grounds). Thus, it is difficult to assess the level and quality of resources. The Ombudsman has been able to maintain this level of intervention at a respectable level.

b) Independent surveys and reports

In Greece, the designated body has the competence to conduct independent surveys and to publish independent reports (Article 19 of Equal Treatment Law 4443/2016).

The Ombudsman carries out its work of publishing reports and conducting surveys in an independent manner. The publishing of annual reports is mandatory under the

Ombudsman's founding law (Law 2477/1997, as amended, Article 3).[244] The Ombudsman may issue special reports or surveys on its own initiative on issues it deems important and necessary, which it often does in practice.

The Ombudsman has issued its annual reports without fail, submitting them to the Prime Minister and the President of Parliament in March every year; it has also published special reports, including on racist violence, immigration, returns of foreigners, gender and employment and environmental protection. All special reports are accessible and available on the official website.[245] Apart from its reports, the Ombudsman has also published other important materials such as handbooks and guides aimed at promoting and providing information on human rights, discrimination and immigration. The quality of the reports and surveys it issues is very good. The Ombudsman constantly addresses new issues as they arise from the everyday lives of citizens.

The Ombudsman has been able to maintain this level of publications at a respectable level, especially when taking into account the budget cuts of 2010-2016.

The equality body does not engage in strategic planning (adopt a multi-annual programme setting out their priorities and prospective activities or adopt individual strategies on specific aspects of their mandate).

c) Recommendations

In Greece, the designated body has the competence to issue independent recommendations on discrimination issues (Article 19 of Equal Treatment Law 4443/2016).

The Ombudsman issues recommendations in an independent manner. The Ombudsman's reports and surveys include recommendations for the Government and the administration. Moreover, the Ombudsman makes independent recommendations to the administration regarding certain issues related to discrimination, either within the framework of the complaint system or separately.

The recommendations of the Ombudsman appear to play an important role in the legislative and policy process. For example, in cases of legislation affecting the promotion of equal treatment, the Ombudsman will often be invited by the relevant drafting committee to provide its recommendations, either in person or in writing. Moreover, the Ombudsman is often invited by municipal authorities to provide its opinion on certain measures that they are considering adopting.

There are no data available regarding the staff and budget allocated for specific tasks (or grounds). Thus, it is difficult to assess the level and quality of the available resources. The Ombudsman has been able to maintain interventions at a respectable level, especially when taking into account the budget cuts of the crisis years.

According to the author's assessment, this competence is effectively exercised in an independent manner, in practice. However, public or private entities do not always follow its recommendations.

In 2024, the Greek Ombudsman deplored[246] the fact that the grounds of age and of family and social status covered by Equality Treatment Law 4443/2016 have been omitted from the wording of Law 5089/2024 (which amended the Equality Treatment Law) with no

[244] Specific data on discrimination issues for 2020 have not been released by the Greek Ombudsman.
[245] Special reports published by the Greek Ombudsman are available at: https://www.synigoros.gr/?i=stp.el.eidikesektheseis.
[246] Greek Ombudsman (2024), 'Observations on the Bill', 7 February 2024, https://www.synigoros.gr/el/category/diakriseis/post/parathrhseis-or-sxedio-nomoy-isothta-ston-politiko-gamo-tropopoihsh-toy-astikoy-kwdika-kai-alles-diata3eis.

apparent cause or justification in the Explanatory Report to the Bill. As a result, age is the only ground among those covered by Directive 2000/78 that has not been extended beyond employment and occupation, despite the fact that this has been recommended by EU institutions and has been already implemented by many EU Member States. Moreover, family status is only protected in relation to sex under Directive 2006/54 and its transferring Law 3896/2010, OJ A 207, 8 December 2010, whereas family and social status[247] is covered only in the fields of employment and occupation under Law 4443/2016. The Ombudsman also notes that the equal treatment and anti-discrimination legislation should be revised and codified for reasons of rationalisation, coherence and clarity.

d) Prevention, promotion and awareness-raising

Article 16 of the Equal Treatment Law requires cooperation between the Ombudsman and the Economic and Social Committee, the senior union organisations in the private and public sectors, the National Social Solidarity Centre, the National Centre for Social Research, the Centre for Equality Research, the Centre for Disease Control and Prevention and the Central Union of Greek Municipalities, as well as with civil society organisations with expertise on anti-discrimination.

The Greek Ombudsman also has competence when it comes to raising awareness, promoting and supporting good practice and offering policy advice. It has competence to engage in the prevention of discrimination and in the promotion of equal treatment, and to adopt a strategy defining how it will engage in public dialogue, communicate with individuals and groups at risk of discrimination, provide training and guidance, and promote equality duties, equality mainstreaming and positive action among public and private entities. To this end, it has held campaigns in collaboration with other agencies, has issued pamphlets and booklets related to discrimination issues and has mediated in discussions between local authorities and citizens (such as in the case of the Roma community).

Finally, the Ombudsman is often invited by Parliament to present its views and comment on draft legislation. It often comments on current legislative initiatives through press releases and provides advice on the practical application of certain legislative measures. More specifically, under Law 4443/2016, the Greek Ombudsman has an obligation to engage with certain stakeholders when implementing its mandate on equal treatment. Article 19, which amends Article 3 of Law 3094/2003, states that the Ombudsman should cooperate with the General Secretariat for Human Rights of the Ministry of Justice, with the General Secretariat for Gender Equality of the Ministry of the Interior, with the Ministry of Employment, Social Security and Social Solidarity and with social partners, businesses and NGOs, for the purpose of keeping them informed and promoting good practices on equal treatment. In practice, the Ombudsman appears to engage with most of these stakeholders by holding round-table events and meetings.

According to the author's assessment, the quality of cooperation between the equality body and civil society organisations is excellent since all of them frequently participate in meetings or public events with the Ombudsman and encourage their members or other citizens to ask for its assistance.

[247] According to the Ombudsman, protection on the grounds of social status includes, for example, persons who are former dependents of substances or habits, former prisoners, extradited persons and homeless people, but also groups that carry any of the protected features of Law 4443/2016 such as, for example, Roma citizens, or HIV patients, who are also included in this category as belonging to a particular social subset at the expense of which stereotyped perceptions prevail and are reproduced, exacerbating social exclusion and opposing equality.

e) Other competences

In 2020, it was deemed appropriate to upgrade the role of the Ombudsman as a National Mechanism for the Investigation of Arbitrary Incidents by the Security Forces, in order to ensure the valid and effective exercise of the remit assigned to the Ombudsman by Law 4443/2016. Article 188 of Law 4662/2020[248] strengthens the Mechanism with institutional means concerning the investigation of cases of arbitrariness (summoning witnesses, taking affidavits, ordering expert testimonies, providing for referral to the competent minister of the decision of the disciplinary body, in cases of unjustified deviation from the Ombudsman's findings), offers the possibility of independent investigation of incidents and introduces provisions to facilitate the special competence of the Mechanism regarding the monitoring of the implementation of ECtHR judgments relating to police brutality and arbitrariness.

7.7 Legal standing of the designated body

In Greece, the designated body does not have legal standing to:

- bring discrimination complaints on behalf of identified victims to court;
- bring discrimination complaints on behalf of non-identified victims to court;
- bring discrimination complaints *ex officio* to court;
- intervene in legal cases concerning discrimination, for example as an *amicus curiae*.

The Ombudsman does not have the right of legal standing before the courts. The Ombudsman cannot even examine complaints related to cases pending examination before the courts (whether civil, administrative or criminal).

Finally, it should be mentioned that, according to Article 20 of Law 4443/2016 (which amends the Ombudsman's founding law), the Ombudsman has an obligation to refer any case which may include indications of the perpetration of a crime to the competent prosecutor. If the case involves the rights of a child, which calls for the intervention of judicial or other authorities, then the relevant file must be forwarded to them.

7.8 Dispute resolution

a) Quasi-judicial functions

In Greece, the Ombudsman (Article 14 of Equal Treatment Law 4443/2016) is not a quasi-judicial institution even though EQUINET characterises it as a predominantly tribunal type quasi-judicial institution. It does not have the power to issue binding opinions or enforceable decisions and does not meet the strict criteria set by Greek case law, which state that quasi-judicial institutions should have procedures similar to judicial bodies, such as adversarial hearings and procedures for publishing decisions.[249] Similar criteria are also contained in CJEU case law.[250]

i) Power to impose sanctions

The Ombudsman does not have the power to impose sanctions or annul illegal actions by the public administration and private sector actors. It can only issue recommendations and proposals to the public administration and to private sector actors. The opinions of

[248] Law 4662/2020 on the National Crisis Management and Risk Management Mechanism (*Νόμος* 4662/2020 '*για τον Εθνικό Μηχανισμό Διαχείρισης Κρίσεων και Αντιμετώπισης Κινδύνων*') (OG 27 A 07.02.2020).
[249] Such as Greek Council of State Decisions 137/2015, 99/2015 and 4399/2016.
[250] See, for instance, Case C-331/05 P, *Internationaler Hilfsfondse V v. Commission of the European Communities*, Advocate General Trstenjak, 29 March 2007, paragraph 57, and Case C-509/11, *ÖBB-Personenverkehr AG*, Advocate General Jääskinen, 14 March 2011, paragraph 50.

the equality body are not legally binding, in that the respondent party is not compelled to comply with its findings.

ii) Nature and level of sanctions that can be imposed

No sanctions can be imposed by the equality body.

iii) Possibility to appeal (to the body itself or to courts)

There is no possibility to appeal. The claimant may seek judicial redress to address to the court after the issue of an opinion, but not against the body itself.

iv) Enforcement of binding decisions

The Ombudsman has no authority to penalise or to prosecute discriminatory practices, only to activate governmental bodies to help eliminate the causes and practice of discrimination. The Ombudsman does not issue binding decisions, therefore it cannot enforce them.

v) Implementation of non-binding opinions

The Ombudsman cannot enforce its opinions. In practice, the administration usually responds to the Ombudsman's interventions. Therefore, according to the author's assessment, many non-binding opinions are respected.

In Greece there is no separate quasi-judicial body/institution competent to decide on discrimination cases.

b) Amicable settlements

The Ombudsman does not have competence to offer the parties to a discrimination complaint the possibility to seek an amicable resolution to their dispute. The Greek Ombudsman, after receiving a complaint, contacts the alleged discriminator (which might even be a public authority i.e. a ministry, etc.) under a procedure it characterises as an intervention – and depending on the reply, issues an opinion in the case.

7.9 Procedural safeguards

There are no limitations/safeguards in the case of the equality body entrusted with several powers and there are no procedural safeguards in place to ensure that the equality of arms of both parties is ensured.

7.10 Data collection by the designated body

a) Registration of complaints and decisions

In Greece, the Ombudsman registers the number of complaints and opinions by ground, field, type of discrimination, etc. This information is included in its annual reports and is available to the public.[251] The Ombudsman does not publish data on inquiries received.

The relevant legal provision is Article 3 of Law 2477/1997.

[251] The Ombudsman's reports are also available in English at: www.synigoros.gr/?i=stp.en.reports.

The Ombudsman's latest *Special Report on Equal Treatment*,[252] which details the Greek Ombudsman's activity as the national body for promoting the principle of equal treatment in the year 2024, describes structural distortions and problems in the functioning of the public sector and persistent sources of unfair discrimination in the private sector. The report raises timeless questions regarding mindsets, practices and stereotypical perceptions that continue to exist in Greece.

According to the data of the *2024 Special Report*, 52 % of new complaints concerned gender discrimination, 26 % concerned discrimination on the ground of disability or chronic illness, 8 % were related to discrimination due to family status, 5 % related to age discrimination, 3 % to national or ethnic identity, 3 % concerned racial or skin colour discrimination, 1 % related to discrimination based on religious or other conviction and 2 % concerned discrimination due to sexual orientation and gender identity or characteristics. The Ombudsman points out that the increase in disability cases continues to mainly concern cases of discrimination in employment and work. As the report clearly states, for the other grounds of discrimination, the percentages of complaints hovered around the same levels as in 2023, and at consistently low levels compared to their actual prevalence.

Furthermore, the percentage of complaints concerning the public sector (71 %) compared to the private sector (29 %) shows a significant deviation. According to the Ombudsman, this fact underlines the need for further information, awareness raising and focused intervention in the private sector, taking into account the recent expansion of the authority's competence in areas beyond employment and labour. Also, it should be noted that 82 % of the total percentage (29 %) of private sector cases concern labour disputes, the majority of which were forwarded to the authority by the Labour Inspectorate.

Lastly, in any case, a crucial indicator of the effectiveness of the authority's interventions is a positive outcome, which was recorded in 70 % of valid cases, which means that solutions were provided that satisfied the complainants.

The Ombudsman's *2025 Special Report on Equal Treatment* will be issued in mid-2026.

b) Equality data collection

In Greece the Ombudsman does not collect general equality data. Moreover, the Ombudsman does not have access to data collected by others.

7.11 Roma and Travellers

Since 2008,[253] the Greek Ombudsman has noted the national dimensions of the Roma issue as well as the compelling need to immediately implement multiple targeted programmes of social integration and social support at a local and regional level. Such actions will prove successful only as long as they are mutually combined, coordinated and monitored by a national coordination centre. The reports that followed showed that the housing situation was due to the structural and systemic character of continuing discrimination against Roma in the area of housing and reflect the Ombudsman's decision to maintain active intervention throughout the course of these cases until they were dealt with conclusively. The Ombudsman supervises a constantly open pilot communication network with NGOs and other civil society institutions for the protection of Roma people. One of the main goals of this has been to disseminate and collect information on the urgent problems faced by these population groups, as well as to coordinate the activities

[252] Greek Ombudsman (2025), *Report on Equal Treatment 2024* (*Έκθεση Ίσης Μεταχείρισης 2024*), published on 10 July 2025, p. 10, available in Greek at:https://www.synigoros.gr/el/category/default/post/eidikh-ek8esh-or-ish-metaxeirish-2024.

[253] Greek Ombudsman (2007), *Promoting equal treatment – the Greek Ombudsman as national equality body*, available at: www.synigoros.gr/resources/docs/8294_1_ish_metax_engl_teliko_swsto2007.pdf.

undertaken by the participating agencies that are active in the protection of rights and the offering of social support to Roma living in Greece.

According to the *2021 Special Report on Equal Treatment*,[254] published in July 2022, after the National Strategy and the Action Plan for the Social Inclusion of the Roma 2021-2030 had been put out to consultation, the Ombudsman submitted its views on specific issues that were brought to its attention by the Research Laboratory of Social Administration of the University of West Attica. The Ombudsman, as the body responsible for the promotion and implementation of the principle of equal treatment, closely monitors all issues concerning the Roma and actively participates in the efforts to eliminate social exclusion and the discriminations that they suffer, either through public actions or in a targeted way, within the framework of handling individual complaints.

The main comments of the Ombudsman regarding the Action Plan can be summarised as follows:

- The Action Plan describes (albeit in general) how the objectives of the National Strategy for the Social Inclusion of the Roma (ESKE Roma) will be implemented through specific interventions.
- The inclusion and participation of the Roma themselves in the processes of planning, implementation and monitoring of the relevant policies and actions is explicitly provided.
- The need to adapt relevant policies and actions based on the social, economic, cultural and geographical specificities of the individual Roma groups and communities is recognised.
- The multiple discrimination suffered by individual social groups (women, children, persons with disabilities, etc.) within each Roma community and therefore their different needs are identified.
- The documentation of Roma settlements/camps is systemically documented.
- Emphasis is placed on creating a framework of indicators for monitoring and evaluating the implementation of the National Strategy for the Social Inclusion of the Roma, in proportion to the proposed portfolio of the European Agency for Fundamental Rights (FRA) indicators.

However, the following criticism was also highlighted by the Ombudsman:

- The target group of the National Strategy for the Social Inclusion of the Roma (beneficiaries) does not include foreign Roma. This exclusion is not compensated for by the connection of the National Strategy for the Social Inclusion of the Roma with the National Strategy for the Integration of Third-Country Citizens, given that a large number of foreign Roma are settled in Greece, face particularly acute problems and usually, among other things, multiple discrimination (e.g. due to nationality, ethnic origin, etc).
- Many of the positive measures and pillars for combating poverty and facilitating the access of Roma to income resources or goods and services (granting a national pension, guaranteed minimum income, unemployment benefit, childbirth benefit, social domestic tariff, etc.) are designed in a way that does not take into account the specificities of the Roma. Given that serious problems are often detected during their inclusion in these procedures, due to the inability to submit the required supporting documents (e.g. non-registration or deficiencies in the registration in the municipal registers, not having an identity card, problems in the issuing of VAT (AFM) or social security registration number (AMKA)), it is deemed necessary that, in the preparation of the National Strategy for the Social Inclusion of the Roma, the specific

[254] Greek Ombudsman (2022), Report on Equal Treatment 2021 (*Έκθεση Ίσης Μεταχείρισης* 2021), July 2022, p. 80, available in Greek.

issues of exclusion of the Roma beneficiaries from the aforementioned procedures should be taken into account.

- Especially in the field of occupation, where exclusion from typical forms of employment and work is often observed, it is important to have special plans and to take measures to facilitate access to both the labour market and vocational education and training.
- In the field of education, a reference is made (correctly) to problems encountered regarding access to school and school attendance by the Roma children, as well as to the increase of two-year pre-school education, the strengthening of secondary education attendance and actions for combating student dropout. However, the necessary focus is not placed on the main shortcomings that exist and actually prevent the participation and inclusion of Roma children in the school process depending on their age and needs (lack of school buildings and classrooms, refusal of existing schools to register Roma children with immaterial excuses, problems of transport to schools outside the settlements).
- Regarding the social, financial and cultural differentiation of the Roma, the privileged connection of the National Strategy for the Social Inclusion of the Roma (ESKE) with the regional operational programmes (PEP) contributes, initially, to a bottom-up approach, in other words, in highlighting 'local specificities'. It is necessary, however, to ensure that the special characteristics of Roma sub-groups and communities within each administrative district are not underestimated, in the context of a geographical-administrative cautionary approach. In any case, for the most effective possible planning and implementation of actions for the Roma, the active participation of the local government authorities (A and B tiers) in each region or regional unit is necessary.
- Regarding the creation of a framework of indicators for monitoring and evaluating the implementation of the ESKE, the system is under development and its reliability depends on the detailed documentation of the current situation, in all fields of action. Until the relevant measurements are made available, base values and target values cannot be formed, which essentially means that there is an absence of an evaluation system. In addition, apart from the cooperation with the Hellenic Statistical Authority – which is a very positive thing – the question that arises is how to continuously collect (e.g. per year or otherwise) reliable, objective data on the number of Roma who are socially excluded and how the necessary cooperation of the local government authorities (A and B tiers) with the central administration and the co-competent bodies, for the supervision and monitoring of the activities and the collection of reliable data, will be implemented.
- Finally, regarding the planning and implementation of the actions of Pillar III 'Prevention and Fight against Anti-Gypsyism and Discrimination' and Pillar IV 'Promotion of Roma Participation', it seems that these actions have taken the target group into account. It should be noted, however, that these actions are not further specified, nor do they appear to ensure the participation of Roma organisations and the Roma themselves (e.g. information, training, participation in activities, etc).

There is no further information on the above or other developments for the year 2024.

8 IMPLEMENTATION ISSUES

8.1 Dissemination of information, dialogue with NGOs and between social partners

a) Dissemination of information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

Article 17 of the Equal Treatment Law enshrines Article 10 of Council Directive 2000/43/EC and Article 12 of Council Directive 2000/78/EC concerning the dissemination of information.

The most important body which provides information about legal protection against discrimination is the Ombudsman. It is an independent body, which provides legal aid, assistance and general advice to people who consider that they have been victims of infringements of the law and discriminatory practices. The Ombudsman maintains close cooperation with civil society organisations and other competent bodies in order to exchange know-how and experience in the field of protecting the rights of vulnerable population groups. In this context, it actively participates in educational programmes, workshops and events organised at its own initiative or by the various bodies that engage in these issues. The Labour Inspectorate also plays a distinctive role in the dissemination of information.

Since 2015, in collaboration with relevant public services and NGOs, the Ombudsman has drawn up and constantly updated a guide to rights and benefits for vulnerable population groups, available in both printed and electronic form.[255] This guide has been regularly revised until now. The tool aims to support citizens in their contact with the wider public administration, providing those who need it with the right information at the right time. The aim of the effort is to gather useful information on a single website that will provide the necessary information in a friendly manner and in a comprehensible format for the visitor/user, whether they are from a public service or from the private sector. In the long run, the Ombudsman seeks to significantly improve both the chances of citizens who belong to vulnerable groups accessing beneficial provisions of the current legislation and the utilisation of the public services provided.

b) Measures to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78)

Article 13 of Equal Treatment Law 4443/2016 enshrines Articles 11 and 12 of Council Directive 2000/43/EC and Articles 13 and 14 of Council Directive 2000/78/EC relating to social dialogue and dialogue with NGOs.

- Article 15(2) of Equal Treatment Law 4443/2016 requires the Economic and Social Council[256] to, among other things, encourage dialogue with NGOs and representative unions that have a legitimate interest in combating discrimination on the grounds of race, national or ethnic or origin, colour, religion or beliefs, sexual orientation and

[255] The guide is available in Greek at the website: https://www.synigoros-solidarity.gr/solidarity/assets/uploads/2016/02/odigos-dikaiwmatwn-paroxwn-gia-eyalotes-omades-2015.pdf. According to the guide, vulnerable groups include the homeless, unemployed, poor, persons with disabilities, released prisoners, former and current drug abusers, HIV positive persons, religious and cultural minorities, Roma, single-parent families, child offenders, abused women, trafficking victims, refugees and migrants, LGBTQ, those that have survived natural disasters, etc.

[256] Greek Constitution, Article 82(3): 'Matters relating to the establishment, operation and competences of the Economic and Social Committee, the mission of which is the conduct of social dialogue for the overall policy of the Country and especially for the orientation of economic and social policy, as well as the formulation of opinions on Bills and law proposals referred to it, shall be specified by law.' The law in force is Law 2232/1994, which was enacted prior to the 2001 Constitutional Revision, but the new Constitution recognised and upgraded the Committee's competencies.

disability. However, there is no example of any such initiative on the part of the Economic and Social Council.

The Racist Violence Recording Network (RVRN) was set up in October 2011 on the initiative of the NCHR and the UNHCR in Greece.[257] Between January and December 2023, RVRN documented 158 incidents of racist violence. In 79 cases, the victims stated that they had experienced racist violence again, while in 91 cases the attack was carried out by a group (at least two people). Of the 158 incidents in 2023, 88 involved migrants, refugees and asylum seekers, due to national origin, religion or colour, in some of these cases in combination with other reasons of targeting such as sexual orientation, gender identity and/or disability (intersectional targeting). In one incident, a Greek citizen was targeted by a third-country national on the basis of national origin. In five cases, the victims were Greek Roma citizens and were targeted due to their ethnic origin. One case concerned the desecration of a Holocaust monument. In a further case the victim was targeted on the basis of disability. A total of 61 incidents involved LGBTQI persons on the basis of sexual orientation, gender identity and/or expression. Most of the information/records regarding attacks against refugees and migrants was provided by the NGO Network for Children's Rights, whereas most of the information/records on attacks against LGBTQI people came from the NGO Thessaloniki Pride. The RVRN data for 2024 is still to be published.

The network also decided to keep the National Council against Racism and Intolerance frequently informed of the relevant findings and trends, so that the Council could better exercise its competence. In addition, the network insisted on requesting information from the Greek Police regarding the qualitative and quantitative data on incidents that have been reported to the Police and have been identified by the network. Finally, in order to technically improve the recording system, it was proposed that the network should provide training for employees and volunteers among its member organisations.

In its submission of comments to the European Commission against Racism and Intolerance (ECRI) sixth cycle list of questions that were taken into consideration in ECRI's report on Greece,[258] which was publicised in September 2022, RVRN considers that while any ad hoc initiative for training of the authorities involved in combating hate crime is welcomed, what needs to be ensured is continuous and systematic training, with the assistance of international and European organisations with expertise and experience in training law enforcement officials, for the entire personnel of the Greek Police and judicial bodies. In the same context and based on the indicative examples/incidents provided above, RVRN notes the need for continuous guidance to all police officers regarding their obligation to assist the victims, to intervene for their rescue and to make sure that the victims are referred to the competent services.

Overall, RVRN has observed the need for the existence of a comprehensive referral system among the competent authorities for supporting the victims, while it remains concerned about the lack of coordination among the competent services. In this direction, RVRN has observed that although the National Action Plan against Racism recognises the importance of the information drawn through actions such as the preparation of the Guide for the Victims, there is, however, no action by the bodies and ministries that are involved in the support of victims of racist violence, either directly or indirectly, as well as no coordination actions for the operational protection and support of victims of racist violence.

In December 2013, the Greek Ombudsman established an open communication anti-discrimination network, consisting of civil society organisations. The network represents an attempt to establish an unofficial partnership between the various stakeholders in order to share information and knowledge and to work collectively for the promotion of equality

[257] The Racist Violence Recording Network's website is available at: www.rvrn.org.
[258] ECRI (2022) *First report on Greece (sixth cycle)*, available in Greek: https://rm.coe.int/ecri-first-report-on-greece-adopted-on-28-june-2022-published-on-22-se/1680a818a0, and English: https://rm.coe.int/ecri-first-report-on-greece-adopted-on-28-june-2022-published-on-22-se/1680a818bf.

and to provide overall support for these groups. Following the success of pilot communications and the coordination of specific smaller networks which were set up in the past among regional civil society organisations working with Roma and involved in migrant protection and support, the Ombudsman used its very positive experience to establish similar networks in 2013 for each ground of discrimination, unifying them under the umbrella of a single, multi-thematic network. This network aims to raise greater awareness of the role the Ombudsman can play in safeguarding equal treatment and to familiarise participating bodies and organisations with the existing institutional tools and legislation for combating discrimination.

The Ombudsman is a regular participant at congresses and workshops organised by competent bodies on issues relating to equal treatment and the fight against discrimination by public bodies. The Deputy Ombudsman for Equal Treatment and the national body's officials frequently make recommendations or interventions, focusing on the Ombudsman's role as a national body for promoting equal treatment.

There are no measures regarding the year 2024.

c) Measures to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice, workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78*)*

Article 13 of Equal Treatment Law 4443/2016 also enshrines Articles 11 of Council Directive 2000/43/EC and 13 of Council Directive 2000/78/EC. Article 15(2) of Equal Treatment Law 4443/2016 provides that the Economic and Social Council[259] will encourage dialogue with NGOs and representative unions that have a legitimate interest in combating discrimination on the grounds of ethnic or racial origin, religion or beliefs, sexual orientation and disability. However, there is no example of any such initiative on the part of the Economic and Social Council.

There were no measures regarding the year 2024.

d) Addressing the situation of Roma and Travellers

Law 2667/1998 provides that the National Commission for Human Rights (NCHR) will encourage dialogue about human rights with NGOs, representatives of Government ministries, representative unions and communities such as the Roma community, which also has a seat on the National Commission. In March 2021, there was a contribution by the NCHR[260] in the context of the preparation of the new National Strategy for the Social Inclusion of Roma for the period 2021-2030. In its contribution, the NCHR proposes that a governmental action plan should:

- create a stable, open and intercultural public channel for dialogue;
- prevent and combat anti-gypsyism, encourage and strengthen Roma access to social, economic, cultural and political life;
- ensure equal access for Roma children to education through the promotion of awareness and education campaigns;
- take special care regarding Roma access to clean and sufficient water;

[259] Greek Constitution, Article 82(3): 'Matters relating to the establishment, operation and competences of the Economic and Social Committee, the mission of which is the conduct of social dialogue for the overall policy of the Country and especially for the orientation of economic and social policy, as well as the formulation of opinions on Bills and law proposals referred to it, shall be specified by law.' The law in force is Law 2232/1994, which was enacted prior to the 2001 Constitutional Revision, but the new Constitution recognised and upgraded the Committee's competencies.

[260] NCHR (2021) 'Contribution to the context of the preparation of the New National Strategy for the Social Inclusion of Roma for the period 2021-2030', March 2021, memorandum available in Greek at: https://www.nchr.gr/images/English_Site/ROMA/EEDA_erotimatologio_Roma_32021.pdf.

- take appropriate special measures to protect Roma public health without discrimination and disproportionate impacts on their rights for as long as the pandemic lasts.

In December 2016, it was announced that a Special Secretariat for the Integration of Roma was to be established under the Ministry of Employment, Social Security and Social Solidarity. The Special Secretariat was abolished in July 2019, however, and its competencies were transferred to the General Secretariat for Social Solidarity. Within the framework of the 'ROM' initiative put forward in March 2021 with coordinating partner the Equal Society Organisation and partners Ellan Passe – Panhellenic Confederation of Greek Roma and the Union of Greek Roma Mediators, the first 'Roma Human Rights Advocacy and Defence Observatory'[261] was established for the collection, processing and forwarding of Roma complaints to be resolved by competent bodies. The project was funded by the Active Citizens Fund with a budget of EUR 12 million.

The Observatory's annual report, which covered January 2022 to December 2022,[262] states that, given the importance of education as a primary institution for the healthy socialisation and social integration of the individual, but also its connection with work and professional development, exclusion from education has degraded the quality of life of Roma by trapping them in a vicious circle of inequality. School truancy, discrimination in the classroom and in the school environment, and school bullying were just some of the recorded problems.

Finally, in January 2023,[263] which was the last month of the project implementation, the project team published their intervention in a case concerning a work accident in Xylokastro, expressing concern about the flagrant violation of Roma human rights and, in this particular case, the right to fair and favourable conditions of work, as well as the right to social security and social assistance. During the same period of time, the project team completed the legal processing of the reports collected by the Observatory in the four regions (Attica, Thessaly, Western Greece and Central Greece) and informed relevant authorities through letters. On 30 January 2023, the final conference of the project took place, in which the findings from the implementation of the project were presented. These consisted of seven periodic reports regarding discrimination against Roma between March 2021 and January 2023. In particular, presentations at the conference covered: the actions implemented in the context of the project; the mediators' experience of collecting reports in the field; the systemic barriers to Roma access to services and goods; the reports collected in the four project implementation regions; the factors that make for the effective and substantive protection of human rights; and the relationship between media and stereotypes. In 2024, the Observatory of Human Rights of Roma continued to exercise its functions in the framework of the CERV project, which expires in November 2025. Therefore, during 2024 it continued to submit requests and reports to authorities and publish news and events on its website (romproject.gr).

8.2 Measures to ensure compliance with the principle of equal treatment (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

a) Compliance of national legislation (Articles 14(a) and 16(a))

According to Article 12 of Law 4443/2016, legislative, regulatory and administrative orders or acts, policies and actions within the fields covered by Part A of the Law must always take into account the principle of equal treatment. This means that, during the preparation of these legal texts, the drafters will take into account the principle of equal treatment. If

[261] The Observatory's official website is available in Greek at: https://www.romproject.gr/.
[262] The annual report 2022 of the Observatory available in Greek at: https://romproject.gr/2024-08-30-13-18-42/teleftaia-nea/40-ethisia-ekthesh-parathrhthriou-01-2023.
[263] Roma Human Rights Advocacy and Defence Observatory (2023), *Six-month report of the Observatory*, January 2023, available in Greek.

the principle of equal treatment is not respected, these laws will not be implemented or, if they are, they can be challenged before the Council of State.

b) Compliance of other rules/clauses (Articles 14(b) and 16(b))

According to Article 23 of Law 4443/2016, from the entry into force of its provisions, all terms contained in individual contracts or collective agreements, internal rules of undertakings or rules governing the independent occupations and professions and workers' and employers' organisations which are contrary to the principle of equal treatment as enshrined in Part A of the Law will be declared null and void.

9 COORDINATION AT NATIONAL LEVEL

9.1 Coordination at the governmental level

Articles 15 and 16 of Equal Treatment Law 4443/2016 regulate the coordination of anti-discrimination issues on a national level.

Law 4443/2016 also provides that the General Secretariat for Transparency and Human Rights of the Ministry of Justice, within the framework of its jurisdiction for the protection of human rights and the combating of all forms of discrimination, is also to participate in the promotion of equal treatment – without, however, being an equality body per se. In other words, the Ministry must, on a policy level, ensure adherence to equal treatment (when preparing legislative and policy actions). In the same spirit, the Social Protection Directorate of the Ministry of Labour will, among other things, monitor the application of anti-discrimination policies in the field of labour and employment, inform employees and employers on issues related to discrimination in the field of employment and raise awareness, as well as providing scientific support to the Labour Inspectorate.

As regards services for the monitoring and promotion of equal treatment, the General Secretariat for Transparency and Human Rights of the Ministry of Justice, through its jurisdiction on the protection of human rights and the combating of all forms of discrimination, is to provide for the promotion of equal treatment. Monitoring and promotion of equal treatment has yet to be carried out by the aforementioned body and there is no available information regarding this. The Social Protection Directorate of the Ministry of Labour should monitor the application of anti-discrimination policies in the field of labour and employment, inform employees and employers on issues related to discrimination in the field of employment and raise awareness, as well as providing scientific support to the Labour Inspectorate.

9.2 National strategies and action plans

National Action Plan against Racism and Intolerance 2020-2023

Until December 2020, there was no anti-racism or anti-discrimination national action plan per se. However, the Economic and Social Council (OKE),[264] which is an advisory body based on a tripartite organisational model, draws up an annual report on developments regarding the implementation of Equal Treatment Law 4443/2016 (Article 13(2)) under its mandate to conduct social dialogue on social policy issues, with special emphasis on the workplace. In addition, OKE submits proposals to the Government and social partners on the promotion of the principle of equal treatment and the adoption of anti-discriminatory measures; encourages dialogue with representative organisations, including relevant NGOs; and seeks to raise awareness and disseminate information on the applicable legislation and the measures taken.

During 2020, under the framework for the objectives in the national plan for more effective implementation of the principle of equal treatment in the field of work and employment, educational seminars took place for the training of labour inspectors and the employees of the Ministry of Labour, Social Security and Social Solidarity for the application of the principle of equal treatment. There has also been promotion of another target in the plan, which consists of building trust between prosecutors and targeted communities on racist crime – implementation of a project co-financed by the European programme 'Rights, Equality, Citizenship' (REC) for the 'Development of an Integrated Strategy against Racism and Intolerance'.

[264] The official website of OKE is available in English at: http://www.oke.gr/en.

The National Action Plan against Racism and Intolerance 2020-2023,[265] following the guidelines of the EU Action Plan against Racism 2020-2025, sets key long-term goals for effectively tackling racism and intolerance, racist violence and discrimination. It covers the grounds of race, national or ethnic origin, religion, colour, disability, sexual orientation, gender identity and gender characteristics. It focuses on ensuring respect for human rights and fundamental freedoms, in accordance with the Constitution and the country's international commitments, enabling citizens to live in a democratic society without discrimination, effectively enhancing the prevention phase. It also emphasises the awareness of respect for the principle of equality, equal treatment and dignity of all living in Greece in a pluralistic society based on the rule of law. The above objectives will be achieved through the design and implementation of programmes and actions that involve all relevant bodies of Government and society under the following priorities: a) discrimination, stereotypes, prejudices, b) fight against racist crime, c) awareness, d) integration/empowerment and e) horizontal cross-sectoral policies (all grounds of discrimination are covered by the policies).

More specifically, as mentioned in the action plan, the National Council against Racism and Intolerance (NCRI) is competent to supervise the implementation of legislation against racism and intolerance and its compliance with international and European law and also to promote and coordinate the action of relevant institutions to deal more effectively with the phenomenon, as well as strengthening cooperation with civil society on these issues.

The NCRI prepares studies, issues guidelines and recommendations and proposes measures to prevent and combat racism and intolerance and to adapt Greek legislation and administrative practice to the provisions of international and European law and the recommendations of international organisations. Moreover, the NCRI designs and proposes policies against racism and intolerance for the whole range of government policy and public administration and develops initiatives to promote corporate social responsibility of legal entities on the above issues. It also promotes human rights, equality and respect for diversity through formal education and it takes initiatives for the training of judges and prosecutors, law enforcement authorities and officials of services and bodies of the narrow and wider public sector in dealing with racism and racist violence.

The gradual implementation of the national action plan is monitored on an annual basis (end of each year) by the NCRI. The monitoring is a part of its regular and/or extraordinary meetings and is based on internal implementation reports submitted by the implementing bodies of the actions. This aims on the one hand to verify the smooth implementation of the plan and on the other hand to address possible obstacles that may arise, while allowing feedback. Regular monitoring allows the redesigning of actions, adding new actions and readdressing objectives according to current needs and circumstances.

Moreover, as noted in the National Action Plan, the Greek Police – in the context of the 'Agreement on inter-agency co-operation on addressing racist crimes in Greece' – has improved the electronic recording of incidents of racist violence through the PoliceOnLine network and the application 'Significant Reports', where there is the option 'racist crime' in the electronic process of the recording of crimes, which includes the obligatory choice of the racist motive – protected characteristic (race, colour, national or ethnic origin, decent, religion, disability, sexual orientation, gender characteristic or gender identity of the victim; all crimes linked to these separate grounds are recorded). Note that in Greece racism is interpreted broadly and not strictly as crimes with racial bias. This means that crimes perpetrated against persons based on characteristics of race, colour, national or ethnic origin, genealogical descent, religion, disability, sexual orientation, gender characteristic or gender identity are considered racist crimes (i.e. Article 82A of the Greek Criminal Code). These data are processed by the Directorate of State Security of the Greek

[265] National Plan of Action against Racism and Intolerance 2020-2023 (*Εθνικό ΣχέδιοΔράσης κατάτου Ρατσισμού και της Μισαλλοδοξίας* 2020 – 2023), available in Greek at: https://moj.gov.gr/wp-content/uploads/2021/01/Ethniko-Sxedio-Drasis-kata-tou-Ratsismou-kai-tis-Misallodoxias_final_cover.pdf.

Police Headquarters, which, by presidential decree, is responsible for maintaining statistics on incidents of racist violence, collecting, studying and evaluating them as well as submitting the annual report on cases of racist violence dealt with by the relevant services. The ultimate goal is to have an objective perception of the problem and to improve the ways of dealing with it by adapting the police action on a case-by-case basis and per police district. In this direction, the variations in the prevailing social conditions are taken into account, as they are reflected in the statistical studies and in the reports of the regional services.

On 22 February 2024, a letter was sent from the coordinators of the RVRN, NCHR and UNHCR to the Ministry of Justice in order to ensure the restart of work and the smooth operation of the National Council against Racism and Intolerance (ESRM), as it had last met in May 2023, and given that, from June 2024, the competence of its operation came under the specific ministry. They even pointed out that there is an obligation on the part of the Government to continue the activities of the ESRM, including in the framework of the renewal of the Action Plan against Racism for the following years. Following this, a meeting of the ESRM was held on 26 June 2024 which addressed, among other things, the need to adopt measures combating hate speech and its interconnection with racist crime. In the same context, the country's obligation to provide detailed information and statistics regarding both complaints for racist crimes and victims' access to support and protection was emphasised. Finally, the dimension of racist violence targeting human rights defenders was emphasised, and it was linked, due to their association, with the overall violence targeting vulnerable communities; thus, adoption of policies for the protection of human rights defenders were additionally recommended.

In 2024, to enhance collaboration in the fight against discrimination in Greek society, the KMOP-Social Action and Innovation Centre partnered with the Ministry of Social Cohesion and Family Affairs and the Greek National Commission for Human Rights.[266] This joint effort highlights a shared commitment to promoting social cohesion and human rights. A launch meeting, held on 13 November 2024, brought together key representatives, including the Deputy Minister of Social Cohesion and Family Affairs, the Secretary General for Equality and Human Rights, the President of the Greek National Commission for Human Rights and the Vice President of KMOP. With the involvement of the Ministry of Social Cohesion and Family Affairs, the Greek National Commission for Human Rights and KMOP, the 'Ecosystem' project will contribute to the development of Greece's second National Action Plan against Racism and Intolerance. Additionally, it will provide victims of racist violence with easier access to vital information and support services through a digital platform, available in 10 languages. The platform is expected to reach thousands of individuals, helping them access information about their rights and the services available to them. The 'Ecosystem' project is set to run until September 2026.

During 2024 there has been no available information on evaluation of the National Action Plan, which was supposed to start at the end of 2023 to ensure that the best results are achieved and lessons learned from any constraints are identified. The evaluation is supposed to be based on quantitative and qualitative data.

There is no specific intersectional approach or relevant practices.

National Strategy for the Equality of LGBTQI+ people

On 17 March 2021, by decision of the Greek Prime Minister, a committee was set up with the aim of drafting a national strategy for the equality of LGBTQI+ people in Greece (in Greek ΛΟΑΤΚΙ+). Based on all relevant data and suggestions collected, the relevant

[266] See: KMOP (2024) 'KMOP partners with the Ministry of Social Cohesion and Family Affairs and the Greek National Commission for Human Rights to combat discrimination in Greece', 15 November 2024, https://www.kmop.gr/news-kmop-partners-with-the-ministry-of-social-cohesion-and-family-affairs-and-the-greek-national-commission-for-human-rights-to-combat-discrimination-in-greece/.

committee that had been set up for the drafting of a relevant plan published their final strategy,[267] which included a series of guidelines and proposals for all areas inspired by the principle of equality and the prohibition of discrimination on the basis of sexual orientation, gender identity and expression or sex characteristics. It should be noted that the strategy is not a typical strategy with a proposal of horizontal or other measures to be adopted and implemented. It mainly identifies issues that should be addressed. It also fails to mention the time period for its validity and its duration is undetermined.

The National Strategy for LGBTQI+ states that prejudices, stereotypes and distorted perceptions in practice hinder equal access to the labour market. The strategy cited research conducted by FRA in all Member States,[268] which concluded that 49 % of LGBTQI+ in Greece (against the EU average of 37 %) did not disclose their sexual orientation to any of their colleagues – only 8 % said that they are very open about their sexual orientation in the workplace (compared to the EU average of 21 %) – fearing discrimination against them, bullying, etc. The strategy emphasised that it is important for Government, businesses and all social partners to undertake visibility actions but also the creation of inclusive structures, protocols, procedures, training, reward incentives, certification and protection of workplaces. Mechanisms should be studied and designed for removing the obstacles for LGBTQI+ people in the labour market as well as establishing a code of conduct. According to the strategy, removing exclusions, strengthening diversity and inclusiveness are only for the benefit of the employees as well as the businesses. Further action to be taken, in the direction of the universal inclusion of LGBTQI+ persons, in accordance with the current legislation (Law 4443/2016), includes the cooperation of social partners[269] with LGBTQI+ civil society organisations, the undertaking of information campaigns, drawing up special reports for the implementation of equal treatment and the activation of the Social Protection Directorate and of Social Cohesion of the Ministry of Labour, Social Security and Social Solidarity in order to use all the tools guaranteed by the law. Recent reforms such as the introduction of same-sex marriage in 2024 were implemented as part of the strategy. However, many of the above issues remain unaddressed. In the author's opinion, a step in the right direction would be the adoption of horizontal measures, such as the ratification of the 12th additional Protocol to the European Convention of Human Rights, which concerns the general prohibition of discrimination in all the fields, as well as the transposition of Directive 2019/2937 of the EU for the purpose of protection of persons reporting violations of Union law, which, among other things, also refers to the protection of workers (salaried or not), and of persons who report or disclose publicly related information with violations acquired in the context of an employment relationship.

Law 5029/2023,[270] which was passed by the Greek Parliament on 9 March 2023, implements the European Commission's 'Guidelines for Strategies and Action Plans to enhance LGBTIQ Equality' for the preparation of a national strategy for LGBTQI+ rights:[271]

> '[...] An important first step to address many problems in primary and secondary education is the drafting by the Ministry of Education of a specialized circular for managing everyday issues of sexual orientation, expression of gender identity and sex characteristics […]'.

[267] *National Strategy for the Equality of LGBTQI+ people in Greece*, available in Greek at: https://primeminister.gr/wp-content/uploads/2021/06/ethniki_statigiki_gia_thn_isothta_ton_loatki.pdf.
[268] See: FRA (2020), 'EU LGBTI survey II A long way to go for LGBTI equality – country data, Greece', https://fra.europa.eu/sites/default/files/fra_uploads/lgbti-survey-country-data_greece.pdf.
[269] The strategy does not clarify who these social partners are.
[270] Law 5029/2023 on living in harmony together - breaking the silence: Regulations to prevent and deal with violence and bullying in schools and other provisions (*Νόμος 5029/2023 μετίτλο 'ΖούμεΑρμονικά Μαζί – Σπάμετη Σιωπή»: Ρυθμίσεις για την πρόληψη και αντιμετώπιση της βίας και τουεκφοβισμού στα σχολεία και άλλεςδιατάξεις'*) (OJ 55 A/10.03.2023).
[271] *National Strategy for the Equality of LGBTQI+ people in Greece*, available in Greek at: https://primeminister.gr/wp-content/uploads/2021/06/ethniki_statigiki_gia_thn_isothta_ton_loatki.pdf.

Therefore, within the framework of the above strategy, Article 4 of the above Law addresses bullying and intra-school violence in the forms of insult or discrimination or harassment on the grounds of a student's sexual orientation among other grounds.[272]

Law 5089/2024,[273] which was put to the vote on 15 February 2024, aims to ensure the principle of equality through the extension of the possibility of marriage to persons of the same sex and to strengthen protection against discrimination in the direction of the implementation of the National Strategy for the Equality of LGBTQI+ (see more details in section 12.1).

There is no specific intersectional approach or relevant practices.

National Strategy and the Action Plan for the Social Integration of Roma 2021-2030

On 23 December 2021, the Ministry of Labour and Social Affairs put out to open public consultation the National Strategy and the Action Plan for the Social Inclusion of Roma 2021-2030.[274] 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.[275]

The strategy is structured in four pillars that define the key priorities for action by the Greek state in the period 2021-2030:

I. 'Prevention and fight against poverty and social exclusion of Roma';
II. 'Strengthening Roma equal access to basic services and goods (education, employment, health, social care and housing)';
III. 'Preventing and combating stereotypes and discrimination against Roma';
IV. 'Promoting the active participation of Roma in social, economic and political life'.

The strategy emphasises that a factor that hinders the integration of Roma is related to their marginalisation because of racism and discrimination. Roma are treated with prejudice about their way of life and choices, while they face largely racist attitudes, discrimination, prejudice and violation of their fundamental rights. Scientific research[276] has shown that, in Greece, a large percentage of municipal employees, teachers and healthcare workers have a negative attitude towards and prejudice and stereotypes about Roma people, which adversely affects how they are treated, and their access to services necessary for them, as they are generally considered as 'persons to avoid'.[277]

Furthermore, the Strategy for 2021-2030 mentions that in October 2020 an 'evaluation report of the social inclusion policies of the Roma in Greece' was prepared with the scientific support of the Social Management Research Laboratory of the University of West Attica (PADA). The evaluation report included the mapping and evaluation of the National Strategy for the Social Inclusion of the Roma 2011-2020.

[272] See more information and details on this Law in section 3.2.7.
[273] Greece, Law 5089/2024, on 'equality in civil marriage, amendment of the Civil Code and other provisions' (*Νόμος 5089 για την «ισότητα στον πολιτικόγάμο, τροποποίηση του αστικούκώδικα και άλλεςδιατάξεις'*) (OJ 27 A /16.02.2024).
[274] Open Government's website is available in Greek at: http://www.opengov.gr/minlab/?p=5472&fbclid=IwAR1KD0We2xV4LdsZenz4jX_v6wfe1JNioNcSEq1CCvaAqGSlO6I9DszNafw.
[275] Greece, Ministry of Employment and Social Affairs, National Strategy and Action Plan for the Social Integration of Roma 2021-2030 (*ΕθνικήΣτρατηγική και ΣχέδιοΔράσηςγια τηνΚοινωνικήΈνταξη τωνΡομά* 2021-2030), last accessed on 15.05.2023.
[276] Asimopoulos, C., Martinaki, S., Kontogianni, E., and Kompoti, D. (2019), 'Public services employees' attitudes towards Roma in Greece: The need for a social work response', *Journal of Sociology and Social Work*, 7(2), pp. 105-114.
[277] Asimopoulos, C., Martinaki, S., Kompoti, D., Kontogianni, E., and Gouga, G. (2019), 'Anti-Roma prejudice in Greece: A challenge for social work', *Comunitania: International Journal of Social Work and Social Sciences*, 18, pp. 85-100.

The main shortcoming in the implementation of the interventions of the National Strategy for Roma Social Inclusion 2011-2020 identified in this report was the low degree of coordination between the relevant ministries and agencies and the lack of a system of indicators and data collection for the systematic monitoring of interventions implemented at national level and local level and the assessment of their outputs, results and efficiency in terms of removing the conditional social exclusion and deprivation of the Roma population. This resulted in the incomplete monitoring and evaluation of the implementation of the strategy and the implemented actions.

The National Strategy 2021-2030 aims to develop targeted reporting on the Roma in relation to universal and equal access to health, including mental health, and to enhance access to education and combat the issue of school dropout rates. Measures for promoting access to the employment field and the maintenance of a steady job and income are also included. The strategy aims to ensure access to basic rights, including housing, education, access to goods and services, education, employment, etc. Specific reference is made to the provision of quality pre-school education services to Roma children, as well as to supportive interventions in Roma communities to enhance access to quality inclusive general education and reduce school dropout by children and young people. There are also general provisions for actions in the field of housing, social housing and infrastructure in Roma settlements/camps, as well as for actions to strengthen Roma participation by strengthening the development of trust and cooperation and combating discrimination. Special reference is made to the rent subsidy as a way of rehabilitating the Roma.

The General Secretariat for Social Solidarity and Combating Poverty of the Ministry of Labour and Social Affairs is designated as the body responsible for coordinating and monitoring Roma social inclusion policies at national level and is now the EU National Contact Point for Roma issues.

Other actions for the social integration of Roma

On 27 February 2024, Ministerial Decision 30981/EX/2024,[278] increased the budget for the Public Employment Service grant regarding the implementation of the 'Project of Social Reintegration of the most vulnerable groups such as the Roma by the National Plan for Recovery and Resilience' from EUR 2.88 million to EUR 3.77 million. The object of the project is the implementation of a training, certification and employment programme that will respond to the needs and profile of the Roma. The training programmes cover the development of skills and the acquisition of certification with the aim of (re)integrating Roma into the labour market of their area of residence. The main aim of the project is to promote an increase in employability through short-term vocational training, as well as to address the negative stereotypes of the labour market by offering internship positions, in line with the EU policy objectives regarding the strategic equality framework. More specifically, the programme is implemented in the regions of Attica, Thessaly and Central Macedonia and provides 145 hours' training, plus the six-month subsidised employment of 159 people for 3 cycles, with certification exams. The specific objective of the programme is the acquisition of knowledge in technical professions such as nail care assistant, tailor's assistant, catering staff (waiters), vehicle cleaner or maintenance of green spaces, which were proposed after consultation with Roma organisations. In total, the programme has reached 77 young Roma beneficiaries (over 15 years old).

In 2024, the second cycle of the 'Programme for granting business initiatives to employ young freelancers aged 20 to 44 who belong to marginalised social groups such as the Roma' was implemented in Attica, the Peloponnese and Western Greece. The total disbursements of this programme for the years 2023 and 2024 were EUR 222 000, with the creation of 8 businesses in Attica.[279] Since 2023, the Ministry of the Interior has

[278] Greece, Ministerial Decision 30981/EX/2024, 27 February 2024.
[279] See: Hellenic Parliament, Debate on Roma, 7 July 2023, at: https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/12729702.pdf.

published a call entitled 'Temporary Relocation, Development, Replacement and/or Expansion of Infrastructure Networks to Improve the Living Conditions of Special Social Groups (Roma)',[280] with a total funding of EUR 15 million. It called on the country's municipalities with Roma populations to submit proposals for:

(a) Organised temporary relocation areas (up to EUR 3.5 million per request), which are available from the state or granted by private individuals, for the temporary relocation of special social groups living in makeshift or irregular accommodation. These areas are organised as a single complex of social residential units with the required prefabricated facilities, the required infrastructure (sewerage, water supply, road construction, electric lighting, waste collection, etc.), as well as any other supporting facilities for healthy and safe living.
(b) The development, replacement and/or expansion of infrastructure networks for the improvement of living conditions (up to EUR 1.75 million per request), with the aim of improving the living conditions of the Roma population in the places where they live.

However, as regards the implementation of the project, in 2023, a joint ministerial decision was signed for the creation of just one organised temporary relocation area in the Ampelokipi-Menemeni Municipality in Northern Greece, while in 2024 only the Heraklion Municipality on the island of Crete submitted a complete dossier requesting the temporary relocation of the Roma population living in the area of '2 Aerakia'.

Finally, in 2024, the creation of the Registry of Certified Roma Social Mediators and the training and certification of its members continued, in order to be used in Roma support structures (in the Roma branches of community centres) and/or in the implementation of future Roma social integration programmes. The trained and certified Roma social mediation professionals are supposed to contribute to a more effective on-site approach to the Roma communities, a more realistic mapping of local collective and individual needs and to enable better information to be provided to Roma beneficiaries regarding actions and policies in the context of the implementation and monitoring of the National Roma Strategy 2021-2030. The aim is to achieve increased participation of Roma people in the planned actions and to raise awareness among both the general population and the local Roma communities around issues of social inclusion, equality, combating discrimination and harmonious social coexistence.

There were no other developments in 2024.

There is no specific intersectional approach or relevant practice.

Strategies and action plans for persons with disabilities

After one year of systematic work, the National Action Plan for the Rights of Persons with Disabilities 2020-2023[281] was completed in 2020 and was the first action plan to be adopted in Greece following the implementation of the UN Convention on the Rights of Persons with Disabilities. The national action plan, which responded to the relevant *Concluding observations* report of the UNCRPD, reflected an important aspect of the executive function of the state, as first established by Law 4622/2019,[282] given that it comprised, under a single policy umbrella, actions by all the ministries involved. In this

[280] See: https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/12729702.pdf.
[281] *National Action Plan for the Rights of Persons with Disabilities*, available in Greek.
[282] Law 4622/2019 on the Executive State: organisation, function and transparency of Government and governmental bodies and central public administration (*Νόμος 4622/2019 για το επιτελικόκράτος, οργάνωση, λειτουργία και διαφάνεια τηςκυβέρνησης, τωνκυβερνητικών οργάνων και τηςκεντρικήςδημόσιας διοίκησης*) (OJ 133 A/ 07.08.2019).

way, the constitutional provision of Article 21(6), which guarantees that persons with disabilities have the right to enjoy measures that ensure their autonomy, professional integration and participation in the social, economic and political life of the country, was to be implemented. In September 2020, a working group of more than 100 members was set up by a decision of the Minister of State for the further planning and specialisation of actions. All actions were part of 6 pillars and 30 objectives. The schedules for the various actions were completed in 2022 and were implemented in 2023.

Specifically, based on the national action plan, focal points were to be created in ministries, regions and municipalities. The National Accessibility Authority was established; national legislation for the rights of persons with disabilities was codified; the Disability Assessment Mechanism was set to be improved; mainstreaming of the rights of persons with disabilities was to be included in an integrated strategy for Roma women and girls, refugees and asylum seekers; electronic access for persons with disabilities to all social protection services was established and enhanced, as were the administrative procedures, which were mostly digitised, and access to the websites of the ministries and applications for mobile devices for public services is mostly ensured; measures for the improvement of access to education for children with disabilities were also included.

On 1 December 2023, an unpaid technical committee was established by the Minister of State to draft and prepare a new strategy, the Strategy for the Rights of Persons with Disabilities 2024-2030 and monitor its implementation in practice.[283] The committee is set to run until 31 May 2027.

The National Strategy for the Rights of Persons with Disabilities 2024-2030: 'A Greece for All',[284] was presented to the cabinet of ministers by the Minister of State (the Government coordinator for the rights of persons with disabilities) on 29 April 2024 and was published online on the official governmental site, opengov.gr. The Greek Government's aim is for this strategy to be the 'road map' for improving the lives of persons with disabilities in all fields and to strengthen their inclusion in society, which has been a policy initiative since 2020.

The main aim of the national strategy is to increase the visibility of persons with disabilities and raise awareness in society. In order to substantiate the necessity of the strategy, the cabinet announcement referred to a relevant Eurostat survey.[285]

The national strategy's main goal is twofold: the quality of life of persons with disabilities in Greece should be aligned with that of the general population in terms of living and working conditions; and national data should approach European averages. The implementation of the actions concerns all the ministries, regions and municipalities, with guaranteed funding from national and community resources of more than EUR 600 million. In order to achieve this, the national strategy focuses on 170 targeted actions, with interventions across six priorities: to improve accessibility, education, employment, health, deinstitutionalisation and visibility of persons with disabilities. Additionally, with the aim of ensuring accountability and transparency, the actions are combined with specific monitoring indicators. The strategy is intended to cover all fields in a horizontal manner. However, basic fields with special importance are education, health and employment.

The cabinet data on employment reveals the situation in practical terms: the employment rate of persons with disabilities in Greece stands at 24 %; when compared to the European

[283] Information from the official site of the Ministry of Digital Governance.
[284] Information from the official site of the Ministry of Labour and Social Security.
[285] The relevant Eurostat survey reveals that over 10 % of the general population of Greece lives with a severe disability and an additional 14 % has a partial disability. That means that there are at least 1 million and up to 2.5 million residents with disabilities living in Greece, the majority of whom are over 65 years old. In total, it directly concerns up to a quarter of the Greek population. However, the Government believes that the ramifications and the impacts of the issue affect the whole society.

average, which exceeds 50 %, it places Greece near the bottom of the European ranking. In addition, Greece has one of the highest unemployment rates for persons with disabilities in the European Union.

The national strategy is regarded as highly important because, for the first time, it brings together all ministries and local government agencies, recognising the need for horizontal solutions and coordination. At the same time, it promotes synergies with representatives of civil society and disability organisations. It is thought that opening up the strategy for suggestions/observations/opinions from concerned citizens and organisations (through the website: https://amea.gov.gr/consultation) will contribute significantly to covering as many aspects and demands of this complicated field as possible.

In the field of education, under the national strategy, early intervention programmes for preschool children[286] started in September 2024 and will continue until December 2026. The measures are related to: (a) institutional interventions and development of specifications, guidelines and other tools; and (b) targeted interventions to improve the early intervention services. Regarding this goal, the national strategy sets out that by 2030 the following actions must have been implemented: (a) establishment and implementation of an early intervention programme for children with disabilities, aged 0-6, based on the family-centred model, with the allocation of vouchers for the provision of specialised treatments with collaborative and holistic support from interdisciplinary teams, aimed at supporting and fostering family involvement in all aspects of the child's care and development; and (b) development and implementation of a plan for early educational intervention for children with disabilities or special educational needs of preschool and school age. The implementing body is the Ministry of Social Cohesion and Family in collaboration with the Ministry of Education, Religion and Sports.

The *Ombudsman's Special Report 2023*[287] on the rights of persons with disabilities was published on 27 December 2024. The report examines deficits and distortions at the level of existing legislation, secondary regulations, administrative operation and practice. It records the policy fields in which there has been progress in harmonising the national framework with the requirements of the UN CRPD and reports findings of delays and/or ineffective regulations. In the report, the Ombudsman points out the problems that exist regarding the procedures for providing a service to customers with disabilities by banks and recommends a revision – updating the Banking Code of Conduct in a manner that would be consistent with the modern legal framework for the rights of persons with disabilities and would ensure their equal access to banking services. Moreover, in this report the Ombudsman highlights the absence of sanctions regarding the non-adaptation of the built environment to conditions of accessibility for persons with disabilities. In practice this leads to a bypassing of the rights of persons with disabilities, in particular persons with mobility or visual disabilities, and renders ineffective the national legislative provisions on accessibility, and, ultimately, the right under Article 9 of the UN Convention on the Rights of Persons with Disabilities.

There is no specific intersectional approach or relevant practices.

National action plan and initiatives against antisemitism

Finally, according to the Ministry of Foreign Affairs, the drafting of a national action plan against antisemitism is under way.[288] To this end, the Secretariat General for Religious Affairs aspires, among other things, to map out and implement a comprehensive strategy

[286] Information from the specialist site on education issues: Alfavita.
[287] Greek Ombudsman (2024) *2023 Special Report on the rights of persons with disabilities*, available in Greek at: https://www.synigoros.gr/el/category/default/post/eidikh-ek8esh-2023-or-dikaiwmata-twn-atomwn-me-anaphries.
[288] Information on the situation of human rights in Greece provided by the Ministry of Foreign Affairs, available at its official website: https://www.mfa.gr/en/foreign-policy/global-issues/human-rights.html.

against antisemitism, as well as to raise awareness about religious tolerance, addressing primarily students and teachers.

There is no specific intersectional approach or relevant practice.

10 CURRENT BEST PRACTICES

There are no examples of best practice that can be identified in relation to the use of artificial intelligence (AI) to improve the effective implementation of the national legislation transposing the directives.

The impacts of the actions described below that had started in previous years have continued in 2024. No further best practice has been observed in the public sphere.

ROMA

Educational Pilot Project for Roma children

The 25-member Task Force[289] for the Social Integration and Empowerment of the Roma (including the field of education) continued to operate until 30 April 2024. The task force had started in 2021 and acted as a key tool for strengthening, monitoring and implementing the national strategy and related policies and measures, both at regional and local level. Special emphasis was given to educational measures in schools, where there is a high concentration of Roma children, with the aim of providing information on children's rights, but also to raise wider awareness within society. The special assistants who participated in this group were active in the regions of Attica, Central Macedonia, Eastern Macedonia and Thrace and Western Greece, carrying out field visits/inspections (in Roma settlements and camps) with the cooperation of NGOs.

Inclusion of Roma in the national strategy for combating poverty

The general National Strategy on Social Integration and Reduction of Poverty 2021-2027[290] that was launched on 1 December 2021 included provisions for Roma. More specifically, the social inclusion goals for vulnerable ethnic/racial groups such as the Roma are access to adequate resources, basic goods and services, through the expansion and growth, modernisation and upgrading of social and support services; multidimensional interventions and social innovation, labour market integration and access to employment, through the promotion of equal opportunities, enhancing the adaptability and lifelong learning of adult workers; and strengthening the social economy as a tool for social integration. The strategy is still being implemented and no results/outcomes or evaluation reports have been published to date.

Educational project to encourage the completion of school by Roma children and the return to education of Roma adults

On 24 July 2024 it was announced that the Municipality of Serres and the Hellenic Open University were offering 35 places on the university's study programmes to prospective and active students who belong to the Roma social groups (see more details in section 3.2.7).

DISABILITY

Measures for the facilitation of naturalisation for children with disabilities

In March 2019, Parliament adopted Law 4604/2019,[291] introducing a positive measure for the acquisition of Greek citizenship for children with disabilities who do not – due to their disability – meet the regular naturalisation requirement of continuous and successful education. According to Articles 31 and 32 of this Law, children born in Greece who have

[289] Information available at the official site of the National Centre of Social Solidarity.
[290] The national strategy is available in Greek at the official website of the Ministry of Immigration and Asylum.
[291] Law 4604/2019 on promoting effective gender equality, preventing and combating gender-based violence – legal arrangements on citizenship and other provisions (OG A 50/26.03.2019).

a certified disability of more than 80 % and whose parents are legally residing in Greece are not required to succeed in education if they attend specialised care services and psychosocial or therapeutic rehabilitation interventions for an appropriate period of time.

National Accessibility Authority

Article 1 of Law 4780/2021[292] establishes a National Accessibility Authority as set out in the national strategy. The National Accessibility Authority works under the supervision of the Prime Minister and its purpose is to help to remove discrimination or barriers and consequently facilitate the integration of persons with disabilities into the social, economic, political and cultural life of the country, as dictated by the United Nations Convention on the Rights of Persons with Disabilities (ratified by Law 4074/2012).[293]

As far as its staff and infrastructure are concerned, the Authority is supported by the Office of the Prime Minister and is part of the state budget, as a separate special body. More specifically, the Authority constitutes a consultative body of the state regarding the access of persons with disabilities to all areas of human activity, and its mission includes the constant monitoring of issues related to the accessibility rights of persons with disabilities and the formulation of proposals for public policies in topics that fall within its competence.

In accordance with Article 2, the Authority has the following responsibilities, in particular:

(a) to monitor the implementation of the international, EU and national accessibility framework;
(b) to formulate proposals for comprehensive policies, regulatory interventions and specific actions on accessibility, advise on relevant issues, and consult the public administration, civil society and the disability movement;
(c) to recommend the development and updating of accessibility standards in all areas, such as the physical and digital environments, as well as communications, transport, products and services, and give advice on their implementation guidelines;
(d) to cooperate with the Coordinating Mechanism of the Government, inform it of its proposals and submit suggestions regarding the implementation and revision of the National Action Plan for the Rights of Persons with Disabilities;
(e) to participate in the drafting committees for the drafting of laws relating to its competencies or to give an opinion on relevant provisions prior to their submission as to their compatibility with the United Nations Convention on the Rights of Persons with Disabilities;
(f) to develop initiatives to inform the public on issues relating to the access of persons with disabilities to all areas of human activity, in cooperation with the relevant ministries.

Pursuant to Article 3, the Authority consists of 12 members, which include: 6 scientists of recognised prestige in areas related to the mission and responsibilities of the Authority or citizens whose activity is related to access of persons with disabilities to education, culture, arts, sports, work, entrepreneurship and information, selected by the Prime Minister, of whom 3 are persons with disabilities; an expert selected by the National Confederation of Persons with Disabilities (ESAMEA), a representative of the Confederation (ESAMEA), the President of the National Commission of Human Rights (NCHR) and the Ombudsman, which is the equality body of Greece.

[292] Law 4780/2021 on the National Accessibility Authority, National Rights Commission of Humanity and National Committee on Bioethics and Techno ethics (*'Εθνική Αρχή Προσβασιμότητας, Εθνική Επιτροπή για τα Δικαιώματα του Ανθρώπου και Εθνική Επιτροπή Βιοηθικής και Τεχνοηθικής'*) (OJ 30A/28.02.2021).
[293] Law 4074/2012 on ratification of the Convention on the Rights of Persons with Disabilities and its own Optional Protocol (*Νόμος 4074/2012 για την 'επικύρωσητηςΣύμβασηςγια τα Δικαιώματα των Ατόμωνμε Αναπηρίες και του Προαιρετικού Πρωτοκόλλουτης'*) (OJ 88A/11.04.2012).

Furthermore, according to Article 4, the Authority on its own behalf may enter into contracts with higher education institutions, research institutes, and specialist scientists or technicians with special knowledge and experience in the field, for the execution of projects or the development of studies that may be publicised by its decision after their submission. It should be noted that there are no available data concerning its budget.

Finally, pursuant to Article 7, the public services must facilitate the work of the Authority. In order to fulfil its mission, the Authority may request from the public services and other public and private sector bodies, as well as from individuals, any relevant information or document. The Authority has launched a website and has published activities reports for 2022, 2023 and 2024.[294] The *2024 Activities Report* demonstrates that the Authority has been predominantly focused on the implementation of the national action plan and assisting the relevant ministerial authorities in the preparation of legislative documents. The minutes of meetings of the Authority are also published on the website.

Measures for accessibility of persons with disabilities

As far as persons with disabilities are concerned, in 2022, actions were implemented to ensure 'Accessibility to the Natural and Built Environment'[295] provided for in Law 4782/2021. In particular, the first of these actions concerns the 'creation of a digital platform to monitor accessibility improvements in the built environment horizontally, starting from the buildings that house public services'.

Specifically, in this context, all the public structures of responsibility of the Ministry of Education and Religion (school units, decentralised services, etc.) were invited to cooperate with the respective reference points of the municipalities for the registration of the buildings on the platform, in accordance with the above. Thus, in 2022, the Greek state launched a new electronic service for recording data on existing buildings and infrastructure for their accessibility to people with disabilities.

From 21 September 2021, the registration of data on existing buildings that house public services began on the electronic platform, an information system designed, developed and supported by the Technical Chamber of Greece. Consequently, the buildings registered until 31 March 2022 do not become unlawful under the zoning code (*αυθαίρετα*) and are included in the programme for the horizontal restoration of accessibility and finding financial tools to achieve this.

On 22 April 2024, the media reported that an administrative fine of EUR 160 000 was imposed by the National Council for Radio and Television (NCRTV)[296]– the Greek independent administrative authority that supervises and regulates the radio/television market – on YouTuber FZ, known by the nickname 'Hayate' on social media. Around a year ago he was revealed to be broadcasting live scenes of torture of people with an intellectual disability from his YouTube channel, and even selling tickets to those who were interested in watching the 'show'. The NCRTV imposed a sanction of EUR 80 000 for insulting the moral and spiritual development of minors and another EUR 80 000 for indirectly encouraging violence and hatred against persons with disabilities, based in particular on their mental and physical impairment. Significantly, this was the first time a penalty had been imposed by the NCRTV for an internet broadcast.

[294] Official website of the National Accessibility Authority: https://www.amea.gov.gr/accessibility, last accessed on 19.05.2025.

[295] The structure, content and procedures for managing the content of the online portal are defined in the YAP/Φ.40.4/1/989/2012 Ministerial Decision 'Sanction of the Framework for the Provision of Electronic Government Services' (OJ Β΄ 1301/12-04-2012), available in Greek at: https://www.alfavita.gr/ekpaideysi/373484_sholeia-katagrafi-ypodomon-gia-tin-prosbasimotita-toys-apo-atoma-me-anapiria?fbclid=IwAR1ndGrbCduebpEfDKydDej2eJH-Xh0biDPx63az_HeMH5JjgZNYWvnjjn0.

[296] The decisions of the NCRTV are legally binding. However, they are not published on its website: www.esr.gr. Under Law 4779/2021, the NCRTV has acquired competence over the internet as well.

The issue of priority service for persons with disabilities in special public pharmacies (which serve vulnerable groups with serious illnesses) was examined by the Ombudsman in May 2024.[297] A person with a disability complained about bad behaviour and lack of service upon arrival at the central special public pharmacy of the National Organisation for the Provision of Health Services in Maroussi, Attica. As part of the investigation into the case, the Ombudsman carried out an unannounced inspection at the particular pharmacy, in order to examine the conditions of service to the public and to be informed about the incident. During the inspection, it was not possible to ascertain and confirm the alleged incidents, but it was found that no facilitation procedure is provided for persons with disabilities who visit the special public pharmacies, even if they are holders of a disability card. With his written document to the Medicine Directorate of the aforementioned National Organisation, the Ombudsman, recognising that those who visit a public pharmacy are presumed to be facing a health problem or are possibly authorised persons to facilitate persons facing serious health problems, pointed out that the public pharmacy should take into account and 'compensate' somehow the degree of difficulty faced by persons with disabilities, in particular when serving them.

In this context, he recalled the explicit legal provision of Article 20 of Joint Ministerial Decision 16996/2023,[298] according to which 'all public and private sector bodies, as well as natural or legal persons or legal entities, must serve Disability Card holders as a priority in procedures that require physical presence and provide them with any facility required to serve them, and in particular any facility that covers any lack of accessibility of the space or procedure', and requested to be informed about whether and how the priority service for persons with disabilities is implemented in public pharmacies, as well as whether relevant circular instructions have been issued to the competent authorities. The Ombudsman also pointed out that people with disability should be treated with respect for their disability and their vulnerability, an obligation dictated both by the UN CRPD, as well as by the Constitution of the country. After the above intervention by the Ombudsman, the Organisation informed it that written instructions had now been given to the regional directorates and the special state pharmacies for the priority service of disability card holders.

Positive measures for deinstitutionalisation

The more general National Strategy for Social Inclusion and Poverty Reduction2021-2027 (including reports for all vulnerable groups), which was launched on 1 December 2021, also takes into account both the priorities of the European Disability Strategy and the actions included in the National Action Plan for the Rights of Persons with Disabilities, as formulated in the National Strategy for Deinstitutionalisation, and includes actions targeted at persons with disabilities, based on respect for the principles of equal participation, inclusion, non-discrimination, choice and control over their lives and their right to special needs support and their characteristics.

Other practices concerning the integration of persons with disabilities

Several other best practices in the field of disability[299] were introduced in 2021 and continued to be implemented during 2024. For example, the personal assistant, which was instituted for the support of persons with disabilities (and their respective assistants) with funding from the European Recovery Fund, was still being implemented throughout 2024.

[297] Information from the official website of the Greek Ombudsman: https://www.synigoros.gr/el/category/default/post/synopsh-diamesolabhshs-or-kata-proteraiothta-e3yphrethsh-twn-katoxwn-kartas-anaphrias-apo-ta-farmakeia-toy-eopyy.

[298] Joint Ministerial Decision 16996/2023 on Digital Register of Persons with Disabilities and Disability Card Subsystem (*Κοινή Υπουργική Απόφαση 16996/2023 γιατο 'Ψηφιακό Μητρώο Ατόμων με Αναπηρία καιτο Υποσύστημα Κάρτας Αναπηρίας'*) (OJ 932 B/23.02.2023).

[299] Description of the relevant actions that constitute best practice in the field of disability available in Greek at the site of the Ministry of Labour and Social Affairs: https://ypergasias.gov.gr/k-chatzidakis-timoume-tin-pagkosmia-imera-atomon-me-anapiria-me-erga/.

With Ministerial Decision 19333/2023[300] of the Ministry of Labour and Social Affairs, the institution of professional foster care was established for children with disabilities, which aims to place them in a family environment suitable for them. It concerns children with a certified disability rate of at least 67 % or a mental illness, including mental or developmental disability, with a disability rate of at least 50 %. With the institution of professional foster care, each professional foster carer is guaranteed the appropriate institutional and financial framework, so that he/she can respond to the care of the child he/she undertakes. The professional contractor's monthly fee is set at EUR 1 561.11 and is paid by the Organisation of Welfare Benefits and Social Solidarity (OPEKA). The professional carer also receives any other financial support related to the child, such as child benefit, foster care benefit but also the disability benefit to which he/she is entitled.

Moreover, with regard to legal aid provided to citizens who have a low income and therefore cannot afford legal fees and court costs, Law 5023/2023 (Article 23(3A)),[301] which amended Law 3226/2004 (Article 1(43)) states that persons with a disability rate of 67 % or more, regardless of income, who are citizens of a third country or stateless persons, as long as they have, legally, residence or habitual residence in the European Union, are entitled to legal aid for their civil or criminal cases. In these cases, the body responsible for providing legal assistance, may, if deemed necessary, appoint an advocate *ex officio*.

In January 2024, for the first time in Greece, a public university launched a distance learning programme for sign language[302] (and the d/Deaf community), providing a training certificate and European ECTS credits. The programme is aimed at all teachers and those generally interested in acquiring knowledge and skills in sign language and its use, and is certified by the Deaf Federation.

There have been no developments concerning other best practices which are relevant or applicable to the above issues, either new or still ongoing during 2024.

LGBTQI+[303]

LGBTQI+ representation in the police forces

It is important to highlight an organisation called Police Action for Human Rights,[304] which was established in 2018.[305] It includes two specific sections with specific actions: a) the LGBTQI Police Action department for the rights of LGBTQI police officers; and b) the

[300] Ministerial Decision 19333/2023 on placement of minors with disabilities in professional guardianships and regulation of related issues for the implementation of professional guardianship (*Υπουργική Απόφαση 19333 σχετικά με την 'τοποθέτηση ανηλίκων με αναπηρία σε επαγγελματίες αναδόχους και ρύθμιση σχετικών θεμάτων για την εφαρμογή της επαγγελματικής αναδοχής'*) (OJ B 1085/28.02.2023).

[301] Law 5023/2023 on the principle of equal treatment regardless of disability or chronic illness, updating the terminology of the Civil Code, the Code of Civil Procedure, the Criminal Code, the Code of Criminal Procedure, the Code of Administrative Procedure, the Code of Notaries and Law 4478/2017, for its harmonization with the Convention on the Rights of Persons with Disabilities ratified by Law 4074/2012 and other provisions to facilitate access to justice for persons with disabilities (*Νόμος 5023/2023 σχετικά με την «αρχή της ίσης μεταχείρισης ανεξαρτήτως αναπηρίας ή χρόνιας πάθησης, επικαιροποίηση της ορολογίας του Αστικού Κώδικα, του Κώδικα Πολιτικής Δικονομίας, του Ποινικού Κώδικα, του Κώδικα Ποινικής Δικονομίας, του Κώδικα Διοικητικής Δικονομίας, του Κώδικα Συμβολαιογράφων και του ν.4478/2017, για την εναρμόνισή της με τη Σύμβαση για τα Δικαιώματα των Ατόμων με Αναπηρία που κυρώθηκε με τον ν.4074/2012 και λοιπές διατάξεις για τη διευκόλυνση της πρόσβασης στη Δικαιοσύνη των ατόμων με αναπηρία»*) (OJ 34 A/17.02.2023).

[302] Information from the specialist site on education issues, Alfavita.

[303] Note that in Greek the term is 'ΛΟΑΤΚΙ', which corresponds to 'LGBTQI'.

[304] Police Action for Human Rights identifies as a non-governmental organisation. For its official Facebook page, see: https://www.facebook.com/pg/PoliceActionForHumanRights/about/?ref=page_internal.

[305] Proto Thema (*ΠρώτοΘέμα*), 'The first Greek Union for the rights of LGBTQI police officers is established', (*Ιδρύθηκετο πρώτοελληνικόσωματείο για τα δικαιώματα των ΛΟΑΤΚΙ αστυνομικών)*, 31.05.2018, available in Greek at: https://www.protothema.gr/greece/article/792353/idruthike-to-proto-elliniko-somateio-gia-ta-dikaiomata-ton-loatki-astunomikon/.

Department of Women's Rights for female police officers. According to its founding act, the fundamental principles and goals of the organisation are:

> 1. To defend human rights, abolish discrimination, ensure respect for the principle of equal treatment and combat racism.
> 2. Promote and support equality and equal treatment of police officers, regardless of gender, race, ethnic origin, religion, state of health, age, family or social status, sexual orientation, gender identity, gender characteristics, and the abolition of all discrimination on the basis of the above grounds, in accordance with the principles enshrined in the Greek Constitution, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. (...)
> 4. The development of solidarity between police and homosexuals, bisexuals, intersexuals and transsexuals. [this is the official language].
> 5. The interconnection of relevant domestic actions with those international and European actions as well as with other non-governmental domestic organisations with activities in support of human rights.
> 6. The participation of the organisation as a member of pan-European or international organisations with related purposes.

The organisation identifies as an NGO.[306] It only has a Facebook page and there are no publicly available reports or other information that provides insight into its activities.

In July 2022 a detailed guide to dealing with and managing incidents of violence against LGBTQI+ citizens, in the form of an official operational order, was issued, for the first time in Greece, by the Headquarters of the Hellenic Police.[307] The guide includes the definition of bias-motivated violence against LGBTQI+ people, as well as the detailed analysis of the characteristics that every police officer should recognise in order to act accordingly. Specifically, the text states that this category includes cases of violence in which 'the perpetrator chose the target (victim) of the crime according to the real or perceived sexual orientation or gender identity. The target can be a person / group of people / property rightly or wrongly associated with the LGBTQI+ community'. Reference is also made to the concept of discrimination, based on the Equal Treatment Law. According to the guide, all police personnel must be informed in writing about the legal framework for the protection of human rights, especially with regard to LGBTQI+ people. The Hellenic Police (ELAS) is also committed to protecting them from racism and discrimination in the performance of their duties.

In summary, the guide reminds the police personnel of issues such as:

> 'according to article 82A of the Criminal Code, a crime with racist characteristics has been committed if the victim was selected because of the characteristics of race, colour, national or ethnic origin, genealogical descent, religion, disability, sexual orientation, identity or gender characteristics of the victim'.[308]

The guide also reminds personnel that crimes of a racist nature attract increased penalties.

[306] It should be clarified that, in Greece, non-governmental organisations are established pursuant to the provisions for the establishment of trade unions (*σωματεία*). Greek NGOs identify as such in their founding acts.

[307] There had been extended coverage by mass media. An indicative report available at: https://www.thesspress.gr/i-elas-ekdidei-odigo-diatagi-prostasias-ton-loatki/.

[308] In Greece the term 'racist' is used as an umbrella term which covers all grounds and not only race. The Criminal Code has 'racist crime' in the title of Article 82A, however reading the body of the Article, it explicitly covers all grounds.

ANTISEMITISM

The Greek Ombudsman has issued a special 'Guide to Equal Treatment',[309] which is addressed to public employees in order to play an educational role in how the average employee has to behave towards all persons in the context of his/her administrative tasks. For instance, the guide mentions that there is common confusion about how to use the terms 'Israelite, Israelitic and Israeli'. Of the above terms, only the name 'Israelite' and the adjective 'Israelitic' cover the ethno-religious dimension of the specific group of Greek citizens, as historically they have been used for any purpose of the Greek administration. The guide explicitly mentions that the 'Israelitic' community is often the target of racist speech and actions that may even lead to violence.

Moreover, there have been initiatives guaranteeing protection against antisemitism on behalf of the Greek state. For instance, according to the Greek legislation,[310] the operation of Jewish schools is safeguarded by exempting them from the general regulation according to which the salaries of seconded public servants are paid by the institutions to which they are seconded and not by the state. By this regulation, the salaries of teachers seconded in Jewish schools are paid by the Ministry of Education, Research and Religious Affairs.

As far as combating antisemitism is concerned, the Secretariat General for Religious Affairs (SGRA) of the Ministry of Education and Religious Affairs, *inter alia*, is carrying out several forms of good practice. In particular, it is planning and implementing policies which counter general biases in public attitudes (religious intolerance, racism, antisemitism, etc). Moreover, in Greece, 27 January, is designated as Holocaust Remembrance Day. Since 2016, the Ministry for Education and Religious Affairs has been communicating annual circulars to all schools with information on Holocaust Remembrance Day, requesting that two class periods be dedicated to related educational activities and events.

In addition, since the school year of 2014-15 (and currently), the SGRA and the Jewish Museum of Greece, as per their Memorandum of Cooperation, have been organising yearly video-clip contests for students of upper secondary education on the topic of the Holocaust and the Greek Jews, whereby students are invited to reflect on the Holocaust and express thoughts and feelings via video-making. The winners visit the Auschwitz-Birkenau Memorial Museum and attend a seminar, hosted by the Jewish Museum of Greece.

Furthermore, from the school year 2012-2013 onwards, teacher seminars and workshops on Holocaust education are held annually, co-organised by the Jewish Museum of Greece, the Jewish historical institute CENTROPA and the SGRA, under the auspices of the Greek Ministry of Education and Religious Affairs. Special authorisations are issued promptly to facilitate teachers' participation in the seminars. Also, since 2014, Greek teachers have been attending courses in the CENTROPA Summer Academy abroad. The Ministry of Education and Religious Affairs has also been supporting the participation of Greek teachers at the annual 7-day teacher-training course on Holocaust education, conducted in Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority of Israel (Jerusalem), in partnership with the Jewish Museum of Greece. Finally, various cultural activities are implemented by the Central Board of Jewish Communities, which legally is a branch of state as 'legal entity of public law' (like the Orthodox Church and two Muslim Communities) and is also in charge of the Jewish Museum.

There have been no developments in 2024.

[309] Greek Ombudsman's 'Guide to Equal Treatment', addressed to public employees, available in Greek at: https://www.ekdd.gr/images/synigoros_odigos.pdf.

[310] Law 4071/2012 on provisions on local development (*Νόμος 4071/2012 σχετικά με 'διατάξεις για την τοπική ανάπτυξη*) (OJ 85 A/11.04.2016).

11 SENSITIVE OR CONTROVERSIAL ISSUES[311]

11.1 Potential breaches of the directives at the national level

Greece belongs to the majority of EU Member States which, prior to the adoption of the two directives, did not have a special legislative framework establishing equal treatment and prohibiting discrimination. There do not appear to have been any breaches, although judicial interpretation is needed in relation to exceptions for employers with an ethos based on religion (Article 4(3) Law 4443/2016 and Article 4(2) of Council Directive 2000/78/EC). Given that Law 4443/2016 was introduced prior to the CJEU decisions in *Egenberger* and *IR v. JC*, the Law is vague and needs to be clarified and brought into line with the findings in these cases.

Secondly, the sanctions provided by Greek law cannot be considered to be effective, dissuasive and proportionate, and are therefore in violation of the directives. As highlighted by the Greek National Commission for Human Rights (GNCHR) in its observations on Law 4443/2016, in order for Article 11 of Law 4443/2016 (corresponding to Article 15 Council Directive 2000/43/EC and Article 17 Council Directive 2000/78/EC) to be effective in cases of discrimination perpetrated by public servants and workers for legal persons under public law, the relevant provisions of the Code of Public Servants (namely Article 107(1) of Law 3528/2007) must extend the scope of disciplinary sanctions in order to cover violations of the principle of equal treatment.

Thirdly, as highlighted by the GNCHR in its observations on Law 4443/2016, the relevant articles of the Code of Administrative Procedure before the administrative courts as well as the legislation on the court procedure before the Greek Council of State have to be amended in order to include a shift in the burden of proof for equal treatment violations.[312] As they stand, these legal texts maintain that the burden of proof is on the side of the applicant. If these provisions are not amended, judicial interpretation will be needed. This means that the applicant will have to invoke the relevant article of Law 4443/2016 during the written proceedings, reminding the judge that the burden of proof is shifted to the respondent. The judge may not be aware of the exception and might apply the general rule of burden of proof in administrative cases.

11.2 Other issues of concern

Before proceeding to the issue of implementation, it is first important to highlight the lack of case law, which is a permanent problem in the Greek legal order, since victims are not usually informed about their rights and civil society is weak compared with other Member States. With regard to barriers to justice, on 30 January 2011, in accordance with Ministerial Decision KYA 123827//23-12-2010, the fee which must be paid to the police in order to register a criminal complaint was increased by 900 % (EUR 100 instead of EUR 10), which seems to constitute a deterrent to seeking redress. Moreover, there are no detailed statistics on the cases that reach the courts, since each court has to compile its own data, without standardised criteria. Dealing with this issue is crucial for evaluating the practical implementation of Law 4443/2016.

Identified issues regarding the text of Law 4443/2016

- The law has not been amended in order to improve the protection framework (sanctions, damages and procedural aspects) – with the exception of some very

[311] The assessments and views expressed in both sections 11.1 and 11.2 reflect the author's opinion.

[312] GNCHR (2016), 'Observations on the Draft Law of the Ministry of Justice, Transparency, and Human Rights, Application of the principle of equal treatment irrespective of race, colour, ethnicity or ethnic origin, creed, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics, and other provisions', September 2016, available in Greek at: http://www.nchr.gr/images/pdf/apofaseis/isothta_fullwn/EEDA_SxN_Isi_Metaxeirisi_2016.pdf.

limited cases. What is more, discrepancies in the Civil Code need to be addressed, especially concerning the lack of provisions which link non-discrimination law to actions for damages.

Identified issues related to the equality body

- The most important issue related to the equality body seems to be related to its budget and resources (personnel and facilities). The Greek Ombudsman has multiple mandates, which leads to an increased caseload (specifically, an increase in the number of cases to be examined). In order for the body to function more effectively, these issues have to be addressed.

Recommended steps for effective implementation of anti-discrimination measures

The key issues for Greece in the anti-discrimination field can be summarised as follows:

1 The Codes of Procedure should be amended in order to provide for the *locus standi* of the Ombudsman as a third party before civil or administrative courts or as a civil party before the criminal courts.
2 Extension of the *ratione temporis* 'jurisdiction' of the Ombudsman over cases which have been filed in the courts until the first hearing of the case or the issuing of interim measures. Given that a complaint submitted to the Ombudsman does not suspend the deadlines for judicial remedies, if the mediation of the Ombudsman is not fruitful, the discrimination victim could be deprived of their right to judicial protection. This extension might encourage discrimination victims to have recourse to the Ombudsman and could limit the number of potential cases before the courts, a procedure which is more time-consuming and costly.
3 Systematic monitoring by the Ombudsman, in cooperation with the Labour Inspectorate, the Department for Equal Opportunities of the Ministry of Labour and the Organisation for Mediation and Arbitration (*Οργανισμός Μεσολάβησης και Διαιτησίας – ΟΜΕΔ*) of developments in employment and occupation, collective agreements, codes of ethics and practices in combating discrimination.
4 The creation, within the Economic and Social Council, of a permanent consultative body, composed of representatives of NGOs and organisations in general and with the participation of the Ombudsman, tasked with carrying out a social dialogue on equal treatment, together with the plenary body of the Economic and Social Council.

In addition, legislative amendments should be introduced in order to make the requirements for the legal standing of NGOs before the courts less strict.

Legal aid should be introduced for victims of discrimination in both judicial and extrajudicial proceedings, especially where they cannot afford the costs. Support for the provision of legal aid, such as training for legal practitioners and staff, should also be included in any governmental efforts.

There are no issues of concern that can be identified regarding the use of artificial intelligence in relation to the implementation of the national legislation transposing the directives, or regarding the regulation of AI, during 2024.

12 LATEST DEVELOPMENTS IN 2024

12.1 Legislative amendments

Legislative amendment of Equal Treatment Law

Law 5089/2024,[313] which was put to the vote on 15 February 2024, established same-sex marriage for the first time in Greece. The Law also extends to same-sex spouses and parents, social benefits such as maternity leave and maternity benefits, as well as parental leave. The same Law extends the prohibition of discrimination based on sexual orientation, gender identity, gender expression and gender characteristics in the areas of social protection, social benefits and tax relief, education and access to the provision of goods and services. Specifically, based on Article 9(2) of Law 5089/2024, the principle of equal treatment regardless of race, colour, national or ethnic origin, genealogical descent, disability or chronic illness, religious or other beliefs, sexual orientation, gender identity, characteristics or gender expression applies to all persons, in the public and private sectors, and in terms of: (a) social protection, including social security and healthcare; (b) social benefits and tax facilities or advantages; (c) education; and (d) access to the availability and provision of goods and services that are (commercially) available to the public, including housing. It should be highlighted that age is not included as a protected ground in relation to the above areas (social protection, social benefits, education, access to goods and services). Age is, however, considered a protected ground in the area of employment and work, as well as in the legal provision introducing criminal sanctions for discrimination in the provision of goods and services.

However, NGOs have also pointed out important deficiencies in the Law and proposed reforms that would ensure real equal treatment for LGBTQI+ persons. For instance, while the Law makes very important changes, it does not go far in providing full equal treatment for non-biological parents and does not recognise non-binary gender identities.

As a result, LGBTQI+ organisations stress that this constitutes discrimination based on sexual orientation, because it means that non-biological parents will have no parental rights unless their child is born during the marriage to the biological parent. Finally, most civil society organisations highlighted that the Law does not amend the provision that prevents trans parents from changing their name and gender on their children's birth certificates.

Abolition of discriminatory legal provision

Following Decision 4421/2024 of the single-Member Court of First Instance of Athens, issued on 5 July 2024, Article 94 of Law 5128/2024 abolished the discriminatory provision of Article 6(7) of Law 4726/2020,[314] according to which persons over the age of 70 were not allowed to submit an application for the position of member of the board of directors of a sports federation, since it was struck down as unconstitutional and discriminatory (see below in section 12.2 on case law).

There were no laws, case law, discussions or changes that would address discrimination stemming from the use of artificial intelligence or automated systems.

[313] Greece, Law 5089/2024, on equality in civil marriage, amendment of the Civil Code and other provisions (*Νόμος 5089 για την «ισότητα στον πολιτικό γάμο, τροποποίηση του αστικού κώδικα και άλλες διατάξεις'*) (OJ 27 A /16.02.2024).

[314] Law 5128/2024 on 'Regulations for the Digital Education Portal and the Digital Tutor, vocational guidance in secondary education, measures to support the education system in remote areas and other regulations of the Ministry of Education, Religion and Sports' (*Νόμος 5128/2024 σχετικά με 'Ρυθμίσεις για την Ψηφιακή Εκπαιδευτική Πύλη και το Ψηφιακό Φροντιστήριο, επαγγελματικός προσανατολισμός στη δευτεροβάθμια εκπαίδευση, μέτρα στήριξης του εκπαιδευτικού συστήματος στις απομακρυσμένες περιοχές και λοιπές ρυθμίσεις του Υπουργείου Παιδείας, Θρησκευμάτων και Αθλητισμού'*), (OJ 118 A/30.07.2024), available in Greek at: https://www.e-nomothesia.gr/kat-ekpaideuse/n-5128-2024.html.

12.2 Case law

AGE

Relevant discrimination ground(s): Age
Name of the equality body: Single-member Court of First Instance of Athens
Date of decision:5 July 2024
Name of the partners: N/A
Reference number:4421/2024
ECLI reference: N/A
Link:https://www.qualex.gr/el-GR/periexomeno/nomologia/nomologia?id=2152703
Brief summary: On 5 July 2024, the single-member Court of First Instance of Athens issued Decision 4421/2024, according to which the court ruled unconstitutional and discriminatory the exclusion of two former members of the administrative board of a sports federation from reclaiming the position as a member of the board, given that this exclusion was based on the fact that they had exceeded their 70th year of age. When their nominations were rejected, the individuals filed a lawsuit claiming violation of the Constitution and the principle of equality. They stated that their exclusion constituted unjustified different treatment based on age, which violated the principles of EU law and especially Directive 2000/78/EC on equal treatment in employment and work. The single-member Court of First Instance of Athens came to the conclusion that the provision in Paragraph 7 of Article 22 of Law 2725/1999, which expressly prohibited the claimants from nominating themselves as members of the administrative board because they had exceeded the age of 70, goes against the provisions of the above EU Employment Equality Directive, which must also apply to sports clubs and federations. Additionally, it found that the age restriction violated the constitutional protection of free development of personality (Article 5(1) of the Constitution), the right to join unions (Article 12(1)) and the principle of proportionality in the enforcement of human rights (Article 25), as well as Article 21(1) of the Charter of Fundamental Rights of the European Union (for more details see section 3.2.8, above).

ANNEX 1 TABLE OF INTERNATIONAL INSTRUMENTS

Country: **Greece**
Date: **1 January 2025**

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
European Convention on Human Rights (ECHR)	19.09.1974	20.09.1974	No	Yes	Yes
Protocol 12, ECHR	04.11.2000	No	No	No, because Greece has not ratified the relevant Protocol.	No, because Greece has not ratified the relevant Protocol.
Revised European Social Charter	03.05.1996	20.01.2016	Yes[315]	Ratified collective complaints protocol? Yes, the Protocol has been ratified.	No
International Covenant on Civil and Political Rights	16.12.1966	26.02.1997	Yes	Yes	Yes
Framework Convention for the Protection of National Minorities	22.09.1997	No	No	No, because Greece has not ratified the relevant Protocol.	No
International Covenant on Economic, Social and Cultural Rights	19.12.1966	19.03.1985	No	No, because Greece has not ratified the relevant Protocol.	Yes
Convention on the Elimination of All Forms of Racial	07.03.1966	21.03.1970	No	No	Yes

[315] The reservation concerns the teaching of the mother tongue of migrant workers who live legally in Greece.

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
Discrimination					
ILO Convention No. 111 on Discrimination	25.06.1958	14.03.1984	No	No	Yes
Convention on the Rights of the Child	16.01.1990	02.12.1992	No	No, because Greece has not ratified the relevant Protocol.	Yes
Convention on the Rights of Persons with Disabilities	30.03.1997	11.04.2012	Yes[316](armed forces and law enforcement agencies).	No	Yes

[316] According to Article 2 of this Law, the provisions of Article 27(1) of the Convention do not apply to the armed forces and law enforcement agencies with regard to differential treatment due to disability, as provided for in Article 8(4) of Law 3304/2005 on the implementation of equal treatment pursuant to Articles 3(4) and 4 of Council Directive 2000/78/EC.

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