

## **GREECE**

Most questions require a reply based on the following codification:

a. Yes, already done <input type="checkbox"/>	b. Yes, work is in progress <input type="checkbox"/>	c. We intend to work on this <input type="checkbox"/>	d. Position non determined <input type="checkbox"/>	e. No <input type="checkbox"/>
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### **Section I – Implementation and dissemination of the Recommendation**

1. How would you assess the status of implementation of the Recommendation in your country?  
Fully satisfactory ☐ Adequate ☐ Insufficient ☒ Absent ☐

Please explain your reply.

Greece is relatively tolerant in LGBT matters, but the legal and factual situation is not always promoting LGBT rights. The Greek legal order endeavours to ensure the minimum standards under the country's international and EU obligations.

No special measures have been taken for the further implementation of the Recommendation.

2. Has a review been carried out of existing legislative and other measures which could result directly or indirectly in sexual orientation or gender identity discrimination?  
a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Please explain and, if appropriate, provide examples of any such measures found:

It is to be noted that, according to the 2011 Annual Report of the Greek Ombudsman, the lack of complaints addressed to the Greek Ombudsman on discrimination on grounds of sexual orientation may be explained by the fact that alleged victims of such discrimination are rather hesitant to disclose some aspects of their personal or social life by submitting relevant complaints to the authorities. The Greek Ombudsman places a strong emphasis on the need to raise public awareness of the provisions of anti-discrimination law 3304/2005 and to create networks to coordinate the fight against discrimination.

The lack of sufficient information on discrimination on grounds of sexual orientation has been highlighted by the "Network of socio-economic experts in the anti-discrimination field".

Are there measures in place to redress any such discrimination?

- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

The Ministry of Justice, more specifically the General Secretariat of Transparency and Human Rights, is in the process of elaborating a National Action Plan on Human Rights, with the participation of all competent authorities, which will also address the issue of discrimination.

It has also been recognized that one of the most important challenges, which needs to be tackled as a matter of priority to ensure effective implementation of the principle of non-discrimination, is the low number of complaints submitted to the competent authorities and the insufficient level of information of the general public. The Ministry of Labour, Social Security and Welfare, in designing the annual national framework for combating discrimination, calls all interested stakeholders to a public consultation, with a view to increasing their involvement, networking and coordination, as

well as elaborating and implementing activities to combat discrimination, including on grounds of sexual orientation.

Up to now, a number of initiatives have been taken, such as the drafting of an information leaflet on the legal framework against discrimination, information campaigns all over the country, the creation of an “Observatory on combating discrimination”, the preparation of code of ethics on combating discrimination in the workplace.

3. Have legislative and other measures against discrimination on grounds of sexual orientation or gender identity been adopted and implemented since the adoption of CM Recommendation 2010(5) (including the possible establishment of national action plans, the inclusion of the Recommendation in existing plans, or the creation of cross-sectoral working groups for its implementation)?
- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

If appropriate, please provide examples of measures adopted or in preparation.

The Ministry of Justice, more specifically the General Secretariat of Transparency and Human Rights, is in the process of elaborating a National Action Plan on Human Rights, with the participation of all competent authorities, which will also address the issue of discrimination.

When drafting annual action plans against discrimination, specific reference is made to discrimination on grounds of sexual orientation (current situation – measures to combat discrimination).

4. Are there measures in place to collect and analyse relevant data on discrimination on grounds of sexual orientation?
- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Are there measures in place to collect and analyse relevant data on discrimination on grounds of gender identity?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Are there measures in place to collect and analyse relevant data on hate crimes and hate-oriented incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

See above answer to question 2.

One of the aims of the “Observatory on Combating Discrimination” (see question 2) is the evaluation of the relevant institutional framework in order to assess the clarity and effectiveness of the legislation in force, the level of protection afforded to victims of discrimination, acceptance of and compliance with the relevant legislation, the effectiveness of the work of equality bodies, the adoption of special (positive) measures, the impact of the legislation on the socio-economic situation of victims of discrimination.

5. Do effective legal remedies for victims of sexual orientation or gender identity discrimination exist (including sanctions for infringements and adequate reparation for victims)?
- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

If so, are there measures in place to raise awareness and facilitate access of victims to such remedies?

- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

General measures of legal protection of victims of any crime are provided for in the Greek legal order, which are considered sufficient for the legal protection of victims of sexual orientation or gender identity discrimination as well.

6. Which obstacles, if any, have been encountered in the implementation of the Recommendation?

On a general note, the reaction by some political or social actors may act as a deterrent to further promotion of LGBT rights.

7. Has the Recommendation, including its Appendix, been translated in all your national languages?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

8. Which steps have been taken to ensure dissemination of the Recommendation and its Appendix as widely as possible?

The aforementioned translation has been carried out by an NGO.

## Section II – Implementation of the specific provisions in the Appendix

### I. Right to life, security and protection from violence

9. Are there measures in place to ensure an effective, prompt and impartial investigation into alleged cases of crimes and other incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Prosecution of crimes is based on the principles of impartiality and respect by all responsible state authorities of their obligations and duties.

The investigation of the existence of a racist motive constitutes an obligation of the police personnel, which derives from a relevant circular issued by the Headquarters of the Hellenic Police, according to which, « *specific criteria for identifying the racist motive are the confession of the said motive by the potential perpetrator, the claim by the victim that such motive exists, sufficient evidence in accordance with the Code of Penal Procedure, or the alleged difference of social origin between the perpetrator and the victim* ». Moreover, by virtue of the aforementioned circular, the police personnel shall investigate the existence of a racist motive, also in cases of racist - xenophobic violence, in which policemen are allegedly involved during their service.

Furthermore, by virtue of the same circular, the term “racism” includes « *...any belief, act or manifestation of discrimination against people who belong to various racial, national, religious and other social groups, and is based on the special features attributed to them* ». Consequently, victims of racist violence on grounds of sexual orientation or gender identity may fall under the scope of the above provision.

In particular, with respect to incidents of racist - xenophobic violence in which members of the police personnel are allegedly involved during their service, Law No 3938/2011 has instituted the Incidents of Abuse Office, which is directly subject to the Minister of Public Order and Citizen Protection and is an autonomous, effective mechanism of investigation of allegations against police personnel. This Office has been entrusted with the duty to collect, record, evaluate and promote the investigation of allegations concerning acts of the personnel of the Hellenic Police, the Hellenic Fire Service and the Hellenic Coastguard, during the execution of their duties or in abuse of their power. Moreover, the Office shall handle any case, in which a judgment finding a violation of the ECHR has been delivered by the European Court of Human Rights. It should be noted that the Office is not yet operational, due to the fact that its staffing has not been completed. Thus, an amendment of the provisions concerning the operation of the Office is pending and many efforts are being made in this direction.

10. Are there measures in place to ensure that a bias motive related to sexual orientation may be taken into account as an aggravating circumstance?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that a bias motive related to gender identity may be taken into account as an aggravating circumstance?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Article 79 par. 3 of the Penal Code provides that the commission of an offense motivated by ethnic, racial, religious hatred or hatred motivated by sexual orientation constitutes an aggravating circumstance.

11. Are appropriate measures taken to ensure that victims and witnesses of sexual orientation- or gender identity-related hate crimes and incidents are encouraged to report them?

a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

By virtue of Article 4 of the Code of Police Ethics (Presidential Decree n. 254/2004), the police personnel «*shall protect persons who have suffered damage and witnesses, in particular when there is a risk of intimidation. Police shall also take seriously into consideration the mental health, the specific condition and the interests of victims of sexual exploitation or molestation, trying as much as possible to limit the victim's secondary victimization*».

Specific instructions have been given for the implementation of the above provision.

12. Do training programmes and procedures exist to ensure that the police, judiciary and prison officials possess the knowledge and skills to identify such crimes and incidents and provide victims and witnesses with adequate assistance and support?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

As regards to the education of police personnel in the field of human rights, many efforts are made, both during the basic education of the cadet officers, and throughout their career. Their training contains lectures, as well as traineeships.

In the educational programs of the Police Academy and in particular through the courses entitled “Constitutional Law - Human Rights”, “Criminal Law” and “Public Safety”, the basic principles on how to address any crime, including racist incidents, are being taught. Moreover, through lectures, topics such as “human rights”, “managing diversity” and “racist phenomena and action to be taken by the Hellenic Police” are being taught as well. Thus, all police officers have the basic knowledge and skills in order to recognize such crimes and accordingly manage every similar situation.

13. Are there specific measures in place to ensure the safety and dignity of lesbian, gay, bisexual and transgender persons in prison or in other ways deprived of their liberty, in accordance with paragraph 4 of the Appendix to the Recommendation?
- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In practice, arrested LGBT persons are placed in separate prison facilities for safety reasons. By virtue of Article 3 of the Code of Police Ethics (Presidential Decree n. 254/2004), «... *the arrest shall be conducted in a cautious and consistent way, the police personnel must behave correctly and omit any action that can insult the honor and pride of the arrested person and in general offend the dignity of a person*». Furthermore, the aforementioned article provides that the police personnel «*shall take care of the direct communication...of the arrested persons with another person of their choice or the consular authorities of their country in case they are foreign citizens...*» and «*shall make easier the provision of legal assistance of the arrested person and secure his / her unimpeded communication with a lawyer* ». Moreover, the police personnel «*shall prevent and immediately report any act of torture or other form of inhuman, cruel or degrading treatment or punishment, any form of violence ... as well as any form of discriminatory treatment against the detainee*». Furthermore, the aforementioned article provides that the police personnel «*shall ensure detention conditions that guarantee safety, health and protection of the personality of the detainee and make sure that the rest of detainees are not put together with criminal detainees, men and women, minors with adults, while special care shall be provided to vulnerable persons*». It is also to be noted that the Headquarters of the Hellenic Police has issued a circular that lists all necessary actions, which have to be made by the competent Services, so that the adequacy of the detention facilities in terms of safety, as well as hygiene, is permanently secured. The conducting of regular inspection of the detention centers under the responsibility of the commanders is particularly emphasized. It should be added that a manual for the conduct of the police personnel towards religious and other vulnerable groups has been issued recently.

14. Have appropriate measures been taken to combat all forms of “hate speech” against lesbian, gay, bisexual or transgender persons, in accordance with Article 10 of the European Convention on Human Rights and with paragraph 6 of the Appendix to the Recommendation?
- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

If so, have specific measures been taken to raise awareness of public authorities/ institutions of their responsibility to refrain from statements which may reasonably be understood as legitimising hatred or discrimination against lesbian, gay, bisexual or transgender persons?

- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The elaboration of a draft law ratifying the Convention of the Council of Europe on Cybercrime and its Additional Protocol, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems is currently being examined.

## **II. Freedom of association**

15. Are there measures in place to ensure that freedom of association (including access to public funding available for non-governmental organisations) can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If any, please provide examples of limitations or exceptions to the guarantees set out in Paragraphs 9 and 10 of the appendix to the Recommendation and indicate whether any measure to review or lift such limitations or exceptions is in preparation:

There are no specific limitations. Freedom of association may be exercised by LGBT persons under the same conditions (legal formalities under the Civil Code provisions) as those applicable to any association, without discrimination on grounds of sexual orientation or gender identity.

16. Are there specific measures in place to effectively protect defenders of human rights of lesbian, gay, bisexual and transgender persons against hostility and aggression, including when allegedly committed by state agents, in accordance with the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

17. Have measures been taken to ensure that non-governmental organisations defending the of human rights of lesbian, gay, bisexual and transgender persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons?

a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Public consultation through the internet is conducted in view of the adoption of new legislative measures.

## **III. Freedom of expression and peaceful assembly**

18. Are there measures in place to ensure that freedom of expression, including freedom to receive and impart information on subjects dealing with sexual orientation or gender identity, can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that freedom of peaceful assembly can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If specific limitations or exceptions regarding such freedoms are in place, please provide examples and indicate whether any measure to review or lift such measures is in preparation:

The general restrictions on the exercise of human rights and fundamental freedoms, under the conditions set out in the relevant instruments, are applicable.

19. Do law enforcement authorities take appropriate measures to protect participants in peaceful demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Hellenic Police takes all necessary measures, in order to guarantee to all citizens that their right to participate in a peaceful assembly is freely exercised, by virtue of article 4 of Legislative Decree n. 794/1971. Moreover, the grounds which permit police intervention in order to dissolve a public assembly are listed exhaustively in the aforementioned decree and the dissolution process is defined in detail in Royal Decree n. 269/1972.

#### **IV. Right to respect for private and family life**

20. Have measures been taken to ensure that criminal law provisions which, because of their wording or scope, may lead to a discriminatory application with respect to sexual orientation or gender identity are either repealed, amended or applied in a manner which is compatible with the principle of non-discrimination?

- a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

21. Are there measures in place to ensure that personal data referring to a person's sexual orientation or gender identity are not collected, stored or otherwise used, except where this is necessary for the performance of specific, lawful and legitimate purposes, and that existing records that do not comply with this principle are destroyed?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples of exceptions to this principle, if any:

Greece has a comprehensive legislation on the protection of personal data (Law 2472/1997 on the protection of personal data, implementing EU directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data). The implementation of the said law is monitored by an independent authority, the Hellenic Data Protection Authority.

22. Are appropriate measures available to guarantee full legal recognition of a person's gender reassignment in all areas of life in accordance with the provisions of paragraph 21 of the appendix to the Recommendation?

- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Have prior requirements for legal recognition of a gender reassignment been reviewed in order to remove any abusive requirements?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In practice the Social Security Fund (IKA) has once authorized the expenses of a person's gender reassignment. There is no specific legal framework.

23. Once gender reassignment has been completed and legally recognised, is the right of a transgender person to marry a person of the sex opposite to their reassigned sex effectively guaranteed?

- a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In the case under consideration, marriage between two persons of different sex is permitted, provided gender reassignment has been completed and legally recognised.

24. Where national legislation recognises registered same-sex partnerships, are their legal status, rights and obligations equivalent to those of heterosexual couples in a comparable situation?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

If national legislation does not recognise nor confer rights to registered same-sex partnerships and unmarried couples, has the possibility been considered to provide same-sex couples with legal or other means to address the practical problems related to this fact in their lives?

- a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

Please provide examples:

With regard to same-sex couples, the Greek Government deems necessary to await the outcome of the discussions on the two relevant Proposals for Council Regulations, which are currently being discussed within the E.U. (the first on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes (MPR) and the second on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships (RP)), before forming a final view on the issue. It is to be noted that, on January 16, 2013, the Grand Chamber of the European Court of Human Rights held a hearing in a case against Greece concerning the legislation on "civil unions" that entered into force in Greece in November 2008. The applicants alleged that the above unions, comprising a "contract between two individuals of full age and of different sexes", were discriminatory.

25. Are there measures in place to ensure that decisions regarding parental responsibility and adoption of a child are taken primarily in the child's best interest, as well as without discrimination based on sexual orientation or gender identity?

- a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Decisions regarding parental responsibility and adoption of a child are taken primarily in the child's best interest. However, the issue of sexual orientation or gender identity is not specifically covered.



### **V. Employment**

26. Does legislation prohibit discrimination in employment in the public and private sector on grounds of sexual orientation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Does legislation prohibit discrimination in employment in the public and private sector on grounds of gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

- i) Access to employment

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

- ii) Promotion, dismissals, pay and other working conditions

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

- iii) Prevention and punishment of harassment

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

- iv) Protection of privacy of transgender persons

(in accordance with paragraph 30 of the Appendix to the Recommendation)

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation" (transposing into the national legal order EU Directives 2000/43 and 2000/78/EC on equal treatment) prohibits direct or indirect discrimination, as well as harassment, both in the public and the private sector, on grounds, inter alia, of sexual orientation.

More particularly, the scope of the prohibition of discrimination covers the following : (a) conditions of access to employment and to occupation in general, including selection criteria, recruitment conditions and professional advancement, (b) access to all types and levels of vocational guidance, training, retraining and practical work experience, (c) employment and working conditions, including dismissals and pay, (d) membership of and participation to an organization of workers or employers or any other professional organization, (e) social protection, including social security and health care, (f) social advantages, (g) education, (h) access to and supply of goods and services which are made available to the public, including housing.

Article 3 of Law 3896/2010, "Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation – Harmonisation of the legislation in force with Directive 2006/54/EC" provides that any less favorable treatment of a person related to gender reassignment constitutes discrimination on grounds of gender.

### **VI. Education**

27. Are there appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, taking into due account the over-riding interests of the child and the rights of parents regarding education of their children?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

- i) Anti-discrimination training or support and teaching aids  
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐
- ii) Information, protection and support for pupils and students  
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐
- iii) Objective information on sexual orientation and gender identity in school curricula ?  
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐
- iv) School equality and safety policies and action plans  
a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to the Greek Constitution, education is one of the basic missions of the State and every Greek citizen is entitled to it free of charge at all levels. The basic target of primary and secondary education is to contribute “to the complete, harmonious and balanced development of the intellectual, psychological and physical potential of the pupils, so that, **regardless of their gender or origin**, they may become integral personalities and live in harmony”.

What is more, answer a in question 27a actually derives from measures that ensure the right to education which can be effectively enjoyed without discrimination on grounds of gender identity. There is no explicit mention on sexual orientation in the existing legislation on education. Nevertheless, certain measures with regard to sexual education have been taken at times but do not constitute a permanent part on the educational practices, or a separate subject in the curricula.

Finally, answers b in Question 27aii and 27aiii derive from the fact that more could be done and is to be done in the specific fields with regard especially to issues of sexual education and, therefore, sexual orientation. Nevertheless, a considerable amount of work has been done so far in the direction of gender issues in education through specific programmes that ran in the schools, especially of secondary education. Also, gender and equality issues are included in the school curricula.

## **VII. Health**

28. Are there appropriate measures in place to ensure that the highest attainable standard of health can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, in accordance with the provisions of Paragraph 33 of the Appendix to the Recommendation?
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

29. Has homosexuality been removed from the national classification of diseases?
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

The International Classification of Diseases and Related Health Problems ICD-10 (version 2008) of WHO which has been officially translated in Greek under copyright agreement between the Hellenic Ministry of Health and WHO, contains the codes:

F66.0 Sexual maturation disorder

F66.1 Egodystonic sexual orientation

F66.2 Sexual relationship disorder

So, whenever these codes are used on official documents (e.g. diagnosis forms, hospital discharge form, etc), the term "homosexual" does not appear.

The term "homosexual" is only included in the explanatory guidance notes which the doctor consults, in order to select the correct code among the above mentioned 3 codes

30. Are there measures in place to ensure that transgender persons have effective access to appropriate gender reassignment services?

a. ☐ b. ☐ c. ☐ d. x☐ e. ☐

If there are limitations to the costs covered by health insurance for gender reassignment, please explain:

According to the Integrated Regulation for Healthcare Services of the National Organization for the Provision of Healthcare Services - EOPYY (article 10), treatments non-frequently performed nor scientifically approved, are not reimbursed by EOPYY, unless otherwise decided by the Central Health Council or the Supreme Medical Council of EOPYY. In cases that gender reassignment cannot be handled in Greece, it has to be defined as disease in order for EOPYY to reimburse the hospitalization expenses abroad.

### **VIII. Housing**

31. Are measures taken to ensure access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds of sexual orientation or gender identity, that protection is provided against discriminatory evictions, and that equal rights are guaranteed in respect of ownership of land and other property,?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation" (transposing into the national legal order Directives 2000/43 and 2000/78 EC on equal treatment) prohibits discrimination on grounds, inter alia, of sexual orientation in the field of access to and supply of goods and services which are made available to the public, including housing.

32. With respect to the risk of homelessness faced by lesbian, gay, bisexual and transgender persons, in particular young persons and children, are measures taken to ensure that the relevant social services are provided without discrimination on grounds of sexual orientation or gender identity?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

### **IX. Sports**

33. Have measures (including awareness-raising measures) been taken to tackle discrimination on grounds of sexual orientation or gender identity (including the use of discriminatory insults) in sports and in connection with sports events?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

### **X. Right to seek asylum**

34. In cases where your country has an international obligation in this respect, may a well-founded fear of persecution based on sexual orientation or gender identity be recognised as a valid ground for the granting of refugee status and asylum under your national law?

- a. x☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

By virtue of article 2 of Presidential Decree n. 96/2008, the term “refugee” includes all cases in which a well - founded fear of persecution is based on the fact that a person belongs to a particular social group or to a minority. Besides, article 20 of the Law n. 3907/2011 provides that the Authorities shall take into account the general principle of non – refoulement, while examining a request for international protection.

Thereafter, a well - founded fear of persecution based on discrimination on grounds of sexual orientation or gender identity may be a valid ground for the granting of refugee status and asylum, under the national law.

35. Does your country ensure that asylum seekers are not sent to a country where their life or freedom would be threatened because of their sexual orientation or gender identity?

- a. x☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

By virtue of Law n. 3907/2011 an Asylum Service, as well as a First Reception Service shall be established in the Ministry of Public Order and Citizen Protection. Those Services shall be subject directly to the Minister of Public Order and Citizen Protection and have as their mission the implementation of asylum legislation and the handling of migrants who have entered the country, thus contributing to the designing and implementation of a modern asylum policy, through the establishment of specific processes of first reception.

### **XI. National Human Rights Structures**

36. Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of sexual orientation?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of gender identity?

- a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

If so please explain and indicate in particular, if appropriate, what possibilities of intervention are included in their mandate, including in particular with respect to discrimination on multiple grounds:

Since 2005, the Ombudsman operates as one of the equal treatment bodies responsible for the implementation of the anti-discrimination legislation (Law 3304/2005), which, as already explained, prohibits discrimination also on grounds of sexual orientation. The Greek Ombudsman has a wide scope of action and could also address issues of discrimination on multiple grounds.

Under the same Law 3304/2005, the Labor Inspectorate takes up cases of alleged discrimination (including on grounds of sexual orientation) in the fields of occupation and employment, other than those falling within the competence of the Office of the Ombudsman.

The Committee for Equal Treatment (CET), a body established within the Ministry of Justice, Transparency and Human Rights, examines violations of the principle of equal treatment by natural and legal persons, other than those which fall within the competence of the abovementioned bodies. The relevant practice is very limited.

The National Commission for Human Rights (NCHR), a consultative organ of the State, which also includes six NGOs, has, as main fields of activity, the elaboration of studies on human rights issues, the submission of recommendations and proposals, awareness-raising and human rights education. Such mandate also covers issues of discrimination on multiple grounds. In a 2011 report on draft legislation on racism and xenophobia, the NCHR referred to gender identity and mentioned CM/Rec(2010)5.

## **XII. Discrimination on multiple grounds**

37. Are there measures in place to ensure that the provisions of national law prohibiting or preventing discrimination also protect against discrimination on multiple grounds, including on grounds of sexual orientation or gender identity?

a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

## **Section III - Follow-up**

38. Which measures by the Council of Europe would you recommend to ensure that member states are guided in their national legislation and practice by the principles set out in the Recommendation and in its Appendix?

In the field under consideration, the Council of Europe could focus, as appropriate, on how to highlight some minimum standards and good practices promoting LGBT rights.

A priority issue would be protection from any form of violence against LGBT persons.

Furthermore, special attention should be given to public awareness of the abovementioned rights.

It would also be advisable to use as a tool in this respect the relevant September 2011 Study of the Council of Europe Commissioner's for Human Rights.

39. Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case?

40. Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them.