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## I. GENERAL POLITICAL STRUCTURE

1. According to article 1, paragraph 1, of the Constitution, Greece is a “presidential parliamentary republic”. The basic principles of the Greek form of government are the following:

(a) The principle of popular sovereignty. According to article 1, paragraph 3, of the Constitution, “All powers derive from the People and exist for the People and the Nation; they shall be exercised as specified by the Constitution”;

(b) The character of the form of government as a “presidential parliamentary republic”. The form of government was designated in a binding manner for the drafters of the Constitution by the referendum of 8 December 1974 by a majority of approximately 70 per cent. The relevant provision is not subject to revision, according to article 110, paragraph 1, of the Constitution;

(c) The principle of representative democracy. Elements of direct democracy are contained in article 44 of the Constitution, which provides for the institution of referendum;

(d) The principle of parliamentary democracy. The key elements of this principle are the following:

(i) The appointment as Prime Minister of the leader of the majority party in Parliament, or, if no party has the absolute majority of parliamentary seats, of the leader of the party which, through the procedure of exploratory mandates, can form a Government enjoying Parliament’s confidence;

(ii) The obligation of each Government to request and be granted a vote of confidence by the Parliament;

(iii) The resignation of the Government in case the Parliament adopts a motion of censure, or in any other case the Government ceases to enjoy the Parliament’s confidence.

(e) The principle of the rule of law. The Constitution safeguards respect for a number of civil, political and social rights (arts. 4-25) and protects human dignity (art. 2). It also proclaims the principle of separation of powers (art. 26), the obligation of the courts not to apply laws, the contents of which are contrary to the Constitution (art. 93, para. 4), the principle of legal operation of public administration, the judicial review of administrative acts (art. 95), the independence of the judiciary and the individuals’ right of access to the courts (arts. 20, paras. 1, 26, 87-100);

(f) The principle of the welfare State. The Constitution safeguards a series of social rights to which reference shall follow. It also provides for social restrictions to the exercise of civil rights, mainly to the civil right of property (arts. 25, paras. 3 and 4, 17, para. 1, 106, para. 3). The revised article 25, paragraph 1, of the Constitution establishes, expressis verbis, the principle of the “social welfare State”.

2. The Constitution provides that the legislative power is exercised jointly by the Parliament and the President of the Republic (art. 26, para. 1). The Parliament is entrusted with general legislative powers. The powers of the President of the Republic are confined to promulgating and publishing the acts of the Parliament. The Parliament consists of 300 members (deputies) constituting the sole chamber of the Parliament, elected for a term of four years through a direct and universal ballot. The electoral law in force establishes a system of “reinforced” proportional representation and sets the level of eligibility at 3 per cent at the national level. Notwithstanding article 43 of the Constitution, which establishes the institution of delegated legislation granted by law to administrative authorities for the issuing of regulatory acts dealing with specialized matters or matters of regional interest, a formal law to be voted upon by the plenary session of Parliament shall be required for the regulation of a number of issues including the exercise and protection of civil rights (art. 72, para. 1). Parliament’s Standing Orders define the mode of the free and democratic functioning of the chamber and provide for a series of mechanisms designed for the exercise of an effective parliamentary control. Parliament also has the power to set up investigative committees for the exercise of parliamentary control.

3. It is worth stating that the Constitution (art. 29) safeguards the right to freely found and join political parties, the organization and activity of which must serve the free functioning of democratic Government. The State’s financial support to the parties and the publicity of the parties’ and parliamentary candidates’ electoral expenses (terms of transparency) is also provided for by law. Moreover, the legislator must ensure the access of those parties to the mass media during the pre-electoral period. This access is subject to the supervision of the National Radio and Television Council.

4. The executive power is exercised jointly by the President of the Republic and the Government. The President of the Republic shall regulate the function of the institutions of the Republic (Constitution, art. 30). He/she shall be elected by the Parliament for a term of five years, but shall not be politically accountable to it or dependent upon its confidence. He/she shall represent the State internationally. Through a procedure of exploratory mandates, which ensure respect for the principle of majority, the President of the Republic shall appoint the Prime Minister, and on the latter’s recommendation, he shall appoint the other members of the Government and the under-secretaries. In accordance with article 41 of the Constitution, the President of the Republic may and is bound to dissolve Parliament under special circumstances. This power is rigidly delineated so that the principle of popular sovereignty should not be vitiated. Under urgent and unforeseeable circumstances, the President of the Republic may, on the proposal of the Cabinet, issue acts of legislative content, subject to the subsequent approval of the Parliament (ibid., art. 44, para. 1). He/she may also proclaim a referendum following a decision by the Parliament (ibid., art. 44, para. 2). He/she has the right to grant pardon and provide amnesty. No act of the President of the Republic shall be valid unless it has been countersigned by the competent minister.

5. The Constitution also introduces a system of decentralized State administration (art. 101) and safeguards the existence and operation of local government authorities of first and second level (art. 102).

6. The judicial power is exercised by courts of law composed of regular judges who enjoy functional and personal independence. The courts are bound not to apply laws the contents of which are contrary to the Constitution. Jurisdiction of annulment of those laws, however, shall solely rest with the Special Supreme Court in special cases (art. 100). Article 8 of the Constitution introduces the principle of the “natural judge”, meaning that no person shall be deprived of the judge assigned to him by law against his will, and prohibits the constitution and setting up of judicial committees and extraordinary courts.

7. The Constitution establishes administrative, civil and criminal courts. The three supreme courts are the Supreme Civil and Criminal Court (Areios Pagos), which delivers judgements on appeals on points of law, both in civil and criminal cases; the Council of State, which rules on administrative affairs, and the Court of Auditors, which is responsible for deciding on pensions and for auditing public accounts. The jurisdiction of the Special Supreme Court includes review of parliamentary elections and referenda; review of the substantive constitutionality or interpretation of provisions of “formal laws” (acts of Parliament) in case of disagreement between the three supreme courts; and the resolution of disputes concerning the qualification of a rule of international law as “a generally accepted” one. A statutory provision declared to be unconstitutional by this court is null and void, effective as of the pronouncement of the judgement or the time stated in the judgement.

8. Apart from the three supreme courts described above, the Constitution also provides for a special court ruling on suits for miscarriage of justice and on disputes concerning all kinds of remuneration and pensions of judicial functionaries (*ibid.*, art. 99), as well as for a special court to hear charges against ministers or against the President of the Republic (*ibid.*, art. 86).

## **II. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS**

### **A. Judicial, administrative and other competent authorities with jurisdiction affecting human rights - available remedies**

9. Article 20 of the Constitution safeguards the fundamental procedural right of every person to have recourse to the courts and receive legal protection by them. Courts in the meaning prescribed by the Constitution shall be considered those composed (by majority at least) of regular judges who shall enjoy functional and personal independence (art. 87). The statutory submission of legal disputes to compulsory arbitration or to special courts, which are not composed of regular judges, is not compatible with article 20, paragraph 1.

10. The aforementioned article guarantees judicial protection without ruling out the provision of procedural time limits set within the bounds of reason. The dependence of judicial protection upon the prior granting of an administrative permit or consent is deemed unconstitutional. Moreover, the granting of judicial protection cannot depend on the prior collection of disputed taxes assessed, either in their entirety or in considerable part. Every human being, irrespective of nationality, is entitled to be granted judicial protection. The right to seek and be granted judicial relief applies not only to natural but also to legal persons.

11. Courts have the right, but also the obligation, to review the constitutionality of laws, as well as the constitutionality and legality of administrative acts. Regulatory and individual administrative acts may be annulled by the administrative courts, inter alia for breach of law (art. 95). The violation of the Constitution shall also be deemed as “breach of law”.

#### **Legal remedies sought before civil courts**

12. The legal remedy statutorily prescribed to be brought before the first instance civil courts is the “action”. The procedural prerequisites for its exercise and its various types are exclusively defined by the Code of Civil Procedure.

13. The appellate courts belong to the second degree of civil jurisdiction. The main legal remedy to be exercised before them is the “appeal”. The reversal of the contested judgement reached at first instance is the principal goal of the launching of the appeal. The control of the court of second instance may relate to issues falling within the purview of both substantive as well as procedural matters.

14. Other legal remedies can also be brought before the same court that rendered the contested judgement. The reopening of contested judgement can be exercised against a decision, in case, among others, of fraud or misconduct. The reopening of default is the legal remedy which is accorded for the protection of a person against whom a judgement in absentia has been reached. This form of legal attack seeks to reverse the decision reached in default of appearance by the defendant, as well as a new discussion of the case before the court.

15. The legal remedy of cassation before the Supreme Civil and Criminal Court (Areios Pagos) is also provided for. By the appeal on cassation, one may put forward allegations relating to the violation of rules of substantive law, or of some specified rule of procedure.

#### **Legal remedies brought before the criminal courts**

16. In principle, the public prosecutor has the duty to prosecute every offence that has been reported to him/her. The public prosecutor is considered as an objective authority. He also has the duty to uphold legality, to protect the citizens and to safeguard the rules of public order. He/she may order an ordinary investigation, carried out by the investigating judge, or a summary investigation (in the case of misdemeanours), carried out by general or specialized investigating officers; he/she may summon the accused directly before the trial court; he/she may proceed to a preliminary inquiry. Proceedings in this case are to be held in writing and in secrecy. When the ordinary investigation is completed, the case must be referred to the judicial council with a motion either to refer the case to trial or to acquit. The judicial council is a panel of judges deciding in camera. Their decisions must be reasoned. This procedure is similar to the one before ordinary courts.

17. Trial courts are the following:

(a) The “mixed” criminal court, composed of regular judges and jurors, which tries the most common felonies;

(b) The (three-member and, at second instance, five-member) court of appeal. It is not only an appellate court, but it is also competent to try several felonies which present complex legal problems;

(c) Misdemeanours are tried before the two misdemeanour courts (one-member and three-member);

(d) The “petty violations” court is competent to try petty violations.

All offences committed by children and adolescents are tried before the juvenile courts.

18. Courts-martial pass judgement on all crimes committed by military personnel, save for those which, in accordance with the provisions of the Military Penal Code or special laws, shall be subject to the jurisdiction of regular criminal courts. Pursuant to article 96, paragraph 4, of the Constitution, military courts shall have no jurisdiction over civilians. In accordance with article 96, paragraph 5, of the Constitution, the Military Penal Code (Law 2287/1995) and the Code of the Judicial Branch of the Armed Forces (Law 2304/1995) guarantee the functional and personal independence of military judges.

19. The most important remedy provided by the law against first instance judgements is the appeal. Appeals are lodged against decisions of first instance courts, either by the defendant or by the civil claimant or by the public prosecutor, with a view to the annulment of the judgement or the reduction of the penalty. In any case, however, the decision on the appeal may not result in a reformation in peius for the defendant. Most first instance decisions are subject to the remedy of appeal. Certain decisions taken by the Judicial Councils may also be appealed against.

20. Appeals on cassation before the Supreme Civil and Criminal Court may be lodged by the defendant or the prosecutor against decisions reached both by judicial councils or criminal courts at first and second instance. The most serious grounds for launching appeals in cassation are: the existence of procedural flaws, the lack of legal basis, the violation of the provisions pertaining to the publicity of the proceedings held in open session, the erroneous application or interpretation of a provision of criminal law, the violation of res judicata, the incompetence ratione materiae, etc. If the appeal in cassation is sustained, the Supreme Court remands the case for retrial to another court of the same level and jurisdiction as the one which had rendered the decision appealed against, or to the same court, if the composition of the court with other judges is deemed feasible. In case of an appeal with the Supreme Court on the grounds of erroneous application of the law, the Supreme Court may retain the case by applying the law properly itself. The Code of Criminal Procedure also prescribes the extraordinary legal remedy of the reopening of the case which has been closed by an irrevocable decision. It is noteworthy that the reopening of the case for the benefit of the defendant is also provided for in the case where a decision of the European Court of Human Rights, ascertains a breach of the right to a fair trial or of any other substantive provision of the European Convention on Human Rights (Law 2865/2000).

### **Legal remedies before administrative courts**

21. The legal remedies available before the administrative court of first instance are the “application for substantive judicial review” and the “action”. The purpose of the former is the annulment or modification of an administrative act, or the annulment of an implied refusal which, under specific circumstances, may amount to an administrative act. This negative administrative act is to be inferred after the lapse of a certain period of time during which the administration has not adjudicated on the matter. By filing the “action”, a claim is raised against the State for compensation for damages. An appeal may be lodged before the second instance administrative courts by the defeated party of the first instance.

22. The prerequisites for the lodging of a petition for review against final decisions taken by a first instance or appellate administrative court are specified by law; the legal remedy of reopening of default and third party opposition for stay of proceedings may also be advanced.

23. The Council of State is the supreme administrative court. Article 95 of the Constitution safeguards the legal remedy of the “application for annulment” of administrative acts for violation of the law or excess of power. According to paragraph 3, the trial of categories of cases which come under the Supreme Administrative Court’s jurisdiction for annulment may by law come under ordinary administrative courts of another instance, the appellate jurisdiction of the Supreme Administrative Court being, however, reserved. In this respect, the Council of State has the jurisdiction of second instance as the law specifies. The aforesaid article of the Constitution also provides for the jurisdiction of the Council of State in relation to: (a) the trial of substantive administrative disputes submitted thereto as provided by the Constitution and the statutes; and (b) the reversal upon petition of final judgements issued by ordinary administrative courts, as specified by law.

24. In conclusion, the Constitution and the legislation encompass a comprehensive system designed for the protection of all persons against illegal acts or omissions committed by the Administration. The overwhelming majority of these acts and omissions may be brought before the courts and, more specifically, before the Council of State.

25. The Constitution also provides for the establishment of a Special Supreme Court, pursuant to article 100. The Special Supreme Court decides on cases, either following the lodging of a legal remedy (application or objection) or after a committal decision has been rendered to it by another court. Within the purview of the Special Supreme Court falls, inter alia, the settlement of the controversies which relate to the constitutionality of the provisions of legislative acts. When conflicting judgements by the supreme courts have been pronounced or are about to be pronounced, the controversy shall be settled by the Special Supreme Court. Once the dispute has been committed to the Special Supreme Court, the other courts are required to postpone delivering any judgement on any case which has been held in abeyance or for which the provisions of a contested legislative act are applicable. If the court fails to postpone the hearing of the case but proceeds instead to the rendering of a final decision, this latter decision will be subject to an “application seeking the reopening of the proceedings”.



## **B. Systems of compensation and rehabilitation**

26. Articles 104-106 of the Introductory Law of the Greek Civil Code contain provisions on State responsibility for the wrongful acts of State organs. These provisions establish the individual's right to seek compensation from the State in cases of damages due to infringement of the law. Two systems of responsibility apply:

(a) Articles 105 and 106 of the Introductory Law of the Greek Civil Code establish the objective of State liability. The element of fault - intention or negligence - on the part of the State organ is not required for the establishment of State responsibility in this case. State responsibility is established as soon as the following prerequisites are met:

- (i) Material or moral damage or loss is suffered by individuals;
- (ii) The illegal acts or omissions are committed by State organs or officials in the exercise of their official duties;
- (iii) These illegal acts constitute a violation of rules of domestic law (including the Constitution, international law, formal laws and administrative acts). However, the State bears no responsibility if the violated provision serves predominantly the public interest. Activities or omissions of the executive, administrative, and even legislative and judicial organs can give rise to State liability when they are performed in violation of human rights rules. Therefore, it is admitted that the State can be held liable for the adoption of a law which contravenes constitutional provisions on human rights, whenever this results in causing damage to individuals. Apart from the violation of the rule of law itself, the abuse of discretion by the public authorities which results in violations of human rights, can entail State responsibility as well;
- (iv) Causal link between the acts or omissions and the damages caused. Victims of such violations can bring an action for compensation against the State itself before administrative courts. The liable State organ or official can be sued exclusively by the State in cases of intention or serious negligence, according to the Greek Civil Servants' Code (Law 2683/1999, art. 38). Article 8 of Law 2095/1952 had established a special privilege in favour of the State, consisting in the prohibition of forcible execution of judgements against the State. After the ratification of the International Covenant on Civil and Political Rights, it was considered that the relevant provision was contrary to the provisions of article 2, paragraph 3, and article 14, paragraph 1, of the Covenant, which have been accorded superlegislative force.<sup>1</sup> Article 94, paragraph 4, of the revised Constitution explicitly prescribes that judgements can be forcibly executed against the State, local government agencies and legal entities of public law, as the law specifies. In the same vein, article 95, paragraph 5,

of the Constitution defines that the Administration shall be bound to comply with judicial decisions. A breach of this obligation shall render liable any competent agent as specified by law. Furthermore, the law stipulates the necessary measures for ensuring compliance of the Public Administration with judicial decisions, whilst the courts are competent to take measures designed to compel the administration to comply with the judicial decision (Constitution, revised art. 94, para. 4). It is further noted that article 198 of the Code of Administrative Procedure (Law 2717/1999) stipulates that administrative authorities shall be bound to conform, by positive acts or by abstention from every contrary action, to judgements which are issued with respect to disputes brought before administrative courts. Failure by the administrative authority to comply as stated above shall have as a consequence prosecution of the responsible person for dereliction of duty and personal liability for damages;

(b) The Greek Civil Code establishes the general principle of liability for fault (article 104 of the Introductory Law to the Civil Code) in the case the State is acting as fiscus.

27. It goes without saying that violation of human rights rules by illegal acts of other individuals generates the obligation of compensation, according to articles 914 and 932 of the Civil Code (CC). Individuals who have suffered an offence to their personality according to article 57, CC, can seek compensation, as long as the prerequisites laid out in article 914 CC are met. Furthermore, special laws are adopted in order to specify the regime of civil liability for illegal acts of individuals. Among others, Law 1178/1981 (as modified by article 32 of Law 1941/1991) regarding “the civil liability for acts related to the press” provides for full compensation for persons whose honour or dignity has been offended by the press. The scope of the above-mentioned provision was extended to radio and television programmes by virtue of Law 2328/1995.

28. In addition to the above rules on State liability, the issue of compensation is regulated by the general provisions of the Greek Constitution concerning the protection of human rights. There is an explicit and direct reference to the right to compensation in the following cases:

(a) State officials who violate the right to respect private life and residence are held personally liable for abuse of power and must pay full compensation (art. 9, para. 2);

(b) Failure to release the arrested persons, whenever the time limits of article 6, paragraph 2, “elapse before action has been taken”, entails the State organs’ liability for illegal detention, when damage is suffered (art. 6, para. 3);

(c) Further legislation shall provide for the regime of compensation owed by the State to individuals deprived of their personal freedom (art. 7, para. 4).

29. The Code of Criminal Procedure (CCP) describes the regime in cases of illegal or unfair conviction or detention (arts. 533-545). The relevant provisions were amended by article 26 of Law 2915/2001, so as to fall into line with the case law of the European Court of Human Rights.

30. In accordance with the amended article 533, CCP, (a) those persons who, having been held in pre-trial detention, were later irrevocably acquitted by a Judicial Council order or by a decision of a court; (b) those who were held in custody following a sentence which was subsequently quashed irrevocably in consequence of the filing of a legal remedy; and (c) those who, having been sentenced and held in custody, were subsequently acquitted by a judicial decision following a reopening of the case are entitled to seek compensation by the State. The competent court to hear the action for compensation is the court that rendered the contested decision. The court shall decide after the claimant and the prosecutor have stated their cases. Furthermore, action for damages may be also brought before the civil courts (CC, art. 539).

31. Other express provisions on compensation can also be found in the Greek Penal Code: we can mention, for example, article 137D which confers this right upon individuals who have been subjected to torture or other cruel and inhuman treatment affecting their dignity by State officials who are responsible for their prosecution, examination or detention.

32. The aggrieved party, as well as the party who sustained an immediate damage from the commission of the indictable act, may file a civil suit for damages and restitution of the damage caused by the crime. The criminal court shall be bound to rule on the civil action and if it finds it to be founded, shall award the requested sum either wholly or in part. The criminal court may also remit the civil claims for material damages to the civil courts. Article 77 of the Penal Code provides that, if a pecuniary penalty or fine has been imposed concurrently with restitution of damages to the victim, and the offender's property is insufficient to satisfy both obligations, restitution shall be preferred.

33. Another form of rehabilitation available to the person whose human rights have been violated is the striking from the criminal record of sentences that were imposed by the criminal courts. This may be effected after the decision on the motion for the reopening of the case has been issued. Consequently, a defendant who was sentenced by the Greek penal courts in contravention to the provisions of the European Convention on Human Rights and who was subsequently acquitted by the European Court of Human Rights may pursue and achieve the striking of the sentence from his criminal record. A special case of striking from the record is provided for by article 27 of Law 2915/2001. Pursuant to the aforementioned article, penalties that have been imposed for the military offence of insubordination or draft dodging which was committed before the entrance into force of Law 2510/1997 (on alternative form of military service) on conscripts who refused to do their military service by invoking their religious or ideological convictions are struck from the criminal record, as long as the conscripts have in any way served the sentence that was imposed on them or were conditionally released from prison.

34. Finally, the European Convention on Human Rights contains a special provision on the award of "just satisfaction" to the injured party, in case of a violation of the Convention (art. 41). Law 1846/1989 refers to this obligation, as it provides that a special part of the State budget is reserved for the enforcement of the European Court's judgements. With the sole exception of the Stran case (1994), where a delay was noted in the payment of "just satisfaction" that caused the reaction of the organs of the European Convention, the Greek State performs its respective obligations as regards the execution of the judgements.

### **C. Protection of human rights in the Constitution and in international instruments ratified by Greece**

35. The Greek Constitution safeguards a set of rights and freedoms which are incorporated in the most important international conventions relating to the protection of human rights. The Constitution focuses on the protection of human dignity. From this principle stems the obligation to protect all the other individual rights and freedoms without any distinction whatsoever as to nationality, colour, race, gender, etc.

36. It should be noted that in 2001, the procedure for the revision of the Constitution was completed and some additional individual rights were also incorporated. This revision led to a more solid and effective framework for the protection of human rights.

37. More specifically, the individual rights enshrined in the Constitution are the following:

- (a) The principle of equality before the law (art. 4, para. 1);
- (b) The principle of gender equality (art. 4, para. 2) and the adoption of affirmative action for promoting equality between men and women (art. 116, para. 2);
- (c) The principle of equal eligibility for civil service posts (art. 4, para. 4);
- (d) The principle of non-discriminatory but proportional contribution to public charges (art. 4, para. 5);
- (e) The principle of equality in performing military obligations (art. 4, para. 6);
- (f) The possibility of alternative service for conscientious objectors (interpretative clause under article 4);
- (g) The right of all persons to freely shape their personality and to participate in the social, economic and political life of the country; a more specific aspect of the shaping of personality is economic freedom (art. 5, para. 1);
- (h) The right to personal liberty (art. 5, para. 3);
- (i) The freedom of movement and residence (art. 5, para. 4);
- (j) The protection of life (arts. 2 and 5, para. 2);
- (k) The right to absolute protection of life, honour and freedom, irrespective of nationality, race or language, and of religious or political beliefs; moreover, the extradition of aliens prosecuted for their action as freedom-fighters is prohibited (art. 5, para. 2);

- (l) The right to protection of health and of genetic identity, as well as the right to protection against biomedical interventions (art. 5, para. 5);
- (m) The right to information and to participation in the information society (art. 5A);
- (n) The right to personal safety (art. 6);
- (o) The prohibition of the retroactive force of criminal law (art. 7, para. 1);
- (p) The prohibition of torture (art. 7, para. 2);
- (q) The prohibition of general confiscation and of the death penalty, save in the cases prescribed by law for felonies which have been committed in time of war and are related to it (art. 7, para. 3);
- (r) The right to compensation for those who have been sentenced, held in pre-trial custody or who in any way were unjustly or illegally deprived of their liberty (art. 7, para. 4);
- (s) The right of a person to a judge assigned to him/her by law (art. 8);
- (t) The right to the inviolability of the residence and to private and family life (art. 9);
- (u) The right to the protection of personal information and data (art. 9A);
- (v) The right to file petitions in writing to public authorities and the latter's subsequent obligation to a written and reasoned reply (art. 10);
- (w) The freedom of assembly (art. 11);
- (x) The freedom of association (art. 12);
- (y) The right to religious freedom (art. 13);
- (z) The freedom of expression and freedom of the press (art. 14), including the right of reply for persons who have been affected by an inaccurate publication or broadcast (para. 5);
- (aa) The freedom of radio and television broadcasting (art. 15);
- (bb) The freedom of art, science, research and education (art. 16);
- (cc) The right to property (art. 17);

(dd) The right to secrecy of letters and all other forms of free correspondence or communication (art. 19) and the prohibition of using pieces of evidence which have been illegally obtained (art. 19, para. 3);

(ee) The right of every person to receive legal protection by the courts and to plead before them (art. 20);

(ff) The right to protection of the environment (art. 24).

38. Furthermore, the Constitution also entrenches a series of social rights:

(a) The protection of family, marriage, maternity and childhood (art. 21, para. 1);

(b) The protection of families with many children (art. 21, para. 2);

(c) the right to health (art. 21, para. 3);

(d) The right to housing (art. 21, para. 4);

(e) The right of disabled persons to enjoy measures ensuring self-sufficiency, professional integration and their participation in the social, economic and political life of the country (art. 21, para. 6);

(f) The right to work (art. 22);

(g) The right to equal wages for work of equal value (art. 22, para. 1);

(h) The right to freely negotiate to reach a collective labour agreement (art. 22, para. 2);

(i) The right of civil servants and employees of local government agencies or other public law legal entities to conclude collective labour agreements (art. 22, para. 3);

(j) The prohibition of any form of compulsory work (art. 22, para. 4);

(k) The right to social security (art. 22, para. 5);

(l) The freedom to establish of trade unions and the right to strike (art. 23).

39. Moreover, article 25 of the Constitution explicitly introduces the principle of the social welfare State, the principle of individual rights governing not only the relationship between the State and individuals but also that among the individuals themselves (*Drittwirkung*), as well as the principle of proportionality with respect to the restrictions in the exercise of fundamental rights.

### **International human rights instruments ratified by Greece**

40. Greece has ratified all major human rights treaties in the framework of the United Nations, namely:

- (a) Convention on the Prevention and Punishment of the Crime of Genocide, (legislative decree 3091/1954);
- (b) Slavery Convention and Protocol (Law 4473/1939, legislative decree 2965/1954);
- (c) Supplementary Convention on the Abolition of Slavery, the Slave Trade and, Institutions and Practices Similar to Slavery (Law 1145/1972);
- (d) International Convention on the Elimination of All Forms of Racial Discrimination (legislative decree 494/1970);
- (e) Convention on the Elimination of All Forms of Discrimination against Women (Law 1342/1983);
- (f) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Law 2952/2001)
- (g) International Covenant on Economic, Social and Cultural Rights (Law 1532/1985);
- (h) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Law 1782/1988);
- (i) Convention on the Rights of the Child (Law 2101/1992);
- (j) Convention on the Political Rights of Women (legislative decree 2620/1953);
- (k) International Covenant on Civil and Political Rights (Law 2462/1997).

41. In the framework of the Council of Europe, Greece has ratified a series of important treaties:

- (a) European Convention on Human Rights and all its major protocols;
- (b) European Social Charter (Law 1426/1984);
- (c) Additional Protocol to the European Social Charter (Law 2595/1998);
- (d) Protocol amending the European Social Charter (Law 2422/1996);

- (e) Additional Protocol to the European Social Charter providing for a system of collective complaints (Law 2595/1998);
- (f) European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Law 1949/1991);
- (g) Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (Law 2068/1992);
- (h) Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the application of Biology and Medicine: Convention on Human Rights and Biomedicine (Law 2619/1998);
- (i) Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine on the Prohibition of Cloning Human Beings (ministerial decision 4898/21.10.1998);
- (j) European Convention on the Exercise of Children's Rights (Law 2502/1997).

42. Greece has signed the Framework Convention for the Protection of National Minorities.

43. Greece has also ratified some other important human rights instruments, such as:

- (a) The four Geneva Conventions of 1949 on protection of victims of war (Law 3481/1956), as well as Protocol I (Law 1786/1988) and Protocol II (Law 2105/1992);
- (b) The Rome Statute of the International Criminal Court (Law 3003/2002);
- (c) Convention relating to the Status of Refugees (legislative decree 3989/1959); Protocol relating to the Status of Refugees (legislative decree 389/1968);
- (d) Forced Labour Convention (No. 29) (Law 2079/1952);
- (e) Abolition of Forced Labour Convention (No. 105) (Law 4221/1961);
- (f) Worst Forms of Child Labour Convention (No. 182) (Law 2918/2001);
- (g) Convention relating to the Status of Stateless Persons (Law 139/1975).

44. Greece respects all documents of the Organisation for Security and Cooperation in Europe on the Human Dimension. Moreover, Greece closely monitors and actively participates in all Human Dimension implementation meetings.



45. Greece further applies the acquis communautaire in the field of human rights and actively participates in the respective actions of the European Union. The administration and the judiciary are also inspired by the relevant declarations of the EU organs, most notably of the European Parliament. Furthermore, Greece actively participated, by submitting specific and comprehensive proposals, in the drafting of the Charter of Human Rights of the European Union. Finally, a particularly important role with regard to the protection of human rights is played by the case law which has been set out by the European Court of Justice.

### **Restrictions on the exercise of human rights**

46. Restrictions on the exercise of human rights are permitted (a) if they are specified by law; (b) if they serve the public interest; (c) if they respect the principle of proportionality (Constitution, art. 25).

47. Restrictions to individual rights may be enacted either by a formal law or a normative administrative act based on statutory delegation. In every respect, the formal law must contain the basic guidelines of the legal rules to be adopted, so that the Administration should not be accorded wide scope of exercising discretionary power. Pursuant to article 43, paragraph 5, of the Constitution, a loi-cadre cannot delegate legislative power to the Administration for the issuance of decrees calling for the exercise and protection of individual rights. In accordance with article 72, paragraph 1, of the Constitution, the relevant bills are debated and voted by Parliament sitting in full session (plenum).

48. The restrictions imposed on individual rights must be justified by compelling reasons of broader public or social interest.

49. The principle of proportionality was expressly recognized by the Council of State in its decision 2212/1984, although it was indirectly applied in previous decisions as well. In Greek legislation, this principle is deduced from the principle of the rule of law and has constitutional force; it is also explicitly enshrined in article 25, paragraph 1, of the Constitution. According to the case law of the Council of State, the restrictions imposed by the legislator and the Administration in the exercise of individual rights should be those which are considered necessary and which are in line with the purpose pursued by law. In all other respects, the constraints imposed on constitutional rights should not affect their essence or core.

50. Furthermore, article 25, paragraph 3, of the Constitution prohibits the abusive exercise of individual rights. Theory has it that the meaning of abuse is restricted to those cases where the right is exercised for a purpose manifestly different from that for which it has been enacted.

51. Suspension of individual liberties is provided for only under the strict requirements prescribed by article 48 of the Constitution. It will be noted that the Greek Constitution does not stipulate the possibility of suspension of one of the rights from which derogation, pursuant to article 4, paragraph 2, of the International Covenant for Civil and Political Rights, is not permitted.

#### **D. Integration of human rights instruments into the national legal order**

52. The relevant issues are regulated by the Greek Constitution in article 28, paragraph 1. This article reads as follows:

“The generally accepted rules of international law, as well as international treaties, as from their approval by law and from their entering into force according to each one’s own terms shall constitute an integral part of Greek domestic law and shall prevail over any contrary provision of law. The rules of international law and international treaties shall be applied to aliens always on the condition of reciprocity.”

53. Furthermore, article 36, paragraph 2, of the Constitution lists certain types of treaties for which there is a constitutional obligation for legislative approval.

54. The above-mentioned constitutional stipulations do not provide for the “transformation” or any other type of conversion of treaties into domestic legislation. Treaties, within the Greek legal order, retain their character as international enactments and are applied as such.

55. The legislative approval of the treaties is an act of Parliament, which incorporates an order for the application of the treaty. It takes the form of law, which contains, on the one hand, the approval clause and, on the other, the text of the treaty, in both the original languages and the Greek translation. The Parliament may not modify in any respect the text of the approved treaty but the approval bill may contain other provisions as well (e.g. provisions relating to the application of the treaty, the creation of relevant administrative organs, etc.). Furthermore, the text of the treaty as contained in the approval bill must correspond exactly to the text which is internationally valid. Any reservations or interpretative declarations may be incorporated in the above legislative approval and may be applied by the national authorities insofar as they are compatible with the text of the treaty or its object and purpose.

56. Following their incorporation in the Greek legal order, international treaties can be invoked directly before courts and other administrative authorities, insofar as they possess a self-executing character. According to article 28, paragraph 1, of the Constitution, international treaties prevail over every contrary legislative provision. According to the same article the rule of supremacy is subject to the following conditions:

- (a) The treaty in question must have been approved by law;
- (b) The treaty should be in force;
- (c) There should be an assessment of contrariety between the treaty and a legislative rule.

57. It should be underlined that if the human rights treaty provides for a more extensive protection than the constitutional one, it is the provisions of the human rights treaty that apply. Indeed, the constitutional protection of human rights and individual freedoms is applied insofar as another norm does not provide for wider protection.

58. It should be noted that article 28, paragraph 1, of the Constitution defines reciprocity as a requirement for the superlegislative force of all the aforementioned rules. However, this requirement lost its force and the rule of reciprocity is not applied as regards matters of human rights.

59. In conclusion, human rights treaties are placed at a hierarchical rank between the Constitution and all legislative enactments. Furthermore, according to the Greek judicial system, any violation of human rights treaties by any organ of the State may give rise either to an appeal for judicial review or for annulment of the respective administrative act. Legislation adopted in violation of human rights treaties may be considered as inapplicable in casu.

#### **E. Invocation before, or direct enforceability by, the courts of the provisions of various human rights instruments**

60. As of the moment of incorporation into the Greek legal order, the rules of international treaties as well as customary rules are directly applicable, as long as these provisions have a self-executing character. In this case, the organ which is tasked with the implementation of a human rights treaty does not examine if the national authorities have taken additional measures but instead applies forthwith the provisions of the international treaty.

61. Greek courts base their decisions all the more frequently on the provisions of international instruments concerning human rights. Due attention is also given to the case law of the international judicial or quasi-judicial bodies when interpreting human rights instruments. The growing impact of human rights instruments in the Greek legal order is illustrated in the example of the European Convention on Human Rights.

62. According to an established practice, the judgements of the European Court of Human Rights concerning Greece are translated into the Greek language and transmitted by circular of the Ministry of Justice to the competent courts and tribunals. In many cases, Greek courts have changed their case law in order to bring it into line with the case law of the European Court. We will cite two examples thereof:

(a) Greek courts had developed a constant case law according to which only real property is protected by the Constitution and international human rights treaties. This case law was radically changed in 1998, when the Court of Cassation, based on a series of European Court judgements interpreting Additional Protocol No. 1 to the European Convention on Human Rights, considered that claims, as well as other proprietary interests, fall within the scope of the right to the peaceful enjoyment of possessions (judgement No. 40/1998);

(b) In the past, Greek courts have been willing to accept that the legislature is not precluded from extinguishing claims arising under law previously in force and from striking down proceedings pending before courts. Following two European Court judgements, Greek courts now admit that the striking down of proceedings in which the State is a party constitutes a breach of the right to a fair trial (Council of State judgement No. 542/1999).

63. In the cases where the European Court found a violation of the European Convention on Human Rights, the national authorities proceeded to adapt immediately their conduct to the European Court's case law; the supreme courts eventually reversed their case law, the Administration harmonized its practice with the prerequisites of the Convention, the legislator proceeded to amend the legislation in force. Even the drafters of the revised Constitution were inspired by the case law of the European Court in the course of the revision of the Constitution.

64. More particularly, as regards the International Covenant on Civil and Political Rights, it should be noted that the Greek courts displayed from the very first moment a particularly positive stance. Right from the start, the Greek courts accepted the principles calling for the immediate application of the Covenant and the possibility of direct invocation of its provisions by litigants. For example, with regard to a series of decisions concerning article 1047, paragraph 1 (a) of the Code of Civil Procedure (which speaks of the possibility of the personal detention of merchants charged with incurring trade debts), reference is made to the article 11 of the Covenant, which:

(a) "has become domestic law"<sup>2</sup>;

(b) Enacts, by way of exception, "a restrictive rule of the procedural capability for the judge to seek the pronouncement of the personal detention of the contractual debtor, as a means for the enforced execution of his claim"<sup>3</sup>;

(c) "amends"<sup>4</sup>, "restricts the scope of validity"<sup>5</sup> of the specific provision of the Code and effects a "legislative amendment"<sup>6</sup>.

65. The majority of members participating in the tenth general assembly of the Plenum of the Court of Auditors proclaimed in the most eloquent manner the principle of the direct application and invocation of the International Covenant on Civil and Political Rights, as well as that of the superlegislative validity of its provisions. In the introduction, which was admitted by majority, it is stated that:

"although the provision hereinabove stated [article 2, paragraph 3, of the ICCPR] largely applies to the State parties, the obligations that it imposes on all their organs (legislative, administrative, judicial) are nevertheless specific and explicit and thus not only does it create international obligations but it also has ... direct application and consolidates rights in favour of the persons who come under the scope of its application. These persons, as long as they deem that their substantive rights, which are protected by the Constitution, are violated, draw procedural rights directly from the aforementioned provision and in conjunction with that of article 2, paragraph 1, of the ICCPR; all State organs, therefore, ought to satisfy the above procedural rights (among them the right to forcible execution) according to the relevant case law of the Human Rights Committee ... The aforementioned findings of the case law of the European Court of Human Rights and of the Human Rights Committee impose an interpretation of Greek legislation which is in accordance and in line with articles 2, paragraph 3 and 14, paragraph 1 of the ICCPR.

“In the cases where this is not feasible, the provisions of domestic law that are not consistent with the aforementioned international Conventions, and more particularly, with the principles of effective judicial protection and of the rule of law, which these international Conventions purport to safeguard, should not be applied as running contrary to the international commitments of the country, in view of the fact that the contents of the said Convention have, under article 28, paragraph 1, of the Constitution, superlegislative ... force.”

66. The provisions of the Covenant are applied not only by the courts but also by independent authorities. Thus, in a report submitted by the Greek Ombudsman, it is stated that the measure of prohibiting a person to leave the country on account of debts to the Public Treasury contravenes article 12 of the Covenant. The Ombudsman addressed himself to the competent minister and through him to the administrative authorities, recommending the latter to cease to apply the respective provision of the law and to repeal decisions which had been applied in implementation of this provision.

67. In conclusion, we can say that the implementation of the international conventions for the protection of human rights is taking place in a particularly positive environment to the extent that the Greek legal order acknowledges the principles of their superlegislative force and of the direct implementation and invocation of their provisions, imposing at the same time the obligation on all courts not to apply a law the content of which runs contrary to international treaties.

#### **F. National machinery for monitoring the implementation of human rights**

68. The Greek legislator, responding to the pressing and imperative need of our times to enhance the protection of civil and political rights, has introduced special institutions and has established independent authorities and commissions to this end.

69. Within the framework of the Public Administration, the General Secretariat of Equality was set up by Law 1558/1995. It is a governmental organ competent for the promotion and realization of the legal and factual equality between men and women in all sectors of social activity. It is subject to the organizational framework of the Ministry of the Interior, Public Administration and Decentralization. Its functions, inter alia, are:

(a) The carrying out of studies and researches designed to shape the framework for the application of the governmental policy concerning gender equality, as well as the strengthening and promotion of institutional and social measures with a view to ensuring equal opportunities of social progress for men and women;

(b) The study and introduction of proposals to all competent ministries for the exercise of legislative initiative in matters of equality;

(c) The granting of subsidies and the encouragement of women's initiative in all the sectors;

(d) The drawing up and implementation of refresher training programmes and the staging of seminars.

70. Furthermore, an "Office on the Quality of Life" operates in the Prime Minister's Political Office; this Office is quite active in matters pertaining to the protection and promotion of the rights of Roma, as well as the improvement of their living standards. Moreover, an inter-ministerial committee has been set up by decision taken by the Prime Minister (18 January 2000), which is responsible for the implementation and monitoring of the Plan of Action for Greek Roma, under the coordination of the Minister of the Interior, Public Administration and Decentralization, and with the contribution of all interested parties, including representatives of the Roma.

71. In April 1999, an Inter-ministerial Committee on International Humanitarian Law was established, which later became the National Commission on the Implementation and Dissemination of International Humanitarian Law. The Commission aims, inter alia, at (a) coordinating all activities related to dissemination and implementation of international humanitarian law in Greece; (b) promoting cooperation with the Hellenic Red Cross, the International Committee of the Red Cross, as well as the respective committees in other countries; (c) submitting proposals to the competent authorities concerning measures to implement the obligations under the instruments of international humanitarian law, as well as ratification of relevant instruments; (d) contributing to the dissemination of international humanitarian law standards.

72. The main independent authorities are the following:

- (a) The National Radio and Television Council, established by Law 1866/1989;
- (b) The Hellenic Data Protection Authority, introduced by Law 2472/1997;
- (c) The Office of the Greek Ombudsman, established by Law 2477/1997.

73. Special emphasis must be placed on the fact that the new article 101A of the Constitution and more specialized provisions constitutionally guarantee the institution of independent authorities. The authorities which are explicitly specified in the Constitution are: the National Radio and Television Council (art. 15, para. 2), the Hellenic Data Protection Authority (art. 9A), the Independent Authority for the Protection of Secrecy of Correspondence and Telecommunications (art. 19, para. 2), the Greek Ombudsman (art. 103, para. 9), the Supreme Council for the Selection of Staff (art. 103, para. 7).

74. The members of the independent authorities shall enjoy the guarantees of personal and functional independence; the selection of the said persons shall be effected by decision of the Conference of Parliamentary Chairpersons seeking unanimity, or in any case by the increased majority of four fifths of its members, as prescribed in article 101A, paragraph 2, of the Constitution.

### **The National Radio and Television Council**

75. The task of the National Radio and Television Council is to secure freedom of expression and pluralism, the observance of the Journalists' Code of Ethics (journalistic deontology) and the promotion of the quality of radio and television programmes pursuant to the relative requirements of the Constitution. Its most important functions are:

- (a) The exercise of "direct control" over radio and television, so that objectivity, equality of terms and the quality of programmes is ensured;
- (b) The publication of Codes of Journalistic Deontology;
- (c) The imposition, by reasoned decision, of administrative sanctions for the violation of the law (which is also provided for in article 15, paragraph 2 of the Constitution);
- (d) The delivering of opinions concerning the granting of licences for the operation of radio and television stations.

### **The Hellenic Data Protection Authority**

76. It constitutes an independent authority, the purpose of which is the supervision of the effective protection of the individual from the processing of personal data. The key tasks of the Authority are:

- (a) The issuance of instructions and directives to the persons or authorities that are concerned with the processing of personal data;
- (b) The denouncement of any breach of the provisions of its founding law, made to the competent administrative and judicial authorities;
- (c) The delivering of opinions with respect to any rules relating to the processing and protection of personal data;
- (d) The drawing up of a report on the performance of its duties during the previous calendar year;
- (e) The examination of complaints relating to the implementation of the law and the protection of the rights of the applicants;
- (f) The granting of the permits provided for in the Law on the Protection of Individuals with Regard to the Processing of Personal Data, relating to the establishment and operation of files of personal data;
- (g) The imposition of administrative sanctions;
- (h) The administrative review of any file ex officio, or following a complaint;

(i) The issuance of regulations pertaining to the settlement of special, technical and detailed matters which are related to the processing of personal data.

### **The Greek Ombudsman**

77. The task of the Ombudsman is to mediate between individuals and the public sector, local government authorities, the public corporate agencies and public utility companies, with the aim of protecting the rights of all persons under Greek jurisdiction, combating mal-administration and ensuring observance of the laws.

78. The Ombudsman investigates individual administrative acts or omissions or material actions of organs of public sector bodies which violate rights or infringe upon the legal interests of persons or legal entities. More specifically, he/she investigates cases whereby an organ of the public sector, whether individual or collective:

(a) Infringes, by an act or omission, upon a right or an interest which is protected by the Constitution and the ordinary legislation;

(b) Refuses to fulfil a specific obligation which is imposed by a court decision, a legal provision or an individual administrative act;

(c) Commits or omits to commit a due legal act, in violation of the principles of good administration and transparency or in abuse of power.

79. The Ombudsman draws up an annual report in which he/she sets out the work carried out, presents the most important cases and formulates recommendations aimed at the improvement of public services and the adoption of the necessary legislative measures. The annual report is debated before the competent Parliamentary Committee.

80. The Ombudsman undertakes the investigation of any issue in his/her jurisdiction, following a signed complaint lodged by any directly concerned person or legal entity or union of persons. He/she may also proceed ex officio to the investigation of cases which have aroused particular public interest.

81. The Ombudsman is selected by decision of the Conference of Parliamentary Chairpersons, seeking unanimity or in any case by the increased majority of four fifths of its members, and enjoys full independence from government instructions in exercising his/her functions. The Office of the Ombudsman began its work in October 1998 and during the first three years of its existence, it received as many as 30,000 complaints. There are currently four departments dealing respectively with human rights issues, State-citizen relations, quality of life, and health and social welfare.

82. The most important independent commissions for the protection and promotion of human rights provided for in the Greek legal order are the National Commission on Human Rights, set up by Law 2667/1998; and the National Bioethics Commission, set up by Law 2667/1998.



### **The National Commission on Human Rights**

83. Because of the nature and the scope of the tasks performed by the Commission, the latter is directly dependent on the Prime Minister. The National Commission on Human Rights, created by virtue of Law 2667/1998, constitutes a consultative organ of the State; it is entrusted with the continuous monitoring of the developments concerning the situation of human rights in Greece and abroad, the information of the public as regards the dangers of human rights violations and the providing of advice aiming at designing a correct policy affecting human rights. The main aims of the Commission are research and promotion of human rights, submission of reports and proposals, monitoring of the compliance of the Greek legislator and Administration with international human rights standards, the raising of awareness of the public opinion and the media on human rights issues, the promotion of human rights education, the drafting of an annual human rights report, the creation of a documentation centre on human rights, the rendering of opinions on State reports submitted to human rights bodies, etc.

84. The Commission examines matters that are put forward by the Government, the Conference of Parliamentary Chairpersons, its members or non-governmental organizations.

85. NGOs have important representation in the Commission (four members). The Parliament is represented by the Chairman of the Standing Committee on Institutions and Transparency. The largest trade unions, the political parties, the supreme courts of the country, the independent authorities which are active in the institutional field are also represented. A representative of the National Bioethics Commission, special experts, representatives of the Administration belonging to the most important sectors that are actively involved in human rights issues, as well as members of the governing bodies of three of the higher educational institutions of the country are also members of the Commission.

86. NGOs play a crucial role, since they can, quite independently, bring matters of concern before the Committee. It is quite apparent that the above arrangement facilitates their involvement as mediators between the public and the Commission.

87. The National Commission has been particularly active during the first years of its existence in matters affecting, among others, freedom of religion, the use of force and firearms by public authorities, refugee protection and asylum, legal aid, conditions of detention, combating organized crime, alternative and civil-social service, protection of social rights of refugees and asylum-seekers, protection of Roma, combating racial discrimination, human rights education, etc.

### **The National Bioethics Commission**

88. The National Bioethics Commission, established by Law 2667/1998, is an independent advisory body of experts which is subject to the Prime Minister. Its mission is to explore the ethical, social and legal impact of the possible applications of biological sciences. More specifically the Commission:

(a) Investigates the ethical, social and legal aspects that arise from scientific advances in biology, biotechnology, medicine and genetics;

- (b) Outlines, in collaboration with the respective ministries, proposals of general policy and provides specific recommendations on related issues;
- (c) Collaborates with international organizations and related bodies and represents Greece to international forums;
- (d) Informs the public on issues related to biotechnological advances and the impact of their applications; and
- (e) Orients and coordinates related governmental advisory bodies in the field of bioethics.

89. The Commission is composed of nine members, all academic personalities, appointed by the Prime Minister for a term of five years.

90. The Commission has issued recommendations on genetically engineered plants, the use of genetic fingerprints in criminal procedure, as well as on the use of stem cells in biomedical research and clinical medicine.

### **III. INFORMATION AND PUBLICITY**

91. In those cases where the ratification of an international human rights treaty has direct repercussions on the legal validity of legislative and other provisions, the Greek authorities take specific measures for the information of the competent authorities and agencies. As an example, the Ministry of Justice, by its circular No. 25497/1 March 1997, has informed the appropriate administrative and judicial organs, the president and prosecutors to the first instance and appellate courts, as well as the presidents of bar associations with regard to the publication in the Official Gazette of Law No. 2462/1997 ratifying the International Covenant on Civil and Political Rights, making particular reference to article 11 of the Covenant. By a second circular, No. 64127/ 30 May, 1997, which was sent out to the aforementioned authorities as well as the wardens of correctional institutions, the Ministry notified them of the entry into force of the Covenant in the Greek legal order.

92. As already stated, according to an established practice, the judgements of the European Court of Human Rights concerning Greece are translated into Greek and transmitted by circular of the Ministry of Justice to the competent courts and tribunals.

93. Greek authorities have taken special measures in order to promote training of law enforcement officials and civil servants.

#### **Education of police officers in respect of human rights**

94. At all levels of education (Police Constables and Police Officers' School, school of training of high-ranking officers and School of National Security), there are taught subjects relative to civil and social rights, international conventions, racism and xenophobia, humanitarian law, treatment of persons belonging to minorities or other social groups, torture and inhuman or degrading treatment or punishment.

95. In the annual programme of retraining for the staff of the Greek Police are included refresher training on matters related to: passport control in accordance with the provisions of the Schengen agreement, migrants, asylum, regularization procedures (permits of residence and employment of foreigners), etc.

96. In the Department of Professional Retraining of Police Staff Officers, except for the teaching of the subject of Constitutional Law - Human Rights and in order to stress the imperative need to consolidate and apply the provisions on human rights in all the aspects of police work, there are included in post-graduate theses that the staff officers are bound to write, inquiring into all the dimensions of the subject at the theoretical and practical levels, the following topics:

- (a) The meaning of crimes of racism, xenophobia and birth and causes of the phenomenon (social, political, cultural, economic), and national legislation dealing with these acts;
- (b) The contribution of the police to the policy of integration and elimination of racist and xenophobic violence;
- (c) Political asylum and refugees, Greek and European practice;
- (d) The police and immigrants;
- (e) Freedom of movement and establishment of aliens;
- (f) The constitutional guarantees for arrest and detention and the Greek reality;
- (g) Roma: social behaviour, establishment, protection;
- (h) Vulnerable social groups and inequalities.

97. Apart from the close cooperation of the Training Division of the Greek Police Headquarters with the United Nations High Commissioner for Refugees concerning the updating of the Greek Police staff on the aforementioned matters through education, it is stressed that police officers participate on a repeated basis in seminars, colloquiums, meetings, etc. on related matters organized, among others, by the Marangopoulos Foundation for Human Rights and the Aristotle University of Thessaloniki. Thirty officers from the General Police Headquarters of Thessaloniki attended a special training programme designed for Greek Police officers on matters of racism, xenophobia and violence directed against citizens; the programme was realized within the framework of follow-up training sessions aimed at the better implementation of its task.

98. During the training of border guards, special attention is given to the teaching of constitutional law, which includes matters such as the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and refugee law. Thus, border guards are fully aware of their duty to respect human rights in accomplishing their mission.

**Special measures in the field of human rights teaching and education.**

99. At the primary school level, the textbooks on civic education contain chapters on the Greek Constitution and on human rights, including the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

100. At the secondary school level, human rights are integrated into the following courses: introduction to law and political institutions (17-year-olds) and introduction to the principles of a democratic State (15- and 18-year-olds).

101. Academics occasionally provide courses on human rights education in teacher training centres, and the Institute of Peace (Thessaloniki) has organized courses on human rights issues throughout Greece since 1987 in cooperation with school advisers.

102. In 1996, a two-year post-graduate programme at the Department of Pedagogical Studies at the University of Athens was established entitled "Human Rights and Comparative Education". In the Aristotle University of Thessaloniki, a programme for education on human rights and peace entitled "Contemporary World Problems and the Scientist's Responsibility" has been taught since 1997.

103. It will be noted that the National Commission on Human Rights has proposed a far-reaching programme geared to the education and sensitization of public agencies and servants, but also of the wider Greek population on matters affecting the protection of human rights. The primary goals of the programme are: the training of the general population on matters of human rights, the integration of the teaching of human rights at all levels of education and the specialized training of select population groups.

104. NGOs are also actively involved in human rights education. The following activities, among many others, are particularly worth mentioning.

105. The Marangopoulos Foundation for Human Rights has translated and distributed to schoolteachers throughout Greece the United Nations publication ABC - Teaching Human Rights, which serves as a model for human rights education. More recently, the Foundation has produced the Greek version of a Council of Europe video film for 13 to 18-year-olds entitled "Stand up NOW for Human Rights!", together with the accompanying support pack for trainers. The videocassette has been distributed to a significant number of schools in Greece. Another NGO, the Human Rights Defence Centre, has set up an Annual Human Rights Education Programme for South-Eastern Europe aiming at providing human rights education through the organization of seminars to students from countries of the region. Furthermore, the Greek Committee for UNICEF has been active in the field of education for peace and is participating in the Mediterranean Group of Education for Development aimed at creating educational material on education for development and human rights.

106. The reports that are submitted to the organs charged with monitoring the observance of human rights are drawn up on the responsibility and coordination of the Ministry of Foreign Affairs or of other competent ministries, as the case may be. Specialists, experts, etc. participate in the drawing up of the reports, whereas the opinion of independent authorities, the National Commission on Human Rights, as well as of NGOs, is sought. The conclusions of the relevant treaty bodies relating to the Greek reports are about to become the object of a wide-ranging dialogue, both at the administrative level as well as between actors of the civil society.

### Notes

<sup>1</sup> See minutes of the tenth general meeting of the Plenum of the Court of Auditors of 24 February 1999; minutes of the fourteenth general meeting of the Plenum of the Court of Auditors of 25 March 1998; judgements 360/98 of the court of first instance of Thebes, 1212/99 of the court of first instance of Piraeus, 20976/99 of the court of first instance of Athens. This case law was recently confirmed by the plenary of the Supreme Court (judgement No. 21/2001).

<sup>2</sup> Athens Court of Appeals, judgement No. 9318/98.

<sup>3</sup> Ibid., judgement No. 9738/98.

<sup>4</sup> Ibid., judgement No. 6446/98.

<sup>5</sup> Dodecanese Court of Appeals, judgement No. 251/98, Igoumenitsa District Court, judgement No. 25/99.

<sup>6</sup> Piraeus Court of Appeals, judgement No. 207/98.

**Annex**

**Land and people: Statistical data**

Year	Income per capita (in 000 euro)	Current price  Bn drs	%	GDP Const.1995 prices  Bn drs	Rate of inflation			External debt**  Bn drs	Rate of unemployment	Total population 000 persons
					%	CPI* %	Private consump. deflator %			
1990	6.5	13 327.0	20.7	25 598.9	0.0	20.4	19.8	2 462.7	6.0	10 089.0
1991	7.1	16 459.0	23.5	26 392.5	3.1	19.4	19.7	3 205.1	6.7	10 200.0
1992	7.5	19 027.0	15.6	26 577.2	0.7	15.9	15.6	3 949.3	7.8	10 314.0
1993	7.7	21 424.0	12.6	26 152.0	-1.6	14.4	14.2	5 245.6	8.8	10 368.0
1994	8.1	24 296.0	13.4	26 675.0	2.0	10.9	11.0	6 238.5	8.7	10 426.0
1995	8.7	27 235.2	12.1	27 235.2	2.1	8.9	8.8	6 599.0	9.1	10 454.0
1996	9.5	29 935.1	9.9	27 877.5	2.4	8.2	8.2	7 235.9	9.8	10 475.9
1997	10.2	33 132.7	10.7	28 891.4	3.6	5.5	5.6	8 329.6	9.8	10 498.8
1998	10.3	36 042.2	8.8	29 863.2	3.4	4.8	4.5	9 148.9	11.1	10 516.4
1999	11.2	38 389.1	6.5	30 885.8	3.4	2.6	2.1	10 193.7	12.0	10 533.7
2000	11.7	41 406.7	7.9	32 217.2	4.3	3.2	3.1	11 457.7	1.4	10 586.4

\* Consumer Prices Index (12-month average).

\*\* Debt of Central Government and Public Entities (source: Bank of Greece) 2000 Forecast.

## II.27. Marriages, births and deaths - absolute numbers and rates: 1989-1998

Year	Marriages		Live births		Still births		Deaths		Deaths under 1 year	
	Absolute numbers	Per 1,000 inhabitants	Absolute numbers	Per 1,000 inhabitants	Absolute numbers	Per 1,000 live births	Absolute numbers	Per 1,000 inhabitants	Absolute numbers	Per 1,000 live births
1989	61 884	6.13	101 657	10.08	735	7.23	92 720	9.19	989	9.73
1990	59 052	5.81	102 229	10.06	735	7.19	94 152	9.27	993	9.71
1991	65 568	6.40	192 620	10.01	706	6.88	95 498	9.32	927	9.03
1992	48 631	4.71	104 081	10.08	629	6.04	93 231	9.52	871	8.37
1993	62 195	5.99	101 799	9.81	679	6.67	97 419	9.39	864	8.49
1994	56 813	5.45	103 763	9.95	599	5.77	97 807	9.38	823	7.93
1995	63 987	6.12	101 495	9.71	645	6.35	100 158	9.58	827	8.15
1996	45 408	4.33	100 718	9.61	599	5.95	100 740	9.62	730	7.25
1997	60 535	5.77	102 038	9.72	628	6.15	99 738	9.50	657	6.44
1998	55 489	5.28	100 894	9.59	597	5.92	102 668	9.76	674	6.68

Year	Infant mortality per 1,000 live births	Fertility rate
1989	9.73	1.43
1990	9.71	1.43
1991	9.03	1.38
1992	8.37	1.39
1993	8.49	1.34
1994	7.93	1.36
1995	8.15	1.32
1996	7.25	1.30
1997	6.44	1.31
1998	6.68	1.29

Year	Maternal mortality	Life expectancy		Percentage of population	
		Males	Females	0-14	65+
1989	0.00	72.15	76.55	19.81	13.58
1990	0.98	74.60	79.40	19.30	13.79
1991	2.92	74.58	79Y.68	19.25	13.69
1992	5.76	74.63	79.57	18.32	14.44
1993	0.98	74.95	79.85	17.84	14.79
1994	1.93	75.12	79.66	17.34	15.17
1995	0.00	75.02	80.20	16.85	15.58
1996	4.96	75.08	80.35	16.37	15.98
1997	0.00	75.31	80.63	15.95	16.35
1998	6.94	75.32	80.53	15.59	16.73

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