

**2023 REPORT ON THE APPLICATION OF THE EU CHARTER OF
FUNDAMENTAL RIGHTS:
EFFECTIVE LEGAL PROTECTION AS A PRECONDITION FOR THE
FULL APPLICATION OF FUNDAMENTAL RIGHTS
CONSULTATION OF EU MEMBER STATES**

- GREECE -

1. Which judicial and non-judicial remedies are available in your Member State:

a. In criminal, civil and administrative cases;

The Greek Constitution safeguards the right of every person to be entitled to receive legal protection by the courts (article 20, par. 1).

In the context of judicial protection, the law provides the means for the citizen to appeal to justice. With these means (*endika voithimata*), a dispute is brought to judgment in a court for the first time, while remedies which follow (*endika mesa*), are directed against a court decision for a new judgment in a superior court.

The Code of Civil Procedure, the Code of Criminal Procedure and the Code of Administrative Procedure (and the presidential decree 18/1989, regarding the Council of State) are the main legal texts that provide for the remedies for civil, criminal and administrative proceedings respectively.

Indicatively, the following are mentioned:

In criminal cases the Public Prosecutor opens criminal proceedings after receiving information that a criminal offence has been committed. This information can be provided by the victim that fills a criminal complaint (*egklisi*) or by any other person (*miinisi*). The Prosecutor may also start criminal proceedings *ex officio* for any criminal offence of which he is informed by any other means. For certain offences, the *egklisi* is a precondition in order to initiate criminal proceedings.

The Prosecutor of First Instance, upon learning of the commission of a crime, must assess whether the complaint that has taken place is completely unfounded, for this reason he orders the conduct of a preliminary examination (collection of additional evidence, taking a witness statement from the alleged victim, providing written explanations from the suspect), which is assigned to either a police officer or a criminal judge. If the investigated offense is deemed completely unfounded, then the Prosecutor issues an order that puts the case on file. The plaintiff/supporter of the accusation as having a legal interest may challenge this provision by filing an appeal (*prosfygi*) before the Prosecutor of Appeals, who finally and irrevocably decides on the filing of the case or the prosecution. If, however, the Prosecutor of First Instance, already at the stage of the preliminary examination, judges that there are sufficient indications of guilt against the suspect, then he initiates the criminal prosecution.

With the initiation of criminal prosecution, depending on the seriousness of the offense, either the case file is charged to an investigator for further gathering of evidence, where again the plaintiff and defendant are given the opportunity to present their allegations, or it is decided directly to refer the defendant to trial by the competent judicial council.

In criminal proceedings the main remedies provided both against the decisions of the judicial councils and against court decisions are the appeal (*efesi*) and the appeal in cassation (*anairesi*). These remedies are exercised both by the accused and by the Prosecutor, in accordance with the detailed provisions of the Code of Criminal Procedure (articles 462 ff).

In civil disputes, the main *endiko voithima* is the lawsuit/ action (*agogi*), while remedies in the civil proceedings are basically the application to set aside a default judgment, the appeal and the appeal in cassation.

There are also provisions for interim remedies and precautionary measures when either an urgent need or a forthcoming danger has to be avoided. In these cases, the Court may order any type of interim measure that it considers suitable for the protection of the right or the regulation of the situation until the issue of the judgment on the main trial. Typical interim remedies and precautionary measures are the following: security payment, interim mortgage, registration of mortgages, interim seizure /impoundment, security bailment/escrow, “freezing” order as well as the European Account Preservation Order.

If the urgency or danger is immediate, an interim injunction may also be ordered by the Court that in principle is valid until the hearing on the application for interim measures, and can be extended until the issue of the judgment on interim measures.

In civil cases, there are also non- judicial remedies, such as the mediation or access to independent authorities. Law 4640/2019 (further harmonization of Greek Legislation with the provisions of Directive 2008/52/EC) regulates mediation, as an institution of non - judicial dispute resolution (judicial mediation as well as arbitration are regulated by the Code of Civil Procedure). Civil and commercial disputes, national or cross-border, existing or future, can be submitted to the mediation process. Before appealing to the Court, the attorney must inform his/her principal in writing of the possibility of mediating the dispute or part of it as well as of the obligation to appeal to the mandatory initial session and its procedure (articles 6 and 7 of Law 4640).

Moreover, reference should be made to the application provided for by Law 4329/2014 on just compensation for exceeding the reasonable time of proceedings in Civil and Penal Courts as well as the Court of Audit.

With regard to administrative disputes, according to art. 95 of the Constitution, the Council of State (Supreme Administrative Court) has mainly the jurisdiction for the annulment upon petition of administrative acts or omissions, as a first and last instance court.

The substantive administrative disputes fall under the jurisdiction of the ordinary administrative courts: the introductory remedies are a petition for annulment or modification of an act (prosfighi) and the action for the restoration of damages caused by an administrative act or omission (agoghi). In both cases the decisions of first instance administrative courts are subject to an appeal before the administrative courts of appeal and the decisions of the courts of appeal to a petition for cassation/reversal before the Council of State.

Disputes for annulment can be assigned by law to ordinary administrative courts. In this case, their decisions are subject to an appeal before the Council of State

In administrative cases temporary judicial protection is also provided - temporary injunction valid until the decision on the application for suspension of execution and suspension of execution valid until the decision of the main trial - in cases where the court estimates that the execution of an administrative act will cause irreparable damage or that the remedy brought is obviously well founded.

The non-judicial remedies directed against an act or omission of the public administration is the administrative appeals that are examined by the administration itself. The Administrative Procedure Code (law 2690/1999 – not to be confused with the Code of Administrative Procedure – law 2717/1999 which regulates the procedure in administrative courts) provides for the following appeals (articles 24-26): application for remedy, hierarchical appeal, special administrative appeal, “quasi jurisdictional” appeal. It provides also for a complaint (article 27).

Control within the Public Administration is also carried out in other ways such as hierarchical control, administrative supervision, internal control and control by control bodies, such as the Hellenic Transparency Authority (www.aead.gr). Also, as a means of parliamentary control, the Regulation of the Parliament (article 125) provides for the petition: anyone or many together can address written and formal complaints or requests to the Hellenic Parliament. The MPs can, if they wish, adopt these petitions. The competent Minister is obliged, within twenty-five days, to respond to the petition.

For disputes with public services, the citizens can submit a complaint to the Greek Ombudsman (Independent Authority, www.synigoros.gr). The main mission of the Ombudsman is to mediate between the Public Administration and citizens in order to ensure the protection and effective exercise of citizens' rights, the fight against maladministration and the observance of legality. Exceptionally, the Ombudsman can also check the behavior of individuals, when: a child's right is violated, b. there is unequal treatment between men and women in labor matters (see also below, Q2 about the special mandate of the Ombudsman as an Equality Body). Every citizen, before resorting to the Ombudsman, should have contacted the public service to which his/her case is related. Only if this contact with the public service has not led to a solution to the problem can he/she submit a complaint to the Ombudsman.

The Ombudsman: a) does not impose sanctions, b) does not cancel illegal acts of the Public Administration, c) makes recommendations and suggestions, d) is committed to the “win-win” approach, e) issues Findings and Reports.

b. in cases of discrimination;

By Law 4443/2016 on non-discrimination, which replaced Law 3304/2005, the grounds of discrimination were extended to cover race, colour, national or ethnic origin, descent, religion or belief, disability or chronic condition (illness), age, marital or social status, sexual orientation, gender identity or characteristics. Law 4443/2016 incorporated in Greek legislation a) Directive 2000/43/EC on the application of the principle of equal treatment of persons irrespective their racial or ethnic origin, b) Directive 2000/78/EC on the establishment a general framework for equal treatment in employment and occupation; and (c) Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.

Law 4443/2016 provides, inter alia, for dialogue between the social partners, as well as dialogue with non-governmental organizations, whose statutory purpose is to combat discrimination on the grounds of race, colour, national or ethnic origin, descent, religion or other belief, disability or chronic condition, age, marital or social status, sexual orientation, gender identity or characteristics, with the aim of promoting the principle of equal opportunities and equal treatment.

Based on article 14 par. 1 of Law 4443/2016, the Ombudsman was designated as the monitoring body to promote the implementation of the principle of equal treatment in the private, public and wider public sector.

The Ombudsman may handle cases ex officio. It is even possible that the name and other personal details of the person who lodged the complaint not be disclosed, if so requested in writing by the person concerned and if it is feasible to investigate the case without announcing the name of the complainant. However, if it is impossible to investigate without the announcement of the name of the complainant and the complainant does not consent to it, the complaint is filed in any case, following notification to the interested party.

According to the 4443/2016 the special mandate of the Greek Ombudsman as Equality Body has been expanded and its jurisdiction covers the public and the private sector. The Greek Ombudsman performs a mediating function. The Greek Ombudsman's mediation is administrative/non-judicial/extra-judicial. According to the law, the Greek Ombudsman's mediation shall be accomplished till the first hearing of a case before the court (civil and/or administrative) or criminal prosecution. The Greek Ombudsman can refer a case to the competent prosecutor or administrative authority. However, the Greek Ombudsman still has no competence to represent a victim of discrimination before a court and/or to be part of a trial.

Recording and processing incidents of racist violence (source: <https://moj.gov.gr/wp-content/uploads/2021/03/NAPRI-en.pdf>)

The Hellenic Police - in the framework 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).

These data are processed by the Directorate of State Security of the Hellenic 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 by the relevant Services.

The ultimate goal is to 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.

c. in the field of consumer legislation;

I. Judicial remedies

Civil court lawsuits: In case of breach of consumer legislation a consumer may file a lawsuit against the trader before the competent civil court. Consumers have in particular the right to individual remedies (such as financial compensation) when they are affected by aggressive, misleading or otherwise unfair commercial practices (Article 9i law 2251/1994).

Representative actions: In addition, a consumer organization nominated as qualified entity by the General Directorate of Market and Consumer Protection may bring on behalf of consumers a representative action against a trader before the competent civil court. A representative action aims at the protection of the collective interests of consumers and may have the form of either injunctive measures or redress measures. Representative actions are regulated in Articles 10a ff. law 2251/1994 implementing Directive 2020/1828 into national law.

II. Non judicial remedies

Consumer ADR mechanism: Directive 2013/11/EU on Alternative dispute resolution (ADR) for consumer disputes was transposed into national legislation with the Joint Ministerial Decision 70330/9-7-2015. Contractual disputes that arise from the sale of goods or provision of services — between consumers and traders can be submitted to an ADR entity. According to the Greek legislation an ADR entity brings the parties together to help them find a solution, but it does not have the power to impose a binding solution. The ADR process has to be offered without cost to consumers. The General Directorate of Market and Consumer Protection is the supervising Authority

of ADR entities and it responsible for registering such entities in the respective registry, as well as overseeing their compliance with the quality requirements.

Public enforcement: The General Directorate of Market and Consumer Protection is responsible enforcement of the legislation at national level with regard to consumer protection and especially the provisions regarding unfair contract terms, unfair commercial practices, liability of supplier of services, guarantees, doorstep and distance selling contracts, consumer rights, financial consumer legislation (consumer credit, mortgage credit, payment services, bank accounts, distance marketing of financial services). In case of infringement the General Directorate of Market and Consumer Protection has the power to impose administrative penalties ensuring a high level of consumer protection.”

d. in the field of employment legislation;

All workers, whose rights are violated due to non-compliance with labour law provisions, have the right to bring an action before civil courts, that may resolve disputes that arise both during their contract period and also upon termination of contracts or employment relationships.

Examples include article 66 of Law 4808/2021 (A' 101) on «Protection against dismissal» which provides for the cases in which the termination by the employer of an open-ended dependent working contract, shall be considered null and void and for the worker's entitlement to bring an action before the court. Furthermore, the Labour Inspectorate, as an independent administrative authority responsible for monitoring the implementation of labour legislation, within its powers, provides, inter alia, advice to workers and employers, upon their request, in order to resolve collective and individual labour disputes.

As regards protection provided by the national legislative framework on the promotion of the principle of equal treatment (v.4443/2016, see above b.), discrimination, in employment and occupation is prohibited. Non-discrimination on grounds of race, colour, ethnic origin and descent applies not only to employment and occupation but also to social protection, including social security and health care, social security benefits, education, access to and supply of goods and services to the public, including housing. For the protection of discrimination victims, reversal of the burden of proof may take place before courts and administrative authorities while protecting them against retaliation. Violation of the principle of equal treatment results in sanctions imposed by the Independent Authority Labour Inspection (administrative sanctions).The Ombudsman cooperates with the Independent Authority Labour Inspection in cases where there is violation of the principle of equal treatment in employment in the private sector.

As regards the application of the principle of equal opportunities and equal treatment of men and women in employment and occupation in the context of Directive

2006/54/EC, as well as the work-life balance pursuant to Directive (EU) 2019/1158, regarding legal protection, legal remedies, protection of workers, shifting of the burden of proof and the powers of the Ombudsman on the above mentioned matters, the articles 22 to 24 of Law 3896/2010, as well as articles 32, 46 to 50 of Law 4808/2021 shall apply. In case of violation of the above provisions, civil sanctions shall be imposed for the full compensation of the victim, which shall cover material and non-material damage, and any positive or consequential damage as well as administrative and/or criminal sanctions.

By the above provisions, the Independent Authority of the Ombudsman has been designated as the competent national body for monitoring the application of the principle of equal opportunities and equal treatment of men and women and the principle of equal treatment in terms of access to employment, vocational training, promotion and working conditions. Without prejudice to the responsibilities of the Independent Authority of the Labour Inspectorate, the Ombudsman has also been designated as the competent body for discrimination issues as well, relating to the application of Directive (EU) 2019/1158 and Chapter A of Part III of Law 4808/2021 on work-life balance. In this context, a specific scheme of cooperation has been established between the Ombudsman and the Labour Inspectorate, which is the competent national mechanism for monitoring the implementation of labour legislation as well as the imposition of sanctions.

Furthermore, following the ratification of ILC 190 on the elimination of violence and harassment in the world of work pursuant to Part I of Law 4808/2021 and the national implementing measures adopted by Part II of the abovementioned Law, Articles 12-19 thereof shall apply, establishing an extended protection for workers within the meaning of Article 3. In particular:

Articles 12 to 16 enhance the framework for the protection of persons affected by an incident of violence and harassment, even if the employment relationship, during which it is alleged to have occurred, has ended. In addition to judicial protection, the persons affected have the right to bring an action before the Labour Inspectorate and the Ombudsman, as well as file a complaint within the enterprise. At this point we should note that the Ombudsman is the body responsible for the promotion and supervision of the principle of equal treatment, in accordance with Laws 3896/2010 and 4443/2016 (A' 232).

Furthermore, Articles 13 to 15 include provisions on the prohibition of retaliation, the right of appeal by legal persons and associations of persons having a relevant legitimate interest and the written consent of the person affected and for the reversal of proof, pursuant to Article 24 §1 of Law 3896/2010.

In conclusion, under Articles 16 to 19, the institutional mechanisms of the Ministry of Labour and Social Affairs are reinforced, on the one hand by establishing an

“Independent Department for the monitoring of violence and harassment at work” within the Labour Inspectorate and on the other hand, by enhancing its competencies such as: the possibility of taking administrative measures in case of risk, the specification of the procedure for lodging a complaint and resolving labour disputes before the Labour Inspectorate and the imposition of administrative sanctions.

e. in other fields, including as regards non-judicial remedies.

As far as victims’ right to claim compensation for their loss of income or expenses is concerned, according to Article 3 of Law 3811/2009 (harmonization of Greek legislation with Directive 2004/80/EC), as amended by Law 4689/2020, victims of crimes of violence with intent or of “Trafficking in persons”, “Travel with the purpose of sexual abuse of minors”, “Rape”, “Seduction of Children”, “Indecent assault against children”, “Child Pornography”, “Enticing minors for sexual purposes”, “Pornographic performances of minors”, and finally “Sexual abuse of a minor in return for remuneration” of the Greek Penal Code, may claim compensation by the Greek Compensation Authority.

The victim is eligible to apply for compensation by the State mainly a) when, following an irrevocable conviction, the offender lacks the financial means required to satisfy the above application, b) when, in case of prosecution initiated against a person or persons unknown, the offender cannot be identified, c) when the offender cannot be prosecuted due to the prosecution having been terminated by order of the competent Public Prosecutor and d) when, due to an irrevocable acquittal decree, issued by the competent Judicial Council, or an irrevocable acquittal decision issued by the Court, there can be no penalty imposed on the alleged perpetrator

2. Does your Member State provide information on the available remedies, and the steps to be taken during a judicial process / when accessing non-judicial remedies:

As regards judicial proceedings, general information on the available remedies may be found at <https://e-justice.europa.eu>.

Sources of information on available non-judicial remedies are, indicatively, listed below:

Ombudsman <https://www.synigoros.gr/el/anafora>

Ombudsman for vulnerable persons <https://www.synigoros-solidarity.gr/>

Ombudsman for Children <https://www.synigoros.gr/paidi/>

Consumer’s Ombudsman <https://www.synigoroskatanaloti.gr/el/ypoboli-anaforas>

Hellenic Financial Ombudsman <https://hobis.gr/>

National Transparency Authority <https://aead.gr/>
Mediation <https://www.diamesolavisi.gov.gr/>

(As mentioned in Q1, before appealing to the Court, the attorney must inform his/her principal in writing of the possibility of mediating the dispute or part of it as well as of the obligation to appeal to the mandatory initial session and its procedure)

European Consumer Center – Greece <https://www.eccgreece.gr/>

Hellenic Data Protection Authority
https://www.dpa.gr/index.php/el/polites/katagelia_stin_arxi

Labor Inspectorate <https://www.hli.gov.gr/ergasiakes-scheseis/>

Hellenic Compensation Authority https://ministryofjustice.gr/?page_id=1511

<https://e-justice.europa.eu/67/EN/compensation?init=true>

**3. Does your Member State use digital tools to facilitate access to justice? a. Yes
b. No**

Yes.

The links to information on the Ministry of Justice's integrated information systems implemented through co-funded operational programs are the following:

1. Integrated System for the Management of Civil & Criminal Justice Cases (OSSDY-PP) Phase I: https://ministryofjustice.gr/?page_id=2445
2. Integrated Case Management System for Administrative Justice (OSDDY-DD): https://ministryofjustice.gr/?page_id=3014
3. National Criminal Registry: https://ministryofjustice.gr/?page_id=2960
4. Upgrade of Audit Court Services: https://ministryofjustice.gr/?page_id=2755
5. Public-Private Partnership for the Digital Recording, Storage and Provision of Minutes of Court Meetings: https://ministryofjustice.gr/?page_id=2471

Furthermore:

In August 2020, a contract was signed to expand the project "Digital Recording, Storage and Provision of Minutes of Court Sessions with PPP" (Public – Private Partnerships) to support criminal cases in the Courts of Appeal and First Instance of Athens, Piraeus and Thessaloniki, which included the increase of hearing rooms and

recording service, as well as the optimization of applications aimed at recording and de-recording of criminal proceedings.

In May 2021, a contract was signed on the «Amendment of Contract No. 40/2020 for the expansion of the Project "Digital Recording, Storage and Provision of Minutes of Court Sessions with PPP" for the provision of recording services for criminal cases and to other audiences of the Courts of Appeal and Courts of First Instance of the country, in rooms where the necessary equipment and training services are installed.

In October 2021, a contract was signed for the extension of the Project "Digital Recording, Storage and Provision of Minutes of Court Sessions with PPP" for the provision of recording services of Civil and Criminal courts throughout the country until August 2022. This contract was extended until March of 2023.

Furthermore, due to COVID-19, the Ministry of Justice in collaboration with the Ministry of Digital Governance managed in a short period of time to implement the enrichment of the provided electronic services and the utilization of technological possibilities in the field of Justice. The following actions are indicatively mentioned:

1. Remote work through a secure remote VPN access service for the employees/users of the OSSDY PP and the National Criminal Registry (NCR) applications through the project's infrastructure.
2. Electronic submission of application and receipt of Court certificates by citizens/lawyers through the online portal of the "Integrated Court Case Management System for Civil and Criminal Justice (OSSDY-PP Phase I)" project.
3. Interconnection of OSSDY PP Phase I with the information system of KEP (Citizen Service Centers) for the granting of Court certificates to citizens/lawyers.
4. Issuance of a copy of a civil court decision:
<https://www.gov.gr/ipiresies/dikaiosune/dikasteria/elektronikes-dikastikes-apophaseis>.

In the link <https://app.moj.gov.gr/cappsrv/> there is a list of the Courts that so far provide the above electronic service, while it is gradually being extended to the rest of the Courts.

5. Identification of the citizen who wishes to make use of the possibility of submitting an application and receiving a copy of the criminal record electronically through the online portal, via www.gov.gr.
6. Consolidation of twenty-five certificates of financial and business activity related to judicial solvency into one "Single Certificate of Judicial Solvency". This certificate is provided electronically by the Courts - Operating Bodies of the OSSDY PP Phase I through www.solon.gov.gr, and by the other Courts of First Instance of the country through www.gov.gr. At the link <https://app.moj.gov.gr/cappsrv/> there is a list of the Courts of First Instance of the country that provide electronically the certificate of judicial solvency so far.
7. Interconnection of the application for granting judicial solvency certificates through www.gov.gr (<https://www.gov.gr/upourgeia/upourgeio-dikaiosunes/dikaiosunes/eniaio-pistopoietiko-dikastikes-pheregguotetas>) with the KEP.

8. Issuance of judicial solvency certificates through the above application on gov.gr, to third parties that have a legal interest.
9. Issuance of remote digital signatures for employees & functionaries of Justice Bodies
10. Implementation of the project entitled "Implementation, transition and integration into production operation of the Wills Department of the Court of First Instance of Athens" has been completed and is in production operation from April 2022.
11. At the beginning of 2022, the productive operation of the Issuance of Intangible Divorce Platform through www.gov.gr began.
12. In 2021, 800 barcode scanners were granted to Judicial and Prosecution Offices as part of the dematerialization of TAXΔΙΚ (Courthouse Financing Fund) fee stamps (e-paravolo).
13. The upgrading of electronic communications services through the SYZEUXIS II project to the Bodies under the jurisdiction of the Ministry of Justice is underway.
14. In 2021, a pilot citizen information subsystem was implemented for the course of the Court exhibits at the Court of First Instance of Athens (<https://dikes.moj.gov.gr/>) through which anyone interested can follow in real time from a computer, tablet or smartphone the course of the Court of First Instance of Athens.

The following have also been implemented:

1. Electronic Information Service for the Stage of Criminal Proceedings (lawsuit flow) from the Prosecution Offices-Operating Bodies of the OSSDY PP Phase I project.
2. Platform for the implementation of the new bankruptcy law (only through a platform new bankruptcies of small and large objects as well as consolidation are brought to the courts) http://www.keyd.gov.gr/ryumish_ofeilvn_apallagh/.
3. Platform for expediting pending cases of Law 3869/2010, <http://www.keyd.gov.gr/epanaprosdiorismos/>.

In addition, the «criminal order procedure» provided for by the New Code of Criminal Procedure has been put into operation, so that it can be fully applied in the Courts of First Instance and the Prosecutor's Offices of the OSSDY-PP project for the first time. The criminal order was introduced as a procedure to shorten the criminal process for minor offences, which do not have a particular evidentiary difficulty.

Furthermore, the Ministry of Justice, through the Action Plan for Electronic Justice, plans and implements actions that contribute to the upgrading of the services provided, to the simplification and drastic reduction of bureaucratic obstacles and to the provision of electronic services to citizens, businesses and Public Services, in interoperability with other bodies of the State and the European Union, while at the same time creating the conditions for speeding up procedures in the area of Justice for the benefit of all involved.

The Digital Transformation Book describes medium-term and short-term digital actions in the Justice sector (<https://digitalstrategy.gov.gr/sector/dikaiosini>)

concerning the development, integration and improvement of digital tools related to the access and management of legal information, the operation of judicial procedures and in general the improvement of the functioning of the judicial system. Users of these digital tools will be citizens, legal professionals, judicial authorities and Public Sector bodies.

In this context, we list below digital actions:

- At the end of March 2022, the implementation of the project entitled "Video conferencing services in courts and prisons and the provision of information services on the course of the courts' tables and exhibits (Electronic Board)" started through NSPA,
- The tendering process of the project entitled "Development of a System for the Collection & Processing of Statistical Data of Justice" through NSRA is in progress.
- The approval of the Administrative Authority is awaited for the start of the tender process of the project entitled "Creation of national electronic catalogs of political & criminal justice" through NSRA,
- At the end of 2022, Sub-project 1 of the act "Digital upgrade of the Integrated Judicial Case Management System of Administrative Courts (OSDDY DD)" in the Operational Program "Public Sector Reform 2014-2020" was contracted.

The Ministry of Justice in collaboration with the Information Society S.A. designs and implements through the Recovery Fund the following digital projects: 1. Upgrading and expansion of the Information Systems of the Justice Sector, 2. Digitization of Record Forms and Court Data, 3. Upgrading the System for Observance of Court Records

Furthermore, the Ministry of Justice, following the developments taking place at the European level in the field of electronic justice, actively participates in European actions (e.g. e-codex, e-evidence, interoperability) aimed at the optimal utilization of IT and Communications systems to accelerate the administration of Justice, increasing transparency, simplifying procedures and upgrading the services provided. In particular, the Ministry of Justice participates in the following European projects:

- "Connecting the e-Evidence Platform to the national Case Management System (CMS) - EXEC II",
- "Criminal Court Database",
- "Training on European Investigation Order (TREIO)"

4. Which of the following measures are available in your Member State to remove language/ cultural/ physical/ financial/ other barriers for people accessing remedies:

a. Interpretation and translation services;

Interpretation

According to article 233 of the Code of Criminal Procedure, at any stage of the criminal procedure, when a suspect, accused, or witness is to be examined who does not speak or understand the Greek language sufficiently, he/she is provided with an interpretation without delay. If necessary, interpretation is available for communication between the accused and their counsel at all stages of the criminal proceedings. If necessary, communication technology such as video conferencing, telephone or the Internet may be used, unless the personal presence of the interpreter deemed necessary by the examiner. The appointment of the interpreter is made from a list prepared by the board of misdemeanors, ratified by the board of appeals and valid for one year. In extremely urgent cases and if it is not possible to appoint an interpreter from those registered in the relevant list, as interpreter can be appointed a person not included in it. In any case, the court can appoint an interpreter and one chosen by the accused from outside the list. The qualifications of the persons who can be included in the list of interpreters are determined by decision of the Minister of Justice. When the language is poorly known, an interpreter of the interpreter may be appointed.

In civil proceedings, Article 252 of the Code of Civil Procedure provides that if a witness, expert or party does not speak Greek, an interpreter shall be appointed by the court. A similar provision is contained in Article 137 of the Code of Administrative Procedure.

Translation

According to article 237 of the Code of Criminal Procedure, suspects or accused persons who do not understand the language of the criminal proceedings shall be provided within a reasonable time with a written translation of all material documents or parts of the proceedings.. In extremely urgent cases the written translation may be replaced by an oral translation or an oral summary of the content of the essential documents. According to the article 238 of the same Code, when documents are to be translated that definitely require a long time, a deadline is set by which the interpreter must deliver the translation. 2. Exceptionally, when the witness or the accused does not know the Greek language and it is proven that it is not easy to appoint a suitable interpreter, he can give a written statement or apology in a foreign language during the interrogation.

According to article 454 of the Code of Civil Procedure, if the document submitted has been drawn up in a foreign language, an official translation certified by the Ministry of Foreign Affairs or another legally competent person or by the embassy or consulate of Greece in the country, in the region where the document was drawn up, must be submitted together with it, or from the embassy in Greece or the consulate of the same country. In any case, the court may order the document to be translated into Greek by an expert - a specialist translator. The Code of Administrative Procedure has similar regulations (article 172)

It is also noted that article 60 of law 4478/2017 includes special provisions for the provision of interpretation and translation to victims of crime.

b. Measures to facilitate access by persons with disabilities, such as measures relating to accessibility of court houses and other resources for people with disabilities;

Public buildings, including judicial buildings (as well as all buildings under the jurisdiction of the Ministry of Justice), have been registered on a special electronic platform created by the Ministry of the Environment and operating under the responsibility of the Technical Chamber of Greece, with the aim of implementing the necessary adjustments, in order to ensure horizontal and vertical autonomous and safe access by persons with disabilities, as well as their service in all external and internal spaces of the buildings, in harmonization with the current legislative framework.

In addition, the fulfillment of all accessibility criteria provided for by the current legislative framework is a prerequisite for the construction of a new judicial building. Furthermore, prior to the execution of repair works in existing buildings, where possible, drawing up and implementation of (technical?) studies is also recommended for the adaptation of the building to the applicable provisions (article 26 of Law 4067/2012 Official Gazette 79/A'), as amended, citing indicatively the Ministerial Decision 65826/699/20-07-2020 (Government Gazette 2998/B'), the Decision No. YΠEN/ΔΜΕΑΑΠ/99709/796/2021 of the Ministry of Home Affairs (Government Gazette 504/B') etc.

It is also noted that the recent law 5023/2022 (article 22) provides for the appointment of a person(s) responsible to the courts for issues of access of persons with disabilities, their information and facilitation of access to services.

c. Legal aid;

Information about legal aid in Greece can be found in the following link:

https://e-justice.europa.eu/37129/EN/legal_aid?GREECE&member=1

Furthermore, it is worth noting that with the recent Law 5023/2023 (article 23, which amended Law 3226/2004), people with a disability rate of more than 67%, regardless of income, were added to the beneficiaries of legal aid.

In administrative cases, the legal aid is provided for in the Code of Administrative Procedure (Law 2717/1999 art. 276, 276A), and in the Presidential Decree 18/1989 (art. 37).

Finally, Victims of crimes prosecuted ex officio, among which victims of hate speech (article 5 of law 927/1979), are exempted of the obligation to pay a fee for the initiation of criminal proceedings.

d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services;

The law 4478/2017 - for the integration of directive 2012/29/EU on the establishment of minimum standards relating to rights, support and protection of criminal victims and for the replacement of Council Framework Decision 2001/220/JHA provides for the following:

Article 61: 1. The victim, in accordance with his/her needs, is entitled to have access to free and confidential services of general or special support and care, before, during and, for an appropriate time, after the end of the criminal proceedings. This right can also be extended to the victim's relatives, depending on their needs and the severity of the damage they suffered due to the criminal act committed against the victim.

2. The Police or other competent authority, to which the victim's complaint was filed, informs and refers the victim, upon their request, to support and care services, depending on his needs and the degree of harm suffered as a result of the criminal offence committed against the victim.

3. Access to victim support and care services does not depend on whether or not the report of the criminal offense is filed.

4. The services of general or special support and care for victims are provided by the Police and every competent authority, as well as by public bodies such as, in particular, the social services of Local Government Organizations, the mental health structures for adults, children and teenagers, the citizens' supporters, the Community Centers, the counseling centers, support structures of the National Center for Social Solidarity, specialized services of minor victims, such as the Independent Offices for the Protection of Minor Victims of the Ministry of Justice, as well as by private law legal entities and associations of persons organized on a professional or voluntary basis, depending on the nature of the services.

5. The children of female victims of violation of personal and sexual freedom, economic exploitation of sexual life, domestic violence, human trafficking, as well as crimes with racist characteristics have the right to the support and care measures of this article.

In addition, pursuant to Law 5038/2023 (article 137), victims of human trafficking have the right to medical care and access to psychological support services provided. The competent prosecution, judicial and police authorities shall, in accordance with the relevant provisions, give priority, for the protection and safety of those victims, to the provision of translation and interpreting services where they have no knowledge

of the Greek language, for their information regarding their rights and the services provided, as well as for the provision of all necessary legal assistance.

The prosecutor of the Supreme Court (V. Pliotas) under his circular no. 12/2-11-2021 to the competent prosecutors of first instance of the country has given special instructions for the prevention and treatment of gender based and especially domestic violence against women, which instructions extend over the whole time spectrum, while violence is lurking and manifested until the trial of each relevant case. In addition, prosecutors participated in a webinar organized by the Hellenic Red Cross (HRC) on 2-3-2022 on "the "pandemic" of Gender - Based Violence Against Women in the midst of covid-19. The role of the State and the contribution of H. R. C".

The Ministry of Justice along with the National Council Against Racism and Intolerance produced a guide for hate crime victims (2021-2022) that includes the existing legal framework on the rights of victims of racist crimes, instructions on the necessary steps to be taken by those affected by racist crimes, as well as a list of services that can assist the victims. It is printed in 2,000 copies, in nine languages (English, French, Farsi, Urdu, Arabic, Pashto, Albanian, Russian and Georgian as well as in Braille). It was distributed to the police and prosecution services, civil society organisations, public hospitals and reception centres for migrants.

e. Fast-track proceedings available for certain vulnerable parties, such as in cases involving sexual violence or children;

- Law 4855/2021, which amended the Penal Code and the Code of Criminal Procedure, introduced the possibility of absolute priority for the adjudication of cases relating to crimes against sexual freedom and economic exploitation of sexual life (art. 32 CCP).
- Article 1532 of the Civil Code provides that when parents breach their duties related to the custody of their child or the administration of the child's property, or when they exercise their duties abusively or are unable to respond to their duties, the court may order any appropriate measure, if requested by the other parent or the child's closest relatives or the public prosecutor. In extremely urgent cases, under the above conditions of poor parenting and when there is an imminent danger to the child's physical or mental health, the Public Prosecutor addresses to the competent court within ninety (90) days, while orders every appropriate measure for the child's protection, until the court's decision is issued.
- As concerns child return proceedings under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (HCCH 1980 Child Abduction Convention), ratified by Law 2102/1992 (A 193,) return applications are heard according to the type of provisional/interim measures procedure, the most expeditious procedure under Greek law. Nevertheless, in return

proceedings an appeal can be filed against a decision, unlike the regular procedure of provisional/interim measures which does not provide for filing an appeal.

- By Law 4020/2011 (217 A) the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children was ratified. Simple and rapid procedures are applied as regards taking of measures directed to the protection of the person or property of the child as well as declaration of enforceability or registration of measures taken in another Contracting State.

f. Other measures.

On the website of the Ministry of Justice, there is a special section for the dissemination of information regarding child-friendly Justice. (https://www.ministryofjustice.gr/?page_id=7812). Child-friendly Justice is the second axis of high priorities of the National Action Plan on the Rights of the Child 2021-2023, adopted on June, 17, 2021 by the National Mechanism for the monitoring and evaluation of Action Plans for the Rights of the Child.

5. Which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalised groups? Please provide examples of good practice you consider effective.

In addition to the measures mentioned in the previous answers (and especially in 4), the following are also mentioned:

- The Law 4898/2022 (A' 41), which ratified the Hague Convention of 13 January 2000 on the International Protection of Adults, aims at:
 - Improving the protection status of vulnerable adults in cross-border cases
 - Facilitating the provision of judicial protection and representation for vulnerable adults
 - Safeguarding the personal and property interests of the adult and respecting his dignity and autonomy by establishing a secure legal framework
 - Avoiding conflicts between the legal systems of the signatory states
 - Promoting international cooperation in the protection of vulnerable adults, and,
 - Removing obstacles to the free movement of vulnerable adults.

The above legislation affirms that the interests of the adult and respect for his or her dignity and autonomy are to be primary considerations. In that respect, the Convention furthers some important objectives of the United Nations Convention of 13 December 2006 on the Rights of Persons with Disabilities in particular those of Article 12 on equal recognition before the law and Article 32 on international co-operation.

- The Law 4478/2017 provides for the establishment of Independent Offices for the Protection of Minor Victims - "Children's Homes" in five major cities of the country.

Article 68 par. 3 of Law 4478/2017, as applies, provides that minor victims have special need for protection due to the particular risk of suffering secondary and repeated victimization, intimidation and retaliation and for this purpose they are subject to individual assessment by the Independent Offices for the Protection of Minor Victims - "Children's Home" of the Ministry of Justice or by the Independent Offices of Juvenile Custodians and Social Welfare, in collaboration with a child psychologist or child psychiatrist of the mental health structures and in lack of the above, a psychologist or psychiatrist in order to be decided if and to what extent the minor victim benefits from special measures. The "Children's Homes" are responsible for carrying out the individual assessment of minor victims to determine special protection needs, the assessment of the perceptive capacity and mental state of minor victims by specialized staff, the provision of assistance to pre-investigative, investigative, prosecutorial and judicial authorities for the appropriate child-victim-friendly examination during criminal proceedings.

The co-located Independent Offices for the Protection of Minor Victims "Children's Home" of Athens and Piraeus, are in full operation since December 2021 (December) in a specially designed space, accessible and friendly to children, equipped with the appropriate logistical infrastructure for the monitoring and recording of testimonies. In both services, the judicial interviews are carried out by a specially trained psychologist who follows the Protocol of the judicial examination, and the statements are recorded with modern audio-visual means in order to avoid secondary victimization of the children.

- The legislative framework was further strengthened by provisions introduced by Law 4855/2021 which amended the Penal Code and the Code of Criminal Procedure and enhanced protection of minors who are victims of crimes. Article 227 of the Code of Criminal Procedure provides that the examination as a witness of the minor victim is carried out at the Independent Offices for the Protection of Minor Victims of the Appellate District or, where these do not operate, at specially designed and adapted for this purpose, without culpable delay and with as few interviews as possible. In addition, it provides that the examination of the minors is carried out by the pre-investigative officers and judicial officials through and in presence of a child psychologist or child psychiatrist and that the child's statement is drawn up in writing and recorded in an electronic audio-visual means, so that the child does not have to testify again at the next stages of the procedure as the electronic testimony replaces the physical presence.

Further, article 228 of the Code of Criminal Procedure, as amended by Law 4855/2021, provides that paragraphs 2 and 3 of Article 68 of Law 4478/2017 apply as well *mutatis mutandis* to adult victims of trafficking in human beings, *inter alia*. In this case, the social investigation can be conducted by social workers of municipalities or regions.

6. Does your Member State have in place arrangements to facilitate access to justice by children? Please provide examples of good practice you consider effective.

Under articles 128 and 130 of the Greek Civil Code any action with legal effects, which includes a declaration of will, is void if undertaken by a person who has not reached the age of ten.

Article 742 of the Civil Procedure Code provides that minors over 16 years old can appear before the court in cases concerning their personal situation and exercise legal remedies and third-party appeals against the decision issued. When the minor appears before the court, whoever legally represents him must be called.

In Greece the minimum age of criminal responsibility is 15 years old. Children have no limitations in accessing penal justice for ex officio prosecuted crimes (requesting for protection and remedy in cases of abuse) and can submit a complaint by themselves for other violations after the age of 13 (art. 115 of the Greek Penal Code). According to article 115 par. 2 of the Penal Code, in case of minors less than 13 years old, completed, the right of filing a complaint with the Court belongs to their legal representative. In case of minors of 13 to 18 years old, completed, both the minor and his/her legal representative have the right to file a complaint.

Law 4267/2014 implementing Directive 2011/93/EU of the European Parliament and the Council of 13.12.2011 on sexual abuse, sexual exploitation of children and child pornography, provides that children who are victims of crimes of sexual abuse, exploitation or child pornography are explicitly entitled to legal aid in any criminal and civil claims (art. 17).

By Law 4478/2017, on the transposition of Directive 2012/29/EU on the establishment of minimum standards relating to rights, support and protection of victims of crime and for the replacement of Council Framework Decision 2001/220/JHA, it is guaranteed that victims of crime are properly informed, supported and protected in order to participate in the criminal proceedings. According to article 69 of the aforementioned Law, in the case of a minor victim whom the holders of parental care are excluded from his/her representation, due to conflict of interest between them and the minor, or in the case of unaccompanied minor victims or minor victims living apart from their family, the competent prosecuting or judicial authority, depending on the stage of the criminal proceedings where the case is pending, appoints a Juvenile Probation Officer as the special representative of the minor victim. When the minor victim is entitled to a lawyer, in accordance with the provisions of Law 3226/2004, he/she is entitled to legal advice and a legal representative, who acts on his/her behalf, in proceedings where there is or could be a conflict of interest between the minor victim and the holders of parental care.

With respect to cases of children's right to child support, EC Regulation 4/2009 on maintenance obligations provides a series of measures for the granting of child

support/maintenance in cross border cases, including legal aid for children and young persons under 21 years old.

Access to the Children's Ombudsman does not have any limitations or requirements.

By Law 4689/2020 (A 103), Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings was integrated into Greek legislation. Children who are suspects or accused persons in criminal proceedings have the right of access to a lawyer, in accordance with the provisions of the Code of Criminal Procedure and Law 4478/2017 (A' 91). In order to ensure that minors effectively exercise their rights of defense, they are entitled to receive the assistance of a lawyer, without undue delay, as soon as they are informed by the competent authorities, by official notification or otherwise, at any stage of the criminal proceedings, that they have acquired the status of a suspect or accused person for the commission of a criminal offense. The Investigator has the obligation to appoint a lawyer *ex officio*, in the event that the minor or the person exercising parental care has not appointed a lawyer of their choice. A minor suspect or accused person is entitled to legal aid in criminal cases according to Law 3226/2004 (A' 24), as long as the foreseen required conditions are met, for acts which, when committed by an adult, are punishable by imprisonment of at least six (6) months.

7. Does the justice system provide the possibility for stakeholders to bring cases on behalf or in support of victims? If yes, in which areas of law is this possible? Please provide examples of good practice you consider effective.

According to article 622 of the Code of Civil Procedure, in labor disputes, recognized trade unions of workers or employers, their recognized associations or chambers have the right: 1) to exercise in favor of their members the rights deriving from a collective agreement or other provisions assimilated to provisions of a collective agreement, unless the members have expressly expressed their opposition (they have the right to intervene anyway), 2) to intervene until the issuance of an irrevocable decision in favor of a party, as long as he/she is a member of them or a member of one of the organizations that make up the union, 3) to intervene in any trial concerning the interpretation or application of a collective labor agreement in which they participate or a provision that is assimilated to the provisions of such a collective agreement, for the protection of the collective interest presented by the outcome of the trial, 4) to intervene in favor of a party, who exercises the rights deriving from the legislation currently in force to observe the principle of equal treatment of the sexes and to combat discrimination based on gender at work and in particular from Law 3896/2010, in any stage of the trial and in the appellate trial, as long as the dispute is tried during the special procedure of labor disputes.

8. Which challenges or points of development have been identified in your Member State regarding effective legal protection?

Effective legal protection is linked, inter alia, to speeding up the time of administration of justice, to the universal access to justice as well as to the quality of the judicial system. In this context, the challenges facing our state are the further acceleration of the administration of justice, through further digitization, the more rational organization of the Courts (the new “Judicial Map”), as well as the special care for access to justice for some vulnerable groups. The initial and continuous training of judges and court officials certainly contributes to the quality of the administration of justice, for which a new institutional framework has recently been established.

Athens, 28.7.2023

Dimitrios GIOUTIKAS

Head of the Directorate of Human Rights & Pardons - Hellenic Ministry of Justice
Focal point of Greece for the EU Charter of Fundamental Rights