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Member States' best practices on the Charter

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Greece



Greece

Government policies that promote the use and awareness of the Charter among the legislator, the administration, law enforcement bodies and the judiciary.

The Charter of Fundamental Rights forms an integral part of the Greek legal order, which Greek judges also consider of their own motion, and an issue of violation thereof may be raised before the Council of State (*Symvoulio tis Epikrateias*) and the Supreme Court of Greece (*Áρειος Πάγος*). All public officials, and in particular the representatives of the Police as the law enforcement agents, are also under the obligation to apply faithfully the constitutional, criminal and procedural provisions which safeguard human rights.

Greece cooperates closely with the control bodies of international organisations and does everything in its power to guarantee human rights. In this context, it undertakes on a regular basis institutional initiatives in order to make clear that the criteria and commitments arising from international conventions on the protection of these rights, such as the Charter of Fundamental Rights, are respected. A typical example is Law 4443/2016 on ensuring equal treatment of individuals irrespective of racial or ethnic origin, which refers directly to the requirements of the EU Charter of Fundamental Rights and in particular to Article 21 thereof.

Tools that help better understand the Charter and when it applies

The Office of the Public Prosecutor at the Supreme Court (*Eisangelía Areíou Páγou*) sends, in the context of its cooperation with the European Union Agency for Fundamental Rights (FRA), to all offices of the public prosecutor at a court of appeal (*Eisangelíes Efetón*) and the offices of a public prosecutor at a court of first instance (*Eisangelíes Protodikón*) in Greece written manuals, where available, of the Agency and provides by email, following relevant notification of the Agency by a Greek expert, the Agency's links which give access to its recently published manuals relating to penal confinement and alternative measures, victims of violent crimes, minors, the protection of vulnerable groups and minorities, etc. Moreover, the annual report of the Agency is sent by email to all of Greece's offices of the public prosecutor at a court of appeal and offices of a public prosecutor at a court of first instance.

Furthermore, in continuation of the cooperation between the office of the public prosecutor at the Supreme Court (as a Partner) and the European Judicial Training Network (EJTN), Greece's public prosecutors may take part in study visits to EU institutions such as the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR), the European Union Agency for Fundamental Rights (FRA), etc.

Finally, circular orders from the Office of the Public Prosecutor at the Supreme Court which are issued with regard to the decisions of the European Court of Human Rights (ECtHR) and addressed to Greece's offices of the public prosecutor at a court of appeal and the offices of a public prosecutor at a court of first instance, are posted on the website of the [Office of the Public Prosecutor at the Supreme Court](#) for the purpose of providing general guidelines to prevent related infringements of the articles of the European Convention on Human Rights (ECHR).

The Hellenic Police issues, from time to time, more specific orders, manuals and guidelines for its staff, concerning the protection of and respect for human rights.

In particular, under Circular order No 7100/25/14-6' of 8 November 2014 issued by the chief of the Hellenic Police, entitled 'Addressing racism, xenophobia and discrimination during police work', the State and specifically its various bodies are under the obligation not to offend, in the exercise of State authority, human dignity in general, irrespective of any distinguishing feature that a person may have, and to take active measures in order to prevent such offence.

At the same time, Presidential Decree 254/2004 on the code of conduct of law enforcement officers lays down not only the general obligation to respect human dignity and protect human rights but also more specific provisions on law enforcement officers' conduct during police work, always from a human rights perspective.

Hellenic Police staff have been provided, from time to time, with manuals such as: 'Guide of good conduct of the Hellenic Police towards religious and vulnerable social groups', 'Hate speech: routes of racism in public speech', sponsored by the Ministry of Justice (*Ypourgeío Dikaíosynis*) with the support of the Council of Europe, 'Policing of Hate Crimes against Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons' of the Council of Europe, 'Public Administration's approach in the face of racist crime' of the National Council against Racism and Intolerance, and the 'Handbook of Intercultural Training' of the Centre for Security Studies.

In this respect, please note that departments and offices are engaging in the fight against racist violence with the aim to effectively combat violence which seems to have a racist motivation or background and targets specific individuals or groups of individuals. Furthermore, services addressing domestic violence have been established throughout Greece with a view to responding effectively to incidents of domestic violence and to protecting victims.

As regards the training of police staff in matters relating to the protection of human rights, please note that the curriculum of the Schools for Officers and Policemen of the Hellenic Police includes, at the basic level, the module 'human rights' as an independent subject (indicatively, the curriculum includes the following: international protection of fundamental rights; protection of rights in the EU; fundamental rights bodies and recipients; racism - xenophobia; personal freedom and security; protection of children, of women and of employment relationships; prohibition of torture; minorities, etc.).

As regards vocational retraining, the Hellenic Police staff regularly participate, both in Greece and abroad, in special training and seminars on the legislative framework provided for the protection of human rights (e.g. identification of motives for racist violence; human rights and police ethics; fundamental rights and police ethos; approach and management of vulnerable social groups; addressing domestic violence and protecting victims, etc.).

In addition to the above, the Hellenic Police cooperates with other bodies and authorities which aim at ensuring respect for and protection of human rights during police work [such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe, the United Nations' Working Group on Arbitrary Detention, the Agency for Fundamental Rights (FRA), the National Mechanism for the Investigation of Arbitrary Incidents of the Greek Ombudsman (*Synígoros tou Políti*), the General Secretariat for Family Policy and Gender Equality, the Greek National Commission for Human Rights (*Ethnikí Epitropí gia ta Dikaíómata tou Anthrópou*), as well as NGOs - The Smile of the Child, the European Anti-Violence Network, all operating in the context of managing incidents of domestic violence, etc.].

As part of the new Charter strategy, the Commission has called on Member States, *inter alia*, to designate a focal point for the Charter in order to facilitate coordination and cooperation. Accepting the Commission's call, the Ministry of Justice designated, within the Ministry, a focal point for reinforcing the Ministry's involvement and contribution to the Charter's implementation by domestic bodies. The Directorate for Human Rights and Granting of Clemency of the Ministry of Justice is designated as the focal point. The initiative is based on cooperation between the Ministry of Justice and the Ministry of Foreign Affairs (European Union Law Section of the Ministry of Foreign Affairs), whereas the focal point aims, on the one hand, to facilitate the flow of information and best practices concerning the Charter and, on the other hand, to coordinate efforts at developing initiatives for the Charter's effective implementation in Greece. Greece received praise for this initiative during a video conference of the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) and the other Member States were also encouraged to adopt this practice.

Since the effective implementation of the EU Charter of fundamental rights on the basis of the Commission's recommendations as reflected in its new strategy is a top priority for Greece, further initiatives for meeting this

objective are under consideration. For example: establishment of a mechanism supporting the focal point with the involvement of representatives from several ministries; raising awareness and knowledge among members of legal professions concerning issues of implementation of the Charter, by means of seminars and lectures given by specialised Greek and foreign legal practitioners as well as judges of the Court of Justice of the European Union (CJEU); constant monitoring of the case-law of the CJEU and of the European Court of Human Rights (ECtHR) with regard to developments in case-law the domestic reach thereof; continuous cooperation with other domestic human rights bodies; further emphasis on supplementing the Regulatory Impact Analysis when it comes to provisions relating to the Charter of fundamental rights, following consultation with the ministry seeking enforcement.

Use and promotion of Charter tools developed by other EU countries or by other stakeholders in the EU

Cooperation with stakeholders to promote the use and awareness of the EU Charter of fundamental rights

Examples of cooperation between rights defenders and national authorities that contribute to a better awareness and use of the Charter

Ministry of Justice

[Secretariat-General for Family Policy and Gender Equality – Counselling centres for women suffering from violence](#)

[The Greek Ombudsman](#)

[Research Centre for Gender Equality \(*Kéntro Erevnón gia Thémata Isótitas* – KETHI\)](#)

[National Centre for Social Solidarity \(*Ethnikó Kéntro Koinonikís Allilengýis* – EKKA\)](#)

[Greek Council for Refugees \(*Ellinikó Symvoúlio gia tous Prósfyges*\)](#)

[Greek Helsinki Monitor \(*Ellinikó Paratiritírio ton Symfonión tou Elsínki*\)](#)

[Amnesty International – Greek Section \(*Diethnís Amnistía – Ellinikó Tmíma*\)](#)

Examples of cooperation between national authorities and academia that contribute to a better awareness and use of the Charter

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Examples of non-governmental initiatives that promote the use and awareness of the Charter in your country

The [Hellenic Data Protection Authority \(*Archí Prostasías Dedoménon Prosopikou Charaktíra*\)](#) acts within the specific legislative data protection framework. In this context, and in particular when issuing opinions and examining cases, the Authority mainly invokes and makes reference to the right of Article 8 on the protection of personal data of the EU Charter of Fundamental Rights as well as the related right of Article 7 thereof on respect for private and family life.

Furthermore, the Authority maintains a longstanding cooperation with the EU Agency for Fundamental Rights, namely the EU body which is primarily responsible for protecting fundamental rights. This cooperation consists in assistance through the provision of comments on and translation of a relevant manual, issued by the Agency, on personal data protection and, also, in periodical contributions to the content of the quarterly/monthly reports drafted by the Agency through Greece's National Link, as well as in the monitoring of these reports.

Finally, the Authority routinely exploits tools that have been developed by the above-mentioned Agency, such as an information factsheet (the product of cooperation between the Agency and the Eurodac Supervision Coordination Group – with the involvement of the Hellenic Data Protection Authority) for the national authorities responsible for matters related to asylum, which is currently being translated by the Greek authority in order to

be posted on its website and sent to the above-mentioned authorities.

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