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21st National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF GREECE

(Articles 7, 8 and 17
for the period 01/01/2003 – 31/12/2009;
Articles 16 and 19
for the period 01/01/2005 – 31/12/2009)

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21st Greek Report
on the implementation of the European Social Charter

**on the fourth group of provisions on the
protection of children, family and migrants
(articles 7,8,16,17, 19)**

Reference period
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Article 7 – The right of children and young persons to protection

Article 7 § 1 – Minimum age of admission to employment

Question 1 – Legal framework

The employment of minors is regulated by the provisions of Law 1837/89 (Government Gazette 85/A/23.3.1989) on the “**Protection of minors at work and other provisions**” and of Presidential Decree 62/1998 (Government Gazette 67/A/26.3.1998) “**Measures to protect young people at work in conformity with Directive 94/33/EC**”. Such provisions have been presented in our previous reports.

During the reference period Law 3144/2003 (Government Gazette 111/A/8.5.2003) “Social dialogue for the promotion of employment and social protection and other provisions” was adopted. Article 4 of such law establishes provisions for the **elimination of the worst forms of child labour** (in accordance with Law 2918/2001 ratifying the International Labour Convention 182). More particularly, it is provided that “*Any employer violating the law and employing minors in any work, project or activity in violation of the provisions of the present law shall be punished by imprisonment of up to two (2) years and by pecuniary penalty. The same punishment shall be imposed to any person who has the custody of the minor employed in a work, project or activity in violation of the provisions of the present law. The employer shall be also punished by the administrative sanctions provided for in paragraphs 1 to 5 of Article 16 of Law 2639/1998 as currently in force*”.

Furthermore, there is a provision for the issuance of a ministerial decision determining the works, projects and activities that could harm, due to their nature or the conditions under which they are being carried out, the health, the safety or offend the morals of the young workers who haven’t completed their 18th year of age. Consideration is given to:

- work in an unhealthy environment (for example: hazardous substances, agents and processes, temperatures, noise levels and vibrations damaging to health);
- work for long hours or during the night or work in places where minors are exposed to physical, psychological or sexual abuse or exploitation;
- work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads,
- working underground, underwater, at dangerous heights or in confined spaces.

On the basis of the foregoing, **Ministerial Decision number 130621/2003** (Government Gazette B 875/02.07.2003) “**Works, projects and activities in which it is prohibited to employ minors**” was issued.

The reasons for which the abovementioned legislation was issued were to provide extra measures for the protection of young people, among which the adding of new activities in which young people’s employment shall be prohibited, with particular emphasis being placed on the protection of young people’s morals, of their mental, emotional, intellectual and social health and on the free development of their personality. More particularly:

- legal provisions became more restrictive; employment is prohibited in entire sectors of financial activity instead of some works included in such sectors;

- prohibitions include additional works, employments and activities that harm the mental, emotional, intellectual and social development of young people.

Furthermore, Law 3304/2005 (Government Gazette 16/A/27.1.2005) “*Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation*” prohibits employment discrimination due to age, but it is considered that special measures or positive actions aiming at preventing or balancing disadvantages due to age are not of a discriminatory character.

The existing legal framework provides the necessary protection to working minors. Employers are obliged to take extra measures for the protection of minors in their working environment in addition to the health and safety measures provided for all working people, to inform them at the beginning but also periodically during their work on the dangers threatening their life, health and physical and mental development. They are obliged to protect minors from acts of violence or acts violating their personality or offending their morals. In addition, persons convicted for crimes against sexual freedom, for crimes of financial exploitation of sexual life or for drugs cannot employ minors (Article 16, Law 1837/1989).

Question 2 – Measures for the implementation of the legal framework

Following the issuance of Law 3144/2003 and of Ministerial Decision 130621/2003, relevant information was sent to the country’s main bodies such as employers’ associations, employees’ organizations, Ministries, Chambers, labour inspectors, scientific bodies, press, media etc., inviting them to inform by all appropriate means and within their competences all bodies, organisms, agencies, businesses, labour centres, employees’ syndicates etc. under their jurisdiction.

In addition, the texts of such provisions could be found at the site of the Ministry of Labour and Social Security (then www.osh.gr and now www.veka.gr).

In the framework of the different events taking place for the promotion of work safety and health issues, new legislation is always overviewed. Thus, new legislation on the protection of young people has also been an issue for broader information.

The social, technical and health inspectors who staff the labour inspectorate’s services inform businesses, within the framework of their competences and mainly during the inspections carried out in the workplaces, on the provisions of the new legislation and give instructions and guidance for the implementation of such legislation.

In the field of information and awareness on child protection, our country, within the framework of the European Week 2006 for Safety and Health at Work dedicated to the protection of young people at work and entitled “Safe Start”, which was organized by the European Agency for Safety and Health at Work, carried out the following actions of information and dissemination of information aiming at the protection of minors (under 18 years of age):

Publications-material

- A bulletin entitled “**Safety and health of working young people**”, which includes the national legislation on the safety and health of working young people, as well as good practice examples from several European countries for integrating such issues into education (7500 copies).

- A bulletin in cooperation with the Hellenic Institute of Occupational Safety and Health (ELINYAE)¹ entitled “**Safe Start**” which includes illustrated good practice examples for the prevention of chemical, biological, psychosocial, ergonomic and other dangers and is intended for young employees or students (7500 copies).

- An information CD entitled “**Safety and health at work – Safe Start**”, which includes the national and community legislation regarding Safety and Health at Work as well as previous publications of the Ministry of Employment.

The above material was freely distributed to all interested parties (pupils, students, teachers etc.) both in a hard copy, through the Directorate of Labour Conditions, ELINYAE, the Inspectors of the Labour Inspectorate, the information dossier distributed to all those who participated in the relevant workshop, and on the website of the Ministry and of ELINYAE.

Furthermore, CD cases with the logo of the European Week were designed and freely distributed and posters were displayed in public transport vehicles in Athens and Thessaloniki.

Events

On 24 October 2006 a workshop with 650 participants took place in Thessaloniki where the issues raised were the occupational safety and health in education and training, such as the relevant legislation, the integration of occupational safety and health issues into different levels of the educational system, the protection of young people working in the army etc. Among those who participated in the workshop were pupils, students at training centres, universities, technological educational institutes, teachers of all levels etc. Moreover, the European Information Centres in Greece organized information events of similar content in several Greek cities (for example Xanthi).

Enriching the website

New pages were created within the Ministry’s website (www.yeka.gr) providing information on the integration of occupational safety and health issues into education, suggestions for prevention measures in workplaces, statistical data, national and community legislation, good practice models coming from businesses etc.

Question 3 – Statistical data

Following the final processing of the data of the 2001 general population census by the Greek Statistical Authority, the table with data on child labour in Greece, which was included in the 15th Greek Report on the implementation of the European Social Charter, has been formed as follows:

¹ ELINYAE is a non-profit organization established in 1992 and managed by the most representative organizations of employers and employees. It constitutes the implementation of the social partners’ joint effort to promote occupational safety and health issues. Its main object is to disseminate information, to provide training and to conduct researches on hazardous conditions and harmful factors of the working environment etc.

Table 1. Economically active and inactive population by sex and age group**Total of Greece, urban and rural regions, geographic districts by urban, rural regions and prefectures***Population census on March 18th 2001*

Sex Age Group	Active Population				Inactive population
	Total	Working	Non-working		
			Total	Young people	
TOTAL OF GREECE					
Both sexes	4,614,499	4,102,089	512,410	246,426	5,245,094
10-14 years old	4,370	140	4,230	4,209	582,025

Question posed by the European Commission for Social Rights (ECSR) regarding the actions taken by the Labour Inspectorate to combat illegal child labour

As it has been stated in the 15th Greek Report, the Labour Inspectorate is responsible for monitoring the implementation of the provisions of labour legislation, including the provisions on child labour.

The carrying out of controls-inspections at workplaces to determine if there are illegally employed minors is one of the main activities of the Labour Inspectorate, given that minors are among the vulnerable and special categories of working people who are severely hit by the non-implementation of labour provisions.

The following table contains data on the Labour Inspectorate's activities during the reference period regarding complaints for illegal employment and the fines imposed:

Year	Complaints	Fines
2003	5	31
2004	2	33
2005	5	29
2006	2	17
2007	9	18
2008	15	31
2009		17

In addition, pursuant to Law 1837/89 "Protection of minors at work and other provisions", the Social Security Organization's doctors granted the following employment booklets for minors after carrying out a health inspection:

Year	Employment booklets for minors
2003	2933
2004	3555
2005	2780
2006	2692
2007	3129
2008	2775
2009	1752

Article 7 § 2 - Minimum age of admission to hazardous work

We refer to our answer under Article 7 paragraph 1.

Question posed by the ECSR regarding Ministerial Decision number 130621/2003

With respect to the additional question posed by the European Commission for Social Rights, we clarify that Ministerial Decision 130621/2003 does not replace Presidential Decree 62/1998 but completes the relevant provisions thereof.

We remind that the types of work in which it is prohibited to employ minors are mentioned in paragraph 4 of Article 7 of Presidential Decree 62/98 as well as in Ministerial Decision 130621/2003. In addition, the employment of minors in the types of work referred to in paragraphs 2 and 3 of Article 7 of Presidential Decree 62/98 is prohibited with the sole exception of adolescents for whom work is necessary for their vocational training and this only under strict conditions (works are carried out following approval of the labour inspectorate and under the supervision of a safety technician or/and a labour doctor or under the supervision of Safety and Prevention Agencies to ensure the protection of their health and safety).

A copy of the Ministerial Decision 130621/2003 listing the types of work in which it is prohibited to employ minors, is attached to the Report's Annex.

Article 7 § 3 – Ensure full benefit of compulsory education

There hasn't been any change. We refer to the previous Greek report. With respect to the additional question we refer to paragraph 1.

Article 7 § 4 – Limited working hours for young workers and apprentices under 16 years of age

There hasn't been any change. We refer to the previous Greek report.

Article 7 § 5 – Fair wage

As it has been mentioned in previous Greek reports, the wage of minors is regulated by Law 1837/1989 (Article 6) and the National General Collective Agreement (Article 1 of the NGCA of 24.2.1990) so that minors workers, apprentices and employees having completed their 15th year of age are paid on the basis of at least the minimum (they can be subject to a collective regulation providing for higher wages under the criteria set by law for all working persons) daily wage or salary of the unskilled worker and depending on the period of their employment. The question of the wage of adult young workers is not treated in any special way in comparison with the other adult workers.

Evolution of “minimum” salaries and daily wages for the period 2003-2009, according to the National General Collective Agreement.

Minimum salaries and daily wages for the period 2003-2009, according to the NGCA														
Manual workers														
date	Single							married						
	years of service							years of service						
	0-3	3-6	6-9	9-12	12-15	15-18	18-	0-3	3-6	6-9	9-12	12-15	15-18	18-
1/1/03	23,29 €	24,45	25,62	26,78	27,95	29,11		25,62	26,78	27,95	29,11	30,28	31,44	
1/1/04	24,22	25,43	26,64	27,85	29,07	30,27		26,64	27,85	29,07	30,27	31,49	32,70	
1/9/04	25,01	25,94	27,18	28,41	29,65	30,88		27,52	28,44	29,68	30,91	32,15	33,38	
1/1/05	25,56	26,51	27,78	29,03	30,30	31,56		28,12	29,06	30,33	31,59	32,86	34,12	
1/9/05	26,41	27,38	28,69	29,99	31,30	32,60		29,05	30,02	31,33	32,63	33,94	35,24	
1/1/06	27,18	28,17	29,52	30,86	32,21	33,55		29,89	30,89	32,24	33,58	34,92	36,26	
1/9/06	27,96	28,98	30,38	31,76	33,14	34,52		30,76	31,79	33,17	34,55	35,94	37,31	
1/5/07	29,39	30,47	31,93	33,37	34,83	36,28		32,33	33,41	34,87	36,31	37,77	39,22	
1/1/08	30,40	31,52	33,03	34,52	36,03	37,53	39,05	33,45	34,56	36,07	37,56	39,07	40,57	42,09
1/9/08	31,32	32,47	34,02	35,56	37,11	38,66	40,22	34,45	35,60	37,16	38,69	40,25	41,79	43,35
1/5/09	33,04	34,25	35,89	37,51	39,15	40,78	42,43	36,34	37,56	39,20	40,82	42,46	44,09	45,74
employees														
date	single				married									
	years of service				years of service									
	0-3	3-6	6-9	9-ΑΝΩ	0-3	3-6	6-9	9-ΑΝΩ						
1/1/03	519,87	571,86	623,84	675,83	571,86	623,85	675,83	727,82						

1/1/04	540,66	594,73	648,79	702,86	594,73	648,80	702,86	756,93
1/9/04	559,98	606,63	661,77	716,92	615,98	662,63	717,77	772,92
1/1/05	572,30	619,97	676,33	732,69	629,53	677,20	733,56	789,92
1/9/05	591,18	640,43	698,65	756,87	650,30	699,55	757,77	815,99
1/1/06	608,32	659,00	718,91	778,82	669,16	719,84	779,75	839,65
1/9/06	625,97	678,11	739,76	801,41	688,56	740,71	802,36	864,00
1/5/07	657,89	712,70	777,49	842,28	723,68	778,49	843,28	908,07
1/1/08	680,59	737,29	804,31	871,34	748,65	805,35	872,37	939,40
1/9/08	701,00	759,41	828,44	897,48	771,11	829,51	898,54	967,58
1/5/09	739,56	801,17	874,01	946,84	813,52	875,13	947,96	1020,80

The following National General Collective Agreement was taken into account:

15-4-02 no 19/29-4-02

24-5-04 no 16/28-5-04

12-4-06 no 14/13-4-06

2-4-08 no 13/18-4-08

Article 7 § 6 – Time spent in vocational training

There hasn't been any change. We refer to the previous Greek reports. It is specifically recalled that paragraph 3 of Article 3 of Presidential Decree 62/1998 provides that the time spent on training by adolescents working under a theoretical and/or practical combined work/training scheme or an in-plant work-experience is counted as working time.

Article 7 § 7 – Annual leave with pay

There hasn't been any change in the legislative framework. It is specifically recalled that paragraph 1 of Article 7 of Law 1837/1989 "Protection of minors at work and other provisions" provides that the annual leave is granted during the period of summer school holidays for consecutive days. Half of the annual leave can also be partially granted on other periods if the minor so requests. The provisions regarding annual leaves for adult workers apply in other respects.

Article 7 § 8 – Prohibition of night work

There hasn't been any change in the legislative framework. We refer to the previous Greek report.

Article 7 § 9 – Regular medical control

There hasn't been any change in the legislative framework. We refer to the previous Greek report.

Article 7 § 10 – Special protection against physical and moral dangers

Since 2002 –year of submission of the previous Greek Report on Article 7- specific legislative measures have been adopted. Such measures aim at improving the children's position and protecting them as a particularly vulnerable social category. More specifically:

Law 3625/07 (Government Gazette A' 290/24.12.2007) "Ratification, implementation of the **Optional Protocol to the UN Convention on the Rights of the Child on the trafficking of children, child prostitution and child pornography** and other provisions" has been adopted.

In addition, Law 3727/08 (Government Gazette A' 257/18.12.2008) "Ratification and implementation of Council of Europe Convention – **2007 Lanzarote Convention – for the protection of children against sexual exploitation and abuse**, measures to improve the living conditions and to decongest prisons and other provisions" has also been adopted.

As regards the **protection of minors against drugs**, Law number 3459/2006 (Government Gazette A 103/2006) "Code of Laws on Drugs" contains specific regulations. More particularly, Article 23 of such Law stipulates that any drug offender who is a recidivist or acts by profession or by habit or acts with the purpose of provoking **the use of drugs by minors or uses minors in any way whatsoever** while committing the above acts (aggravating circumstance) is punished by life imprisonment and by a pecuniary penalty of 29,412 to 588,235 euros.

We also note the provisions that improve the legislative framework for the **protection of minors against illegal trafficking**, such as the amendments brought to Law 3064/2002 (a law referred to in the previous Greek report): Amendment of the Penal Code as regards human trafficking, child pornography-sexual abuse, procuring, assistance to victims etc., brought by Presidential Decree 233/2003 which was issued by delegation and determines the agents, the measures and the ways for providing protection to the victims of trafficking.

Finally, Law 3692/2008 ratified the **Agreement with Albania** for the protection and provision of assistance to victims of minors trafficking. It concerns the implementation of a cross-border cooperation for combating the illegal trafficking of children by adults of mostly Albanian nationality.

As regards the **question posed by the ECSR** if there are certain conditions under which **a minor victim of sexual abuse may stay in Greece**, we inform you that under Article 44 of Law 3386/2005 a residence permit for humanitarian reasons is granted.

Question posed by ECSR regarding child pornography and exploitation

The legislative framework currently in force prohibits the use, procuring or offering of a child for prostitution or for the production of pornography.

Under Law 3625/2007 which ratified the Optional Protocol of the UN, all the acts and activities against minors referred thereto are now fully covered by the Greek penal law, regardless of whether such crimes are committed in the country's territory or abroad or on an isolated or organized basis. **The acts of slave trafficking, sale of humans, human trafficking or sex with minors for a price, organizing trips to have sex or other sexual activities with minors or minors pornography** are punished with severe penalties, following amendments and additions made to the articles of the Penal Code. Among them is Article 348A of the Penal Code on child pornography which is defined as the production, distribution, publication, offer, sale, acquisition, possession etc. of material in any way whatsoever and by using the internet. There are also provisions for the protection of minors victims and, more particularly, specific provisions regarding penal procedure and the cases where there is a testimony, so that there is no communication or contact of the victim with the perpetrator (for example the possibility to file electronically the minor's testimony, by replacing its physical presence at the next stages of the proceedings). There is also a provision for a quick investigation and pre-trial proceedings given that in cases of minors who are victims of the reported and punished acts investigation is carried out by absolute priority. The minors who are victims of such criminal acts are entitled to legal aid as regards their criminal and civil claims, as well as to the benefit of a "caretaker lawyer for minors".

This framework has been also enforced by the provisions of Law 3727/2008 which refers to the protection of children against abuse, drugs etc. and constitutes the ratification and implementation of the Council of Europe Convention – **2007 Lanzarote Convention** for the protection of children against sexual exploitation and abuse. This law enforced the provisions of the Penal Code on sexual exploitation and abuse of minors, minors pornography and on the care and assistance to minors who are victims of the above acts. All parameters regarding the use of new technologies and of communication in committing the illegal acts have also been taken into consideration. We also consider as important the regulations regarding the cooperation – mainly through the implementation of programs – of public and private agents and associations for preventing and combating such crimes in the fields of education, social welfare and other activities related with children, and at the same time, a new law has passed which forbids people who have been irrevocably convicted for sexual exploitation and abuse of minors to exercise any profession related to or giving them access to children.

Question posed by ECSR on extraterritorial jurisdiction for offenses related to sexual exploitation of children

All offenses related to sexual exploitation of children are always punished in conformity with the Greek laws (extraterritorial jurisdiction).

According to the provisions of Article 2 of Law 3625/2007, the acts of slave trafficking, sale of humans, human trafficking or sex with minors for a price,

organizing trips to have sex or other sexual activities with minors or minors pornography committed abroad by Greek nationals or foreigners are always punished in conformity with the Greek penal laws, regardless of the laws of the country where the act has been committed.

Question posed by ECSR regarding children's involvement in begging

The legislative framework prohibiting begging is Articles 407-409 of Penal Code. Article 409 establishes a punishment for any person who coerces others to beg or omits to prevent from begging persons who are under his custody or are dependent on him. Nevertheless, in many cases begging is connected with human trafficking since it involves the exploitation and coercive use of minors into begging, for the purpose of gaining profit and is therefore punished by the applicable provisions on human trafficking (Articles of Penal Code as in force after law 3064/2002 came into effect). The sense of victim has become broader and includes the natural person victim of trafficking, regardless of whether such person has entered the country legally or illegally (Article 1 paragraph 1 of Law 3386/2005 regarding the entry, stay and social integration of third-country nationals in the Greek territory).

Electronic crime – Dangers arising from the use of internet

Departments against Electronic Crime have been established and are currently operating within the Security Directorates of Attiki and Thessaloniki. Such departments are responsible, among others, for combating crimes committed by using the internet, provide protection to minors by preventing the commission of offenses against them but also by preventing minors' suicides which are the result of their vulnerable personality, of the family and social conditions in general, but also of any guidance by other minors or adults through the internet. Such departments are fully equipped and staffed with police personnel that has special knowledge and is constantly trained by participating in electronic crime seminars carried out both in Greece and abroad. Moreover, there is a close cooperation with the other co-responsible agencies (Prosecution Services, agents of Hotline lines etc.) for the purpose of achieving the common goal of combating child pornography. It has been already decided and such Departments will soon be upgraded to Subdirectorates against Electronic Crime with an independent Department against Child Pornography. The personnel of such Department will be further specialized in this field and as result child pornography though the internet will be eliminated to a greater extent. It is furthermore noted that in 2009 the efforts made by the personnel of the Department against Electronic Crime were rewarded by Greek and Foreign Social Agencies (The Smile of the Child, USA International Centre for Missing and Exploited Children) and others.

Missing children – AMBER ALERT

Another important initiative undertaken by the Greek police for the protection of minors is the entry of personal data and pictures of the missing minors in the Greek police's site following a written consent of the persons having the custody or guardianship of the minor and the operation of a four-digit phone number (1156) for the provision, free of charge, of information regarding missing minors. In addition, Greek police is cooperating with the association The Smile of the Child in

implementing the program Amber Alert Hellas for missing children since 25 May 2007. This program that constitutes the Greek version of the International System Amber Alert works through the involvement of public and private agencies. The association “The Smile of the Child” has undertaken the installation and implementation of such program in Greece. Police gives its consent to activate the system by its administrator (The Smile of the Child), because there might be police-type reasons for the disappearance not to become known (e.g. abductions). The timely warning-information consists in communicating-disseminating immediately that a minor is missing in due time (as soon as the disappearance is reported to the Authorities) and is realized by using all available means (television, radio, audio and visual announcements in public areas, e.g. subway, national roads etc.). More specifically, Amber Alert program involves:

- the participation of radio and tv stations which are obliged to interrupt at regular intervals their program and broadcast messages regarding a missing child;
- the transmission of the message/display of information regarding the victim and the incident on electronic road signs, in the subway, ports, train stations, bus stations, at cross-border points, in transports (ships, planes, trains etc.), on electronic games, on mobile phones, on beepers, through e-mail, fax and in general on any equipment/device that can display and immediately disseminate any information;
- the receipt of information and data by the SOS line 1056 of the Smile of the Child and by the competent police authorities.

There are specific criteria for the activation of such program which should be taken into account on a indicative and not cumulating basis when activating the Amber Alert Program, as results from international experience:

- the investigation shows that the minor has never been missing before and this is contrary to his previous behavior;
- there are indications that the child has been victim of a criminal act and that his life or physical integrity are in danger;
- the missing minor’s life or physical integrity are not in danger.

In addition, in order for Amber Alert to be activated it is necessary to have sufficient information-description of the missing minor and particular attention should be given if the minor is younger than 13 years of age or is mentally disturbed or his health condition requires medical supervision or medication taking.

Question 3 – Statistical data

Table: Statistical data on human trafficking cases examined by the Greek courts in the years 2008-2009

CRIMES	NUMBER OF CASES	NUMBER OF CONVICTIONS
Penal Code 323A para.4a – Sale of minors	5	
Penal Code 348 para.3 – Facilitating sexual activities with minors	103	
Penal Code 348A – Minors’ pornography	171	15
Penal Code 348B – Luring of children for	103	

sexual reasons		
Penal Code 349 para.1 – Incitement of minors to prostitution	13	7
Penal Code 349 para.2c – Incitement of minors to prostitution by a member of their family	3	3
Penal Code 351 para.4a – Minors trafficking	26	9
Penal Code 351A – Use of a minor in sexual activities for remuneration	29	24

Article 8 - Right to the protection of working women

(reference 01/01/2003 – 31/12/2009)

Article 8§1 – Maternity Leave

Question 1 – Legal Framework

In relation to the maternity leave term, we refer to the previous (15th) Greek Report, as no alterations have been made to the legislative framework.

In relation to working women's right to sufficient provisions, the following apply:

Pregnancy – Childbed allowance

The Health Sectors by the Social Insurance Agencies, which mainly insure employees, pay to the directly insured woman who provides dependent labor the pregnancy-childbed allowance for 119 days totally (56 days before delivery (pregnancy allowance) and 63 days after delivery (childbed delivery) (article 11, Law 2874/2000, Government Gazette 286, issue A)). The amount of such allowance varies among the several insurance organizations, according to the legislation of each one, the salary and beneficiary's insurance term. The objective of this allowance is to replace the salary due to absence from the working post during pregnancy and childbed. In order for such allowance to be provided, all stipulated requirements by competent Regulations have to be met, especially the insurance term.

In addition, the woman employee who has been provided with maternity leave shall be entitled, upon completion of such leave, to return to her working post or to an equal one, under the same professional terms and conditions, and to be benefited from any improvement in working conditions that she would be entitled to during her absence (article 5, Law 3488/2006 on the "Implementation of the principle for equal treatment between men and women regarding their access in employment, vocational training and promotion to working terms and conditions", G.G. 191/A'/11.09.2006).

Special protection provision to mothers from the Hellenic Manpower Employment Organization (OAED)

The provisions of article 142, Law 3655/2008 (G.G. 58, issue A') establishes the award of "special maternity protection provision", in the form of a six-month (6) leave, to working mothers who are insured the Social Insurance Fund – United Insurance Fund for Employees and are employed under fixed-term or open-ended labor contract in enterprises or undertakings, upon the end of maternity leave or the leave that was equal to the diminished shift.

During the aforementioned leave, OAED is obliged to monthly pay the working mother an amount equal to the minimum salary, as specified by the National General Collective Agreement, as well as any holiday gifts and leave allowances.

In case of employment up to 4 hours per day and up to 13 days per month, during the semester before the pregnancy leave, the amount paid by the OAED shall equal to the half of the aforementioned amount.

This term of the special six-month maternity protection leave **is considered as insurance time in the retirement class of the Social Insurance Fund – Unified Insurance Fund for Employees.**

The provisions of article 2, article 141, Law 3655/2008 stipulate that the **main pension contributions**, which incur insured women, in all agencies of main insurance under the competency of the Hellenic Ministry of Employment and Social Insurance, **are diminished by 50%**, during the 12 months of employment after delivery.

In case of a childbed allowance grant, the aforementioned decrease of the main pension insurance contributions shall take place during the 12 months upon termination of the childbed subsidy.

Compensation of remuneration

During the 119-day maternity leave (article 11, Law 2874/2000, G.G. 286, issue A), the state shall pay 50% of the Deducible Wage of the woman's insurance class, according to the average amount of remuneration during the last 30 days of the previous year and the child's allowance (10% for each child and up to 40% maximum). In that case, minimum allowance amount equals to 2/3 of the insured woman's remuneration and the maximum amount mounts up (from 01/10/2008 to this day) to the sum of 47.47 euros per day, when there are no depended members and to 66.46 euros per day, when there are maximum four depended members.

In reply to the Question set by the European Committee of Social Rights on the requirements for establishing the right to be granted with allowances by the Insurance Funds, we hereby provide the following data:

a) Table of pregnancy-childbed allowance grant per each Insurance Fund

	Insurance Fund	Pregnancy-Childbed Allowance	Grant Requirements	Payment Term
1	Social Insurance Fund - United Insurance Fund for Employees	Equal to the basic disease allowance, with no restrictions of maximum thresholds which are probably stipulated by law	Minimum insurance term: two hundred (200) days	It is granted for seventeen (17) weeks or 199 days. Eight (8) weeks or 56 days are granted compulsorily before the delivery date and the remaining 63 days upon delivery
2	Agricultural Insurance Organization – Health Sector	436.68 €	Active Insurance relation	
4	Freelancers United Insurance Fund – Health Sector			
	c) Health Sector of Athens Lawyers	940.00 €	Active Insurance relation	
	e) Health Sector of Thessalonica Lawyers	Delivery Allowance 750 € Childbed Allowance 540 €	Active Insurance relation	
5	Insurance Fund for Bank and Utilities Employees – Health Sector			
	a) Personnel Disease Sector – Hellenic Telecommunications	Remuneration paid by the employer	Minimum insurance term: forty-nine (49) days	It is granted for seventeen (17) weeks or 119 days. Eight (8) weeks or 56 days are granted compulsorily before

	Organization		before delivery	the delivery date and the remaining 63 days upon delivery
	d) Personnel Disease Sector – Public Power Corporation	180 € as a lump sum. The employer shall pay full amount of remuneration	Active insurance relation	It is granted for seventeen (17) weeks or 119 days. Eight (8) weeks or 56 days are granted compulsorily before the delivery date and the remaining 63 days upon delivery
	f) Personnel Disease Sector – Emporiki Bank of Greece	Similar to the disease allowance and up to 119 days (amount equal to 60% of basic salary increased per 5% for each dependent member and up to 3 to 180 days. In special cases up to 360 days)	Minimum insurance term: three (3) months	It is granted for seventeen (17) weeks or 119 days.
	g) Personnel Disease Sector – Pisteos Bank, Geniki Bank and American Express Bank	Full remuneration	Minimum insurance term: three (3) months	It is granted for seventeen (17) weeks or 119 days. Eight (8) weeks or 56 days are granted compulsorily before the delivery date and the remaining 63 days upon delivery
	h) Personnel Disease Sector – ETHNIKI Insurance Company	Remuneration paid by the employer	Minimum insurance term: three months (3)	It is granted for seventeen (17) weeks or 119 days. Eight (8) weeks or 56 days are granted compulsorily before the delivery date and the remaining 63 days upon delivery
6	United Insurance Fund for Mass Media Personnel – Health Sector			

	a) Health Sector of Press Owners, Editors and Employees	Full remuneration for 119 days	Minimum insurance term: three (3) months	It is granted for seventeen (17) weeks or 119 days. Eight (8) weeks or 56 days are granted compulsorily before the delivery date and the remaining 63 days upon delivery
	b) Health Sector for News-Agents and Press-Agency Employees of Athens	Daily allowance from 26.93 to 47.52 € given their three-month insurance for 119 days and accordingly to service years.	Minimum insurance term: four (4) months	It is granted for seventeen (17) weeks or 119 days. Eight (8) weeks or 56 days are granted compulsorily before the delivery date and the remaining 63 days upon delivery
	c) Health Sector for Press Technicians of Athens	It is paid for 119 days, 2/5 of the wage within the first 28 days and 4/5 of the wage during the remaining days, upon completion of 300 insurance days	Minimum insurance term: four (4) months	It is granted for seventeen (17) weeks or 119 days. Eight (8) weeks or 56 days are granted compulsorily before the delivery date and the remaining 63 days upon delivery

Question 3 – Statistics

FINANCIAL – POPULATION DATA

PREGNANCY – CHILDBED ALLOWANCE

	Insurance Organization	Annual expense	Holder's number	Average expense per beneficiary
1	Social Insurance Fund - United Insurance Fund for Employees Disease Sector & Special Fund for Hotel Employees	110,464,197.56 €	40,500	2,727.51 €
2	Agricultural Insurance Organization – Health Sector	4,176,451.65 €	8,500	491,35 €
3	Freelancers United Insurance Fund – Health Sector			
	c) Health Sector of Athens Lawyers	325,924.17 €	346	941,98 €
	e) Health Sector of Thessalonica Lawyers	193,068.00 €	138	1,399.00 €
5	Insurance Fund for Bank and Utilities Employees – Health Sector			
	a) Personnel Disease Sector – Hellenic Telecommunications Organization	1,180,500.70 €	694	1,701.00 €
	b) Personnel Disease Sector – Athens Piraeus Electric Railways	80,000.00 €	42	1,904.76 €
	c) Personnel Disease Sector – Trolley Bus in Athens – Piraeus Area	53,277.39 €	40	1,331.94 €
	d) Personnel Disease Sector – Public Power Corporation	Pregnancy: 20,189.58 €	81	249.25 €

		Childbed: 14,041.44 €	60	234.02 €
	f) Personnel Disease Sector – Emporiki Bank of Greece	160,772.00 €	115	1,398.02 €
	g) Personnel Disease Sector – ETHNIKI Insurance Company	10,000.00 €	10	1,000.00 €
6	United Insurance Fund for Mass Media Personnel – Health Sector			
	a) Health Sector of Press Owners, Editors and Employees	788,760.69 €	123	6,421.68 €
	b) Health Sector for News-Agents and Press-Agency Employees of Athens	70,881.20 €	24	2,953.38 €
	c) Health Sector for Press Technicians of Athens	267,736.21 €	44	6,084.91 €

Contributions level

The pregnancy-childbed allowance is subsidized by the part of contributions that corresponds to the financial provisions and it is defined:

a) by contributions up to 31/12/1992 (old insured persons in 1.20% (0.40% insured person's contribution and 0.80 employer's contribution) of the monthly remuneration (employees' remuneration) or by the amount of insurance classes for freelancers, b) by insured persons from 01/01/1993 and onwards (new) to 1.60% (0.40% insured persons' contribution, 0.80% employer's contribution and 0.40% contribution by the state) on monthly remunerations or the amount of insurance classes.

Obstetrical care allowance

This is a delivery grant which is paid as expense for medical services before, during and upon delivery in a hospital clinic. The amount differs from organization to organization and is paid since basic insurance specifications are fulfilled (minimum time). You may find the respective table below:

Table for provision of obstetrical allowance per insurance fund:

	Insurance Fund	Calculation Criteria	Allowance Amount
1	Social Insurance Fund United Insurance Fund for Employees Health Sector	Minimum insurance term: two hundred (200) days	Delivery grant: 30 daily wages (991.20 €) Hospital fees for cesarean section
2	Hellenic Agricultural Insurance Organization – Health Sector	Active insurance relation	Delivery grant 50% of the 1 st insurance class in a private Obstetrical Clinic 218.49 €
3	Freelancers Insurance Organization – Health Sector	Minimum insurance term: four (4) months or two (2) months upon re-registration	Delivery allowance 800 € and for more than 4 hospitalization days it pays the hospitalization expenses according to state invoice
4	Freelancers United Fund – Health Sector		
	a) Health sector for Public Works Engineers and Contractors	Active insurance relation	Delivery grant: 2,500 €
	b) Health sector for Sanitary Employees	Active insurance relation	Delivery grant: Vaginal delivery 1,503.00 € Cesarean section: 1,322.55 € In addition, total expense is covered since the woman in hospitalized in a public hospital,

			while ¼ of the hospitalization expense is paid in case of private clinic
	c) Health Sector for Athens Lawyers	Active insurance relation	Delivery grant: Vaginal delivery: 880.00 € Cesarean delivery: 440.00 € In addition, hospitalization expense is covered.
	d) Health Sector of Piraeus Lawyers	Active insurance relation	Delivery grant: 1,027 € Increased by 50% in case of multifetal delivery
	e) Health Sector of Thessalonica Lawyers	Active insurance relation	Delivery grant Vaginal delivery: 1,450 € Caesarian delivery: 2,300 €
	f) Health Sector of Provenance Lawyers	Active insurance relation	Delivery grant: 885 €
	g) Health Sector of Notaries Public	Active insurance relation	Delivery grant: 2,500 €
5	Insurance Fund for Bank and Utilities Employees – Health Sector		
	a) Personnel Health Sector – Hellenic Telecommunications Organization	Minimum insurance term: forty-nine (49) days before delivery	Delivery grant: 1,977 €
	b) Personnel Health Sector – Athens Piraeus Electric Railways	Active insurance fund	Delivery grant: ½ of the salary paid to Senior Heads with 35 years of service: 1,528.97 €
	c) Personnel Health Sector – Trolley Bus in Athens – Piraeus Area	Minimum insurance term: six (6) months	Delivery grant: one gross salary
	d) Personnel Health Sector – Public Power Corporation	Active insurance fund	Delivery grant: Vaginal delivery: 1,170 € Caesarian section: 1,449 €
	e) Personnel Health Sector – Hellenic Industrial Development Bank	Minimum insurance term: six (6) months	Delivery grant: 1,367 €
	f) Personnel Health Sector – Emporiki Bank of Greece	Minimum insurance term: three (3) months	Delivery grant: 1,102.13 €
	g) Personnel Health Sector – Pisteos	Minimum insurance term:	Delivery grant:

	Bank, Geniki Bank and American Express Bank	three (3) months	Vaginal delivery: 1,200 € Caesarian section: 600 € plus hospitalization expenses
	h) Personnel Health Sector – ETHNIKI Insurance Company	Minimum insurance term: three (3) months	Delivery grant: 1,000 €
6	United Insurance Fund for Mass Media Personnel – Health Sector		
	a) Health Sector of Press Owners, Editors and Employees	Minimum insurance term: three (3) months	Delivery grant: 2,204.25 €
	b) Health Sector for News-Agents and Press-Agency Employees of Athens	Minimum insurance term: four (4) months	Delivery grant: Vaginal delivery: 2,142.40 € Caesarian section: 3,213.60 €
	c) Health Sector for Press Technicians of Athens	Minimum insurance term: four (4) months	Delivery grant: 1 st child: 1,690 € 2 nd child: 1,902 € 3 rd child: 2,464 €

Article 8§2 – Illegal Dismissal during maternity leave

Question 1 – Legal framework

We refer to our previous Report.

In addition, please be advised as follows:

According to the provisions of Law 3488/06 (G.G. 191/A’/11/09/2006) on the “Implementation of the principle for equal treatment between men and women in relation to access to the employment, vocational training and promotion, working terms and conditions”, article 9, case a) “It is prohibited to denounce or by any means terminate the labor and employment relation, as well as any other unfavorable treatment due to gender or family status”.

In case that the employer illegally denounces the labor contract in a woman who is protected due to pregnancy, must, according to the Law 2112/20 pay her legal compensation. At the same time, the employed woman becomes entitled to raise legal proceedings and the employer must pay overdue salaries, according to the combined interpretation of provisions of articles 1 and 3, Law 2112/20, 5, Law 3198/55 and 656, GCC. In case that the woman does not wish to return at her post or it is not possible to do so, the regular courts shall decide on the compensation amount to be paid, as the case may be.

Question 3 – Statistics

You may find below statistics on the infringements of the article 15, Law 1483/84 on the protection of maternity for 2008 and 2009 (prohibition to dismiss a woman employee during pregnancy, one year upon delivery or during her absence for a larger period of time due to illness related to pregnancy or delivery).

Statistics – A' semester of 2009

Infringements of Law 1483/84, as currently in force

Infringement	Complaints	Employment Disputes	Imposition of penalties – Result of Service Intervention
	Women	Women	
1. Dismissal of a pregnant woman	4	4	1 complaint report 2 settled labor disputes 1 pending case in civil courts
2. Denouncement of a labor contract during special maternity leave	4	4	2 complaint reports lodged to the prosecutor 2 cases addressed to the Ombudsman and the Gender Equality Department of the Hellenic Ministry of Employment and Social Protection
3. Non re-employment upon termination of the childbed leave	1	1	Imposition of a 5,000 € penalty

Source: Labor Inspection Corps

Statistics – B' semester of 2009

Infringement	Complaints	Employment Disputes	Imposition of penalties – Result of Service Intervention
	Women	Women	
1. Dismissal of a pregnant woman	5	5	2 complaint reports, in 2 cases the employment relation was continued upon intervention of the Service, in 1 case the dispute was settled by paying a financial compensation to the petitioner 1 pending case in civil courts

2. Denouncement of a labor contract during special maternity leave	2	2	Forwarding of the complaint report and in 1 case a penalty was imposed and a report was filed
3. Non re-employment upon termination of the childbed leave	1	1	Compliance upon intervention by the Service

Source: Labor Inspection Corps

Statistics – A' semester of 2008

Infringement	Complaints	Employment Disputes	Imposition of penalties – Result of Service Intervention
	Women	Women	
1. Dismissal of a pregnant woman	5	5	In 4 cases the labor relation was continued upon intervention by the Service, 1 report
2. Denouncement of a labor contract during special maternity leave	3	3	In 2 cases the labor relation was continued upon intervention by the Service and there is 1 pending case in civil courts
3. Non re-employment upon termination of the childbed leave	0	0	

Source: Labor Inspection Corps

Statistics – B' semester of 2008

Infringement	Complaints	Employment Disputes	Imposition of penalties – Result of Service Intervention
	Women	Women	
1. Dismissal of a pregnant woman	5	5	In one case the labor relation was continued upon intervention by the Service, 2 cases are pending in civil courts, 2 reports
2. Denouncement of a labor contract during special maternity leave	0	0	
3. Non re-employment upon termination of the childbed leave	0	0	

Source: Labor Inspection Corps

Article 8§3 – Leave for breastfeeding mothers

Question 1 – Legal Framework

We refer to our previous Report and in addition we advise you that the Law 3655/08, article 142 established the “special provision for maternity protection”, in the form of leave granted to women employees upon termination of the maternity leave or the leave that equal to the diminished shift. Its duration is six (6) months and the woman employee is subsidized and covered by the Hellenic Manpower Organization, according to the minimum salary, as defined by the National General Collective Agreement.

Furthermore, as stipulated by the aforementioned provision, a Ministerial Decision was issued in order to regulate the process, the means and the other specifications, as well as any other detail that is necessary for the implementation of the aforementioned provisions (G.G. 833/B/9.5.2008).

Finally, P.D. 41/2003 (G.G. 44/A’/21.02.2003) “Measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding)” completed the provisions of the P.D. 176/1997, in compliance with the Directive 92/85/EEC, as follows:

- its implementation shall be also extended to the uniformed personnel of military forces and security corpses and to the domestic staff,
- article 11 of the P.D. 176/1997 is replaced, so as in case of exemption due to working conditions, as stipulated in articles 5, 6 and 7 of the aforementioned PD, the health agency must pay to the insured woman the “special maternity allowance” throughout her absence.

Article 8§4 – Regulation of night work and prohibition of dangerous, unhealthy or heavy tasks for women

Question 1 – Legal framework

We refer to our previous Report. In addition, during the period under examination, the following legislative documents were adopted:

- **P.D. 41/2003 “Amendment of P.D. 176/97 on Measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding) in compliance with the Directive 92/85/EEC”** (150/A)A, by which our country harmonized with Directive 92/85/ECC, in relation to the implementation of measures for the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

By virtue of this P.D.:

a) The adaptation of working conditions/ or and the shift, transfer from night to day work and the change of working post for women employees, at no means shall not incur the loss of any kind of remuneration or other rights emerging from the contract or the employment relation. (Article 2)

b) In cases of exemption from work, the health agency shall pay to the insured person, as stipulated by law, any allowances due to exemption from work, “special maternity allowance” throughout her absence. In case that the legislation that governs the health agency does not stipulate granting of allowances due to exemption from work, special maternity allowance is paid to the women by the employer (article 2, P.D. 41/2003).

c) Pregnant women by no means shall not be obliged to execute any task which may jeopardize women’s security and health (i.e. exposure to harmful substances, such as toluene, benzole, article 3, P.D. 176/97 “Measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding), in compliance with the Directive 92/85/EEC”, in combination with article 43, Law 3850/2010 on “Ratification of Legal Code on health and security of employees”.

- **P.D. 212/2006 – Protection of employees exposed to asbestos at work**, in compliance with Council Directive 83/477/EEC, as amended by Council Directive 91/382/EEC and the European Parliament and Council Directive 2003/18/EC.

In the past, the provisions of presidential decrees 70^a/1988 “Protection of employees exposed to asbestos at work” and 175/1997 “Amendment of the P.D. 70^a/88 in compliance with Directive 91/382/EEC”, were, until the issuance of P.D. 212/2006, the legislative regulations on health and security of workers exposed to asbestos fibers during their work”.

The objective of such decrees was to protect employees in areas of extraction, processing and production of asbestos materials, since in such areas employees’ health is much more aggravated.

However, the prohibition on trade and use of asbestos has raised the interest on workers that execute extraction or maintenance works in already installed asbestos materials.

Within the framework of harmonization of our national law with the European Parliament and Council directive 2003/18/EC, employees’ protection from asbestos fibers is regulated by a new presidential decree, in sectors where asbestos handling is connected either to its removal or maintenance and renovation works. The new decree incorporates provisions by the P.D. 70^a/1988 and 175/1997 on the protection of employees exposed to asbestos during work, while it reviews some of their provisions and adds some new provisions in order to be in compliance with the Directive 2003/18/EC. Therefore, the provisions on employer’s obligation to take general and special prevention measures (technical and organizing), while at the same time new provisions are established in order to settle any problems.

Administrative Sanctions

Any sanctions or cease of operation enterprises shall be imposed by Technical and Health Inspectors of the Labor Inspection Corps, according to article 24, Law 2224/1994, as supplemented by the article 16, Law 2639/98 and finally with the articles 11, Law 3846/2010 on “Guarantees for security at work and other provisions” and article 71, par. 1b, Law 3850/2010:

1a. An employer who infringes the provisions of labor legislation shall incur, upon justifiable deed by the competent Directorate Head of the Prevention Center of Risk at Work or by the Special Labor Inspector and upon previous request by the employer for further explanations: a) a penalty for each infringement, from five hundred to fifty thousand euro. Upon a decision by the Minister of Labor and Social Security, infringements are classified and the amount of penalties is defined.

1b. Temporary cease of the operation of a specific production process or department or departments or the whole enterprise or undertaking up to six days. In addition, upon decision by the Minister of Labor and Social Security and justifiable recommendation by the competent Labor Inspector, the employer may incur temporary cease of the operation for more than six days or even permanent cease of such production process or department or departments or the whole enterprise or undertaking.

2. When administrative penalties are imposed the following parameters are seriously taken under consideration:

- a) Directness, gravity and extension of the risk
 - b) Gravity of the infringement, any repeated non-compliance with the recommendations by competent agencies, similar infringements for which penalties have been previously imposed and the liability extent.
 - c) The number of employees and the size of the enterprise.
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Article 16

The right of the family to social, legal and economic protection

(reference period 01/01/2005 – 31/12/2009)

General legal framework

Social Protection of the Family

The adoption of Law No. 3304/2005 (Gov. Gazette A/16) “Implementation of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation”, which incorporates E.U. directives 2000/43/E.C. and 2000/78/E.C. into our national legislation, establishes a general framework of regulations to combat discrimination based on racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation. Previous reports of Greece describe this issue more extensively.

Housing Assistance

Activities of the Organization for the Housing of Labourers

As mentioned in our previous reports the Organization for the Housing of Labourers (*Greek acronym: «O.E.K.»*) is engaged in several activities for the housing of families. During the above period a series of law interventions (legislation and ministerial decisions) have been effected that improved the terms and conditions for participation in these actions. Specifically:

- a) The provisions of Article 64, Law No. 3518/2006¹ regulate several issues regarding the Organization for the Housing of Labourers; these include favourable deadline terms for the payment of debts and a new provision which permits repayment with a 20% discount on the loans given from funds exclusively offered by the Organization for the Housing of Labourers, with the condition that the debt is paid in one lump sum.
- b) Joint Ministerial Decision No. 50072/9-2-2007 modifies the programme to give interest-free loans exclusively from O.E.K. funds for the purchase of a house to its beneficiaries with serious social needs. It also sets the amount of the loan at 100.000 €, plus an amount of 20.000 € for each dependent child up to the fifth child; and for each dependent child with a disability of more than 67% an amount of 20.000 € is added.
- c) Joint Ministerial Decision No. 50007/9-1-2006 increases the amount of interest free loans given to O.E.K. beneficiaries for repairing their house and sets it at 15.000 € plus an amount of 1.500 € for each dependent child.
- d) Joint Ministerial Decision No. 50008/9-1-2006 increases the amount of interest-free loans given to O.E.K. beneficiaries for completion of their house and sets it up to an amount of 25.000 € plus 4.000 € for each dependent child.

¹ “Restructuring the Pension Fund sectors for Engineers and Contractors of Public Works (TSEMDE) and other issues pertaining to the competencies of the Ministry of Employment and Social Protection” (Gov. Gazette 272/A/21-12-2006)

e) Ministerial Decision No. 10395/101/12-3-2009 resets the percentage of the yearly construction programme on the budget of O.E.K. from 5% to 10%, mentioned in the provision of paragraph 5, Article 4 of Law No. 2736/1999, and is permitted to be given on a yearly basis for the implementation of O.E.K. works which aim to improve the standard of living in settlements.

f) Specific measures are taken for O.E.K. beneficiaries who suffered from earthquake – fire damages (suspension and deletion of debts owed to O.E.K.) and a series of special programmes are implemented that aim to give interest-free loans for the purchase, building and repair works of houses.

g) Ministerial Decision No. 50031/20-01-2006 sets the procedures for the suspension of debt payments (for loans and houses) of O.E.K. beneficiaries who lose their job because of termination of their job contract. This suspension, which lasts for a year, also extends the period for the payment of debts, and supports unemployed persons whilst they are searching for a new job.

Programme for Rent Subsidies

Joint Ministerial decisions No. 50223/2005, 50297/18-5-2007, 26220/372/9-6-2008 and 13838/182/2-6-2009 continue the implementation of the programme for rent subsidies for the period 2005 – 2009 and improve the terms for participation in the programme; they also increase the amounts of rent subsidy which allows for a greater number of beneficiaries to receive the subsidy. Particularly for beneficiaries who are unemployed and have a low income the amount of the subsidy is increased by 50% per category. Specifically this programme was implemented in the following way:

The programme for rent subsidy is available to all O.E.K. beneficiaries who fulfil the legal requirements, can prove that they pay a rent and the level of their yearly income does not exceed the limits set each year. For the years 2005 and 2006 the upper limit of family income was set at 11.000 €, for the year 2007 at 11.500 € and for the years 2008 and 2009 at 12.000 €. The upper limit of family income is increased by 2.000 € for every dependent child.

Amounts for rent subsidy

The amount of subsidy for the year 2005 was set as follows:

<i>Family type</i>	<i>Monthly benefit</i>	<i>Yearly benefit</i>
Single persons and couples	105 €	1260 €
With one dependent child	130 €	1560 €
With two dependent children	155 €	1860 €
With three-four dependent children	205 €	2460 €

The above amount of 205 € increases by 25 € monthly for each dependent child from the fifth child onwards.

The amount of subsidy for the years 2006, 2007, 2008 and 2009 was set as follows:

<i>Family type</i>	<i>Monthly benefit</i>	<i>Yearly benefit</i>
Single persons and couples	115 €	1380 €
With one dependent child	140 €	1680 €
With two dependent children	165 €	1980 €
With three-four dependent children	215 €	2580 €

The above amount of 215 € increases by 25 € monthly for each dependent child from the fifth child onwards.

The amounts of subsidy increase by 50% per category for the beneficiaries who are long-term unemployed or are unemployed and moved from their previous job location to find a job in another region, as well as for those who had a very low income: less than 7.500 € for the years 2005 and 2006, and less than 8.000 € for the years 2007, 2008 and 2009.

Programme for Interest Subsidies

Joint Ministerial Decision 50225/7-7-2005 increases the percentages of subsidies for housing loan interest for the beneficiaries of O.E.K. for loans given from bank capitals; these percentages are set per category of beneficiaries in the following way:

CATEGORY A'

<u>Family Status</u>	<u>Yearly net family income</u>	<u>Subsidy percentage</u>
Single	up to 11.000,00 €	47%
Married	» 11.000,00 €	48%
Married with 1 child	» 13.000,00 €	54%
Married with 2 children	» 15.000,00 €	56%
Married with 3 children	» 17.000,00 €	60%
Married with 4 children	» 19.000,00 €	56%

For each dependent child more than four (4), the above income increases with 3.000 € and the amount of subsidy remains the same.

CATEGORY B'

For the beneficiaries with a yearly net family income higher than the upper limit of Category A' that reaches up to the upper limit, as this is set or will be set each time for the interest subsidy provided by the Greek State, the subsidy percentages are set at: 42% for single persons, 43% for married persons, 44% for married with 1 child, 54% for married with 2 children, 60% for married with 3 children and 56% for married with 4 or more children.

CATEGORY C'

When the yearly net family income of the beneficiaries or the objective value of the property is higher than the upper limit as this is set each time by the Greek State, and the loan interest is not subsidized by the State, then this interest shall be subsidized by O.E.K.

The amount of the loan which receives an interest subsidy by O.E.K. is set according to the upper limit of family income set by the Greek State and can exceed the above limit with up to 30%. The amount of a loan that is higher than these limits shall not receive any O.E.K. subsidy.

The subsidy percentages for this category as set as follows:

<u>Family status</u>	<u>Subsidy percentage</u>
Single	50%
Married	50%
Married with 1 child	55%
Married with 2 children	60%
Married with 3 children	100%
Married with 4 or more children	100%

CATEGORY D'

For beneficiaries of all above categories with an objective value of the property lower than the loan amount resulting from their yearly net family income shall receive a subsidy for the full loan they are entitled to receive according to their income, as long as 80% of the commercial value of the property covers the amount of the loan given.

In this case, and if the beneficiaries choose to, the interest on their loan shall be subsidized by O.E.K. only, with increased percentages per category, as follows:

<u>Family status</u>	<u>Subsidy percentage</u>
Single	60%
Married	65%
Married with 1 child	75%
Married with 2 children	80%
Married with 3 children	100%
Married with 4 or more children	100%

The programme allowing beneficiaries to apply to O.E.K. for loan interest subsidy, on top of the subsidy given by the Greek State, regarding housing loans given by Banks for the purchase or building of a house on a piece of land owned by the beneficiary, is continued by Ministerial Decision No. 32048/413/10-10-2008.

Programme for Economic Assistance Via the Special Solidarity Capital (*Greek acronym: «E.K.A.»*)

Economic assistance given from the Special Solidarity Capital has continued; this is established by O.E.K. to assist those beneficiaries of the organization who, due to long-term unemployment or other social problems, are not in a position to repay their debts to O.E.K. Also Joint Ministerial decision No. 50114/31-3-2006 reduces the interest on loans given to O.E.K. beneficiaries.

Also O.E.K. continued the procedures for direct concession of houses, constructed by O.E.K. or bought by O.E.K. from private sources, to beneficiaries with four (4) dependent children and more, to beneficiaries with a disability or with dependent family members with a disability, to single mothers, to families who lost their family head because of a labour accident, and to beneficiaries with serious social and economic needs.

Benefits given by the Labourers Organization Estia

The Labourers Organization Estia (*Greek acronym: «O.E.E.»*) is a contributory institution for social benefits and social policy; part of its mission is to provide benefits to its beneficiaries, most of which are for free. The beneficiaries of the Organization are workers and pensioners who fulfill the requirement either personally or at family level, namely their contribution to O.E.E.

During the mentioned period the Organization continued its assistance towards the Programs for Social Tourism, which give the beneficiaries of the Organization the possibility to have seven days vacation with a minimal economic contribution from themselves. The Social Tourism Vouchers were given as follows: during 2005 367.123 Vouchers, during 2006 309.667 Vouchers, during 2007 501.955 Vouchers, during 2008 622.944 Vouchers and during 2009 495.619 Vouchers.

Also the organized excursion programs for three to eight days continued; and specific excursion tickets, vouchers for purchase of books and vouchers for cultural happenings were given. The Appendix includes more relevant information.

Child Care Facilities

According to Law No. 2880/2001 the public children and infant daycare centres have passed under the competency of the local governments. According to available data 1.736 children and infant daycare centres were operative in the country during 2007, which served 77.793 children (71.057 children and 6.736 infants) and employed 11.057 workers (57% educators). Until 2008 funds from the European Social Fund also sponsored 2.300 full day public kindergartens and 130 children and infant daycare centers. Currently it is estimated that there are another 1.100 children and infant daycare centers in the private sector².

² from a study conducted by the Special Service for the Coordination of ESF Actions, entitled "Correct aiming and planning of policies for the social integration of vulnerable social groups".

The Labourers Organization Estia (O.E.E.) also runs 24 Infant Daycare Centers in various parts of the country, offering full daycare, facilitating children from 8 months to school age for free, and where they receive food, care and education. During the school year 2005 – 2006 they facilitated 962 children. During the school year 2006 – 2007 they facilitated 1.032 children. During the school year 2007 – 2008 they facilitated 1.260 children. During the school year 2008 – 2009 they facilitated 1.254 children. During the school year 2009 – 2010 they facilitated 1.423 children. The above Infant Daycare Centres run by the Organization only accept children of beneficiaries and their parents have no financial obligation for the services provided. The costs spent during the year 2009 for Infant Daycare Centres amount to 1.322.267,64 €.

According to Law No. 3667/2008 O.E.E. was nominated as the beneficiary for the realization of the Action “Conciliation between Family and Professional Life”, which is part of the Operational Programme “Development of Human Resources” of the Ministry of Employment and Social Insurance and is co-funded by the European Social Fund in the framework of N.S.A.P. for the period 2007-2013. The objective of this Action is to increase the possibility for employment and equal participation of women, by providing for their children places for care and keeping within different Structures (such as Babycare Centers, Infanticare Centers, Fullcare Centers for Infants, Kindergartens, Centers for Children’s Creative Occupation and Centers for Creative Occupation for Children with Disabilities). During the school year 2008 – 2009 10.264 women were beneficiaries of the above Action and during the school year 2009 – 2010 14.888 women were beneficiaries. The services provided to the children are free of charge.

The Action was realized in two yearly periods and specifically:

During the first period, 2008-2009, specifically between 1/9/2008 and 31/7/2009 (budget: 47.000.000,00 Euro), the number of facilitated children was 9.481.

During the second period, 2009-2010, specifically between 1/9/2009 and 31/7/2010 (budget 61.988.000,00 Euro), the number of women beneficiaries was 14.888.

Legal protection of the family

Regarding the Commission’s question about the draft law for the elimination of family violence, we wish to inform you that it was passed and is currently implemented. Specifically it is Law No. 3500/2006 (Gov. Gazette A’ 232/24-10-2006). This law aims to deal with domestic violence and apart from women it also aims to protect a wider range of persons, such as the children, who are given a special and increased protection. The actions displayed within a family that offend physical integrity and health, personal freedom, sexual freedom and dignity are considered criminal behaviour. According to Article 2, it is prohibited to exercise violence of any kind towards other family members and such behaviour is punishable (Article 7). This Law is presented in the relevant part of the Greek report regarding Article 17 of the European Social Charter.

Economic protection of the family

Tax reliefs

According to the provisions of Law No. 3522/2006, as from 1/1/2007 the tax-exempted limit is raised for employed persons and pensioners from 11.000 € to 12.000 € and for other tax paying persons from 9.500 € to 10.500 €. For employed persons with three children the tax- exemption limit is 22.000 €, with four children 23.000 € and with 5 children 24.000 €. For tax paying persons who are self-employed – professionals with three children the tax-exemption limit is 20.500 €, with four children 21.500 € and with five children 22.500 €.

The provisions of this Law also increase the tax exemption limit without receipts from 1.900 to 2.400 € for tax payers with dependent persons who have more than 67% disability.

Also Article 1, Law No. 3522/2006 regulates a tax reduction amounting to 60 € when one of the two spouses is employed and serves in a border area.

Law No. 3427/2005 as from 1.1.2006 increases the income limit from 2.500 € to 6.000 € for children who suffer incurable diseases, which is a requirement for their parents to receive tax reduction for the hospitalization expenses they pay for these dependent family members.

Benefits

Law No. 3454/2006 “Assistance to the Family and other provisions” recognizes families with three children as beneficiaries for economic and institutional benefits. Specifically to mothers who have had a third child after 1/1/2006 the State offers a lump sum of 2.000 € irrespective of other benefits or the amount of their salary. Parents with three minors or dependent children also receive exemption from the registration tax for passenger vehicles.

Article 6 of Law 3631/2006 “Establishment of a National Fund for Social Cohesion” regulates that as from 1-1-2008 the benefit for families with many children shall also be given to families with three children. This benefit amounts to 44,6 € monthly for each child under 23 years old.

Regarding the family benefits the same applies as mentioned in our previous reports.

Regarding the question of E.C.S.R. about family benefits given to self-employed persons, we please be advised as follows:

1. Family benefits are only given to persons who enter retirement until 31.12.2006 from the previous T.S.A. Fund (Pension Fund for Cardrivers) and to persons who chose after 01.01.2007 [date of integration of T.A.E. (Merchants Insurance Fund), T.E.V.E. (Greek Fund for Self-Employed), and T.S.A. to O.A.E.E. [Organization for Free-lance Professionals Insurance] to enter retirement under the provisions of the previously existing T.S.A. according to the provisions of Art.7, par.1, Law No. 2676/99, as this was modified by provisions of Art.8, par 2a, Law No. **3552/07**.

These amounts are:

Spouse benefit: 10% of the basic amount for 15 years (since 01.10.2008 this basic amount is 276 € and is set each time by a Ministerial Decision), therefore this benefit is 27,6 €.

Child benefit: 5% of the basic amount for 15 years, therefore this benefit is 13,8 €.

2. Also family benefits are given to the pensioners of T.A.N.P.Y. (Shipping Agents and Employees Insurance Fund) who have an unemployed spouse. In this case the benefit amounts to 46,98 €.

Child benefit is set as follows:

For the first child up to 18 years old: 20% of the pension amount.

For the second child up to 18 years old: 15% of the pension amount.

For the third child up to 18 years old: 10% of the pension amount.

This benefit is given up to the age of 24 years old in case the child studies.

3. The pensioners – in the past insured with E.T.A.A. (Independently Employed Integrated Fund) do not receive family benefits.

The pensioners – newly insured receive what is regulated by Article 30 of Law No. 2084/92, as follows:

The amount of pension is increased by 8% for the first child, 10% for the second child and 12% for the third child or more, on the condition that the children are underaged, single, unemployed, unable to earn their living, do not receive another pension benefit and up to the age of 24 in case the children study.

The previous pension increases for children are estimated according to half of the average monthly GPD per capita during the year 1991, which is adjusted according to the increase percentage for the pensions of civil servants.

2) Please give relevant **statistics** or any **other relevant information** which show that Article 16 is actually implemented

O.E.K. ACTIVITIES DURING 2005 – 2009 PER PROGRAMME

I. LOANS FOR PURCHASE OR BUILDING FROM BANK CAPITALS WITH INTEREST SUBSIDY

YEAR	APPLICATIONS	APPROVALS	SUBSIDIES
2005	18.625	16.559	7.999
2006	17.612	17.052	13.847
2007	19.404	16.893	11.296
2008	17.325	16.370	10.897
2009	19.942	17.973	9.210

II. INTEREST-FREE LOANS FROM O.E.K. CAPITALS FOR THE REPAIR, EXTENSION OR COMPLETION OF HOUSES

YEAR	APPLICATIONS	APPROVALS	SUBSIDIES	AMOUNTS
2005	3.026	2.039	1.945	23.046.682
2006	7.768	6.195	3.662	66.456.737
2007	8.419	6.976	6.996	134.265.198
2008	6.500	6.788	6.788	97.162.956

2009	5.499	4.693	4.693	87.052.508
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III. SPECIAL PROGRAMME FOR FAMILIES WITH MANY CHILDREN AND PERSONS WITH DISABILITIES

YEAR	APPLICATIONS	APPROVALS	SUBSIDIES	AMOUNTS
2005	594	522	-	-
2006	310	229	296	27.154.086
2007	3.985	2.836	741	107.383.030
2008	3.336	2.234	111	16.853.135
2009	3.207	2.467	848	141.216.230

IV. AUCTIONS FOR NEW SETTLEMENTS

YEAR	SETTLEMENTS NR.	HOUSES NR.
2005	19	806
2006	-	-
2007	4	316
2008	5	419
2009	2	49

V. START OF SETTLEMENT CONSTRUCTION

YEAR	SETTLEMENTS NR.	HOUSES NR.
2005	13	433
2006	7	572
2007	10	433
2008	2	52
2009	5	428

VI. GIVING HOUSES IN COMPLETED SETTLEMENTS

YEAR	SETTLEMENTS NR.	HOUSES NR.
2005	8	570
2006	5	196
2007	8	454
2008	5	404
2009	1	60

VII. DRAWING LOTS FOR SETTLEMENTS

YEAR	HOUSES NR.
2005	987
2006	273
2007	326
2008	484

2009	615
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VIII. OBTAINED PLOTS OF LAND

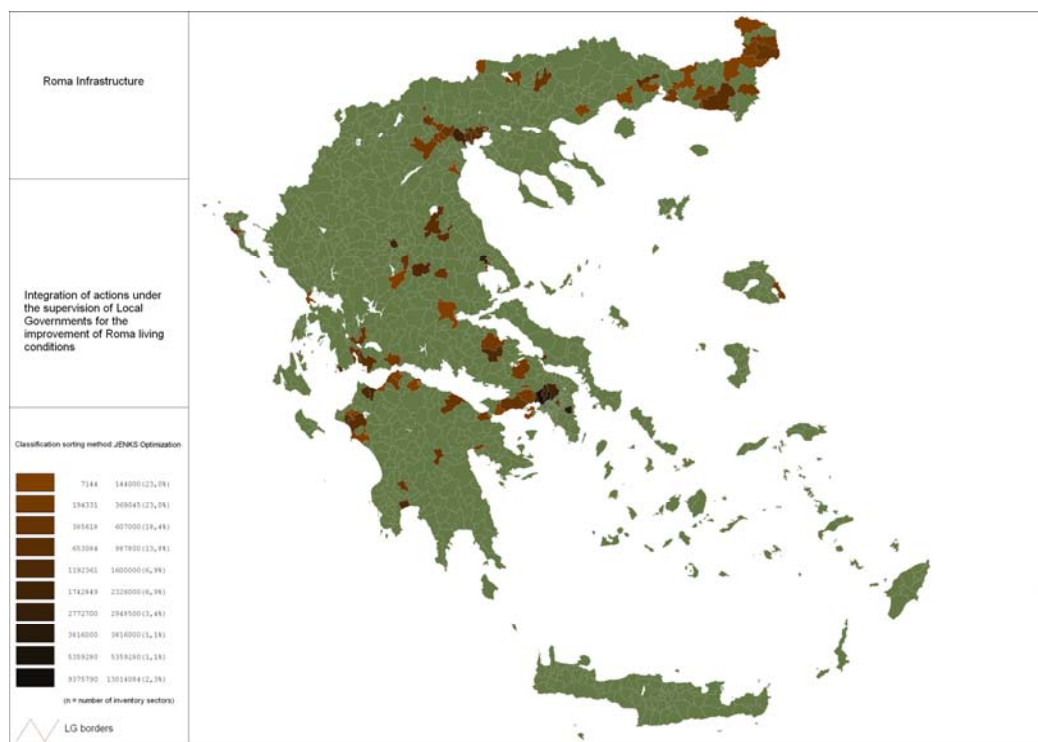
YEAR	PLOTS NR.	TOTAL LAND
2005	1	29.875
2006	7	68.325
2007	8	128.971,64
2008	10	102.232,86
2009	6	40.855,92

Negative conclusion of the European Committee of Social Rights and Continuation of the supervision of Complaint No. 15/2003 forwarded by the European Centre for the Rights of Roma against Greece

We have adopted an Integrated Action Plan with the aim to deal with the social exclusion conditions and the discrimination imposed upon the Greek Roma. This programme was adopted as an Action Plan for the implementation of a national integrated planning regarding the Greek Roma. When the national plan for the Greek Roma was adopted, it integrated the results that emerged from the social dialogue during the 90's in relation to dealing with the problems facing the Roma, **who are an indispensable part of the Greek population and subject to the same general and specific legislative regulations as all the other Greek citizens.** However, due to a variety of unfortunate living conditions, which provide them lesser access to the economic, social and political rights, the Roma are recognized **as a socially vulnerable group** of the Greek population that needs to be supported **by additional measures.**

In this framework, the Ministry of Interior has taken up the implementation of an infrastructure, with the aim to improve the living conditions of the Greek Roma, by sponsoring basic infrastructures for dignified conditions, and also in cooperation with the actions that provide services in the fields of education, health, employment and culture-sports. The programme period for the implementation of the I.A.P. (Integrated Action Plan), concerned the years 2002-2008; during this period 96 Local Governments in the country (see map 1) where Greek Roma live in poor conditions integrated projects for basic infrastructure (such as roads, electricity, sewage, water systems, settlement improvement, foundations for houses, relocation of settlements and purchase of lands). It should be noted that the evaluation and integration of infrastructure actions also continued during 2009, with a total budget of 100,04 million €, and currently (2010) the payments in these projects amount to 55,766 million €. In any case the I.A.P. provided in essence the joint framework for action and aims towards the local governments; the proposals of the local authorities were used as the basis for the interventions that were taken up.

Map 1



It is also important to mention that in the I.A.P. framework of providing services the improvement of the living conditions was combined with the running of 33 medical-social centres, counseling and family planning services, health services of first and second degree with a special care towards women and children, mediation with the public authorities for a series of cases (including cases regarding the urban-municipal situation) and services of professional orientation.

Furthermore, with the aim to cover those housing needs which were not covered by the infrastructure actions, in 2002 we adopted the programme for housing loans to Greek Roma with a specific number of beneficiaries and favourable loan terms. Within the framework of the programme for housing loans we have currently completed the **approval process for 7.854 loans** (from a total 9.000 which were initially forecast; this is an absorption percentage of **87,3% of the forecast**) to an equal number of Greek Roma. The number of beneficiary families that have entered a **loan contract** for the purchase of a house is currently **6.560 families** (absorption percentage **83,5%**).

As a continuation of the institutional reformation³ that was the source for the programme, the mechanism for the giving of loans was based, since 2006 when the institutional framework was completely revised (No. 33165/23-06-2006 J.D. of the Ministers of Interior and Economy & Finance), on social criteria for the evaluation of the applications; these take into account the specific living conditions of the Greek Roma families, although this only concerns a limited number of beneficiaries. As mentioned in the past, since 2006 **we have given priority to housing assistance in the form of loans to those who severely experience various forms of social exclusion, due to other objective circumstances or social obstacles.** We have specifically applied criteria that give priority according to: **the number of dependent members in the candidate families** (underage children, adult students, dependent members – relatives of the first degree), **possible disabilities, one-parent families because of death, as well as low income.**

At the same time, taking into account the practical difficulty for the Roma to effectively access the Public Authorities and therefore the public services (this was an additional question asked by E.C.S.R.), the current legislative framework has **eliminated the obligation of the candidates to prove their permanent address of residence;** this allows participation of the representatives of the target group at local level in the procedure for the evaluation of the applications.

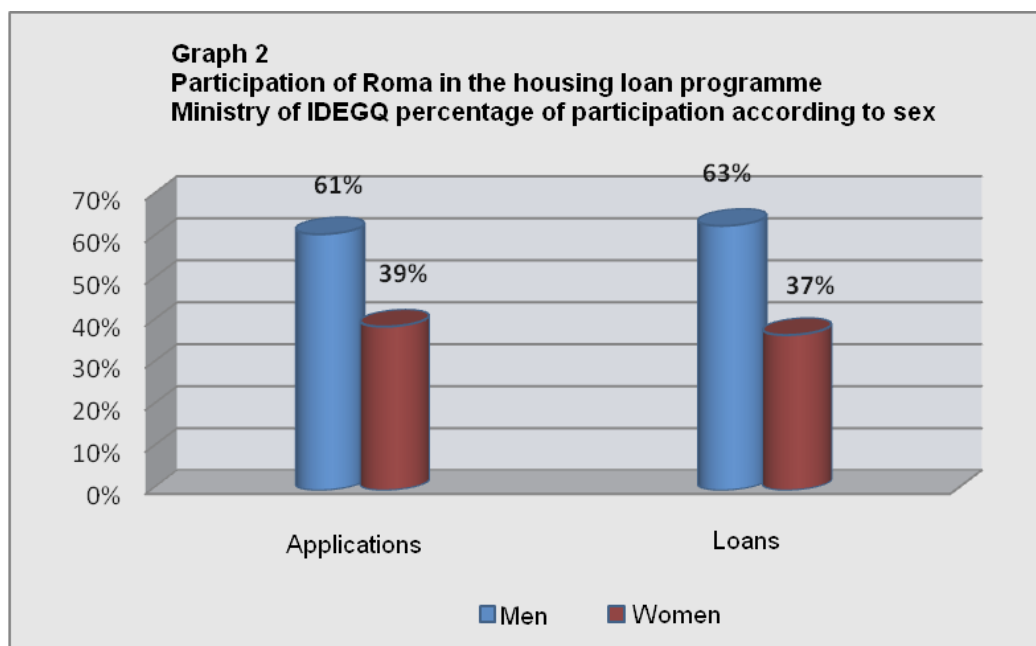
For the quantitative and qualitative evaluation of the implementation of the Programme we will give the following data, which are shown in two phases; the first phase specifically concerns the qualitative and quantitative Characteristics of the beneficiaries, so as to draw conclusions about the degree of effective response of the programme to the special needs of the target group (per type of problem or social obstacle) – and the second phase concerns the qualitative and quantitative characteristics of the loans and the way they were applied (housing of the candidates).

Taking into account the need to promote **gender equality**, and particularly to strengthen the participation of women Roma in public–social life (i.e. implementation of the point system for one-parent families) and as a continuation of the first phase of the implementation of the programme (**2002-2005**), it must be noted that: out of a total number of 15.665 applications 6.117 were submitted by women, and from a total number of 5.745 beneficiaries, 2.114 were women (37%). Analytical data are shown in Graph 2 below.

It should also be mentioned, although the Committee is not supervising this field and the specific programme is only indirectly related, that with the aim to support the emancipation and activation of a specific sub-group inside the group, **the Roma women inside the Greek society** and generally in Europe, the Ministry of Interior, the Network of Local Governments for the support of Greek Roma and the Council of

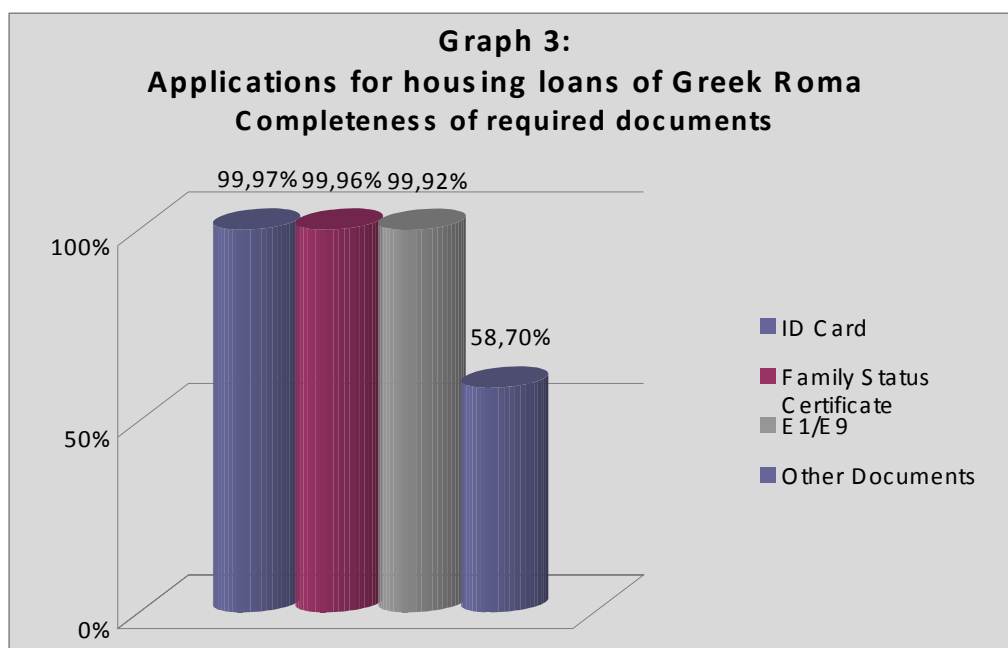
³ There are two types of joint ministerial decisions during the two phases of the implementation of the programme, based on the nature of the changes they caused: implementation phase A': No. 18830/02-05-2002 (Gov. Gazette 690/B), 13576/31-03-2003 (Gov. Gazette 396/B), 36871/21-08-2003 (Gov. Gazette 1208/B), 6035/30-01-2004 (Gov. Gazette 170/B), 28807/28-05-2004 (Gov. Gazette 812/B), and 7237A/05-02-2005 (Gov. Gazette 236/B), and implementation phase B': No. 33165/23-06-2006 (Gov. Gazette 780/B) and 42950/30-08-2008 (Gov. Gazette 1575/B).

Europe organized (11-12/01/2010) the 2nd yearly Convention of Roma Women in Athens, entitled “I am a European Roma Woman”. The convention was attended by representatives of Roma Women’s Organizations from Greece and other member states of the C.o.E., Government Institutions, Local Government representatives, Independent Authorities, experts from Greece and the member states, etc. Its purpose was to change the negative stance towards Roma women in the Media, to eliminate harmful practices such as marriages between minors and illegal abortions, and also to promote the entrepreneurship and economic assistance for Roma women; in all these fields the Roma women movement is able to contribute significantly.



Source: Ministry of Interior, Decentralization and E—Government, Department of Development Programmes and Int.Org., August 2010

Furthermore, during the evaluation of the submitted **documents**, it was obvious that because they had to submit an application for participation, this encouraged the registration of the candidates in the Municipal registries; it also encouraged the issuing of several other documents, such as an identity card (which also requires a birth certificate), copies of tax statements, etc. Therefore the programme has indirectly encouraged the population to settle several issues relating to their urban-municipal situation, and at a later stage it might well assist the awakening of an “individual consciousness” regarding the necessary services and the ways to make use of them. Also, their “need” to be informed about the progress of their application and specifically about how to effectively match the requirements of their application, has “forced” them to come in contact with the competent public authorities both at local and at central level. The analytical data on the number and type of **documents** submitted by the Roma who filed an application for the programme in the framework of the 2nd phase of its implementation (based on the social criteria for evaluation that were adopted in 2006) are shown in Graph 3 below.



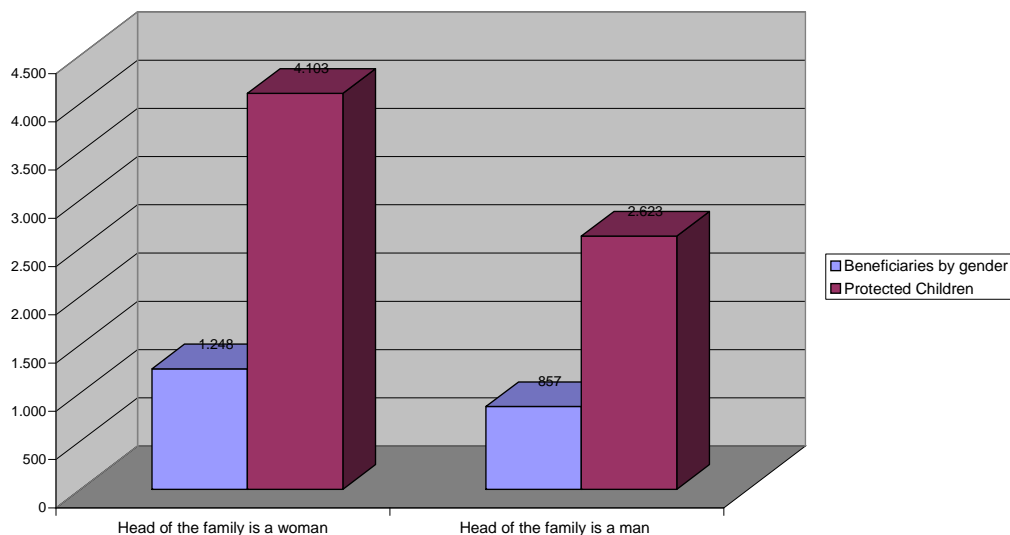
Source: Ministry of Interior, Decentralization and E—Government, Department of Development Programmes and Int.Org., August 2010

It should be noted that the category other documents includes study certificates, health certificates in disability cases of either the applicants or their family members, certificates for receiving special benefits (i.e. disability, families with many children), and so on. The percentage of documents missing in categories E1 and E9 is explained by the fact that it is not compulsory to submit income statements and property statements, according to the current provisions of income policy and taxation of natural persons (because of low income)⁴. Also, according to the control exercised upon the Local Government results by the Ministry, the above percentage of documents missing is sometimes caused by the lack of proper information given to the Roma by the services responsible for these applications at local level.

Also, according to the documents submitted in the framework of the revised procedure, **which confirm the protection of the family by giving priority to children**, the data show that on a total number of 2.105 approvals for an equal number of Greek Roma families during the period 2006-2009, **91% of the beneficiaries (1.921 families) are “families with children” and this includes 6.726 children in the total number of approvals given during the 2nd phase of the programme’s implementation.**

⁴

Chart 4 Housing Loans of Greek Roma 2006-2009: Family status of beneficiaries based on gender and number of children



Analytically, it should be noted that on a total number of 2.105 approvals during the period 2006-2009, **59,29% are families with a woman as the family head (whereas for the period 2002-2005 this percentage was 37%)** and also 40,7% are families with a man as the family head (whereas for the period 2002-2005 this percentage was 63%). Further analysis of the type of family of the beneficiaries shows that **47% of the beneficiaries are one-parent families (irrespective of reason) and this includes 42% of the benefitting children, and the majority (88,12%) are families with a woman as the family head** (868 families on a total of 985 one-parent families with 2.848 children in a total of 6.726 children). The category one-parent families includes Roma wedded families.

The above data show an obvious attempt to readjust the programme according to the special needs of the target group, **and the implementation of these criteria has strengthened specific sub-groups within the Roma group and specifically women and children.**

Furthermore, as a continuation of the implementation period of the Integrated Action Plan for the Social Integration of the Greek Roma (2002-2008) and with the aim to deal with their social exclusion, we have started consultation processes between the Government authorities on the preparation of an **Integrated National Strategy Plan regarding the Roma**. The suggestions given by the institutions will be forwarded to the competent Joint Ministerial Committee, that will define the aims and the principles for the operation of the Strategy (guidelines, instruments for coordination, supervision, follow-up, strategic priorities and aims). Currently in Greece we are implementing the institutional reformation of the competences given to the Local Governments in relation to a Decentralized Administration in Greece (Law No. 3852/2010, Gov. Gazette 87/A) “New Architecture of Local Governance and Decentralized Administration – Programme Kallikratis”; therefore the Planning of the Strategy is based on the need of coordinated intervention and the synergy of actions

with the aim to solve long-term Roma problems in the fields of housing, education, employment, health and generally their social integration, after a complete recording of the current situation according to the evaluation study conducted by the I.A.P. within the open coordination method of the European Commission (ESF – Special Coordination Service for ESF, Ministry of Employment & Social Insurance), a list of actions and finding the available financing instruments, taking into account the current economic situation.

Within the framework of the preparation of the National Strategy Plan, some of the issues examined relate with the establishment of specific procedural and legislative guarantees, that can ensure the fundamental rights on property and previous alternative housing (protocol of administrative expulsion). Within the model of ensuring proper alternative housing that is in accordance with the type of needs, and specifically the resettlement of the Roma living in Elaionas – Votanikos, the Ministry has financed a study, as part of the I.A.P., for the finding of proper locations within the Attika region. The Strategy Plan also aims to solve the issues that came up during the previous programme period, such as the fragmentation of actions, the absence of a mechanism for constant surveillance of the targets at play in the interventions when these were applied at local level regarding the specific needs of the target group. In this sense the National Strategy Plan we are working on is based on the development of integrated plans for local intervention; this means that the problems relating with full access to individual, social and political rights are examined in combination with the specific living conditions of the target group, the special needs of the sub-groups within the group, and the specific circumstances at the level of urban and social integration where each group lives. Other issues that are being examined during the current planning are the setting of the population's urban-municipal situation as a major priority of the national strategy, according to the suggestions forwarded by the Ombudsman and the counseling institutions of the Administration, and also to combine the interventions with actions to increase the awareness and information of the society generally. In this area we are expecting positive results from the dostal campaign, launched by the C.o.E., which aims at public awareness and the combating of discrimination of and stereotypes against the Roma, which are based on social exclusion and racial origin.

Specific Actions by O.E.K.

The Organization for the Housing of Labourers, as an institution based on contributions paid by employees and employers, only gives housing assistance to its beneficiaries, namely the contributing employees. Amongst its beneficiaries O.E.K. makes no discrimination regarding ethnic or racial origin. Therefore all those who fulfil the requirements to be a beneficiary have completely equal opportunities to access housing assistance, under the condition that they do not own a house that covers their needs or have other assets from which to buy a house.

For someone to receive housing assistance from O.E.K., apart from the basic requirement of not owning a house, they must have a specific number of workdays, depending on their type of family, or to have the specific requirements set by the specific programmes (such as family with many children, persons with disability, single mothers, etc.). In this framework many beneficiaries who received housing

assistance from O.E.K. are Roma and specifically within the permanent programmes for families with many children, because the percentage of Roma families with many children is much higher than the rest of the population.

Furthermore, O.E.K. initiated the study, supervision and construction of a settlement with 150 houses in the Municipality of Sofades, Karditsa, where the gypsies of the region will be housed, which will significantly upgrade their living conditions. Already 84 houses are completed and the rest of them are under construction.

Legislation forwarded by the Ministry of Environment, Energy and Climatic Changes

The Ministry promotes the following policy measures with the aim of social inclusion for several vulnerable categories of the population, including Greek Roma, and these are:

Regarding the housing issue for specific social groups, we have regulated Law No. 3212/2003, Article 13, par. 11, according to which the favourable provisions of Law No. 2790/2000, Article 6, par.2, concerning the implementation of urgent housing programmes for repatriates within the approval of a local urban plan, are also applied for the implementation of urgent housing programmes for the settlement of specific social groups on plots of land provided by the State, the Local Governments or other public legal entities, or on plots of land owned by persons who are part of such a social group.

In continuation of the above the Ministry has initiated a provision [par. 1, Article 34, Law No. 3448/06 (Gov. Gazette 57A/06)] which clarifies that Greek Roma are included in the specific social groups mentioned in par.11, Article 13 Law No. 3212/2003 (Gov. Gazette 308A/2003) regarding the implementation of urgent housing programmes.

Article 17

The right of Mothers and children's to social and financial protection

(Reference period: 01/01/2003 – 31/12/2009)

Ombudsman's Action-Reply to the question of the ECSR

The Children's Ombudsman which has been established since 2003 has investigated more than 2.000 cases regarding the rights of minors and has come into direct contact with hundreds of services and bodies.

The intervention of the Children's Ombudsman regarding the legal prohibition of corporal punishment of children is of particular interest. The said prohibition was achieved by virtue of Act No 3500/2006, following proposals and actions of both the Independent Authority and of the Network for the prevention and suppression of corporal punishment of children.

According to data from the annual report of the Children's Ombudsman for the year 2009, as far as the subject matter of complaints handled is concerned, the majority of them were education related issues (41,48%). As an example of education related issues we would like to mention that following the proposal of the Children's Ombudsman, guidelines were sent to all schools by the Ministry of Education regarding the use of change of school as a punishment measure. The Ombudsman has handled a lot of cases related to the change of school for students of high schools and lyceums and has noted that the conditions safeguarding students' rights are not always observed. After the proposals made by the Ombudsman, the Ministry stresses that school punishment is a way to educate students and aims at ensuring the smooth running of the school; yet, it should be considered whether the imposed punishment would be to the interest of the specific student. Therefore, in order to decide the change of school: a. students and their parents/guardians **should be invited to a hearing** before taking a decision, b. **minutes** of the meeting should be kept and decisions should be taken by absolute majority, c. the **pedagogical methods used and punishments imposed in previous cases** in order to control the behavior of the specific student should be mentioned in detail in the decision, d. **the necessity of punishment** and the reasons according to which the specific student is deemed to benefit from the change of school should be justified e. the imposition of this punishment **should not be made public** in order to avoid stigmatizing the student f. whether or not another *relevant* school is located in the area should be taken into account.

The charts that follow present the subject matters of complaints pertaining to the activities of the Ombudsman for the Rights of the Child and the persons who file complaints with the Independent Authority.

Chart 1

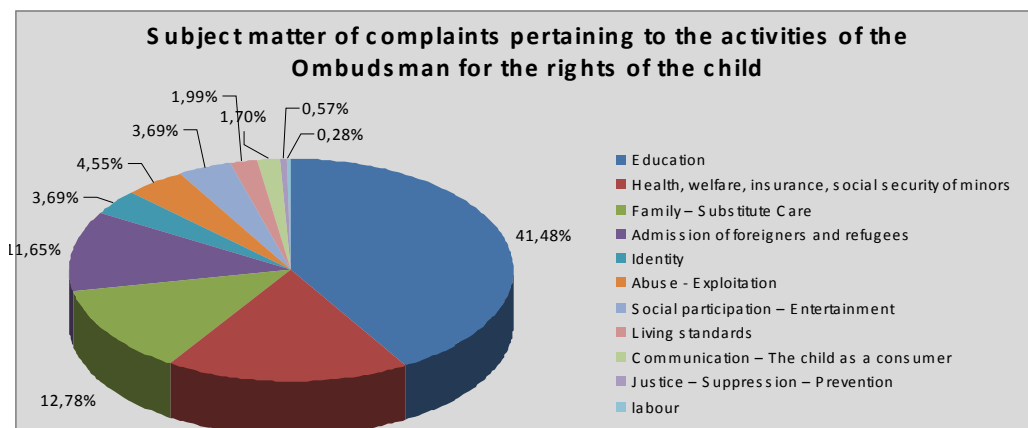
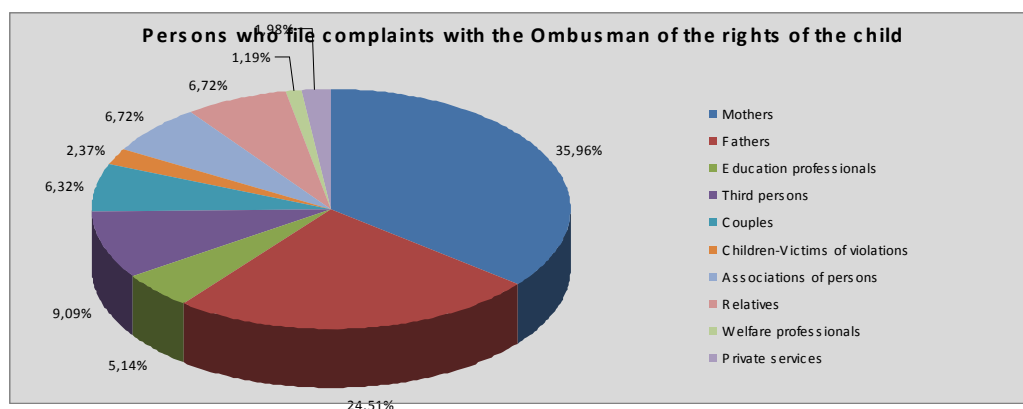


Chart 2



Recognition of paternity and adoption

The Law 3718/2008 (Government Gazette A' 241/26-11-2008) on “Reformations for the family, children, society and other provisions” was adopted in 2008. This Law regulates the relations arisen from the cohabitation of two heterosexual adults upon typical agreement by virtue of a notary deed. Such regulations also deal with issues of paternity presumption for children born during the cohabitation agreement term, their last name, parental responsibility, etc.

In addition, several amendments were made to the Greek Civil Code (GCC) provisions related to the family law and especially in relations between parents and their children, such as article 1515 GCC on extra-marital children’s parental responsibility, their parents and minors’ adoption.

It should be reminded –and in reply to the respective question by the European Committee of Social Rights- that the Greek Civil Code provisions on extra-marital children (children born not within a marriage) have been abolished by virtue of the Law 1329/1983 and the amendment of the family law.

Public care for children

Under Law 2880/2001, public daycare centres have come under the supervision of local authorities. According to recent data, in 2007 there were 1,736 daycare centers across country for 77,793 children (71,057 young children and 6,736 babies) with 11,057 employees (57% teaching staff). In addition, 2,300 all-day public kindergartens and 130 daycare centres were funded until 2008 by funds of the European Social Fund. Finally, it is estimated that there are also 1,100 profit-making daycare centres².

Protection against maltreatment and abuse

The Law 3500/2006 (G.G. A' 232/24-10-2006) on “Combating domestic violence and other provisions” was ratified in 2006. Such Law tries to combat the phenomenon of domestic violence and, except for women, it protects a broader range of persons, such as persons, by providing them special and high protection. Behaviors within the family framework that harm physical integrity and health, personal freedom, sexual freedom and dignity are considered as culpable offences.

A very important regulation is that the law considers minors as victims of domestic violence, even when respective acts are not directly exercised against them but they take place before them (article 1, par. 3). In this connection, scientific data were taken under consideration, according to which domestic violence acts have a negative effect on psychological-social minors' development, with the high risk that such phenomenon may perpetuate. Therefore, when such acts are exercised before a minor family member are reckoned as a distinct variation of the offence of domestic physical damage (article 6, par.3). In cases where a family member causes deliberate intense and grave domestic physical damage and the victim is minor, the offender shall be charged with at least ten years of sentence (article 6, par. 4).

It is also stipulated that the provisions on domestic violence are also implemented in case the offender works in social welfare agency, his/her action proceed against a person that receives the services provided by such agency (article 6, par.5). Such provisions also apply in case of sexual dignity offence (article 9, par.3).

The exercise of any kind of violence between family members is prohibited (article 2) and punished (refer to art. 7).

- In case of domestic violence offences, the institute of penal mediation shall apply. It is a procedure which is followed since the domestic violence offences committed are considered as misdemeanors. This institution makes the penal justice system friendlier towards such category of victims, so as for them to have more initiatives to denounce the offence but also to participate in a process which may help them discuss and

² Study realized by the Special Agency for the Coordination of the ESF Actions, entitled “Proper targeting and policy making for the social integration of vulnerable social groups” and written by P. Tsakloglou, M. Matsagani and Th. Mitrako.

terminate such kind of behaviors, with the help of an unbiased third person. For minor victims of domestic violence, special regulations are stipulated in article 11, par. 3-4 of this law.

- For quick and unhampered hearing of such cases, in civil and penal courts, there are special regulations which put an end to the so-called “secondary victimization in courts”. Article 19 of this law stipulates that in domestic violence cases, members of the family shall give non-sworn testimony. During hearing of the cases, minors are not summoned as witnesses; their testimony, if any, is read, except for the case that their examination is considered vital by the court.

- Special emphasis is given to the support of domestic violence victims. Article 21 stipulates that domestic violence victims are entitled to moral support and necessary material assistance by public or private law legal entities, which are exclusively established to this effect and supervised by the Hellenic Ministry of Health and Social Solidarity and other social services of Local Government Organizations. Police authorities that deal with domestic violence cases, within the framework of their competencies, are obliged, since the victim requests so, to inform the aforementioned agencies in order to promptly provide the necessary assistance, as the case may be.

- In addition, the law stipulates that a teacher, either of primary or secondary education, who during his/her tutoring task, is by any means informed or realizes that a student has suffered domestic violence, shall directly inform the school headmaster. The school headmaster shall report such punishable offence to the competent prosecutor, according to the provisions of the paragraph 1, article 37, Greek Code of Penal Procedure or the nearby police authority. Teachers and master of private schools as well as heads of any Primary Education Unit have to act respectively (article 23).

It is stressed that article 1518 of the Greek Civil Code, which indicatively defines custody (part of parental responsibility) does not explicitly excludes physical punishment by the correctional measures allowed for parents to use in order to educate their child. More specifically, the provision stipulates that “taking of correctional means is exclusively allowed when they are necessary for their education and do not harm children’s dignity”. Any excess of the limits imposed by article 1515 is improper use of parental responsibility and shall attract the consequences of article 1532, Greek Civil Code, according to which the court may order any proper measure (removal of parental responsibility or custody). However, the **new Law 3500/2006** on combating domestic violence, **prohibits the exercise of physical violence against a minor as means of correction within the framework of his/her rearing. The explanatory report duly clarifies that physical punishment is not included in permitted correctional means of article 1518, Greek Civil Code and that its use may attract the consequences of improper use of parental responsibility against the parents.**

More specifically, article 4 stipulates that physical violence against minors as correctional means in the context of their rearing incurs the consequences of article **1532, Greek Civil Code**. In relation to this article, the explanatory report states the following: “The regulation of **article 4** clarifies that physical punishment against children is not included in permitted correctional means of article **1518, Greek Civil Code**, according to modern educational beliefs as well. It is a case of improper use of

custody and therefore article **1532, Greek Civil Code** shall apply. In such cases and by virtue of such article, the court may order any convenient measure. Physical violence shall be defined any act that causes pain or physical disaffection to a minor, aiming at his/her correction or control of his/her behavior”.

School, preschool care and hospitality frameworks

Within the framework of school discipline, physical punishment is duly prohibited in primary education by virtue of article 13, paragraph 8, Presidential Decree 201/1998. In relation to secondary education, the Law 3328/2005, article 21 (G.G. 80A/1-04-2005) prohibits any kind of physical punishment to students that extravagate from appropriate conduct. Furthermore, the Hellenic Ministry of Education issued the circular Γ2/22673/02.03.2006 on “imposition of physical punishment to students”.

Network for prevention of and combating physical punishment to children

Why was the Network for Prevention of and Combating Physical Punishment established?

This Network was established due to the common realization by agencies related to children and family that extended cooperation and a coordinated **information and public awareness campaign** have to be drafted regarding prevention of and combating physical punishment to children. Everyone must realize that physical punishment **does benefit children!** On the contrary it violates their fundamental rights, harms their mental balance, offends their personality, familiarizes them with violence as a means of problem-solving while it is possible to lead to grave types of maltreatment. Such consequences have to be realized by everyone responsible for rearing and care of children.

When was the Network established and how does it operate?

The Network was established in October, 2005, by virtue of a partnership agreement signed by its founder members. The Network Steering Committee shall convene at regular basis and promote the development of coordinated actions and information of members on their individual actions. Public or private non-profit organizations that accept the Network principles may, upon their request, become associate/affiliate members, be informed and invited to its events.

What are its main objectives?

The **Objectives** of the Network are to cooperate, exchange information, develop mutual and coordinated actions, support institutional changes and to develop an expanded information and awareness campaign for parents, children and professionals related to children and children, as well as for public. The Network aims at the removal of social legal acceptance of children’s physical punishment in our country, so as for them to be education through dialogue and participation and by methods that are compatible to modern educational sciences.

The **Hellenic Ministry of Education, Lifelong Learning and Religious Affairs** is a founder member of the Network and it is represented by the **Directorate for International Educational Relations** and the **Directorate for Secondary Education Studies**.

Up to this day, the Network **actions** include the following:

1. Information and awareness seminar on children's physical punishment issues 14-16/11/2006.

Within the framework of the Network actions on Prevention of and Combating Children's Physical Punishment, under the initiative by the Institute of Social Protection and Solidarity (ISPS), a seminar was held on 14-16/11/2006 in the facilities the ISPS Vocational Training Center (VTC) in Athens, with the participation of 22 scientists. The objective of the seminar was to inform and aware on issues of physical punishment to scientists' children, who shall next act as professionals' tutors who are in touch, educate and support parents. The program included issues such as: effect and impact of the use of physical punishment to children and society, adults as target-group: education and function of groups, parents as carriers of non-violent behavior and democratic education, parents as active citizens, etc.

2. April 30: International Day against Physical Punishment (2007)

In view of the International Day against Physical Punishment, the Network on Prevention of and Combating Physical Punishment to Children invited on 30/04/2006 agencies and citizens to participate in its effort for abolishing the use of physical punishment to children and released the Decalogue against Physical Punishment to Children aiming at its broad use.

3. The Decalogue against Physical Punishment to Children is released in Athens (2007)

More than 700 posters with the Decalogue against Physical Punishment to Children can be seen in buses, trolleys, train, metro and the suburban train while the Decalogue is broadcasted through tram screens. The Decalogue was drafted by the Network for Prevention of and Combating Physical Punishment to Children within the framework of its actions on public information and awareness regarding the use of physical education and the adoption of non-violent methods for children's education, such as communication and dialogue.

4. Three-day seminars for professionals on issues of physical punishment to children

The Institute of Social Protection and Solidarity (ISPS) organized in the Branches of Thessalonica and Xanthi VTC three-day events for information of professionals on issues of physical punishment to children. The three-day even in Thessalonica took place on 7, 8 and 9 November and in Xanthi on **14, 15 and 16 November 2007**.

5. Handbook for professionals who educate or cooperate with parents

The Institute of Child's Health (Directorate of Mental Health and Social Welfare) and the Institute of Social Protection and Solidarity, with the participation of Children's Ombudsman, prepared the handbook "Elimination of physical punishment to children" which addresses to professionals who educate or cooperate with parents.

6. Leaflet-Decalogue against physical punishment to children

New single-leaflet of the Network including the Decalogue against physical punishment to children.

7. Actions for the International Day against Physical Punishment to Children (2008)

The Network members used for second year the International Day against Physical Punishment to Children (April 30) in order to aware children and adults against the use of physical punishment and any form of violence against children. The Network Press Release stressed the importance of everyone's participation in order for our society to change its behavior and practices regarding such issue. What is more, the Network sent a letter to Children, Parents and Teachers which was read in schools and put up in educational and welfare facilities. The Network, apart from publicity events, seminars and messages sent to press and e-media, prepared and distributed cards with messages against physical punishment, inspired by Mr. Evgenios TRIVIZAS and designed by Mrs. Lina KARANIKOLAOU.

8. Conference on “Elimination of physical punishment to children”

The Institute of Social Protection and Solidarity and the Home-Start of Nea Ionia-Volos organized a conference on “Elimination of physical punishment to children”. The conference was held on Friday 26 and Saturday 27 of September 2008 in the Conference Hall of Thessalia, Melissiatika, Nea Ionia, Magnisia.

9. Educational action for combating physical punishment to children in Volos and Nea Magnisia, Ionia (2009)

The Institute of Social Protection and Solidarity and the Home-Start of Nea Ionia-Volos started in February 2009 an educational action on combating physical punishment to children. The action is related to visits by members of the Home-Start of Nea Ionia-Volos to all BoA of parents associations at preschool and school level in Volos and Nea Ionia, aiming at their mutual cooperation.

10. On Thursday, April 30, 2009 and in view of the “International Day against physical punishment to children”, the CoE European Campaign on elimination of physical punishment to children was presented in Zappeion Megaron Hall in an open event. The Network prepared an open letter to children, parents and teachers. The Hellenic Ministry of Education sent such letter to education directorates and to school units all over the country.

11. In view of the International Children's Day in December 11, the Network –in context of its campaign on elimination of physical punishment, created three short videos and an articulated card. The videos were produced with the volunteering participation by Mr. Evgenios TRIVIZAS, writer, Mrs. Karmen ROUGGERI, actress and Mr. Giannis NTAGIAKOS, galanty showman. The message of the card “Beating came out of heaven...make it come out from our life!” was inspired by Mr. Evgenios TRIVIZAS and was designed by Mrs. Lina KARANIKOLAOU, painter.

12. Event against physical punishment in Volos

The Institute of Social Protection and Solidarity and the Home-Start of Nea Ionia-Volos organized an event against physical punishment, on Monday, April 26, 2010 in the Tsalapata Multiplex, Gold Star hall. The event presented the educational action that was taken from February to October 2009 in Volos and Nea Ionia, Magnisia in order to inform and aware parents against physical punishment.

13. Event by the Educational School of Thessalonica in “OLYMPION”

In view of the “International Day against physical punishment to children”, on Thursday, April 30 2010, the Network participated in an event organized by the Educational School of the Aristotle University of Thessalonica, in “OLYMPION” cinema. The Network was represented by speakers while the spots as well as the work and messages of the Network were also presented in the event.

In relation to the **Question set by the European Committee of Social Rights (ECSR) on the minimum age for marriage**, we advise that according to article 1350, GCC on marriage, it is necessary that both persons have to agree on that marriage. Such statements are made in person, unconditionally. The persons about to be married must have attained the eighteenth year of age. The court may, upon hearing the persons about to be married and the persons that exercise minor’s custody, allow a marriage before completion of that age, only on serious grounds.

Minor offenders

In 2010, **Law 3860/2010 on “Improvements of Penal Legislation on minor offenders, prevention of and combating minors’ victimization and criminality”** passed.

This Law amends provisions which are related to minor offenders by the Greek Penal Code, the Greek Code of Penal Procedure and the Court Bylaws and Judicial Officers/Workers Code as well as the Law 2298/1995 “Conciliatory Resolution of Private Disputes – Acceleration of the enforcement procedure – Drawing and implementation of correctional policy and other provisions”). In addition, the Central Scientific Council on prevention and combating of minors’ victimization and criminality is about to be established. This statute contributes to the modernization of the Greek Minors Law.

More specifically – Chapter One:

The regulations on penal correction are improved.

- article 54 of the Greek Penal Code is amended and the detention term in special juvenile facility is re-defined. The term is classified in accordance to the possible penalty for the crime committed (article 1). Therefore, minors’ constraint cannot last more than ten years and –in exceptional cases of extremely severe offences- may last up to 15 years. According to the existing provisions, the penalty stipulated in article 54, GPC fluctuated from 5 to 20 years. By abolishing such provision, the greek government met the Recommendation by the UN Committee on Children’s Rights, which had recommended to abolish the term of 20 years as the maximum limit of penal correction.

It is stressed that penal correction is recognized to be imposed only as an “ultimate measure” and that it does have compensative but educational character. Therefore it is used in order to improve a minor’s behavior and to achieve his/her smooth social integration.

- At first place, article 2 amends article 126, GPC so as to clarify that minors up to 15 years old are only imposed with correctional or treatment measures. The same articles also amends the provision of article 127, GPC, so as the penalty of constraint in a juvenile detention facility to be imposed only to minors who have completed the 15th year of their age, since their offence is considered as felony and penal correction is considered, upon specific and justified decision, totally necessary, provided that the offence under examination includes violence, is proceeded against life or physical

integrity or is a part of a broader criminal activity by the minor. By such amendment, the greek law follows the globally dominating trend on limitation of penal correction to exceptionally serious crimes and to older minors.

- articles 129, 130 and 131 of the Greek Penal Code are amended and the minor shall have now the right to be represented personally or through attorney-at-law before the Three-member Minors Court when deciding on conditional release. The criteria for minors' penal correction that undergo hearing upon completion of the 18th year of age under stipulated to be the same as the minor would undergo the hearing before completion of the 18th year of age. In addition, the constraint in a special juvenile detention facility may be replaced by imprisonment or charge if the charged minor has completed his/her eighteenth year of age before the execution of the decision (article 3).

Furthermore, the new law amends several regulations related to the procedural field.

The following amendments take place in Chapter Two:

- The provisions of the Court Bylaws and Judicial Officers/ Workers Code in relation to skills and service of minors' judge (article 4). This article amends the provisions of the Court Bylaws and Judicial Officers/ Workers Code so as to require more skills for the assignment of a judge as a minors' judge.

More specifically, as Minors' Judge shall be assigned a first-instance judges president, who is assigned with a deputy president or first-instance judge, according to the procedure stipulated by the Code. The distinctiveness of minors' cases, their complexion, offenders' early age and the increase in some types of punishable offences committed by minors in our times mark the need for careful and successful approach, understanding and treatment of minors by judges that are first-instance judges presidents, as they are more experienced and have more force comparing to other judges of lower authority level. An additional term provides the attendance of respective educational seminars which have to be organized by the National School of Judicial Officers, so as to fully implement the respective provisions by the Court Bylaws and Judicial Officers/ Workers Code, according to which especially trained and specialized judges have to be assigned as minors' judges (also stipulated in article 22 of the Standard Minimum Rules for the Administration of Juvenile Justice or The Beijing Rules).

- article 5 of this law amends article 45A of the Greek Code of Penal Procedure and stipulates that a minor has compulsorily to be heard before the prosecutor decides on forbearance or non-forbearance from penal prosecution. Article 45A stipulated that the prosecutor shall investigate on circumstances under which the offence was conducted and on minor's personality. Therefore, the minor's hearing is one of the possible means that the prosecutor may choose, without however, being necessary. This is explicitly defined in this article, according to the provisions of article 3, case b of the European Convention on the Exercise of Children's Rights (law 2502/1997 – also stipulated in article 12, par. 1 of the UN International Convention on the Rights of the Child – Law 2101/1992).

- article 7 adds a paragraph 4 to article 242, Greek Code of Penal Procedure whereby it is explicitly stipulated that the emergency court procedure shall not apply in minors' courts, which either way applies in jurisprudence. It is accepted that the emergency

court procedure may not apply for minors, since their penal treatment calls for previous investigation on their life conditions and the factors that urged to commit the offence.

- Article 8 amends the provision of article 282, Greek Code of Penal Procedure, so as minors to be temporarily detained only in cases where penal correction is to apply, namely only to minors over 15 years old. It is also stipulated that one of the limitation terms that the court may impose is one or more from the correctional measures included in article 122, par.1, GPC and that temporary detention may not last more than six months. Therefore, our law shall abide by requirements of international texts, which are also binding for Greece (Recommendation R(2003)20, article 16, by the Committee of Ministers, Council of Europe, minor's temporary detention may not last more than 6 months up to minor's trial).

- Article 9 amends article 340 of the Greek Code of Penal Procedure, in order to eliminate the possibility for the minor –charged for severe offences- to be heard without an attorney-at-law. Therefore, an attorney-at-law is compulsorily assigned by the minors' judge, according to the provisions on attorney-at-law assignment, article 40, par.2, case bii of the UN International Convention on Rights of the Child (Law 2101/1992), article 14, par.3, case d of the International Covenant on Civil and Political Rights (Law 2462/1997) and article 6, paragraph 3, case c, European Convention on Human Rights).

In reply to the Question set by the European Committee of Social Rights on minors detained with adults who have been charged for penal offences, articles 11 and 12 of the Greek Correctional Code (Law 2776/99) stipulate that minors are detained separately from adult detainees. The number of minors in the Detention Facilities in Avlona mounts up to 301 detainees, 163 of which have been convicted and 138 are under trial, whose age ranges from 14 to 21 years old (i.e. one of 14 years old, one of 15 years old, three of 16 years old, seven of 17 years old, six of 18 years old, twenty-eight of 19 years old, forty-five of twenty years old, forty-seven of twenty-one years old).

Special Detention Facilities of Volos:

Total: 130 detainees, of which 82 have been convicted and 48 are under trial

More specifically:

Under trial: 1 of 15 years old, 3 of 16 years old, 15 of 18 years old, 22 of 19 years old, 35 of 20 years old, 6 of 21 years old

Convicts: 1 of 16 years old, 1 of 17 years old, 4 of 18 years old, 9 of 19 years old, 14 of 20 years old, 11 of 21 years old

Detention Facilities in Eleonas, Thebes (women's department)

Total: 29 women detainees, of which 15 are charged and 14 respondents

Convicts: 6 of 21 years old, 3 of 20 years old, 2 of 19 years old, 1 of 18 years old and 3 of 17 years old

Under trial: 8 of 21 years old, 5 of 20 years old, 1 of 19 years old.

In the Rural Detention Facility of Minors in Kassaveteia there are 30 detainees.

Finally, in the Educational Institution for Minor Men in Volos there are 24 minors, between 11 and 18 years old. Nowadays, 10 of them are present, 4 are under summer leave, 7 minors are under probation leave (six or three-month), 2 minors have escaped, while one minor has been placed in a detention facility and his conditional release is still pending.

The organization and operation of the structure of the minor males' Institute is established by the legal framework of penal legislation for minors (mainly by laws 2724/27-12-1940 on "organization and operation of correctional facilities for minors, 2298/4-4-1995 and 3189/2003 on "reformation of the legal procedure for minors»).

By virtue of law 2298/95, minors from 7 to 18 years old are placed in educational institutions.

The amendment of Law 3183/2003 stipulates that minors from 8 to 18 years old shall be placed in Educational Institution for Minors. Therefore, the aforementioned Institution is the only one public Institution of the country that may accept minors from 8 to 18 years old. In exceptional cases, the Judge may extend the stay time of a minor in it by the 21st year of age (however such provision is rarely implemented), upon submitting a special justified report.

The Educational Institution employs 21 persons. The human resource of the institution, based on educational level, sector and specialty (cleaning) is formed as follows:

Educational Level	Total	Sector	Specialty Duties
Primary education	1	Psychologists	Deputy Directorate Head Clinical Psychologist
Technological education	2	Minors supervisor	Social Worker
		Seamen	Minors Supervisor
Secondary education	15	2 Administration	Secretary (1)
			Manager (1)
		8 Guarding	Minors supervisors

		1 Minors supervisor, night-shift	Minors supervisor
		1 nurses	Nurse (1)
		3 Technicians	Maintenance technicians (2)
			Cook (1)
Compulsory education	3	2 Auxiliary personnel	Ushers
		1 Auxiliary personnel	Cleaner

During their stay in the Institution, minors may be visited by their family members, with no restrictions, throughout the week, except for the bedtime at noon and night. Minors' telephone communication is not monitored. The Institution has a card-phone device but also a second telephone line which is used by minors and their family for their communication. Minors' correspondence is opened by minors themselves before a member of the Institution personnel, in order to check that the letter/package does not include prohibited items for security reasons.

The context of in-coming and out-coming minors' letters is by no means monitored or read by Institution personnel.

In relation to minors' ability to lodge a complaint, as soon as they are admitted in the Institution, minors are orally informed by the Head of the Institute that they can report to the Head or the social worker, orally or in writing, any act or omission that they consider that is detrimental to their rights. In addition, they are informed that they may proceed to oral or written report to the Child's Ombudsman. According to the most common practice, minors report to the Manager any complaints and if they are approved as justified, the Manager shall inform in writing the Misdemeanors Prosecution of Volos, in order to act respectively. We stress that the Educational Institute, in order to defend minors' rights by the best possible way, it ensured, in cooperation with Volos Bar, free legal defence for the Institute Minors that are to undergo a hearing in Volos, within the framework of the "provision program of free legal assistance" by Volos Bar.

During minors' placement in the Institution (which varies and corresponds to the judgments issued by the regional Minors' Courts), according to the paragraph 6, article 17, Law 2298/95, the Institution exercises the rights, as stipulated in article 1510, Greek Civil Code, and has the obligations arisen from parental responsibility.

Finally, as far as the minors' placement is concerned, articles 11 and 12 of the Greek Correctional Code (Law 2776/99) stipulate that minors have to be separately detained from adult detainees. In relation to minor detainees' penal responsibility the provisions of Law 3189/2003 shall apply, according to which a lot of article provisions of the Greek Penal Law were review and revised (articles 120, 122, 123, 124, 125, 126, 127,128, 129, 130, 131, 132, 133 of the GPC).

In reply to the Question set by the European Committee of Social Rights on Minors' Protection Associations, we advise you that the new Law 3860/2010 induced some changes to the support mechanisms for minors. More specifically, the

objective of the Minors' Protection Associations is reviewed and from now on they shall provide and psychological support to minors and their families and shall be able to organize scientific events and conferences and participate in researches and programs for combating minors' victimization and criminality. In addition, they shall provide support to minors who have been incurred with a penalty that restricts personal liberty, issues related to composition and operation of Administration Board of such Associations are settled and their By-Laws shall be established by a ministerial decision (article 11).

In reply to the observation made by the European Committee of Social Rights on the great number of minors that breach the legislation on foreigners, we advise you that, in cases on unaccompanied foreign minors, as applied in any case of illegal entrance in the Country, such incident shall be communicated and addressed directly from the Hellenic Police to the Prosecution Authority (article 83, Law 3386/2005 on "Entrance, stay and social integration of third countries residents in the Greek Territory" and article 19, P.D. 200, G.G. 251/13.11.2007 on the "Harmonization of the Greek Legislation with the provisions of the Directive 2003/9/EC of the Council, January 27, 2003 on laying down minimum standards for the reception of asylum seekers"). In detention facilities of illegal foreigners, unaccompanied minors are separated from other illegal economic immigrants, up to the completion of procedures regarding the identification of their age, their origin, their asylum entitlement and respective information of judicial authorities. They are always detained in special areas and not with other adults, according to the hospitality and protection status in force.

More specifically, in relation to accompanied minors, the respective authorities shall directly take all measures necessary so as to safeguard their necessary representation. Therefore, they notify Minors' Prosecutor, who shall act as temporary custodian and proceed to the actions necessary for assigning the minor's custodian and last for the latter's transfer to a Social Welfare Institution (they operate under the auspices of the Hellenic Ministry of Health), for his hospitality. In cases that the unaccompanied adult submits an asylum application, the competent authorities shall safeguard that the minor's accommodation needs are fulfilled (by his/her hospitality in adult relatives, in a foster family, in hospitality centers with special structures for minors or other proper areas) and the minor's accommodation conditions protect him/her from trafficking or exploitation. They also take actions for mutual accommodation and cohabitation of children, taking into consideration the age, the maturity and each minor's benefit, while at the same time they try to find the members of his/her family. We should notice that the management of such kind of issues is conducted by experts, with special training, experience and ability to handle such kind of cases. Moreover, during training and post-training of police officers –at all levels- special emphasis is given on the particularity of criminal offences that are committed by adults against minors, and police officers are trained how to react and behave when they are assigned with minors' cases.

You may find attached table on juvenile delinquency for 2009.

It is stressed that according to **Law 3386/ G.G. 212/23.08.2005 on "Entrance, stay and social integration of third countries residents in the Greek Territory"**, and more specifically in article 72 on third countries minors' access to education, it is stipulated that their access to all educational levels has to be smooth and their

registration requires the same supporting documents as for national residents. At the same time, any missing documents may be submitted upon acquisition of refugee capacity or upon submission of asylum seeking application. In addition, article 84&1 stipulates the smooth access of minors to the health system, regardless the emergency of the case or the legality of their stay in the country.

As far as the protection of unaccompanied minors is concerned, the Competent Authority of the European Refugee Fund shall subsidy actions for minors, whether they are asylum seekers or not. The main actions for minors are the following: board and lodging, connection/accompanying in local health services, services of psychological support, legal support, greek language courses/integration to school education, monetary support/material provisions, promotion to the labor market, activities. More specifically, the hospitality structures for unaccompanied minors that ran from 2003 to 2009 were as follows:

2003:	2 hospitality structures, one only for accommodation of unaccompanied minors and the other for providing food and social-financial integration to asylum seekers
2004:	3 hospitality structures, those two that operated during the previous year and one more in the reception center of refugees in Northern Greece
2005:	3 hospitality structures, as in 2004
2006:	4 hospitality structures, the new one was exclusively used for hospitality of unaccompanied minors
2007:	4 hospitality structures, as above
2008:	4 hospitality structures, as above
2009:	8 hospitality structures, 7 of which offered hospitality to unaccompanied minors
2010:	7 hospitality structures, total capacity of 340 unaccompanied minors

Note: The assessment process for the recommendations made is still in progress, in reply to the Competent Authority of the European Refugee Fund notice, within the framework of the Annual Program for 2009. The recommendations assessed shall also contain the structures that shall be subsidized for the new program period (eligible implementation period up to 30/06/2011).

Finally, regarding to the prevention measures taken for the protection of young people against smoking and alcohol, we advise you that as of 2008, law 3730/2008 was adopted on the “protection of minors against smoke and alcohol”. The aforementioned legislation shall be set forth in detail in our next report, under article 11 of the European Social Charter (ESC).

TABLE
INDICATING DELINQUENCY OF MINORS IN 2009

	Offences						Age			
		Articles of the Penal Code and Special Criminal Laws	Cases	Offenders	Nationals	Aliens	Men	Women		9-13
	167 resistance		5	3	2	4	1		5	
	169 contempt	7	7	3	4	7			7	
	173 prisoners escape	1	1		1	1			1	
	187 setting up and participation in a gang	5	7	1	6	7			7	
	189 disturbing peace	4	5	5		3	2		5	
	207 forgery	1	1	1		1			1	
	208 circulation of counterfited banknotes	4	6	1	5	4	2		6	
45	208 attempt of complicity in counterfeiting banknotes	2	2	2		2			2	

216 forgery	24	26	1	25	25	1	1	25	
45 216 complicity to forgery	1	1		1	1			1	
224 perjury	1	1		1	1			1	
225 untrue un oathed deposition	15	15	3	12	13	2	2	13	
264 arson	8	14	12	2	13	1	4	10	
272 violations concerning explosives	1	1	1		1			1	
290 disturbance of transport safety	2	2	2		2			2	
299 murder	1	1	1		1			1	
46 299 attempt of murder	2	2	1	1	2			2	
306 exposure	2	1	1			1		1	
308 body injury	48	65	42	23	62	3	4	61	
309 severe body injury	24	29	21	8	29			29	
312 minors body injury	4	4	4		2	2	1	3	

314 non intentional body injury	8	8	8		8			8	
322 abduction	1	1		1	1			1	
324 abduction of minors	3	3	1	2	3			3	
325 illegal retention	1	2	2		2			2	
327 abduction without the victim's consensus	3	4	4		3	1	2	2	
328 abduction with the victim's consensus	5	5	5		5			5	
330 illegal violence	1	1	1		1			1	
331 take the law into one's hand	1	1		1	1			1	
333 threat	7	7	5	2	5	2		7	
334 disturbing domestic peace	2	2	2		2			2	
336 rape	8	16	6	10	16			16	
42 336 attempt of rape	3	3	2	1	1		1	2	

337 sexual attack dignity	4	4	2	2	4			4	
339 child molestation	6	6	5	1	5	1	4	2	
349 procurement	1	1		1		1		1	
351 trafficking	2	2		2	1	1		2	
361 insult	11	16	15	1	15	1	1	15	
362 defamation	1	1	1		1			1	
372 thefts	785	945	636	309	831	114	105	840	
42 372 attempt of theft	78	111	66	45	101	10	31	80	
45 372 complicity in theft	116	165	99	66	134	31	15	150	
4245 372 attempt and complicity in theft	24	34	19	15	30	4	5	29	
374 distinctive thefts	47	65	51	14	63	2	7	58	
45 374 complicity in cases of distinctive thefts	20	9	5	4	9			9	
42 45 374 attempt and complicity in thefts	4	9	7	2	8	1	5	4	

375	peculation	1	1	1		1		1		
278	distinctive peculation	2	2		2	2			2	
380	robbery	95	109	80	29	103	6	6	103	
42	380 attempt to robbery	18	19	7	12	18	1	3	16	
45	380 complicity in robbery	22	28	12	16	27	1	2	26	
381	damage to alien property	27	33	24	9	31	2	2	31	
382	distinctive damages	16	31	24	7	31		6	25	
45	382 complicity in distinctive damages	4	10	8	2	7	3		10	
386	fraud	4	6		6	6			6	
394	acceptance and procurement of crime products	5	6	3	3	6			6	
407	beggary	92	100	12	88	62	38	17	83	
409	neglect of beggary prevention	1	1		1		1		1	

417 disturbing the peace	2	2		2		2		2	
Special Criminal Laws									
N. 1165/18 Customs Code	1	1		1	1			1	
R.D. 29/71 Law on gambling	1	1	1		1			1	
Law 456/76 Law on flare bombs	10	11	9	2	11			11	
AIB 8577/83 Sanitary regulations	20	20	8	12	7	13		20	
1646/86 violence in sport venues	16	20	16	17	3	20		20	
1300/87 cattle stealing	2	5	4	1	5			5	
3459/2006 Law on drugs	366	432	274	158	408	24	6	426	
1795/91 law on aliens	2482	4126	5	4121	3202	924	683	3443	
2168/93 law on arms and explosives	65	76	48	28	74	2	2	74	
2170/93 deprivation of insurance policy	325	325	249	76	307	18	3	322	

2191/93 law on intellectual property	247	268	97	171	257	11	6	262	
2696/99 traffic code	15275	15325	12828	2497	14003	1322	1011	14314	
2734/99 law on venereal diseases	7	7	2	5		7		7	
Offences-articles of the penal code and special criminal laws									
Article 348 A against minors pornography	1	1		1	1			1	
L. 3500/2006 against domestic violence	2	2	2		1	1		2	
p.d.. 180/79 on sale of alcohol	3	4		4		4		4	
Article 45 και 299 accomplice in homicide	1	2	2		1	1		2	
Article 230 knowingly represents the false premise that committed a felony	1	1	1		1			1	

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	2363/98 soliciting	1	1		1	1			1	
	361 A unprovoked insult	1	2	1	1	2		1	1	

Article 19 – The right of migrant workers and their families to protection and assistance

(Reference period 1/1/2005-31/12/2009)

Article 19§1 – Assistance and information regarding migration

Question 1 – Legal framework

During the reference period we adopted migration Law No. 3386/05 “Entry, residence and social integration for third country nationals in the Greek State” (Gov. Gazette A 212). This legislation regulates a series of actions with the objective to smoothly integrate foreigners into the Greek society and **to combat racism and xenophobia**. Article 66 on the basic principles of social integration provides that the Ministry of Interior, in cooperation with other competent Ministries and institutions, will implement an Integrated Action Plan with the aim to smoothly integrate third country nationals who live in our country legally, always taking into account their diversity and cultural differences.

Within the framework of the Integrated Action Plan the actions developed and the measures taken mainly focus on the following fields: certified knowledge of the Greek language, participation in introductory courses on history, civilization and the way of life of the Greek society, integration in the Greek labour market and active social participation.

Also in 2005, we adopted Law No. 3304/05 “Implementation of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation” (Gov. Gazette A 16), which transposes the two Directives on the combating of discrimination, namely Directive **2000/43/E.C.** and Directive **2000/78/E.C.** into Greek law. The above legislation was fully described in the previous Greek report.

Question by the E.C.S.R. regarding new special measures for combating racism and xenophobia

The Ministry of Justice, Transparency and Human Rights included in the penal legislation a provision concerning racism as a motive for crime. Article 23, par. 1, Law No. 3719/2008 (Gov. Gazette A 241/26-11-2008) “Reformation for the family, the child, the society and other provisions” adds a clause at the end of paragraph 3, Article 79 Penal Code, that provides enhanced penalties for crimes motivated by bias against the ethnicity, nation, race, religion or sexual orientation of the victim.

Also the reformation process of the current migration policy aims to ensure permanency of the status of legal resident for legal migrants, by limiting, as much as possible, the reasons of them losing their legality, by facilitating their long-term residence status with enhanced rights, and unobstructed participation in the economic and social life of the country for migrants of second and first-and-a-half generations. Thus the passing of Law No. 3838/10 “*Contemporary provisions on Greek Nationality and political participation for expatriates and legally residing migrants and other provisions*” (Gov. Gazette A 49), with two main innovations concerning the migration legislation.

The first innovation concerns the introduction of a new way to obtain the Greek nationality; the requirement is that either the foreigner is born in Greece or he/she has studied at a Greek school and a relevant statement by the person and his/her parents.

This provision gives the opportunity to children of the so-called second generation of migrants to obtain the Greek nationality with simpler procedures, providing that they fulfill the requirements of the law, especially regarding the legal residence status of the foreigner.

The second innovation concerns the harmonization of Greek legislation with the guidelines of the “Convention on the participation of foreigners in public life at local level” of the Council of Europe (05/02/1992) and the provisions of the “Stockholm Programme” regarding the giving of rights to third country nationals, in proportion with the rights enjoyed by the citizens of the European Union. Specifically, they are given the right to elect and be elected in the sector of local governments; this applies to third country nationals who live legally and continuously in our country for at least five years and did integrate in the Greek society, based on their residence permits / certificates.

Also Greece has signed, but not yet ratified the **European Convention on Cybercrime and its additional Protocol, which concerns penalization of racist and xenophobic acts committed via electronic computer systems**. A law drafting committee has already been established at the Ministry of Justice, Transparency and Social rights to integrate into national law Council Framework Decision 2008/913/J.H.A. for the combating of certain forms and expressions of racism and xenophobia by means of criminal law, the preparation of a relevant report as to the reasons, and a report for the evaluation of the consequences of the provisions.

Question 2 – Measures for the implementation of the legal framework

The Ministry of Interior, Decentralization and e-Governance regularly organizes conferences with the participation of all migrant communities and representatives of public services; the objective is to inform, to solve problems that may have come up and issues relating with the combating of racism and xenophobia, and also to open direct channels of communication between the administration and the representatives of the migrants. The Ministry also supervises the Services for Foreigners and Migrants in the Regions and the competent authorities in the Municipalities for the promotion of similar events.

Also the Ministry plans, coordinates and follows up both the implementation and the need to finance the initiatives and the measures taken up for the social integration of legally residing third country nationals in Greece. Specifically, the Directorate for Social Integration of the General Secretariat of Migration Policy plans and implements actions in the framework of the European Integration Fund for the awareness of the public and various institutions on such issues. Specifically:

Actions during 2007

- editing a Guide in printed and electronic form, with a full list of 544 active Non Governmental Organizations (N.G.O.), active in the whole of the country in the field of migration and social integration, and of Associations of Migrants. The above action was realized by the Charokopeio University in cooperation with a) N.G.O. PR.A.K.S.I.S. (Programmes for the Development of Social Support and Medical Cooperation), b) the Hellenic-Albanian Association of Friendship – Socrates, c) the Federation of Volunteer Non Governmental Organizations in Greece (*Greek acronym: OEMKOE*)

- a printed information campaign for third country nationals in the fields of health, entrepreneurship and education

- an information and awareness campaign for the receiving society via the Media and several conferences
- Intercultural educational programmes for public servants who deal with third country nationals or handle relevant issues.

Actions during 2008

- Workshops for journalists with the objective to raise awareness on dealing with the phenomena of racism and xenophobia.
- European Convention with the theme “Best practices regarding Volunteering with the aim to strengthen migrants”.
- Bilingual (Greek, English) website and edition of a Guide with analytic information about the status of long-term residents in Albanian, English and Russian, English.

Actions during 2009

- Information campaign to promote smooth integration of migrants in local societies.
- Information campaign aiming to raise awareness of the public and the information of children coming from third country nationals and their parents regarding cases of child trafficking.
- Opinion poll with the theme “Social and other groups with xenophobic tendencies”.
- European Convention with the theme “Social integration of migrants – Best practices in the fields of health, welfare and social insurance”.

Also Greece participates in the forming of the Mobility Partnership with Moldavia through the Ministry of Interior and specifically the General Secretariat of Migration Policy and Social Integration; the joint declaration was signed in 2008.

In the framework of the above partnership an active role in the “strengthening of Moldavia’s capacity to manage economic migration and return migration” is played by the Swedish Employment Office with a Programme lasting for a three year period (2009-2011), that is carried out in cooperation with the National Employment Service of Moldavia.

Two actions were implemented by our country:

A. 1. Publishing activities in Moldavia (broadcasting of radio spots, banners regarding the educational program, announcements in websites and the Press).

2. During the period 1/8/2009- 31/12/2009 we organized courses for Moldavian nationals in Moldavia who wished to migrate to Greece that included: a) learning Greek, level A1 (100 hours), b) Educational Program “Civics” (100 hours), c) Seminar with the title “I live in Greece” (100 hours), d) Seminar informing about the labour market in Greece (pre-departure measures).

B. Based on the schedule of the Swedish Programme our country completed an action which presented the inroads for legal entry and employment and the management of economic migration, introduced by an expert in Chisinau on 17.09.2009.

Question of the E.C.S.R. regarding measures to combat female migration linked with prostitution

The General Secretariat for Gender Equality (G.S.G.E.) that is supervised by the Ministry of Justice, Transparency and Human Rights, is the competent institution for the prevention and combating of violence against women; it has set as its priorities the protection and assistance of women, victims of human trafficking linked with sexual exploitation. It recognizes that certain women groups, such as women migrants, refugees and asylum seekers are potential victims of multiple forms of discrimination, because they are more vulnerable to trafficking, domestic violence, etc.

G.S.G.E. participated in the Special Multi-Ministerial Committee, established by the Ministry of Justice in 2004, with the objective to coordinate actions at political level

for the implementation of Law No. 3064/2002 “Combating trafficking in human beings”. An Integrated Action Plan was prepared and implemented for the protection and assistance of victims of trafficking in human beings.

Specifically G.S.G.E.:

Provided psycho-social counselling and legal support to victims of trafficking in human beings, through the two Counselling Centres in Athens and Piraeus.

Ensured the inclusion of women victims of trafficking in human beings in the programme “Integrated Interventions For Women” that was implemented in the framework of the Operational Plan “Employment and Vocational Training 2000-2006” with the aim to find jobs for them.

With the objective of informing and raising the awareness of the public about trafficking in human beings and the competent services that support victims it produced a telespot with social messages and published an information leaflet in four languages (English, Greek, Albanian and Russian).

In cooperation with the Research Centre on Equality Issues (*Greek acronym: KETHI*), an institution supervised and funded by G.S.G.E., and with other partners, it organized educational programmes for developmental help and cooperation in countries where economic migrants and victims of trafficking in human beings come from, with funding from the Service of International Developmental Cooperation (*Greek acronym: YDAS*) of the Ministry of Foreign Affairs. Specifically the implemented programmes were the following:

- **“Education – social exclusion – prostitution – migration” (2005 – 2006)** in Albania, Moldavia, Ukraine and Georgia. The Programme’s objective was to deal with the problem of social exclusion of the women in these countries, their unemployment, sexual exploitation and (compulsory) prostitution linked with migration.

- **“Support of regional policies against illegal trafficking in women” (2005 – 2008)** in Bosnia-Herzegovina and Serbia (Kosovo). This programme was a part of the actions carried out in the social sector and its objective was to deal with transnational trafficking in human beings by strengthening women victims, raising the awareness of the public and educating the competent institutions that are active with the assistance and protection of women victims.

- **“Actions for the Prevention and Support of Victims of Trafficking in Human Beings” (2006 – 2008)** in Albania. This Programme’s objective was cohesive information to young people, especially women, and the support to victims of transnational trafficking in human beings. The Programme’s aim was the prevention of human trafficking in women in Albania, mainly through educational actions in schools, and also the psycho-social support to victims through the strengthening of existing structures in the region.

- **“Education of Greek Institutions concerning Dealing with Transnational Trafficking in Human Beings (2006 – 2008)**. This Programme’s objective was the strengthening of existing structures in Greece by carrying out a cohesive educational action for members of these structures; these structures focus on dealing with trafficking in women. The aim was to adequately educate the personnel that would become able to handle, effectively and in accordance with the new international behavioural rules, incidents of trafficking in human beings. The Programme’s specific aim was to disseminate to the competent Greek institutions an educational “package” that includes contemporary practices for handling incidents of transnational trafficking in human beings.

KETHI implemented, in cooperation with the Ministry of Education, the programme “Raising awareness of teachers and interventional programmes for the promotion of gender equality”. The objective was to raise awareness of teachers on gender equality issues. The main theme of the programme was the combating of trafficking in human beings.

In December 2006, a Conference was organized in Athens in cooperation with the Council of Europe, with the theme “Action against Trafficking in Human Beings – Prevention, Protection, Prosecution”, in the framework of participation in the campaign of the Council of Europe for the combating of trafficking in human beings.

In cooperation with the Training Institute of the National Centre of Public Administration, a series of seminars were organized for the training and raising awareness of judges, prosecutors, police officers, health and social care professionals with the objective to effectively handle trafficking incidents.

G.S.G.E. is also cooperating with U.N.H.C.R. in Greece; on 5-7-2005 they signed a Memorandum of Cooperation with the aim to promote the rights of women and underage girls who have received asylum status or are seeking asylum, or have received humanitarian status in Greece under the Geneva Convention of 1951 and Pres. Decree 61/1999. The Memorandum’s implementation aims, *inter alia*, to ensure procedures to identify the most vulnerable cases of women asylum seekers, some of whom are trafficking victims. In this framework visits were carried out to the foreigners detention centres and also interventions to the Ministry of Public Order.

Also there is cooperation with several N.G.O.’s active in dealing with trafficking in human beings, and some of their activities receive funding.

On 25 November 2009, International Day for the Combating of violence against women, the Ministry of Justice, Transparency and Human Rights announced the “National Programme for the Combating of Violence against Women 2009-2013”; this was prepared by the General Secretariat for Gender Equality and is funded by the National Strategic Reference Framework (*Greek acronym: ESPA*) and specifically Axis 3 of the Operational Programme “Administrative Reform”. This programme includes a series of actions for the prevention of violence and the support to victims but also legislative interventions for the strengthening of the institutional framework.

Currently, two Counselling Centres are active, one in Athens and one in Piraeus. Plans already exist to upgrade these two Centres and to establish another 12 new structures in the equivalent Regions in the country.

According to the Constitution of G.S.G.E. (Pres. Decree 5/2008 Gov. Gazette 17/A/8-2-08) the competences of the Counselling Centres operating at Office level are to provide psycho-social support to victims of violence, legal information and counselling in gender equality issues, information to citizens on issues of employment and labour relations, cooperation with the institutions that have Counselling Centres and shelters for victims of violence in the whole country, the recording and processing of data in cooperation with the Statistical Department, based on the incidents coming to the Counselling Centres and their experience, the information and raising awareness of the public on issues relating with the “Centres”.

Apart from the upgrading and the establishment of the above Counselling Centres the Programme also includes the setting-up and running of a SOS Telephone Line, 24 hours a day, the education of counsellors, lawyers and professionals dealing with such cases (i.e. police officers, judges, health professionals, etc.), an information campaign, the establishment of 12 new shelters in the equivalent Regions of the country and the upgrading of existing structures.

Regarding legislative interventions relating with migration and trafficking in human beings, our first priority is the ratification of the “Palermo Protocol”, additional to the 2000 United Nations Convention against International Organized Crime, and also the ratification of the 2005 Convention of the Council of Europe for action against trafficking in human beings.

In all the above actions the General Secretariat for Gender Equality is in close cooperation with other competent institutions of the Public Sector, Local Government, the civil society and international organizations.

Regarding the actions of the Hellenic Police please be advised as follows:

In the new Anti-Crime Policy Programme for the years 2010-2014, one of the main priorities continues to be the dealing with trafficking in human beings, through a process of aim-setting, raising awareness of the personnel, constant education and increased activity of the Services.

Services for the Combating of Trafficking in Human Beings

Since September 2002 there is **centrally** an anti-trafficking team at the Public Security Division of the Hellenic Police Headquarters. At **operational and regional level**, in the specialized Vice Departments of the Attica and Thessalonica Security Divisions, there are antitrafficking teams, operating since November 2003, properly manned and equipped. As of 29/12/2005, and following the evaluation of these teams, 14 Antitrafficking teams have been set up and are currently operating in the entire country. Since 2006 Departments for Combating Trafficking in Human Beings are set up in the Attica and Thessalonica Police Divisions, operating as a Department of the Sub-Division for Tackling Organized Crime.

Actions

- The Hellenic Police implement educational and training programmes for personnel at all educational levels regarding the subject of trafficking in human beings.
- participate in international meetings for the strengthening of international cooperation in dealing with this issue
- organize meetings with Officers of border regions for the combating of cross-border crime
- participate in and organize international operations. The police operation “LIDA” was an initiative organized by Greece during the Hellenic Presidency of the E.U. with very positive results according to EUROPOL’s evaluation. Also S.E.C.I. implemented a series of police operations in which Greece participated during the years 2002 – 2004.
- cooperate with other competent institutions (Ministries, Services, Institutions, N.G.O.’s, foreign embassies in our country) and participate in conferences, conventions and other activities organized by them.

The Hellenic Police Headquarters has planned and is implementing the **Operational – Interdepartmental Action ILAEIRA** to prevent and combat financial exploitation of the sexual life of women and minors; its objective is the coordination and efficient action of all involved organizations because their fragmented operation is non-effective in addressing this international issue.

The Project develops at two levels, national and international – cross-border; it includes five implementation phases and is based on two parameters, prevention and suppression.

The first parameter concerns operational action (police – courts) for the dismantling of organized crime with a transnational character and the release of victims. The second parameter deals with providing assistance and protection to victims, as a result of the actions taken in the first parameter.

The action ILAEIRA was considered a best practise and the following manuals that came out of it were distributed to all Police Services: a) a National Plan of Operational – Interdepartmental Action to prevent and combat financial exploitation of the sexual life of women and minors, “ILAEIRA”, b) memorandum of police actions and best practices for dealing with incidents of trafficking in human beings, c) Antitrafficking Initiative “ILAEIRA”- Regulations and Procedures of cross-border police cooperation”.

Also the **Special Law-Drafting Committee of the General Secretaries of the Ministries** for the follow-up and coordination of the project for combating trafficking in human beings, the **International Migration Organization** and **twelve Non Governmental Organizations** have jointly signed a **Memorandum of Cooperation** for the combating of Trafficking in Human Beings and for assistance and protection of the victims.

During 2006, 2007 and 2009 experts meetings were organized in Athens, Chania and Crete with the participation of 20 European countries, E.U. member states, Third Countries and five Organizations, namely: Europol, Interpol, Eurojust, Frontex and Seci. The objective of these meetings was to draft a text regarding the procedures of Cross-Border Cooperation between the Police – Court Authorities towards achieving joint action.

Article 19§2 – Departure, movement and reception

Question 1 – Legal framework

We refer to the previous Greek report.

It should also be mentioned that migrants and their family members living in Greece legally fully enjoy the right to depart and return to their country. The control carried out by the competent entry and exit authorities is the same for all persons coming into or leaving the country, with the addition of foreigners showing their valid residence permit. There are no other additional administrative procedures.

According to Article 44, Law No. 3385/05, as it is currently in force, the residence permit for humanitarian reasons is given under simplified procedures in the following cases:

- a) to victims of labour and other accidents for as long as their treatment lasts or as long as they receive a relevant pension;
- b) to victims of criminal acts, mentioned in Articles 1 to 3, Law No. 927/1979 (Gov. Gazette 139 A), providing that these crimes are being prosecuted and until the issuing of a court decision. When the above persons receive treatment then their permit lasts for as long as they need to receive this treatment;
- c) to persons who are housed in institutions and in charity organizations;
- d) to minors who have been fostered by Greek families or families of third country nationals with a permanent residence as their guardian or their adoption process is pending;
- e) to persons suffering from serious health problems.

The above residence permit is given without having to pay a stamp and provides to the third country nationals the right of access to the labour market. Also these categories of foreigners receive, based on J.M.D. No. 139491/06, the same health benefits as persons without insurance, namely free medical and hospital care.

Also, based on the same Article 44, Law No. 3386/05, a residence permit can be given for exceptional reasons in cases that do not belong in the above categories but there is proof that there are reasons that the third country national should stay in the country; such as disease, accident that occurred after their entry into the country and during the period of his visa validity.

It is emphasized that Article 84, par.1, Law No. 3386/05, as is currently in force, regulates that access to health services is allowed, apart from third country nationals legally residing here, also to those illegally residing who face an emergency health problem and also all minors irrespective of regular or emergency cases.

Further it should be noted that the leadership of the Ministry of Citizen Protection has introduced a special draft-law committee for the establishment of First Reception Centres; these will provide legal and social services given by trained scientists and initial health services to foreigners entering without legal procedures. The objective of these F.R.C. is that foreigners entering the country will go through these Centres, to receive first reception services, to identify their legal status and possible special needs and then, according to their profile, to determine further legalities pertinent to them. The special services provided will include: a) medical services, b) unescorted minors, c) victims of trafficking in human beings and victims of torture.

Article 19§3 – Cooperation between social services and countries of origin and reception of migrants

The Directorate of Social Awareness and Solidarity of the Ministry of Health is responsible for issues relating to vulnerable groups and, since 2000, is the Competent Authority for the implementation of co-financed programs of the European Refugees Fund.

Besides that, under Presidential Decree 220³ “Transposition into the Greek Legislation of Council Directive 2003/9/EC, laying down minimum standards for the reception of asylum seekers in the member states”, the Services of the Ministry of Health and Social Solidarity are responsible for the implementation of the measures regarding the reception and accommodation of asylum seekers. In this context, actions of accommodation, legal assistance, social support and promotion to work are taking place and their target groups are the asylum seekers and the refugees.

In addition, the International Organization for Migration continues to implement a program of Voluntary Repatriation for asylum seekers on the basis of decision number 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008-2013, as part of the general program “Solidarity and management of migration flows” as well as on the basis of Law 3613 “Regulating migration policy issues”⁴ (Article 28 para.10d). The Ministry of Citizen Protection (Directorate of Financial Services of the Hellenic Police Headquarters) is appointed as the Competent Authority for the implementation of the Decision 575/2007/EC, while the International Organization for Migration implements a program co-financed by the European Return Fund.

³ Government Gazette 251/13.11.2007

⁴ Government Gazette 2631/23.11.2007

Article 19§4 – Equality in employment, right to organise and right of housing

a) Participation in Trade Unions

The relevant Greek legislation has not changed. Law No. 1264/82 is still in force. Specifically, Article 7, paragraph 1, Law 1264/82 specifies that: "all employees who within the last year have completed two months of work with the enterprise or undertaking or in their specialisation, have the right to become members of one organisation of the enterprise or undertaking and of one organisation of their professional specialisation, provided that they meet the legal provisions set by the organisation constitutions. Also minors and foreigners, legally working, have the right to become members of trade unions".

b) Housing

We refer to the previous Greek report. It should be noted that the Housing Organisation for Labourers has no discrimination of any kind amongst its beneficiaries, irrespective of their national origin. Providing that they fulfil the requirements to be beneficiaries, they enjoy the same treatment as all other workers and have the right to participate in the W.H.O. housing programmes.

c) Promotion of employability

Additional question of the European Committee of Social Rights regarding the access of migrants to the labour market

Greek Constitution establishes the right to an equal wage for equal work for all working persons regardless of their nationality. Thus, all people working in our country have the same wage and social security rights, regardless of their sex or nationality and without any discrimination, **as such rights derive from the general collective agreements (dismissals, bonuses etc.)**.

Labour Inspectorate, in its capacity as the competent monitoring authority for the implementation of labour legislation, checks through on-site inspections whether the undertakings comply with their obligations and monitors issues related to the employment conditions (time limits, wage), the legality of employment and the social security coverage of the workers. In case of non-compliance it has the authority to impose sanctions against the employers violating the law. Its regional services admit employees who think that one of their rights is being violated, who want to get information or report their employer. Inspectors examine the complaints either by carrying out on-site inspections or through labour conflict proceedings and keep the secrecy of such complaints.

In our country there are specific sectors of the economy such as agriculture, construction, private households employing domestic staff and cleaning services, which present great labour force mobility and a high employment rate for refugees. Labour Inspectorate doesn't keep separate statistical data for this category of workers given that they are not treated differently than Greek nationals as it has been mentioned above. In support of the foregoing we set out statistical data for the year 2010 as such data have been processed to date by our agency and demonstrate the following:

1. In the field of services to buildings and landscape activities (cleaners, domestic staff), Labour Inspectorate's services have carried out 370 inspections, have filed 367 complaints and have imposed 175 fines of a total amount of 370,000 euros. They have informed the Social Security Organization's services about 39 non-insured workers following on-site inspections, have examined 433 labour conflicts among which 173 have been resolved and the claimants have received a total amount of 208,291 euros. Moreover, 152 cases have been referred to the competent courts and 81 complaints have been filed with the competent Public Prosecutor who will examine if there are any violations of labour legislation.

2. In the field of crop and animal production, hunting and related service activities, Labour Inspectorate's services have carried out 43 inspections, have filed 16 complaints and have imposed 16 fines of a total amount of 29,500 euros. They have informed the Social Security Organization's services about 15 non-insured workers following on-site inspections, have examined 83 labour conflicts among which 39 have been resolved and the claimants have received a total amount of 110,156 euros. Moreover, 32 cases have been referred to the competent courts and 9 complaints have been filed with the competent Public Prosecutor who will examine if there are any violations of labour legislation.

3. In the field of construction (building sites), Labour Inspectorate's services have carried out 205 inspections, have filed 148 complaints and have imposed 66 fines of a total amount of 164,800 euros. They have informed the Social Security Organization's services about 19 non-insured workers following on-site inspections, have examined 632 labour conflicts among which 259 have been resolved and the claimants have received a total amount of 615,854 euros. Moreover, 190 cases have been referred to the competent courts and 65 complaints have been filed with the competent Public Prosecutor who will examine if there are any violations of labour legislation.

Community Initiative EQUAL

The actions of the Community Initiative EQUAL are very important in dealing with the problems of all vulnerable population groups, including migrants, during their access to the labour market. This initiative has enriched the European Strategy for Employment with actions implemented as pilots, with the intention to incorporate the best practices in the mainstream of national and community policies and practices for employment and social integration. This Programme was cofunded by the European Social Fund (E.S.F.) and by national funds and was implemented in two phases (2001 – 2008).

In the planning of the actions the competent service of the Ministry of Employment and Social Insurance within the framework of **Axis Priority 4** of the Operational Programme "Human Resources Development", titled "Full integration of the total human resources in a society of equal opportunities", had the management of the action: "Local actions for social integration of vulnerable groups" with a co-funded public cost amounting to 90.000.000 Euro. These actions also include integrated interventions for the integration of migrants.

With regard to the actions implemented by this Service so far, these are the projects of the second phase of implementation of C.I. EQUAL (2005-2008) aimed to migrant men and women.

Second Phase of Implementation of Community Initiative Equal (2005-2008)

Priority Axis 1: Employability

Measure 1.1: Facilitation of access and return to the labour market

Project title: “Employment for economic migrants men and women in the agricultural sector through the training of professional skills/ abilities and support structures”

Coordinator: Aristoteleio University of Thessalonica

Project Objective: The project’s main objective was the economic integration and improvement of employability of economic migrant men and women through training of professional skills/ abilities and the establishment of support structures.

Area of intervention: Rural areas.

Budget: 1220000 €

Project title: “A modern gateway for access to the labour market”

Coordinator: Municipal Development Company of the Aspropyrgos Municipality

Project Objective: The project’s result was the set-up of an operational, easy to use “gateway for access to the labour market” (supported by a system for finding jobs in the Internet) that can be used by unemployed persons and companies; this will facilitate both the finding of jobs and also a better balance between supply and demand.

Area of intervention: Western Attika

Budget: 1220000 €

Measure 1.2 Combating racism and xenophobia in relation with the labour market

Project title: “Establishing standards for intercultural development”

Coordinator: Olympic Education and Development – P. Panagiotopoulos and Co. Ltd.

Project Objective: The project contributed to the elimination of bias, the establishment of structures and the promotion of practices with the objective of making possible a more equal treatment of the workforce with a different ethnic or racial origin in the labour market, and of strengthening the target groups that suffer discrimination based on racism so that they have a better possibility to socially integrate.

This project developed a code of ethics and best practices in labour places for the employers, also foreign language guides for foreign workers and an anti-racism package. It also promoted actions for raising awareness aiming at employers, stakeholders in local societies, citizens, teachers, public servants, students; it organized multicultural conferences for parents from different civilisations (Greek, migrants, etc.), it produced a spot in the Media, posters, television and radio shows, leaflets and articles for the Press.

Area of intervention: Western Greece Region, prefectures Aitoloakarnania, Achaia, Ileia.

Budget: 1259624,50 €

Project title: “Observatory and network of structures for the strengthening of economic migrants and refugees in the labour market”

Coordinator: «INE» Centre of Vocational Training / General Confederation of Greek Workers (GSEE)

Project Objective: The main issue concerning this project, that was faced through the coordinated actions of the D.P.’s partners, had to do with the establishment of an environment in which migrants can substantially exercise their rights, specifically in the field of employment. In this framework the project focused on a constant and methodical observation of the requirements and conditions under which migrants

work; it also made a coordinated intervention aiming to set up a sustainable network between the institutions involved in the planning and implementation of policy measures regarding migrants and refugees.

Area of intervention: NATIONAL

Budget: 1259624,50 €

Project title: “HORIZONS: Actions for employment and social Integration”

Coordinator: AKMI S.A.

Project Objective: This project:

- Produced new educational material relating with the combating of xenophobia and racism (printed material, cd-rom, dvd) addressed to journalist schools and the Media, to parents and teachers.

- Focused on raising awareness of students, parents and teachers by using the above new educational material (printed material, cd-rom, dvd) regarding the combating of xenophobia and racism.

- It carried out a national research into social attitudes and views of the employers and the business world towards foreigners. This research made possible a deeper location of the factors that exclude from the labour market and a study of the consequences of their integration in the Greek labour market at economic, institutional and social level; this formed a very useful guide for the Greek State in the study of policies.

Area of intervention: NATIONAL

Budget: 1259624,50 €

Project title: “The dimensions of xenophobia and the promotion of multicultural standards”

Coordinator: *Efklidis* Regional Centre of Vocational Training

Project Objective: The project did an in-depth research into the xenophobic and racial attitudes that appear in Greece with the aim to suggest measures and policies that can be adopted by the institutions involved in the forming of attitudes, values and principles.

This project also developed suggestions and measures that allow the cohabitation of different ethnic and cultural groups within the Greek society, that can be adopted by a variety of institutions of the public sector, Non Governmental Organizations, etc., and would facilitate the social integration of migrants in their jobs and their living conditions.

Area of intervention: NATIONAL

Budget: 1259624,50 €

Project title: “Development, Operation and Promotion of Multicultural Media (Community Media)”

Coordinator: “DIMITRA” Centre for Information and Training S.A.

Project Objective: The project’s main objective was the combating of discrimination towards the social groups of migrants, refugees, expatriates, Roma, asylum seekers:

- a. in the Media, as a working place, by establishing the conditions that can lead to the development, organizing and operation of multicultural media, with the active participation of persons from the target group, and also their professional specialization and them entering the professions of the Media industry

- b. in the Media, as a stage for the promotion of new ideas and civilisation, through the planning, production and broadcasting of multicultural programmes with the participation of persons from the target group

- c. in the Media, as institutions with the power to influence the public opinion, aiming to combat stereotypes and bias.

Area of intervention: NATIONAL.

Budget: 1259624,50 €

Priority Axis 2: Development of Entrepreneurship

Measure 2.1: Access for all in the process of starting up a business

Project title: “Integrated Developmental Intervention and support of Entrepreneurship of Special Social and Vulnerable groups in remote areas”

Coordinator: M.O.A. Institute for Studies on Organization and Development

Project Objective: The project’s objective was the starting up of new businesses by unemployed women, migrants and expatriates; it offered an innovative approach to encourage unemployed persons to engage in business. The aim was to establish Structures for the Support of Entrepreneurship able to assist these newly set up businesses in the northern part of Greece (border with Albania and FYROM) and specifically the prefectures Kozani and Florina.

Area of intervention: WESTERN MACEDONIA.

Budget: 1271240,50 €

Measure 2.2: Strengthening Social Economy

Project’s title: “Social Economy in Greece, framework, pilot structures and support structures”

Coordinator: Hellenic Organization of Small and Medium-sized Industries and Handicrafts (*Greek acronym:* EOMMECH)

Project Objective: The project’s objective was to powerfully strengthen the philosophy and practice of Social Economy in Greece and to overcome the shortfall identified in the Revised Programme of the Initiative EQUAL, as expressed in the phrase “the social economy activities have very little relation with business and private initiatives”. The project’s actions were addressed to migrants, expatriates and persons with disability.

Area of intervention: THE WHOLE TERRITORY.

Budget: 1237021,60 €

Article 19§5 – Equality regarding taxes and contributions

We refer to the previous Greek reports.

Question of the E.C.S.R. regarding the right of tax exemption for purchasing a first family home for migrant workers

According to the provisions of Article 1, Law No. 1078/1980, as they are currently in force, the contracts for a full property ownership are exempted from transfer tax, with the condition that these concern the purchase of a first-time home and fulfil the requirements of the law.

Further, according to document No. 080792/1428/0013/POL.1162/1989 issued by the Ministry of Finance, the exemption for the purchase of a first-time home is provided to Greek nationals living in Greece, and also to expatriates from Turkey, North Heparus, Cyprus and the countries of the former Soviet Union, who are permanently residing in Greece. Further this exemption is provided for foreign nationals of E.U. member state who are permanently residing and working in Greece. (Opinion of the State’s Legal Council 865/1991, 1013762/80/A0013/POL1034/1992).

Specifically, regarding the possibility of tax exemption for refugees, the Plenary of the S.L.C. has issued opinion No. 491/11-7-2001, that was accepted by the Deputy Minister of Finance, which judges that foreigners (apart from citizens of E.U. member states and expatriates) as well as recognized political refugees should not enjoy an exemption of transfer tax for the purchase of a first-time home. According to the above opinion, the tax exemption defined in Article 1, Law No. 1078/1980, refers

exclusively to Greek nationals with the aim of facilitating their housing in accordance with the relevant Constitutional provision (Article 21, par. 2 of the Constitution) and it is not acceptable to extend the subjective limitation of this exemption, under the general interpretation principle of the narrow interpretation of provisions defining tax exemptions.

The Greek State under the provisions of the Geneva Convention has no obligation to extend the above beneficial regulation to recognised political refugees; according to the opinion of the Plenary of the State's Legal Council, the provisions of this convention are merely a suggestion or recommendation to signatory states and are not directly applied in the national legislation of these states. Besides, the Convention (Article 29) states the equal treatment of refugees as regards to the nationals only concerning tax levies and not tax exemptions; on issues regarding housing welfare (Article 21) it only mentions their equal rights with the nationals generally, who in Greece are not beneficiaries of tax exemption for the purchase of a first-time home.

According to the above opinion issued by the S.L.C. before 23.4.2010 (when the relevant Law changed, as mentioned below), it was not possible to provide tax exemption for first-home to foreign refugees.

The provisions of **Law No. 3842/2010 (Gov. Gazette 58 A/23.4.2010)** modify Article 1, Law No. 1078/1980 and define that, apart from the above categories of beneficiaries, the tax exemption also extends for third country nationals (apart from E.U. member states) who enjoy the status of long-term residence in Greece (Pres. Decree 150/2006, Gov. Gazette 160 A) as well as the recognized refugees. A requirement for the tax exemption for all categories of beneficiaries is to permanently reside in Greece; the tax exemption for the two above categories of beneficiaries is valid for the purchase of a first-time home after 23.4.2010.

Article 19§6 – Family reunion

Question 1 – Legal framework

Migration Law No. 3386/05, as is currently in force, regulates, inter alia, issues regarding the procedure for family reunion for third country nationals (Articles 53 to 60). Then Directive 2003/86/E.C. regarding family reunion was incorporated into Greek legislation under Pres. Decree No. 131/06 (Gov. Gazette A/143/13.7.06). The family members aged 18 to 21 years old receive an independent residence permit, that is the furtherance of the permit for family reunion, and may be renewed based on one of the reasons defined in the migration law (work, studies, etc.). This independent residence permit is given under more simple requirements than those applicable for the family reunion permit, because **it does not require an income and a permanent residence**. After completion of the 21st year of age this independent residence permit can be renewed based on one of the reasons defined in Law No. 3386/05. According to par. 1, Article 43, Law No. 3801/2009, this independent residence permit provides direct access to employment without having to get any other certificate.

According to J.M.D. No. 13096/07 (Gov. Gazette 1263 B), it is possible to issue a residence permit to third country nationals who reside permanently in Greece for reasons of family reunion and have departed from the country for studies in University abroad or for the fulfilment of their military duties in their country. This specific residence permit provides access to employment, is valid for one year, and can be renewed based on one of the reasons defined in Law No. 3386/05.

J.M.D. No. 160/2006 “Determination of the minimum number of workdays or minimum insurance period per year and insurance sector for the renewal of the residence permit issued for third country nationals and the terms and conditions for

their access to employment and to independent economic activities defined in clause b, Article 59, Law No. 3386/05” (Gov. Gazette B 6), defines the terms and conditions based on which the owners of residence permit for reasons of family reunification have the right to access the labour market.

Question of the E.C.S.R. regarding the number of migrating workers who fulfil the additional requirements provided by national law on the exercise of family reunion

Since 2003, the General Secretariat for Migration Policy of the Ministry of Interior, Decentralization and e-Governance operates a database for the recording of residence permits issued throughout Greece. Currently the number of residence permits issued based on reasons of family reunion is **260.583**.

Article 19§7 – Equality of migrant workers in legal procedures

As mentioned in the previous Greek report, the main legislative framework is Law No. 3226/2004 (Gov. Gazette 24 A/4.2.2004) “Provision of legal aid to citizens with low income and other provisions”, that was amended by the provisions of Law No. 3625/2007 (Gov. Gazette 290/A/24.12.2007) “Ratification and implementation of the Optional Protocol to the U.N. Convention on the rights of children regarding trafficking in children, child prostitution and child pornography”. This amendment facilitates the beneficiaries of legal aid and applies the institution to minors victims of trafficking in human beings as regards to possible penal and civil demands (Article 1, par.3, Law No. 3226/2004).

Question of the E.C.S.R. regarding access to legal aid for migrant workers based on the principle of equal treatment with the nationals

Regarding access to legal aid, the view of the European Committee for Social Rights is correct, because this assistance is applicable for Greek citizens with low income and to citizens of E.U. member states or third country nationals with low income, without implementation of the principle of reciprocity. Article 1, par. 1, Law No. 3226/2004 mentions the following “beneficiaries for legal aid are citizens of E.U. member states with low income. Also beneficiaries are **third country nationals with low income and the stateless**, providing that they reside permanently or frequently within the European Union”.

Article 19§8 – Guarantees regarding expulsion

Question 1 – Legal framework

The changes in the legal framework on foreign nationals issues, as these are applied by the replacement of Law No. 2910/2001 by **Law No. 3386/2005 (Gov. Gazette A 212)** “Entry, residence and social integration of third country nationals in the Greek Territory”, with its amendments by:

Law No. 3536/2007 (Gov. Gazette A 42) “Special regulations on issues regarding migration policy and other issues under the Ministry of Interior, Public Administration and Decentralization”

Law No. 3448/2006 (Gov. Gazette A 207)

Law No. 3613/2007 (Gov. Gazette A 263)

Law No. 3649/2008 (Gov. Gazette A 39)

Law No. 3731/2008 (Gov. Gazette A 263)

Law No. 3772/2009 (Gov. Gazette A 112)

Law No. 3801/2009 (Gov. Gazette A 163)

have not changed significantly the expulsion procedure for illegal economic migrants. Migrants and their family members that reside legally and permanently in Greece are not deported, only in case they are a threat for public order or national security or public health.

Specifically, the expulsion decisions are issued according to what is defined in Article 76, Law No. 3386/2005 (administrative expulsions) and Articles 74 and 79 of the Penal Code (court expulsions).

Article 76, Law No. 3386/2005 “**Conditions and procedure of administrative expulsion**” defines that the administrative expulsion of a foreign national is permitted if:

i. He has been sentenced to imprisonment of one year, or regardless of the sentence, for crimes regarding the offence of the regime, betray of the Country, trading and trafficking of

drugs, legalization of proceeds from illegal activities, international economic crimes, crimes through the use of high technology, currency crimes, resistance crimes, kidnapping of minors, crimes against sexual freedom and promotion of prostitution, theft, fraud, economic crimes, blackmail, usury, against the law on mediators, forgery, false certification, libelling, smuggling, crimes regarding guns, ancient things, promotion of illegal immigrants in the Country or facilitation of their transfer or promotion, acquisition of accommodation for them for their dissimulation, and providing that his expulsion has not been ordered by any competent court.

ii. Has violated the provisions of the present law.

iii. His presence in the Greek Territory is a threat to public order and security of the country. “A foreign national is considered a threat to public order or national security when he has been prosecuted for a crime punished by a sentence of imprisonment for at least three (3) months (Article 48, par. 1 Law No. 3772/2009).

iv. His presence in the Greek Territory is a threat to public health and he does not conform to the measures determined by medical authorities for the protection of public health, even though he has received the relevant information.

Administrative expulsion is ordered upon decision of the relevant Police Director, and as far as General Police Directorates of Attica and Thessalonica are concerned, of the Police Director or senior Officer who is competent for issues of foreigners, defined by the related general Police Director, if the foreigner has previously been given a deadline of at least forty eight hours in order to lodge his objections.

“If the foreigner, according to the present situation, is considered to be a suspect for escape or a threat to public order, upon decision of the bodies of the previous paragraph, his temporary detention is ordered until the issue, within three days, of the decision for his expulsion. Once the above decision is issued, detention still continues until expulsion, but cannot last more than six months in any case. In case the expulsion is delayed due to his lack of cooperation or due to delay in receiving necessary for his expulsion documentation from his country of origin, it is possible to extend the foreigner’s detention for a longer period that may not exceed twelve months. The foreigner should be informed about the reasons of his detention in a language he understands, and his communication with the attorney-at-law should be facilitated. **The foreigner in detention, along with his rights according to the Code of Administrative Procedure, can also express objections against the decision for his detention before the president or the judge of the court of the first instance defined by the latter, in the Region of his detention.** It should be mentioned that in cases of detention exceeding a six month period, it is possible for a foreigner who is suspect of escape or a threat for public order to have his detention period extended,

under provisions of par. 2, Article 48 Law No. 3772/2009, which requires the issue of a new administrative decisions for the extension of his detention.

In case the foreigner who is going to be deported, is not found suspect for escape or a threat to public order or the **President in the Court of First Instance** disagrees with his detention, with the same decision he is given a deadline for departure, which cannot be more than thirty (30) days. In this case the expulsion decision is suspended and during the foreigner's release he is given a relevant "Notification".

Further, for humanitarian reasons, if in his country there is civil war, racial or other confrontations, the expulsion decision issued shall not require his detention and he is given a period of thirty days for his departure.¹ He is also informed that if he departs of his own will, then the Greek State shall pay his travelling costs.

Regarding the exercise of the right of appeal:

Article 77, Law No. 3386/2005 describes the following procedure:

"Appeal against administrative expulsion":

A foreigner has the right to appeal against the decision for expulsion within five (5) days from its announcement, to the Minister of Public Order² or the body authorized by the latter.³

The relevant decision is issued within three (3) working days from the lodging of the appeal. The appeal leads to the suspension of decision execution. In case the decision for expulsion is valid for the detention as well, suspension concerns only the expulsion.⁴

Article 78 Law No. 3386/2005 describes the following procedure:

"Suspension of expulsion"

If it is not possible to directly deport the foreigner from the Country for reasons of *force majeure*, the Minister of Public Order⁵ or the authorized body is able, upon its decision, to suspend the execution of expulsion⁶. In a similar decision, restricting rules are imposed to the foreigner. During the foreigner's release he is given a relevant "Notification".

¹ In actuality the Services with an intensive migration pressure (i.e. Police Departments in the Dodecanese, Lesbos, Samos islands) issue expulsion decisions with no detention and give a deadline of thirty (30) days for their departure from the country.

² Currently, Citizen's Protection.

³ Decision No. 7004/3/40, dated 23-04-2004 authorises the General Regional Police Directorates for the Police Directorates in the Country and the Directors of the Foreigners Directorate of Athens & Thessalonica for Athens & Thessalonica.

⁴ The deadline applies since the day after the announcement. If the last day is a holiday, then the deadline expires on the day after. If the holiday is during it is not taken into account.

⁵ Currently, Citizen's Protection.

⁶ cancellation – suspension of deportations: a deportation can be reprieved or cancelled when:

- a) the foreigner applies for political asylum. Then he is not deported and if he is detained then his application is examined by exemption in a speedy procedure.
- b) There is no airplane connection with his country (i.e. Afghanistan).
- c) Civil war continues in his country.
- d) Non-correct application of current agreements regarding re-entry, due to selected acceptance, delay of responses, etc.

Regarding court expulsions, if it is not possible to deport the foreigner after serving his sentence, then the provisions of par. 5, Article 99 of the Pres. Decree are applicable.

Further, Law 3068/2002 provides to foreigners with an expulsion decision the right to appeal against the relevant court decisions to the competent Three-Member Administrative Courts of the First Instance.

The judgement of the Police Authorities regarding reasons of public order against persons is completely founded and sufficient, taking into account all parameters (*seriousness of the crime, serious and present threat, age, consequences for the person and their family*) because such a judgement causes severe socio-economic consequences to the persons; they lose their residence permits and they are deported from a country which for many of them has become the country of their social integration.

Article 19§9 – Transfer of income and savings

Question 1 – Legal framework

The legislative and regulatory framework regarding funds transfer continues to be regulated by the provisions of Pres. Decree 96/22.3.1993 (Gov. Gazette A 42), with its amendments by Pres. Decree 104/14.5.1994 (Gov. Gazette A 79) on the harmonization of the Greek law with the Directives 88/361/E.E.C, and 92/122/E.E.C. regarding funds transfer. The above P.D. regulate free fund transfer in Euro and foreign currency between Greek residents and non Greek residents (residents of E.U. member states and third countries), without limitations on the amount of transferred funds, the means used (cash, cheques, transfers) and the type of transaction. Specifically, regarding the cross-border credit transfers done in currency of the member states and Euro, not exceeding an amount of 50.000 Euro, the provisions of Pres. Decree 33/2000 (Gov. Gazette A 27) on the harmonization of the Greek law to Directive 97/5/E.C., dated 27.1.1997, are applicable. The Pres. Decree 33/2000 defines obligations regarding the giving of information to clients before and after the execution of cross-border transactions for fund transfer, the keeping to deadlines, commitment on relevant procurements and other costs, transfer according to the client's instructions and compensation provided in case of non completion.

For reasons of statistics and for the Bank of Greece to draw the balance accounts for the country there is a PD/TE 2535/21.1.2004 on the "Modification and codification of provisions relating with the statistics given to the Bank of Greece on transactions between Greek residents and non-Greek residents in euro and foreign currency" (Gov. Gazette A 14). According to the above, credit or funding institutions notify the Bank of Greece any transactions they carry out with non residents, if their value is higher than an equivalent of twelve thousand five hundred (12.500) euro; legal entities residing in Greece are obliged to directly notify the Bank of Greece on any transactions they carry out with no mediation of a domestic credit institution. According to the said amending deed, PD/TE 2621/21.12.2009 (Gov. Gazette B 18) the above mentioned minimum amount of 12.500 euro was increased to fifty thousand euro as of the 1st of January 2010.

Article 19§10 – Equal treatment of self-employed persons

We refer to the previous paragraphs.