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EUROPEAN SOCIAL CHARTER

Comments by the
on the 2nd National Report
on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF GREECE

Article 7, 8, 16, 17, 19, 27 and 31

for the period 01/01/2014 - 31/12/2017

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CYCLE 2019

1st Greek Report On the Revised European Social Charter

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April 2019

Ministry of Labour,
Social Security and Social Solidarity

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

Paragraph 1 & 2 – Minimum age of admission to employment & highest minimum age of admission to employment for dangerous occupations

LEGAL FRAMEWORK

Following the previous Greek report on Article 7 of the European Social Charter (see 21st Greek report), it should be noted that so far no change has been made to the provisions of the labour legislation on the basis of which the minimum age of admission to employment is set. Only codification of the existing laws intervened, by virtue of law 3850/2010 (OG A' 84/2-6-2010) "*Ratifying the Code of Laws related to Occupational Safety and Health*", under which the Laws 1837/1989, 2956/2001, 3144/2003 have been codified.

More specifically, the basic provisions regulating the protection of minors in employment are included in Law 1837/1989 "On the protection of minors in employment and other provisions" (OG A'85) as well as in Presidential Decree 62/1998 *"Measures to protect young people in conformity with Directive 94/33/EC*"(A' 67), for which there is extensive reference to previous reports.

In short, as regards the minimum age of admission to employment, the following, as already mentioned in our previous reports, still apply:

In accordance with Article 1§2 of the Presidential Decree 62/1998 *"Provisions of the present decree apply to any person below eighteen (18) years of age, under any form of employment contract or employment relationship or work contract or contract for the provision of independent services or self-employed, apart from those under an employment relationship in the maritime and the fisheries sector, for which specific provisions apply".*

Furthermore, paragraph 3 of the above article as replaced with Article 33 of Law 2956/2001 "*Restructuring the Greek Manpower Employment Organization (OAED) and other provisions (A' 258)" provides for the following: "Without prejudice to Article 7 hereof, the provisions of Law 1837/1989 "on the protection of minors in employment and other provisions (A' 85) and the present decree do not apply to casual/occasional works concerning family-run agricultural, forestry and livestock works, provided that such works are carried out during the day"*.

Additionally, according to Article 4 of the said Presidential Decree and Article 2§1 of Law 1837/1989, **minors, until the age of 15 (which coincides with the end of the 9-year compulsory education in our country), are not allowed to work in any job.**

By way of exception to the above limitations, under Article 5 of the same PD and Article 3 of the same Law, **with permission of the competent Labour Inspectorate, the employment of children having reached the age of three (3) is allowed in cultural and related activities under the condition that**: a) their health (physical and mental) and their physical, mental, moral or social development is not impaired and b) their regular attendance in vocational guidance or vocational training programs, approved by the competent authority or their ability to benefit from the training provided to them, for a period not exceeding three months, is not impeded.

As regards the Labour Inspectorate (SEPE), the SEPE is responsible for supervising labor law and imposing administrative and criminal penalties in case of violation of workers' rights. Especially in the field of child labor, through a series of laws that have imposed a strict framework for child labor protection, SEPE has the necessary tools for combating child exploitation and imposes strict sanctions in cases of violation of children's rights.

More specifically, article 51 of Law 3850/2010 prohibits the work of minors under 15 years of age (art. 51 para.1), except for works in artistic and similar activities, where employment is permitted also for minors under 15 years of age following a license from SEPE (Law 3850/2010 art.52). License to work in any work for minors aged 15-18 is also required by SEPE.

In cases where a minor under the age of 15 and up to the age of 18 is employed without the permission of the Labor Inspectorate, the corresponding administrative penalties are imposed, as defined in art.24 of Law 3996/11, as in force. Indeed, according to Ministerial Decision 2063/Δ1 632/03.2.2011 (Official Gazette 266 B'/18.2.2011) "*Classification of infringements and determination of fines imposed by the Labor Inspectors of the Labor Inspectorate*" (SEPE) "this infringement is characterized as" *very high* ".

Work which is considered by nature and by its working conditions to be dangerous and unhealthy for minors under 18 years of age, is expressly forbidden by Ministerial Decision 130621/2003 [see the previous Greek Report – (21st Greek Report)]. A non - exhaustive list, clearly defining unhealthy occupations for minors, is set out in art.2 of the said Ministerial Decision. Accordingly, the employment of minors in banned work is characterized by our Department as "very high" and the corresponding administrative penalties are imposed[1].

SEPE services are responsible for the issue of minors' employment booklets - after a medical consultation - in order to allow minors over 15 years of age to work in enterprises. In the context of SEPE's audit role, in cases of minors' employment under conditions that do not ensure their physical or mental health, the competent control bodies prohibit the continuation of work. Penalties of imprisonment and fines are provided for employers and their representatives who violate the provisions on the protection of minors-employees. In addition, it should be noted that under the current legislation, the issue of minors' protection is dealt with effectively and covers almost all issues relating to minors, such as working time limits, remuneration for work, workers' leave, and the appropriate working environment that employers should provide during minors' work and other issues. It should also be emphasized that Greek legislation is highly protective towards minors. The protection of each child's "human value" constitutes a fundamental, constitutional imperative and a legal obligation of all state bodies. Minors' protection is an obligation for employers and parents and a moral duty for every citizen. During the year 2016, in accordance with Law 1837/89, Law 3850/10 and the regulatory acts issued under delegation, 5.247 minors' employment booklets were granted after a medical examination by IKA doctors. The 2.786 of these booklets concerned boys and the 2.461 concerned girls.

It is noted that with Presidential Decree 134/2017 (O.G 168 A'/2017) there have been modifications and improvements in the organizational structure of the Labour Inspectorate, while there is a corresponding increase in staffing potential.

Health and Safety at Work

Occupational health and safety (OSH) is the interdisciplinary sector aimed at the protection of health, safety and prosperity of people in their working environment. This aim is achieved by improving working conditions, reducing accidents at work and occupational diseases and fostering a culture of prevention for employers and employees.

[1] See Ministerial Decision 2063/D1 632/03.2.2011 (OG 266 B'/18.2.2011) and art.23 of Law 3996/11, as amended by Article 23 of Law 4144/2013.

The new **National Strategy for Occupational Health and Safety** in the period **2016-2020**[2] responds to the modern challenges posed by increasingly complex work procedures, rapid changes in working conditions and the development of new or emerging occupational risks, taking into account the national needs and priorities, the obligations of our country as an EU Member State and the rights guaranteed in the context of the Community acquis in the field of Occupational Health and Safety. It came after an exhaustive social dialogue and set targets for the 2016-2020 horizon.

The **National System for Health and Safety operates on three main pillars**. The first pillar is the production of policies, legislation and operational rules, the second pillar is the creation of supportive structures and the third pillar is the monitoring mechanisms. The first pillar is based on the creation of a central coordinating structure of the National System which will be based on the OSH service of the Ministry of Labour, Social Security and Social Solidarity and will be assisted by SEPE and the regional coordinating structures representing the bodies involved in the National System for Occupational Health and Safety. The second pillar is based on the creation of supportive structures for all interested bodies and the third pillar is based on the monitoring work of SEPE's Health and Safety Inspection, necessary to strengthen the compliance of enterprises with the requirements of national legislation on OSH.

It should also be noted that the Directorate for Health and Safety at Work of the Ministry of Labour, Social Security and Social Solidarity focused on information and training actions. In addition, training seminars for teachers and pupils from vocational education and apprenticeship in basic principles and legislation on Health and Safety at Work, risk assessment and OiRA tools were organized in the context of promoting the objectives of the pan-european campaign 2016-2017 "*Safe and healthy Workplaces for all ages-Management of Health and Safety at Work in the light of age*".

STATISTICAL DATA AVAILABLE

Below are statistics on youth employment.

Youth employment rate (age group 15-29) in 2017 was 29.2% from 28.6% in 2016. For young people aged 15-24, the employment rate in 2017 was at 14.1%, increased by 1.1% compared to 2016. For the 25-29 age group, the employment rate in 2017 increased by 0.5% compared to 2016 (56.6% from 56.1%).

Table 1: Youth Employment Rate

AGE GROUP	2008	2013	2014	2015	2016	2017
15-29	42,9	25,6	27,1	28,0	28,6	29,2
15-24	23,5	11,8	13,3	13,0	13,0	14,1
25-29	72,9	48,7	50,7	54,0	56,1	56,6

Source: Labour Force Survey, ELSTAT (Greek Statistical Authority)

Table 2: Youth part-time employment rate

AGE GROUP	2008	2013	2014	2015	2016	2017
15-29	3,6	3,8	4,5	5,0	5,3	5,8
15-24	2,7	2,8	3,0	2,9	2,9	3,4
25-29	2,6	4,3	5,8	7,4	8,4	8,5

Source: Labour Force Survey, ELSTAT (Greek Statistical Authority)

[2] Approved by No 48416/2564 (OG B'3757/25-10-2017) Decision of the Minister of Labour, Social Security and Social Solidarity.

For young people aged 15-29, the share of part-time employment was at 19.9%, i.e. 1.2% more in relation with the previous year. For the 15-24 age group, the share of part-time employment was 21.1% (from 20.0% in 2016) and 13.2% (from 13.4% in 2016) for the age group 25-29.

Table 3: Youth part-time employment share

AGE GROUP	2008	2013	2014	2015	2016	2017
15-29	8,4	14,8	16,6	17,9	18,7	19,9
15-24	9,5	19,0	18,9	19,3	20,0	21,1
25-29	3,2	8,2	10,7	12,6	13,4	13,2

Source: Labour Force Survey, ELSTAT (Greek Statistical Authority)

According to data from the ERGANI[3] information system, in 2017, 20.66% of the total number of employees under a dependent private law employment relationship (1.824.437 persons) in the country was under the age of 30 (376.953 persons).

Table 4: Number of young employees per age group

AGE	NUMBER OF EMPLOYEES 2017	PERCENTAGE OF WORKERS	NUMBER OF EMPLOYEES 2016	PERCENTAGE OF WORKERS	VARIOUS 2017-2016)
<19	5.088	0,28	4.113	0,24	975
19-24	139.762	7,66	126.656	7,44	13.106
25-29	232.103	12,72	218.541	12,84	13.562

The table below presents the number of booklets for minors approved by the Regional Labour Relations Inspectorates and sanctions imposed for illegal employment of minors for the period 2014 up to and including 2017.

YEAR	APPROVED BOOKLETS FOR MINORS	COMPLAINTS FOR ILLEGAL EMPLOYMENT OF MINORS	FINES IMPOSED
2017	7.647	0	12
2016	5.247	0	7
2015	4.349	1	6
2014	3.554	2	38

[3] ERGANI/ Special Issue/ Results of the electronic recording of all enterprises and workers-employees under a private law employment relationship (1-21 October 2017)

Paragraph 3 – Safeguarding the full benefit of compulsory education

For the legal framework which concerns protection of minor workers see above under art.7 para1 and 2 Rev.ESC.

In particular, as regards minors under the compulsory schooling system (6-15 years old) and employed in cultural and related activities, their hours of daily work should not coincide with the hours of schooling (art.5 para4 of Presidential Decree 62/98). In case a minor worker is employed during his/her schooling, the employer is punished with the penalties provided for in art.458 of the Penal Code (art.67 para1 of Law 3850/2010). Detention or a fine is also imposed on the custodian of the minor (art.27 para.2 of Law 3850/2010).

For the year 2017, it has not been denounced by employees or had been notified by the on-the-spot inspections minors working at the time of compulsory attendance.

Paragraphs 4 & 6 – the right of children and young persons to protection – working hours and vocational training

With regard to the working time limits, the following data continue to apply, as described in previous national Reports for the Article 7 of the European Social Charter:

Working time for minors shall not exceed eight (8) hours per day and forty (40) hours per week, whereas **working time for those who have not completed 16 years of age and for those studying at secondary schools and high schools, at technical and vocational schools, public or private, recognized by the State,** shall not exceed six (6) hours per day and thirty (30) hours per week. The time spent by a teenager when working in an enterprise, as part of a system of alternately theoretical or/ and practical training or work practice or apprenticeship, is taken into account in working time. When the teenager has more employers, working days and working hours are added together. The daily work of young people attending secondary schools, high schools, public or private technical or vocational schools recognized by the State begins or ends at least two hours after the end of the course or before the beginning of the course respectively. Overtime work for teenagers[4] is prohibited.

Minors are entitled to a **daily rest period** of at least twelve (12) consecutive hours, that must include the period from 22:00 p.m. to 06:00 a.m. Work for adolescents (namely every young person at least 15 years of age but under 18, who has ceased to be subject to compulsory schooling under the provisions in force) is therefore forbidden from 22:00 to 06:00 (paragraph 2 of Article 5 of Law 1837/ 1989, Article 8 and paragraph 1 of Article 9 of the Presidential Decree 62/1998). Also, adolescents are entitled to a **weekly minimum rest** of two (2) consecutive days, one of which must coincide with Sunday[5].

In case that the daily working time exceeds 4.5 hours, young people (minors) will be given a **break** of at least thirty consecutive minutes[6].

Annual leave is granted during the period of summer school holidays on consecutive days. Half of it can also be partially granted on other periods, if the minor[7] so requests. Finally, for the facilitation of employees who are pupils or students of educational units of any kind and level, of the State or supervised by it in any way, **the additional leave due to exams**, provided for in paragraph 1 of Article 2 of Law 1346/83 (A' 46), as set forth in Article 7 of the 1996-1997 National General Collective Agreement and Article 6 of the 1998-1999 National General Collective Agreement, shall be **thirty (30)** additional days and may be granted on consecutive days or in part. For the above mentioned leave due to exams, employees, pupils or students beneficiaries receive remuneration from the relevant OAED[8] services.

The Labor Inspectorate (SEPE) carries out the necessary inspections to establish violations of the working time of minors, and in the event of violations, it imposes on the employers the prescribed penalties.

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[4] See Article 3 Presidential Decree 62/1998 (OG A'85) "*Measures to protect young people at work in conformity with Directive 94/33/EC*", Article 5 Law 1837/1989 (OG A' 85) "*On the protection of minors at work and other provisions*".
[5] See Article 9(2), Presidential Decree 62/98
[6] See Article 10, Presidential Decree 62/98
[7] See subparagraph 1 of Article 7(1) of Law 1837/1989
[8] Further details on the days of the abovementioned leave, the amount of the daily wage, the payment method, the process, as well as all the necessary details regarding the above are contained in no.31930/14-7-1930 (B' 444) Joint Ministerial Decision as supplemented and valid by virtue of no.34651/29-11-1996 (B'1122) and 33894/7-12-1998 (B'1276) similar decisions within OAED's remit.

STATISTICAL DATA AVAILABLE

SUMMARY PRESENTATION OF THE ACTION OF LABOUR RELATIONS SERVICES						
AUDIT WORK	**2014**		**2015**		**2016**	
PLANNED AUDITS	28.357		26.595		26.852	
AUDITS – COUNTER AUDITS	33.580		28.439		27.256	
DENUNCIATIONS- REPORTS	3.360	11.024	2.814	9.723	2.593	8.527
IMPOSED PENALTIES	7.664		6.909		5.934	
PENALTIES	€ 36.303.669		€ 31.812.109		€ 26.017.237	
LABOUR DISPUTES	14.035		13.691		13.348	
RESOLVED LABOUR DISPUTES	6.977		6.540		6.164	
REJECTED LABOUR DISPUTES	3.043		3.111		3.533	
PRESENTED BEFORE COURTS	4.015		4.040		3.651	
PAID AMOUNTS	€15.593.761		€13.123.632		€ 11.265.693	
DENUNCIATIONS-REPORTS	1.063		906		892	

Paragraph 5 – The right of young workers and apprentices to fair remuneration

Regarding the Statutory minimum wage and salary in our country we would like to inform you of the following:

In accordance with subparagraph IA.11 of Law 4093/2012 (OG A' 222) **a new system for the formation of the statutory minimum wage and daily wage** for employees under private law throughout the country was established in conjunction with the plenary decision No 2307/2014 of the Council of the State. In particular, the statutory minimum wage for employees and the daily wage for blue collar workers are set as follows:

"3. Until the end of the economic adjustment period provided for in the Memoranda of Understanding annexed to Law 4046/2012 and in the subsequent amendments thereto, the statutory minimum wage for employees and the daily wage for blue collar workers are set as follows:

(a) For employees over the age of 25, the minimum wage is set at €586,08 and for blue collar workers over 25, the minimum daily wage is set at €26,18.

(b) For employees under the age of 25, the minimum wage is set at €510,95 and for blue collar workers under 25, the minimum daily wage is set at €22,83.

(c) i) The above minimum wage for employees aged over 25 shall be increased by 10% for every three years of service and up to nine years and by 30% totally for nine years of service and more and the minimum daily wage for blue collar workers over 25 years of age shall be increased by 5% for every three years of service and up to 18 years and by 30% totally for over 18 years of service. ii) the above minimum wage for employees under the age of 25 shall be increased by 10% for a three-year period of service and for service over three years and the minimum daily wage for blue collar workers under 25 years of age shall be increased by 5% for every three years of service and up to six years and by 10% totally for service of six years and more. iii) for registered unemployed persons over the age of 25 dealing with a period of unemployment longer than 12 months (long-term unemployment) who are being recruited as employees, the minimum wage in case a of the present paragraph shall be increased by 5% for every three years and by 15% totally for a service of nine years and more (the item iii) of case c was added with the first article, subsection IA.7 of Law 4254/2014, OG A'85/7.4.2014).

(d) The above seniority increments are paid to an employee who has worked for any employer and in any specialty area, in the case of blue collar workers after the age of 18 and in the case of employees after the age of 19 and apply to the service completed on 14.2.2012.

(e) In addition to the monthly regular increment due to seniority no other increment is included in the statutory minimum wage and daily wage.

(f) Until the unemployment is set at a rate below 10%, the seniority increment of the statutory minimum wage and daily wage is suspended for service completed after 14.2.2012.

(g) Individual labour agreements and collective labour agreements of any kind may not stipulate lower monthly regular remuneration or full-time daily wage than the statutory minimum wage and daily wage.

4. Any reference of the legislation in force generally to the minimum wage or daily wage specified in the National General Collective Labour Agreement implies the statutory minimum wage and daily wage."

Article 103 of Law 4172/2013 (O.G.167 A') on «Provisions concerning minimum salary» has entered into force, as amended and in force today by virtue of article 1, subpara.IA.6 case 2 of Law 4254/2014 (O.G. 85 A') and article 2 of Law 4564/2018 (O.G> 170 A'). More specifically, the said article provides for the following:

«1.a. Following consultations carried out in accordance with the provisions of the present law, the minimum wage and salary is defined for full-time employment for white and blue collar workers

throughout the country, whose pay is not regulated by a labour collective agreement.
b. Individual employment contracts and labour collective agreements of any type may not provide for monthly salaries or wages for full time employment that are less than the statutory minimum wage and salary or the corresponding resulting proportion for part-time contracts.
2. The new procedure – minimum statutory wage and salary fixing mechanism for workers under privet law throughout the country shall enter into force upon completion of fiscal adjustment programs, i.e., not before 1.1.2017.
3. The amount of the statutory minimum wage and salary shall be fixed by considering the state of the Greek economy and its prospects for growth in terms of productivity, prices, competitiveness, employment, unemployment rate, income and salaries.
4. a. In order to define the statutory minimum wage and salary, consultations are held between the social partners and the Government, with the technical and scientific support of specialized scientific, research and related institutions and experts on financial issues, and in particular on labour economics, social policy and industrial relations, coordinated by a committee in accordance with para.5 of the present article.
b. The social partners who shall participate in these consultations are the following:
aa) on behalf of workers throughout the country, the Confederation of Greek Workers (GSEE) and other secondary sectoral or occupational trade union organizations representing workers of the private sector at national level, proposed by the GSEE and called upon by the consultations Coordination Committee,
bb) on behalf of the most representative employers' organizations, the Hellenic Federation of Enterprises (SEV), the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE), the National Confederation of Hellenic Commerce (ESEE the Association of Greek Tourism Enterprises (SETE) and other employers' organisations proposed by them and called upon by the consultations Coordination Committee.
……
ff) the Draft Consultation Findings Report shall be submitted to the Minister of Finance and the Minister of Labour, Social Security and Welfare.
6. the Draft Consultation Findings Report together with all the other reports, memos and any other relevant documentation referring to the above mentioned procedure shall be published on the Ministry's website.
7. a. Within the last ten days of July of each year, the Minister of Labour, Social Security and Welfare shall propose to the Cabinet the minimum wage and salary of white and blue collar workers, taking into account the Consultation Findings Report as it was drafted and submitted, in accordance with the above procedure.
b. The Minister of Labour, Social Security and Welfare shall adopt a decision establishing the minimum wage and salary for white and blue collar workers, in agreement with the Cabinet».

It is noted that, outside the reference period of this report (since February 2019), the subminimum wage and the subminimum salary were abolished by Ministerial Decision and the minimum wage and the minimum salary were increased.

Specifically, article 55 of Law 3850/2010 stipulates that Minor workers, according to article 55 of Law 3850/2010, are paid on the basis of at least the minimum wage of the worker, as currently in force (art.1 IIA of Law 4093/12). In case of violation of the right to pay, the corresponding administrative penalties, as in force, are imposed SEPE as defined in article 24 of

Law 3996/11. Indeed, according to the relevant Ministerial Decision[9] this infringement is characterized as "very high". For the year 2017, non-payment or payment below the minimum for minors has not been denounced by employees nor has it been notified by an on-the-spot inspection.

With regard to the **apprenticeship contracts**:

According to paragraph D of the first Article of the 26385/2017 (OG 491B'/ 2017) decision of the Minister of Economy and Development, the Minister of Education, Research and Religious Affairs, the Minister of Labour, Social Security and Social Solidarity and the Minister of Finance, entitled "Quality Framework Apprenticeship", an Apprenticeship Contract is concluded between the apprentice and the employer, co-signed by the head of the relevant educational structure in the case of OAED Vocational Schools or approved by the head of the relevant educational structure in the case of Vocational Senior High Schools (EPAL/ IEK). The Apprenticeship Contract sets out the conditions for the implementation of the learning program at the work place and the duration depending on the type of the apprenticeship program.

Pursuant to Article 2(A) of the same decision, for the minor apprentice, the Contract may also be signed by his/her legal guardian. The type and main content of the Contract are determined by decision of the OAED Board of Directors, upon recommendation of the competent OAED departments and agreement of the competent Directorates of the Ministry of Education, Research and Religious Affairs. The same paragraph provides that the start and end time of the apprentice's training at the workplace as well as the employer's obligations for the implementation of the apprenticeship program are defined on the basis of the applicable provisions, that the apprentices have full insurance coverage by EFKA as long as the apprenticeship lasts and that the Apprenticeship Contract may be terminated for any overriding reason or canceled in accordance with the applicable provisions.

At the same time, according to Paragraph A of Article 7 of the aforementioned decision, and in respect of the apprentice's rights (either of the Post-graduate Year-Class of Apprenticeship, or of the OAED Vocational Schools, or of IEK), a compensation is granted to him/her set at the 75% of the statutory minimum wage, that is to say €17.12 for each day of apprenticeship at the work place. Apprentices are insured from the first day of apprenticeship at EFKA (Unified Social Security Institution) and are provided with an insurance coverage for the entire apprenticeship period. Under their insurance, they receive sickness benefits in kind and sickness benefits in cash. Their insurance time is counted as pensionable service. Apprentices are entitled to an annual leave, to a leave due to exams and in cases of absence due to sickness, the provisions of Articles 657-658 of the Civil Code apply. Apprentices are entitled to counseling services before, during and after the learning program at the enterprise, by the relevant structures of the Ministry of Education, Research and Religious Affairs or/and of OAED, provided that relevant programs are offered.

Finally, in order to avoid substitution of regular employment by apprentices, there are limitations on the number of apprentices per employer, with the maximum number of apprentices per employer depending on the number of employees, as presented at the annual staff report addressed to the Labour Inspectorate (Article 7(G) of the above decision).

[9] MD 2063/Δ1 632 /3.2.2011 (OG 266 B'/18.2.2011) "Classification of infringements and determination of fines imposed by the Labor Inspectors of the Labor Inspectorate (SEPE)"

Paragraph 7 – Annual paid leave of at least 4 weeks for employed young persons under 18

The Labour Inspectorate is responsible for supervising labor law and imposing administrative and criminal penalties in case of violation of workers' rights. Especially in the field of child labor, through a series of laws that have imposed a strict framework for child labor protection, SEPE has the necessary tools to combat child exploitation and imposes strict sanctions in cases of violation of children's rights.

More specifically, Article 56 of Law 3850/2010 expressly stipulates that the regular leave of minors is granted during the summer school holidays in consecutive days and, only at the request of the minor, is it allowed to grant the leave in other periods (art.56 para1). The days of leave to which the minor is entitled are determined by the applicable provisions on regular leave in force that apply to all workers.

In the case of non-granting of a regular leave or granting of a leave outside the procedures defined by the relevant provisions, corresponding administrative sanctions are imposed, as defined in art. 24 of Law 3996/11, as in force. Indeed, according to the relevant Ministerial Decision[10] this infringement is characterized as "very high".

In addition, if the employer does not grant regular leave to the minor, he/she is punished with the penalties specified in article 458 of the Civil Code (art.67 para1 of Law 3850/2010).

For the year 2017, no criminal or administrative penalties have been imposed for the non-granting of regular leave to minor workers.

[10] MD 2063/Δ1 632 /3.2.2011 (OG 266 B'/18.2.2011) "Classification of infringements and determination of fines imposed by the Labor Inspectors of the Labor Inspectorate (SEPE)"

Paragraph 8 – Prohibition of night work for workers under 18

According to Article 8 of the Presidential Decree 62/1998 (A' 67) and Article 5(2) of Law 1837/1989 (OG A'85), night work for minors is prohibited, whereas by virtue of Article 33 of Law 2956/2001 (OG A'258) night work for minors is also prohibited at family, agricultural, forestry and livestock activities.

As regards additional questions (iv) of article 7 par. 8, it should be noted that the Labour Inspectorate (SEPE) keeps statistical data on the employment of minors (as regards the number of issued booklets, the number of fines, sanctions imposed etc). Also, SEPE conducts annual reports which present the overall activity of SEPE, through detailed data in the form of tables, graphs etc.

Paragraph 9 – Regular medical control for persons under 18 employed in occupations prescribed by national laws or regulations

There was no new relative legislative arrangement apart from the codification of those in force under Law 3850/2010 (OG A'84/ 2010) "*Ratification of the Code of laws for the health and security of workers*", which codified the provisions of Law 1837/1989 regarding the medical certification process (Article 60), the competent health services (Article 61), the medical examinations (Article 62) and the medical certification (Article 63). (Chapter H' "*Protection of minors in employment*").

Article 62 of Law 3850/2010 expressly stipulates that minors from 15 years of age and over must undergo annual medical examinations up to the age of 18. This period may be shorter, if the Labor Inspector or the Doctor deems so or if the minor changes job. The procedure for certifying the medical examinations is carried out by the health services following a referral by the Labor Inspectorate and is free of charge for the minor worker[11]. The examinations of the medical certification are evidenced by the provision of the workbook to the minor[12] (Article 8 of Law 1837/89).

Any employer who employs minor workers must keep a register indicating the date of issue or of the renewal of the workbook[13]. If the Labor Inspectors, during an on-the-spot inspection on enterprises, find that there is no workbook for minors or that it is not renewed, they impose the corresponding administrative sanctions provided for in Art.24 of Law 3196/11, as in force. According to Ministerial Decision 2063/Δ1 632/03.2.2011 the said infringement is characterized as" significant ".

For the year 2017, twelve (12) cases of non-granting / non-renewal of a workbook have been recorded and the corresponding administrative sanctions have been imposed by the Labor Inspectors.

[11] See art.60 and 62 of Law 3850/2010
[12] See art.8 of Law 1837/89
[13] See art.9 of Law 1837/89

Paragraph 10 – Special protection for children and young persons against physical and moral dangers

I. TRAFFICKING

- ***Legislative measures (2014 - 2018)***

Greece has ratified the three fundamental legal instruments against Trafficking in Human Beings: (a) The UN Convention against Transnational Organized Crime and its Protocols – the "Palermo Protocol"[14] (b) The Transposition of the 2011/36/EU Directive[15] (c) The Council of Europe Convention on Action against Trafficking in Human Beings[16]. Legislative measures against human trafficking are also foreseen in the National Laws cited below.

The articles of the Penal Code (PC) providing for the protection against trafficking are the following:

Article 323[A] PC (Trafficking in human beings) and Article 351 PC (Human Trafficking). For more information on their content (full text) see Annex.

Human Trafficking among migrants and asylum seekers:

The Migration and Social Integration Code (Law 4251/2014), transposed the Directive 2004/81/EU into national law (art. 49-56 of Law 4251/2014) and provides for the granting of a residence permit for humanitarian reasons to third country nationals, victims of trafficking, even if the person does not cooperate with the competent authorities, under the condition that the person has been recognized by the competent Prosecutor as victim of trafficking. In this respect, Law 4332/2015, which amended Law 4251/2014, has integrated in its text all the provisions of the joint Ministerial Decision 30651/2014 (which provides for granting of residence permits for, among others, victims of trafficking who do not cooperate). In particular, as provided by art. 19A of Law 4251/2014, *victims of trafficking in human beings who do not cooperate with the competent authorities, are granted, free of charge, a residence permit for humanitarian reasons according to a decision of the Minister of Migration Policy.* The residence permit is of one-year duration, grants the right to dependent employment or provision of services or provision of work and can be renewed for two years each time, only under the precondition that the relevant criminal proceedings continue. If criminal proceedings are not pending, the residence permit is renewable for one year. The holders of this permit have free of charge access to medical services and health care[17]. The residence permit granted may be renewed for one of the grounds of Law 4251/2014 in the event that the reasons for which these were issued are no longer valid. The Minister of Migration Policy may define the categories of paragraph 1, where the right of renewal should be exercised following to the opinion of the Commission of art. 134 para1 of Law 4251/2014, once the reasons of issuing this category of residence permit do not longer exist.

Furthermore, with Law 4267/2014 (which transposed the EU Directive 2011/93/EE), in the case of victims of trafficking in human beings, it is provided that the defendant prepays the costs and fees of the plaintiff at the judge's discretion, up to the amount of six hundred euros. In addition, with Law 4267/2014, if a person prosecuted for infringement of the Immigration Law, for illegal prostitution, or for participating in criminal activities, denounces that she/he is a victim of trafficking and the activities for which is prosecuted are a direct result of her/him being a victim of

[14] Law 3875/2010 (OG 158A΄/2010)
[15] Law 4198/2013 (OG 215A΄/2013)
[16] Law 4216/2013 (OG 266A΄/2013)
[17] art. 33 of Law 4368/2016

THB, then her/his prosecution may temporarily stop. If the complaint proves to be valid, then the abstaining from prosecution becomes definitive.

Legislative updates on the rights, support and protection of victims of crime:
Law 4478/17 (OG 91 A '/23-06-2017) transposed into the national legal order Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. According to the above mentioned Directive "victim is the person who has suffered damage (physical, health, honour, moral or economic or deprivation of freedom) caused by a criminal offense". Indicatively, the law includes victims of racist violence, victims of terrorism, victims of human trafficking, electronic and financial crime; **special mention is made of minors.**

Furthermore, Greece ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), thereby adding forcing into marriage in the existing forms of trafficking stipulated in the Greek Law.

Legislative updates on combating THB for forced labour:
The Greek Government has already initiated the ratification procedure for the Protocol to the Forced Labour Convention following the positive opinion given by the Supreme Labour Council Division for the Promotion of the Application of International Labour Standards, which is of tripartite composition, during its meeting on 29 January 2018. Law 4488/2017 provided further protection in the context of employment and enhanced the labour rights of people with disabilities.

Legislative updates referring to National Referral Mechanism:
Complying with the relevant national and international legislation, Greece has put in place a formal national identification and referral system for victims and presumed victims of trafficking[18]. The Mechanism, supervised by the Office of the National Rapporteur and managed by the National Centre for Social Solidarity (EKKA), Ministry of Labour, Social Security and Welfare, operates as a hub for coordinated action and partnership building, among all actors involved in combating human trafficking (state agencies, International Organizations, NGOs). It subscribes to a more inclusive identification regime that brings-in additional professionals and stakeholders into the screening and identification process of mixed migratory/refugee flows (migration services, labour inspectors, health providers, local administration authorities). In addition, Law 4540/2018 stipulates that all relevant authorities should report to the National Referral Mechanism all cases of human trafficking identified as such according to article 6 of Law 4198/2013 (OG A' 215).

- ***Measures to facilitate the implementation of anti-trafficking legislation and the protection of victims of human trafficking***

In April 2017, the General Secretariat for Gender Equality, in cooperation with the Office of the National Rapporteur, set up a *Committee of Experts to review the existing legal framework on prostitution and advocate against sexual exploitation and demand for commercial sex acts*. The Committee included legal experts, academics, the anti-trafficking police unit and representatives from NGOs. The final report of the Committee proposes the abolition of legal prostitution through

[18] Ministerial Decision 30840/20.9.2016

the criminalization of the client of commercial sex acts. The Committee's proposal has been disseminated to all relevant authorities, including the Ministry of Justice.

In June 2016, the Hellenic Parliament has set up a *sub-committee on human trafficking* under the Special Permanent Committee for Equality, Youth & Human Rights issues. The Committee is responsible for monitoring developments, legislative updates and the overall implementation of counter-THB policies and measures.

The "*National Action Plan for Preventing and Fighting against Human Trafficking, Protecting and Supporting the victims, and Prosecuting the perpetrators 2018-2023*" is being elaborated with the participation of public agencies, NGOs, civil society and grass root organizations.

- ***Operational updates on fighting Trafficking of Human Beings and protecting victims of Trafficking***

National Referral Mechanism: The development of the National Referral Mechanism[19] constitutes the most important anti-THB operational development. Complying with the relevant national and international legislation, Greece has put in place a formal national identification and referral system - National Referral Mechanism (NRM) - for victims and presumed victims of trafficking. The Mechanism, supervised by the Office of the National Rapporteur and managed by the National Centre for Social Solidarity (EKKA), Ministry of Labour, Social Security and Social Solidarity operates as a focal point for coordinated action and partnership building, among all actors involved in combating human trafficking (state agencies, International Organizations, NGOs).

After the Ministerial Decision for the development of the NRM, competent public authorities from Athens and Thessaloniki, 17 NGOs and two international organizations were invited to discuss and decide, on Standard Operating Procedures for the NRM, the questionnaires to be filled in by the professionals, victims' consent forms, etc. New stakeholders are constantly included in the NRM as to expand the protection and assistance network to all National peripheries. The intense migration flows created the demand for further optimization of the NRM procedures to respond to the needs of professionals working at First Reception Centers and Hotspots. Similarly, the procedures had to be reviewed to respond to the special needs of unaccompanied minors. The establishment of the NRM will promote the first-level identification of victims of THB and will coordinate the provision of services allowing for a tailor-made assistance plan for each victim of THB. The NRM subscribes to a more inclusive identification regime that brings-in additional professionals and stakeholders into the screening and identification of victims of THB. Thus, professionals working in various sectors, such as asylum and First Reception Centers' professionals, labour inspectors, health and mental health professionals and paramedics, local administration authorities, will contribute to the NRM and the rescue and protection of victims of THB. In 2017, EKKA was granted an ISF (Internal Security Fund) project to further develop and implement the NRM.

Joint targeted audits: Joint targeted audits have been carried out by the Hellenic Police and Labour Inspectors in the context of joint action days both in 2017 and in 2018 aiming to combat forced labour. In 2017, in total, 206 enterprises were audited employing 1152 persons. Forty-six unregistered employees were found, while 148 employees were found to work during shifts for which they were not registered for by their employers. The results of joint action days were positive and further collaboration is planned.

[19] Ministerial Decision 30840/20.9.2016

Specialized trainings for professionals: Training of professionals on first-level identification is an intrinsic part of Greece's anti-trafficking and protection to victims of THB policy. The ONR steps up efforts to facilitate capacity-building activities through a strategic partnership with the State Institute of Training (National Center of Public Administration & Local Government) for the implementation of annual anti-trafficking seminars. Cooperation with leading international organizations, namely the UNODC, resulted in several specialized trainings for law enforcement and front-line professionals. In 2018, Labour Inspectors and Health Professionals will receive training on first-level identification organized by the National Centre of Public Administration & Local Government, the Institute of Training and the Office of the National Rapporteur.

Furthermore, several public agencies and NGOs have organized trainings for professionals on identification and protection of victims. For example, the Hellenic Police, the National Centre for Social Solidarity, Ministry of Labour, Social Security and Solidarity, the General Secretary for Gender Equality, Ministry of Interior, the First Reception Services, and the Asylum Services, Ministry of Migration Policy, among others have periodically organized trainings on THB issues. Many NGOs such as A21, Praxis, Arsis, Metadrasi, Smile of the Child, Solidarity Now, among others have also participated and organized trainings on THB issues. European agencies such as FRA and EASO, as well as international organizations such as IOM-Greece and UNODC have also contributed to knowledge sharing between professionals.

Also, within the framework of education and training of Labour Inspectors on issues of trafficking in human beings, two (2) training seminars were conducted in 2017 on issues of trafficking in human beings, whereas the Labour Inspectorate (SEPE) will participate in a training program for Inspectors, included in the draft action plan drawn by the Hellenic Police in cooperation with the National Rapporteur to tackle trafficking in human beings for the purpose of training on trafficking in human beings. The training will take place in September 2018, will continue in 2019 and will involve all Labour Inspectors.

Shelters and safe accommodation: Safe shelters, health and psychosocial support: Greece has secured a significant number of shelters for victims of gender-based violence, including women victims of human trafficking. In addition to the shelters coordinated by the General Secretariat for Gender Equality (GSCE), EKKA operates: one (1) emergency shelter in Attica for women and girls – victims of violence, as well as two (2) short – term shelters in Attica and Thessaloniki (which also operate as emergency shelters). In addition to State agencies, specialized NGOs provide safe shelters to victims of trafficking, including children. The NGO A21 operates one shelter in Thessaloniki, exclusively for THB victims. Other NGOs, such as the Smile of the Child, Praksis and Arsis occasionally provide shelter to victims of trafficking, including underage victims.

About the host spots located at the Greek islands, specific places have been delimited for women traveling alone and for unaccompanied minors (safe zones).
For more information on shelters and safe accommodation *see art.17 para1 R.ESC*.

Legal aid and compensation: The Greek Law (Law 3811/2009) recognizes to victims of human trafficking the right to apply for compensation from the Greek State. The compensation claim arises: a) if the offender does not have the necessary resources for that purpose, from the adoption of an irrevocable convicting judgment, b) if the offender cannot be identified, and c) if the offender cannot be prosecuted or sentenced due to closure of the case by an act of the competent public prosecutor, or the adoption of an irrevocable dismissing decree, or from the adoption of an irrevocable acquittal judgment, or from the final closure of the case by any other means. The decision on the claim for damages is taken by the Greek Compensation Authority. Victims of certain

crimes (domestic violence, slavery, trafficking in human beings, kidnapping and other serious crimes, children victims of rape, sexual exploitation, etc.) are provided with free legal aid irrespective of their income. In such cases, a lawyer is appointed by the State to represent the victim. Detainees with low income may also request free legal aid. Furthermore, victims of all crimes prosecuted ex officio, who are beneficiaries of free legal aid, as well as victims of sexual exploitation, human trafficking, domestic violence and hate speech, are exempted from the obligation to pay a fee for the initiation of criminal proceedings. According to art. 51 para.3 of Law 4251/2014, regarding THB victims, during the reflection period, all competent authorities shall give priority to the protection and safety of the victim, provide translation and interpretation services when needed, and provide all necessary legal assistance.

Social Reintegration: Public social protection services and specialized NGOs offer psychosocial support to victims of trafficking. Community centers, such as EPEK –"one child, one world" often work with families led by ex-victims of trafficking. EPEK, located at the centre of Athens, often works with families of African origin – most commonly Nigerian families. The services that they usually ask for is assistance to understand the Greek health-care and security system, material aid, help to manage their children at school and at home, and counseling.

Several NGOs provide the opportunity to victims to develop skills (e.g. language learning, continuing education, professional training) that will help them to find a job.

The new National Action Plan 2018-2023 which is being drafted, foresees the development of more social integration programs for survivors of human trafficking, focusing on the most vulnerable such as women and girls, as well as unaccompanied minors.

Repatriation: The Hellenic Police and the International Organization for Migration (IOM) handle most of the repatriated cases. Specifically, the IOM – Greece runs Assisted Voluntary Return and Reintegration Programs (AVRR). Some specialized NGOs also assist the victim during the repatriation process. Aside from providing victims of human trafficking with the option of voluntary return to their countries of origin, IOM has internal procedures to ensure that all activities are for the benefit of victims of human trafficking. In every case referred to IOM for voluntary return, IOM must complete a risk-assessment, as well as have a post-arrival plan. Aside from assessing and addressing safety concerns, the risk assessment also acts as a check-list to ensure that other services are provided to the victim upon arrival including- accommodations, health follow-up, legal counseling and representation (where necessary), psycho-social support etc. This is undertaken with the cooperation of the IOM offices in the origin countries, which work with both national authorities and local, relevant NGOs. In some cases, where it is not deemed safe for the victim to return to their hometown or village, arrangements are made for alternative accommodations. As many victims have medical needs, IOM also works closely with Greek health authorities and health authorities in the countries of origin to ensure that treatment is continued and any follow-up care is provided. Victims of human trafficking are also provided with reintegration assistance to empower them and minimize the risk of secondary victimization (being re-trafficked). For victims who are children (under the age of 18), IOM also completes a best interest assessment report. As part of the Best Interest Assessment, the IOM office in the origin country will complete a family assessment. If it is not appropriate for the child to return to their family (as in many cases they have been involved in the recruitment of the child), IOM will find alternative reception and accommodation facilities.

- ***Actions of the Hellenic Police for the protection of minors***

A) Actions of the Hellenic Police to prevent – tackle trafficking in human beings

A-1) Anti crime policy programs

The effective tackling of trafficking in human beings is the main priority of the **«Anti crime policy program 2015-2019»** of the Hellenic Police Headquarters, which constitutes the reference point of initiatives taken by each and every Hellenic Police Unit. It is based on specified objectives which are pursued through specialized actions. More specifically:

1) OBJECTIVES THAT ARE SET IN THE CONTEXT OF THE ¨ANTI CRIME POLICY PROGRAM 2015-2019¨ FOR THE EFFECTIVE TACKLING OF TRAFFICKING IN HUMAN BEINGS FOR EXPLOITATION:

- Zero tolerance to the phenomenon of trafficking and exploitation of human beings.
- Eliminating all factors contributing to the phenomenon.
- Strengthening-improving coordination with jointly competent Services and Bodies.

2) ACTIONS TOWARDS THE ATTAINMENT OF THE ABOVE MENTIONED OBJECTIVES (non-exhaustive list):

- Identifying all aspects of the problem at the region of each General Regional Police Division.
- Raising awareness among the personnel in order to have in-depth knowledge and understanding of the phenomenon and consolidate that trafficking in human beings is a modern form of slave trade that constitutes clear violation of fundamental human rights.
- Conducting inspections and investigations to identify all forms of trafficking in human beings (sexual exploitation, labour exploitation, trafficking in the form of illegal adoption, forced begging, trafficking in human organs, etc.) with a view to arresting perpetrators, tracing and assisting (presumed) victims.
- Establishing mixed inspection teams composed of policemen and labour inspectors in regions and periods of the year where a large number of foreign farm workers are concentrated.
- Informing, raising awareness and activating Points of Entry and Border Crossing Points for the identification of potential victims of trafficking in human beings.
- Establishing contacts with jointly competent governmental and non-governmental bodies (Prosecution authorities, Office of the National Rapporteur, National Center for Social Solidarity (EKKA), IOM, NGOs etc.).
- Participating in training programs, one-day seminars in Greece and abroad.
- Cyber patrols in order to identify cases of victims of human trafficking that are recruited by criminal organisations.
- Activating Police Liaison Officers of the EU Member States in our country when citizens of these states are involved as perpetrators or victims of human trafficking. Holding meetings with a view to building trust and highlighting their important role as well as redefining the needs in order to fight against the phenomenon.
- Making use of the legislation in order to participate in joint investigation teams.

A-2) Units for the fight against Trafficking in Human beings

For the effective investigation of cases of trafficking in human beings, the Hellenic Police has established Divisions and Teams for Fighting Trafficking in Human Beings.

Headquarters level: Since September 2002 the Public Security Division of the Hellenic Police Headquarters has been handling issues relating to trafficking in human beings and offering guidance to regional Units.

Operational level: Twelve (12) Teams for Fighting Trafficking in Human Beings (throughout the country) and two (2) Departments for Fighting Trafficking in Human Beings are established and operate at the Sub-directorates for Organized Crime and Trafficking in Human Beings of Attica and

Thessaloniki Security Divisions respectively. Their personnel has received specialized training on how to approach (presumed) victims – investigate cases of human trafficking.

A-3) Training

The continuing – updated training of the Hellenic Police personnel that will investigate cases of trafficking in human beings and/or may most probably contact (presumed) victims is essential to the effective fight against trafficking in human beings.

In light of the above, officers of the Hellenic Police have participated in many training activities both in Greece and abroad.

It's worth mentioning that the Public Security Division of the Hellenic Police Headquarters prepared two (2) «Analysis – Assessment reports», concerning trafficking in human beings in our country, for the years 2013 – 2015 and for 2016, where the extent of trafficking in human beings (forms of exploitation, methodology used, nationality of victims – perpetrators, forms of action, etc.) is presented in detail.

Based on the above mentioned Reports the personnel of front-line services was trained accordingly since it is most likely to contact presumed victims, with a view to address effectively the phenomenon of recruitment of and trafficking in human beings for exploitation.

Finally, the subject «Trafficking in Human beings» is included in the curriculum of Police Academies of the country.

B) Actions of the Hellenic Police to prevent minors' victimization and delinquency

B-1) Anti-crime policy programs

The protection of minors is a matter of major importance set out in the «Anti-crime Policy Program 2015-2019», which includes specific actions for the protection of minors with a view to preventing them from being engaged in criminal activities and also protecting them against victimization.

1) OBJECTIVES OF THE ¨ANTI-CRIME POLICY PROGRAM 2015-2019¨ FOR THE EFFECTIVE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS FOR EXPLOITATION

- Protection of school community (pupils, school facilities, units of school support, sports facilities).
- Cooperation with relevant child protection bodies.
- Development of cooperation with associations for catering professionals.

2) ACTIONS FOR THE ACHIEVEMENT OF THE ABOVE MENTIONED OBJECTIVES (non-exhaustive list):

- Specialized actions for minors aiming at their protection against drugs, preventing their participation in criminal groups and protecting them against victimization.
- Conducting inspections at night-time recreation venues and other food and beverage establishments to investigate whether they serve alcoholic beverages to minors.
- Surveillance of venues frequented by minors, such as school premises, units of school support, sports facilities, parks, playgrounds etc. Continued cooperation with jointly competent Ministries and other bodies (school communities, associations, etc.) in order to take the necessary measures for the safety and protection of pupils and schools.
- Inspections with a view to preventing begging and economic exploitation of minors.
- Developing contacts and cooperation with jointly competent public and private bodies and organizations relating to minors.
- Signing Memorandums of Cooperation with owner unions of night-time recreation venues and catering stores concerning the prohibition on entry and serving alcohol to unaccompanied minors.

- Awareness raising and training of the personnel dealing with cases of minors (assistance to victims-treatment of offenders).
- Carrying out information one-day seminars – presentations to parents and pupils on the provision of information and advice on safe use of Internet and how to avoid victimization.
- Immediate response of the Cyber Crime Division in cases of bullying over the internet.
- Immediate response and investigation of information/complaints concerning cases of domestic violence involving minor victims – notification of prosecution authorities and jointly competent victim support bodies.
- Cooperation with the school community on how to address cases of bullying and violence in school.
- Appointment of a specific liaison officer at every police station as contact point for the schools of the area, whom teachers may contact in case they identify cases of child abuse (victimization) or delinquent behaviour.

B-2) Specialized Units

At headquarters level, the Department for the fight against Drugs &Juvenile Delinquency operates at the Public Security Division/AEA. This is a Unit of strategic importance assigned with the task of monitoring juvenile delinquency and victimization.

At regional – operational level the following units operate:

- Protection of Minors Subdivision - Attica Security Division.
- Protection of Minors Subdivision - Thessaloniki Security Division.
- Minors' Bureaus at Heraklion-Crete and Patras Security Subdivisions.

Where there are no specialized Units, the relevant powers are exercised by Security subdivisions, Security Divisions or Police Departments with general powers.

It's worth mentioning that the above mentioned Minors Protection Subdivisions are staffed with specialized personnel - psychologists who based on their knowledge contribute to the investigation of relevant cases and the smooth approach to child victims preventing their further victimization.

Police officers treat minors in a very sensitive manner with due regard to the law with a view to supporting but also preventing their further victimization.

In every case when police services are asked to treat minors (victims or offenders), the competent Prosecutor for Minors is informed immediately under the guidance of whom the Police shall take further action.

Finally, minors who are missing voluntarily or not and are found by the Police, may be placed under protected care at police stations until they are delivered to their families. Such protected care in no case shall constitute detention, while efforts are made to "accommodate" minors at a suitable place within the police station. In any case the competent Public Prosecutor is notified and the Police shall take further action based on his/her guidance.

B-3) Training

The continuing – updated training of the Hellenic Police personnel that will investigate cases of minors' victimization, is essential to the effective protection of minors. In light of the above, officers of the Hellenic Police have participated in many training activities.

- ***Missing children***

The actions taken by the Hellenic Police officers in every case of a missing child report are fully and in detail reflected in the existing regulatory framework[20]. The Hellenic Police leadership under its actions to tackle the missing children phenomenon, recognizing that the personnel's training and awareness is of a vital importance, has given numerous orders and instructions to all Police Services of the country for the correct handling of cases involving minors, updated at regular intervals. Furthermore, given that other state actors and NGOs are taking action on the protection of minors, the leadership of the Hellenic Police, in order to improve the effectiveness of its services on this issue, has developed partnerships with these bodies. In this context, a Memorandum of Cooperation was concluded in 2010 between the Ministry and the Association "The Smile of the Child" and since 2007, the Ministry also participates in the program "AMBER ALERT HELLAS" for missing children, aiming at the timely and accurate warning and information of citizens in cases of missing/ abducted minors. The said cooperation continued harmoniously also during the previous year (2017).

It is noted that the competent law enforcement Agencies of our country cooperate with the respective law enforcement Authorities of European and other countries through the international communication channels, exchanging information and data whenever necessary.

AMBER ALERT HELLAS is the National Coordinating Program for the timely and accurate warning-information of citizens in cases of missing/ abducted minors, activated by the Association "The Smile of the Child" with the consent of the Hellenic Police.

During 2017, this program was being activated for eight (8) cases of missing minors. In five (5) cases, the missing minors were traced in good health, whereas in the other three (3) cases the missing minors were found dead.

II. Prohibition of and combat all types of children's sexual exploitation

The articles of the Penal Code (PC) providing for the prohibition and combat of all forms of sexual exploitation of children, are the following:

- **Article 323[B] PC** (Conducting trips whose purpose is to engage in intercourse or other indecent acts against children (sex tourism)
- **Article 337 PC** (Sexual abuse)
- **Article 339 PC** (Seduction of Children)
- **Article 342 PC** (Abuse of minors in lewdness)
- **Article 348 PC** (Facilitate the lewdness of others).
- **Article 348B PC** (Attracting children for sexual purposes).
- **Article 349 PC** (Pimping).

For more information (full text) on these articles, see the ANNEX.

III. Other forms of exploitation such as begging or organ removal

The provision of Article 407 of the Penal Code, entitled "Begging" was replaced with Article 24, paragraph 3(f) of Law 4055/2012. The Greek legislator now considers as a minor offence the offense in question, which in the past, namely prior to the existing -by the abovementioned law- amendment, was considered a misdemeanor. However, violation of Article 409 of the Penal Code with the title "Neglect to prevent from begging and vagrancy" is considered a misdemeanor.

[20] Presidential Decree 141/91 (OG 58 A'/ 30-04-1991) and Regulatory Order (RO) 2/1985.

Transposition of the United Nations Convention against Transnational Organized Crime and its three Protocols[21] into the national legislation and in particular, the amendment of Article 323(A) of the Penal Code "Trafficking in human beings", introducing for the first time the offense of forced begging, proves the importance given to the punishment of perpetrators of forced begging (prison sentences) as well as to the protection of victims of such crimes[22].

Thus, in cases where the actions referred to in the above Article are directed against the minor, perpetrators are punished by imprisonment of at least ten (10) years and a pecuniary penalty of €50.000 to €100.000.

In order to tackle this phenomenon and the resulting adverse consequences both for the persons involved in any way and for the daily routine of the citizens, the competent police services have prepared and implemented Special Operational Action Plans to deal with this infringing conduct. These Plans were prepared after reassessment of the areas where this phenomenon is getting more intense.

In this context, the existing competent services carry out inspections, via available patrols in spots where the begging phenomenon occurs more frequently (public transport including HSAP stations, traffic lights, churches, shopping malls, etc.). Also, coordinated and targeted actions are planned and carried out in order to tackle this phenomenon effectively. In such a case, all legal actions are strictly enforced against anyone responsible.

The Minister of Labour, Social Security and Social Solidarity, without any discrimination on the grounds of race, religion or decent, protects children who grow in an environment that is not suitable for their physical and mental health, who lack family care (orphans, abused, children whose parents have physical or mental problems, who are in crisis, unprotected, abandoned, street children), by implementing a network of social welfare measures through **Twelve (12) Child Protection branches of the Social Welfare Centers** (Public Bodies Corporate).

These Centers were established under article 9, para1 of Law 4109/2013 (O.G.16/2013/τ.Α΄) and article 127 para.I of Law 4199/2013, O.G.216/2013/τ.Α concerning the Papafio child care center of Thessaloniki. These institutions are mainly located at the seat of each Region.

More specifically, **Child Protection Branches** aim at offering care for the psychophysical development and the education and vocational training of infants/children and adolescents who are proven to be unprotected and lack family care until they adapt to an environment that will guarantee their best possible development (placement in foster families or adoption).

In addition to the above Public Bodies Corporate, there are also child protection institutions and associations that are run by the church and charitable trusts and assist the above public bodies corporate in their work.

For more information on the above issue, see also art.17 para1 (c) of the present report, under the title "*children in public care".*

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[21] Law 3875/2010 "Ratification and implementation of the United Nations Convention against Transnational Organized Crime and its three Protocols and related provisions"

[22] Article 323 A of the Penal Code stipulates the following:

"*Any person who uses violence, threats or other means of coercion or uses or abuses power to retain, transport or forward within or outside the country, withhold, foster, deliver with or without profit to another person or receives from another person* ***with the purpose of removing of tissues, cells or body organs or exploiting for himself or for another person the employment or the begging of a person, or to force him/her to marriage*** *shall be punished by incarceration for up to ten years (i.e. from 5 to 10 years on the basis of article 52§3 PC[22]) and a monetary fine ranging from ten thousand to fifty thousand euro. When this act is committed against a child, the offender shall be punished by incarceration for at least ten years (i.e. incarceration from 10 to 20 years on the basis of article 52§3 PC) and a monetary fine ranging from fifty thousand to one hundred thousand euro. If the act resulted in death, the offender shall be punished by incarceration for life*".

IV. Protection from misuse of information technology

Article 31 of P.D. 178/2014 (O.G.281/A/31-12-2014) provides for the establishment in the Hellenic Police of the Cyber Crime Division, based in Athens. Its territorial jurisdiction extends over the «Southern Greece Sector»[23]. It also provides for the establishment of the Cyber Crime Subdivision of Northern Greece based in Thessaloniki. Its territorial jurisdiction extends over the «Northern Greece Sector»[24].

The mission of the Cyber Crime Division is the prevention, investigation and repression of crime, committed through the Internet or other electronic media. The Cyber Crime Division is an independent central service, which reports directly to the Chief of the Hellenic Police. The Cyber Crime Division consists of the following five departments, two (2) supportive and three (3) operational, which cover the whole range of users' online protection and cyber security.

a. Unit of Administrative Support and Information Management,
b. Unit of Innovative Actions and Strategy,
c. Unit of Electronic and Telephone Communication Security and Protection of Software and Intellectual Property Rights,
d. Unit of Minors Internet Protection and Digital Investigation and
e. Unit of Special Cases and Internet Economic Crimes Prosecution

Unit of Minors Internet Protection and Digital Investigation

The Unit of Minors Internet Protection and Digital Investigation is responsible for the detection and prosecution of criminal offences committed against minors through the internet.

1. Current legal framework: Regarding the legal framework for the fight against sexual abuse and exploitation of minors, our country has transposed most of the EU Directive 2011/93/EU of the European Parliament through the adoption of Law 4267/2014. According to the Penal Code in force, articles 348A «Child pornography» and 351A «Indecent act with a child against remuneration » refer to the sexual exploitation of minors through the internet. According to the first article child pornography when committed by profession or by habit, is considered to be felony, while the same applies to the second abovementioned article depending on the age of the victim.
2. Extent of the phenomenon: In 2017, proceedings began for hundred and sixty four cases relating to child pornography and violations of sexual integrity. Fourteen individuals were arrested within the Greek territory while only one of the above mentioned cases referred to possession and distribution of child pornography for professional reasons.
3. Actions taken by the Cyber Crime Division**:** In May 2010, police officers of the Cyber Crime Division were trained by experts of the US Police Authorities on the use of special software that detects and identifies in real time the digital traces of internet users who distribute child sexual abuse material per country, by Peer-to-Peer (P2P) file sharing programs.

The said software, the use of which is legal in accordance with Opinion No.443 of the Supreme Court Public Prosecutor, is already being used by the Cyber Crime Division. According to the results obtained by its use, internet users have already been detected and identified throughout the country possessing and distributing child abuse materials and thus arrests have been made.

[23] The «Southern Greece Sector» includes the police units of the Attica General Police Directorate and the General Regional Police Directorates of Western Greece, Ionian Islands, Crete, Southern Aegean, Peloponnese, Central Greece.
[24] The «Northern Greece Sector» includes the police units of Thessaloniki General Police Directorate and the General Regional Police Directorates of Eastern Macedonia and Thrace, Central Macedonia, Western Macedonia, Epirus, Thessaly and Northern Aegean.

Moreover, specialized officers of the above mentioned Unit often conduct inspections over the internet in order to identify any violations of the above mentioned articles and in particular sexual abuse of children for remuneration over the internet.

The Directorate for Forensic Examination /Department of Digital Evidence Examination is the Hellenic Police Unit responsible for the examination of digital evidence, under article 30§22 of P.D. 178/2014, while the Directorate for the Management and Analysis of Information functions as supportive unit on preliminary data information and analysis.

4. Cooperation with internet providers: More specifically regarding child sexual abuse, there is a continuous and smooth cooperation between the said Service and Internet Service Providers, ISPs as well as with other enterprises active in internet provision throughout the country, as they understand how severe this phenomenon is and how important it is to address it urgently.

5. Cooperation with NGOs: The Service receives and evaluates a large number of complaints on child sexual abuse over the internet both by citizens as well as by NGOs aiming at protecting minors, such as the "Smile of the Child", Safeline etc.

6. Cooperation with foreign organisations: Moreover, the Service through the EUROPOL and the INTERPOL, is constantly informed of any cases referring to violations of the above mentioned articles when the perpetrators commit crimes within the Greek territory. More specifically the Cyber Crime Division receives complaints on a daily basis from organizations such as the NCMEC (National Center for Missing and Exploited Children) in the USA, the NCECC (Canada National Child Exploitation Coordination Center) in Canada, etc that are responsible for the collection and distribution of complaints on the sexual abuse of children made by companies that are based and operating within their territories.

Innovative Prevention Actions

The Cyber Crime Division of the Hellenic Police, in addition to repressing cybercrime, places emphasis on and gives priority to its prevention.

To this end, it has developed a set of innovative actions with a view to informing and raising awareness among citizens on issues relating to safe Internet surfing, the risks involved and protection methods.

In brief, the innovative actions implemented by the Cyber Crime Division are the following:

• Safe Surfing Day Seminars: The Hellenic Police Headquarters through its Cyber Crime Division organizes one day seminars throughout the country with a view to informing citizens and, in particular, pupils' parents and teachers on Violence on the Internet, the risks involved in social networking sites and on preventing and addressing risks that relate to new technologies, in general.

• Teleconferences: Briefings are organized throughout the country by using the method of teleconferences. They are held in real time offering speakers and listeners located within a distance the opportunity to make presentations and participate in conversations with questions and replies.

• Educational Visits: The Cyber Crime Division and the Cyber Crime subdivision of Northern Greece daily receive a large number of requests from schools and various institutions that want to visit their premises and be informed about safety on the Internet.

During school year 2017-2018, 439 information day seminars were held in total throughout the country and, in particular, 345 seminars at schools and 94 as various other institutions.

More than forty thousand pupils, students, parents, teachers, judges and citizens attended these seminars who wished to be informed of the risks and threats on the Internet but also of the modern forms of cybercrime and have an update on new developments.

• Organization of conferences at European level: On the International Safer Internet Day, the Cyber Crime Division held conferences on safe internet surfing that included presentations made by renowned and specialized Greek and foreign scientists on safe Internet surfing issues.

The agendas of these conferences included the future developments on Internet issues as well as issues on the legislation relating to cybercrime. After the conferences, the Cyber Crime Division published the conference proceedings both in hard copy and in electronic format, offering thus citizens the opportunity to be informed of the presentations made during these conferences.

• Cooperation with the Europol: The Cyber Crime Division participated in Europol's campaign on Online sexual coercion and extortion of children "#Say NO" together with other Law enforcement authorities throughout the EU Member States.

This awareness raising campaign includes a short film, available in all EU languages, which helps people to recognize a potential extortion approach, provides online advice and highlights the importance of reporting the crime to the competent national authorities.

Relevant links:

https://www.europol.europa.eu/sayno (Europol campaign)

https://www.youtube.com/watch?v=cZAiW61p9DQ (campaign's video)

• TV and Radio Spots: The Cyber Crime Division has developed and broadcasted TV and radio spots through TV and Radio stations that are available nationwide, in the context of the awareness raising campaign among vulnerable social groups on their protection and the risks over the Internet.

• Writing and distribution of brochures: The Cyber Crime Division has published brochures with ten different subject areas for the provision of advice on safer Internet. Moreover, the said Division has developed Parent-Child Online Internet Agreements per age group on safe Internet and mobile phone use.

• The cyberkid.gr website and the Cyberkid application: The www.cyberkid.gr website offers useful information and advice on how the whole family can make positive use of modern technologies and of the Internet. In the context of continuous update and development of the www.cyberkid.gr website, the «Digital Playground» field was created where children can play online while fully protected from dangers of using the Internet.

The Cyberkid application for mobile phones was developed in order to inform parents and children of every family on a daily basis on safe Internet surfing and the dangers of using the Internet. This is an interactive application that offers the possibility of immediate communication with the Cyber Crime Division through the CYBER ALERT line while immediate e-mail messages can be sent by pressing a button. It also offers various games for recreation.

• Cyberalert.gr – Feel safe Website and Feel safe application: Due to the increasing use of Internet for shopping and trading, it is imperative to also inform, inter alia, the commercial world on safe internet usage. To this end, the Ministry of the Interior in cooperation with the Hellenic Police and the Cyber Crime Division and the Hellenic Confederation of Commerce and Entrepreneurship (E.S.E.E.), have developed a platform of innovative actions named «Feel Safe».

The aim is the systematic and scientific study of issues and problems that traders and consumers are faced with during electronic transactions with a view to informing them on the risks and safe Internet use when performing commercial transactions and online shopping.

In this context, the http://cyberalert.gr/feelsafe/ website was created together with the "FeelSafe" application that constitute key tools for the information of consumers and ESEE members, since the majority of users use smart phones in their everyday life.

This platform presents guidelines on how to avoid online fraud by category. The combination of this information together with the possibility to submit a complain online (SOS) and the update

given by specialized Cybercrime division officers on a daily basis about current traps – frauds is vital for the accurate and timely information of citizens.

• Presence at the social media (Facebook, Twitter, Instagram and YouTube): Cyberkids Facebook page was created in May 2014 with a view to enhancing the marketing of the www.cyberkid.gr webpage on social media. In April 2015 the «@CyberAlertGR» Twitter account was launched with a view to informing citizens in real time on internet risks. Citizens will also be able to inform the Cyber Crime Division in case they experience risks or threats on the Internet. In August 2015, the «CYBER ALERT» Facebook page was also created. Moreover, the Service created the CYBER ALERT channel on YouTube while the "cyberalert.gr" Instagram account was created in February 2018.

Statistics on all actions taken by Cyber Crime Division can be found on the official website of the Hellenic Police: https://bit.ly/2KG0LKU

STATISTICAL DATA AVAILABLE

- **Statistics on underage victims of Trafficking in Human Beings (THB)**

Table 1 presents the number of presumed and identified underage victims of trafficking in human beings for the years 2015, 2016 and 2017.

Table 1 - Presumed and identified underage victims of trafficking in human beings

	2015		2016		2017	
	Presumed	Identified	Presumed	Identified	Presumed	Identified
Boys	29	2	93	5	38	2
Girls	33	5	48	11	12	12
Total	62	7	141	16	50	14

In total, between 2015 and 2017, **290 children** either presumed or identified victims of trafficking in human beings received assistance and support from State agencies, and/or NGOs, and/or international organizations.

- **Statistical data of underage victims of trafficking in human beings**

Form of abuse		**Sexual Abuse**							
Year		*2015*		*2016*		*2017*		*2018 (5 months)*	
Gender		**Male**	**Female**	**Male**	**Female**	**Male**	**Female**	**Male**	**Female**
Nationality	**Albanian**		*1*		*1*				
	Bulgarian		*1*		*1*				*3*
	Greek		*1*		*2*	*2*	*1*	*1*	*1*
	Romanian		*1*		*1*		*8*		
	Total		*4*		*5*	*2*	*9*	*1*	*4*

Form of abuse		**Exploitation of Begging**							
Year		*2015*		*2016*		*2017*		*2018 (5 months)*	
Gender		**Male**	**Female**	**Male**	**Female**	**Male**	**Female**	**Male**	**Female**
Nationality	**Bulgarian**					*2*	*1*		
	Greek				*4*				

	Romanian	*2*	*1*	*5*	*2*				
	Total	*2*	*1*	*5*	*6*	*2*	*1*	*0*	*0*

Form of abuse		**Labour Exploitation**							
Year		*2015*		*2016*		*2017*		*2018 (5 months)*	
Gender		**Male**	**Female**	**Male**	**Female**	**Male**	**Female**	**Male**	**Female**
Nationality	**Bulgarian**					*2*	*1*		
	Bangladesh								
	Romanian								
	Total					*2*	*1*	*0*	*0*

- **Statistical Data: Begging of minors and neglect to prevent from begging**

ΕΠΙΚΡΑΤΕΙΑ	ΕΤΟΣ 2013						ΕΤΟΣ 2014						ΕΤΟΣ 2015					
	ΥΠΟΘΕΣΕΙΣ	ΔΡΑΣΤΕΣ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ	ΥΠΟΘΕΣΕΙΣ	ΔΡΑΣΤΕΣ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ	ΥΠΟΘΕΣΕΙΣ	ΔΡΑΣΤΕΣ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ
ΑΡΘΡΟ 407 (ΕΠΑΙΤΕΙΑ)	50	54	18	36	30	24	73	78	24	54	32	46	51	65	17	48	31	34
	ΕΤΟΣ 2016						ΕΤΟΣ 2017						Α ΤΕΤΡΑΜΗΝΟ 2018					
	ΥΠΟΘΕΣΕΙΣ	ΔΡΑΣΤΕΣ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ	ΥΠΟΘΕΣΕΙΣ	ΔΡΑΣΤΕΣ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ	ΥΠΟΘΕΣΕΙΣ	ΔΡΑΣΤΕΣ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ
	24	32	17	15	20	12	34	37	23	14	22	15	8	8	1	7	2	6

ΕΠΙΚΡΑΤΕΙΑ	ΕΤΟΣ 2013						ΕΤΟΣ 2014						ΕΤΟΣ 2015					
	ΥΠΟΘΕΣΕΙΣ	ΘΥΜΑΤΑ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ	ΥΠΟΘΕΣΕΙΣ	ΘΥΜΑΤΑ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ	ΥΠΟΘΕΣΕΙΣ	ΘΥΜΑΤΑ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ
ΑΡΘΡΟ 409 (ΠΑΡΑΜΕΛΗΣΗ ΑΠΟΤΡΟΠΗΣ ΑΠΟ ΕΠΑΙΤΕΙΑ)	58	70	13	57	24	46	15	21	9	12	9	12	43	44	27	17	17	27
	ΕΤΟΣ 2016						ΕΤΟΣ 2017						Α ΤΕΤΡΑΜΗΝΟ 2018					
	ΥΠΟΘΕΣΕΙΣ	ΘΥΜΑΤΑ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ	ΥΠΟΘΕΣΕΙΣ	ΘΥΜΑΤΑ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ	ΥΠΟΘΕΣΕΙΣ	ΘΥΜΑΤΑ	ΗΜΕΔΑΠΟΙ	ΑΛΛΟΔΑΠΟ	ΑΡΡΕΝΕΣ	ΘΗΛΕΑ
	24	31	19	12	14	17	22	27	22	5	12	15	9	10	7	3	2	8

ADDITIONAL QUESTIONS OF THE ECSR

Protection from sexual exploitation

1. Concerning the simple possession of child pornography and whether it is considered a criminal offense.

The possession of child pornography material constitutes a criminal offense under Article 348(A) of the Criminal Code[25]. In Greece, there is blocking of access to minors pornographic material hosted on the Internet, pursuant to Article 18 of Law 4267/2014 on "Combating sexual abuse and sexual exploitation of children, child pornography and other provisions"[26].

In accordance with the Penal Code, the following apply:

According to article 337 par. 3 and 4 of the Penal Code (Sexual Abuse), "….3. *An adult who, through Internet or other means of communication, comes in contact with a person who has not yet reached the age of fifteen, and with lascivious gestures or suggestions affects the dignity of the minor in the field of his sexual life, is punished by imprisonment of at least two years. If the act is habitual or followed by a meeting, the adult is punished with imprisonment of at least three years.*

4. *An adult who, through Internet or other means of communication, comes in contact with a person, who appears as a minor under fifteen years old and, with lascivious gestures or suggestions, affects his dignity in the field of his sexual life, is punished by imprisonment for at least one year. If the act is habitual or followed by a meeting with the person appearing as a minor, it is punishable by imprisonment of at least three years*."

Moreover, article 348 [B] of the Penal Code (Attract Children for Sexual Purposes) provides that "*Every person who intentionally, through information systems, suggests to a minor, who has not reached the age of fifteen, to meet the same or a third person with a view to committing against the minor the offenses referred to in Articles 339 PC "seduction of infants" par. (1) and (2) or 348 A "Child Pornography" when that proposal is followed by further acts leading to such a meeting, shall be punished by imprisonment of at least two (2) years and a fine of fifty thousand to two hundred thousand euros*."

Also, a**rticle 348 [C] PC** (Pornographic performances of minors), which was added with Law 4267/2014, provides for the following:

"1. *Whoever incites or misleads a minor to participate in pornographic performances or organises them,*

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[25] According to art. 348 [A] (Child Pornography) "1. *Every person who intentionally makes, distributes, publishes, exhibits, imports in the Territory or exports from the Territory, offers, sells or distributes in any other manner, buys, is supplied with, obtains or **possesses** child pornography material, or disseminates or offers information in connection with the commitment of the above acts, will be punished by imprisonment not exceeding one year and pecuniary penalty of ten thousand up to one hundred thousand Euros 2. Every person who intentionally makes, offers, sells or distributes in any other manner, transmits, buys, is supplied with, or **possesses** child pornography material or disseminates information regarding the commitment of the above acts through a computer system or on the internet will be punished by a imprisonment of at least two years and pecuniary penalty of fifty thousand up to three hundred thousand Euros. 3. Child pornography material will be considered, in the sense of the previous paragraphs, the representation or the actual or visual depiction in an electronic or other means, of the body or part of the body of a child in a manner that expressly causes sexual arousal, and the actual or visual abusive act performed by or with a child. 4. The acts of the first and second paragraph will be punished by incarceration for a term not exceeding ten years and pecuniary penalty of fifty thousand up to one hundred thousand Euros : a) if committed by profession or habitually b) if the production of the child pornography material is connected with the exploitation of the need, mental or intellectual disease or physical dysfunction due to an organic disease of the minor or by exercising force or by threatening to exercise force on the minor or by using a child who is under ten years of age. If the act of case b) resulted into to causing severe physical damage of the sufferer, incarceration of at least ten years is imposed and pecuniary penalty of one hundred thousand up to five hundred thousand Euros, and if it resulted into causing death, life incarceration is imposed*."

[26] This article stipulates inter alia that: "By order of the competent Public Prosecutor or the Public Prosecutor at the Court of Appeal if the case is pending at the Court of Appeal, it is ordered to remove a website hosted in Greece containing or disseminating child pornography material. This provision must be specifically and fully justified to the owner of this website and immediately executed….

shall be punished as follows:
(a) if the victim is under twelve years old, with at least ten years incarceration,
(b) if the victim is more than twelve but less than fourteen years old, with incarceration of up to ten years,
(c) if the victim is more than fourteen but less than fifteen years old, with imprisonment of at least two years and
(d) if the victim is over fifteen years old, with imprisonment of at least one year.

Whoever knowingly, having paid the relative price, watches pornographic performance in which minors of age participate is punished in the cases a and b of the previous paragraph with imprisonment of at least two years and in the cases c and d with imprisonment of at least one year.
2. If the actions of the previous paragraph were perpetrated through the use of force, violence or threat, in order that a minor participates in pornographic performances or with the pursuit of economic gain by them, the offender is punished:
a) in the case a of the previous paragraph, with incarceration of at least fifteen years,
b) in the case b of the previous paragraph, with incarceration of up to fifteen years,
c) in the case c, with incarceration of up to ten years and
d) in the case d, with incarceration of up to eight years.

3. Pornographic performance, within the context of the previous paragraphs, is the organised direct exhibition, intended to be viewed or listened, among others with the use of information and communication technology:
a) of a minor who is engaged in a real or virtual sexual act or
b) of the minor's genitalia or body, in general, in a manner which evidently evokes sexual arousal."

2. On the number of convictions for trafficking for sexual exploitation cases

The number of convictions for trafficking for sexual exploitation cases is low indeed. According to data from the First Instance Prosecutor of Athens' Office, this is not due to the long duration of trials in Greece, but rather to the reluctance of the victims to report the offences of sexual exploitation committed against them to the police, for the following reasons: (a) fear of their offenders (threats against members of their families) (b) lack of trust in the Authorities (c) victims are mostly citizens of economically poor countries and usually lack of education (d) lack of information. The time limit for the hearing of a case of trafficking for sexual exploitation and subsequently for the final decision/judgment, can be no longer than 18 months, starting from the complaint, since in these cases the procedure of flagrante delicto is being observed and most usually the perpetrators arrested are temporarily detained until the trial. Therefore, the 18-month period from the commission of the offense till the final decision, is considered reasonable. These cases are dealt by the Mixed Jury Courts which belong to the first instance jurisdiction. The judgments of these courts are mostly condemnatory, therefore the perpetrators are sentenced to many years of imprisonment. Consequently, trafficking for sexual exploitation offences are effectively combated and victims of crime adequately protected.

3. Concerning the conversion, during the criminal proceedings, of the category of felony (trafficking in human beings) into misdemeanors (pimping) and the consequent impact on the effectiveness of the legal framework for the prosecution of traffickers

The difference in the objective elements of the offense/crime between trafficking for sexual exploitation (351 PC) and pimping (349 PC) lies mainly in the fact that for the first offense the perpetrator makes use of violence, threat of violence or fraud, while for the second offense there is no such use by the offender against the victim. Since these characteristics of the aforementioned first

offence are particularly acute and can be easily ascertained already from the evaluation of evidence by both the police authorities and the prosecution - and then by the competent courts- a change of the charges is unlikely to take place.

Protection against misuse of information technology

4. Whether internet service providers have been made responsible for the control of the hosting material by encouraging the development and use of the best network monitoring system and adopting procedures

See above.

Protection against other forms of exploitation

5. As regards special measures taken to prevent the phenomenon of street children and to them

See above under the chapter concerning beggary.

Article 8 – The right of employed women to protection of maternity

Paragraph 1 – Maternity Leave

I. LEGAL FRAMEWORK – LEGISLATIVE MEASURES

PRIVATE SECTOR

With regard to the ***granting of maternity leave***, the provisions of article 7 of the National General Collective Agreement (EGSSE) 1993 and article 7 of the National General Collective Agreement (EGSSE) 2000-2001, ratified by article 11 of Law 2874/2000 are applicable. Its duration is set at ***17 weeks*** for women employed by any employer under a private law labor status. Out of such 17 weeks, employed women have to take 8 weeks before and 9 weeks after labor. ***Abidance by the prescribed time periods is compulsory***. In the event that an employed woman has a premature delivery, the remaining of her leave shall be granted after labor, so that the maternity leave completes the term of seventeen (17) weeks.

It should be noted that granting of maternity leave, as stated above, may not be connected to any preconditions and is imposed by compulsory law provisions, which bind both employers and employed women. In the event that a maternity leave is not granted, administrative, civil and criminal penalties shall be imposed to employers or their representatives, by virtue of articles 21 of Law 1876/1990, 13 of Presidential Decree176/1997, 23 of Law 3896/2010 and articles 23 and 24 of Law 3996/2011.

According to article 53 of Law 4387/2016, since 01/01/2017 the Health Sectors of Social Security Institutes have been subjected to the Unified Social Insurance Fund (EFKA), which consists of a single Branch of main insurance and other benefits.

The conditions in order for EFKA to provide sickness benefits in money, as well as the type, the extent, the amount, the beneficiaries and the granting procedure for such monetary benefits remain in force, as applicable when Law 4387/2016 entered into force. Pursuant to article 52 of Law 4387/2016, the aforementioned provisions shall be regulated upon the release of an EFKA Insurance and Benefits Regulation; a processing committee has been established for such purpose, in order to process the existing legislation and draw up a related report.

1. **Salaried employed women**, mainly insured under the Healthcare Sector of former Social Security Institute – Unified Fund for Salaried Employees (IKA-ETAM), are granted (to directly insured women who provide dependent labor) with a ***pregnancy- post-natal care benefit for 119 days in total*** [56 days before delivery (pregnancy benefit) and 63 days after delivery (post-natal care benefit) (article 11, Law 2874/2000 (O.G.286A)]. The amount of such benefit differs among different insurance organizations, depending on the regulations governing each one; moreover, it depends on beneficiaries' remuneration and insurance term. The purpose of such benefit is to substitute the salary as a result of absence from work during pregnancy and post-natal care. This benefit is granted after checking whether the conditions prescribed by the corresponding Regulations are met, mostly regarding the minimum term of insurance.

Furthermore, employed women under maternity leave are entitled, after such leave is terminated, to return to their working post or an equivalent one, under the same terms and conditions of employment, and to benefit from any improvement of working conditions which they would be entitled to during their absence (Article 5, Law 3488/2006 on *Equal Treatment of Men and Women regarding access to employment, training and promotion as to the terms and conditions of employment*, O.G.191/A/11.09.2006).

2. In addition, according to the provisions of article 6 of Law 4097/2012 (A'235), a **maternity allowance** is provided to **self-employed women**, enabling them to temporarily cease working due to pregnancy or maternity, for a time period of at least **14** weeks. The institute, the amount, the method and the procedure for receiving this allowance, as well as any other related issue, have been set under joint ministerial decisions.

Ministerial Decision no.F10060/15858/606/2014 (B'2665) provides that self-employed women who are directly insured by the Unified Fund of Independent Employees (ETAA), and practice a freelance profession exclusively, are entitled **a monthly pregnancy and post-natal care allowance of two hundred euro (€200)** for a period of **four (4) months**.

Moreover, Ministerial Decision no.F.40035/41931/1653/2015 (B'192) provides that self-employed women who are directly insured by the **Social Security Fund for Self-Employed** (OAEE), and practice a freelance profession exclusively, are entitled **a monthly pregnancy and post-natal care allowance of two hundred euro (€200)** for a period of **four (4) months**.

Moreover, Joint Ministerial Decision no. F40034/oik1641/105/2004 provides that women insured by the **Agricultural Insurance Organization** (OGA) receive a pregnancy and post-natal care allowance amounting to **€436.68**.

Article 44 of Law4488/2017 (A'137) provides that the granting of the said maternity allowance extends to pregnant self-employed women and presumptive self-employed mothers under article 1464 of the Greek Civil Code, as well as to self-employed woman who adopt a child of up to two years old.

Moreover, under the aforementioned provisions, a presumptive mother during the postnatal period of pregnancy leave (i.e. 63 days of post-natal care leave, as stated above) is entitled to all kinds of maternity-related remuneration and allowances, when the conditions of statutory provisions of her security institute are met, just as with natural mothers.

3. Women working at **Public Enterprises and Organizations (DEKO)** are provided by their employer with a **119-day maternity leave in total** [56 days before labor (pregnancy allowance) and 63 days after labor (post-natal care allowance)] **with full remuneration**.

Women working in **Banks** and being insured by the former Insurance Fund of Employees of Banks and Utilities (TAYTEKO) are provided by their employer with a **119-day maternity leave in total** [56 days before labor (pregnancy allowance) and 63 days after labor (post-natal care allowance)] **with full remuneration**.

Women working in **Mass Media and Entertainment** and being insured by the former Unified Insurance Fund for Mass Media Personnel (ETAP-MME) are provided by their employer with a **119-day maternity leave in total** [56 days before labor (pregnancy allowance) and 63 days after labor (post-natal care allowance)] **with full remuneration**.

PUBLIC SECTOR – ADDITIONAL QUESTION OF THE ECSR

A. **Women permanently working/ working under an open-ended labor contract in the Public Sector, Public Law Legal Entities and Local Self-Government Agencies (OTA)** are granted with a **five-month leave** (two months before labor and three months after labor) **with full remuneration**.

In particular, according to Article 52 (on maternity leaves) of the **Code of Regulations of Public Civil Administrative Servants and Employees of Legal Persons of Public Law/ Civil Servants Code** (Law3528/2007, as amended and currently in force), governing ***employees under public law labor status and open-ended private law labor status***, the following apply:

"*1. Pregnant women are granted with a **maternity leave with full remuneration, two (2) months before and three (3) months after labor**. In case they acquire more than three children, post-labor leave shall be each time increased by two (2) months. Pregnancy leave is granted following a certification by an*

obstetrician on the expected time of labor. In case of a multifetal pregnancy, post-natal care leave is increased by one (1) month for each child over one.
2. When labor takes place after the initially estimated time, the already granted leave is extended to the actual date of labor, without such extension to generate a related decrease in the maternity leave granted after labor.
When labor takes place before the initially estimated time, the remaining leave is provided after the actual date of labor, in order to complete a full period of five (5) months.
3. Pregnant employees in need of special treatment, after using up their paid sick leave, are granted with regular pregnancy leave with full remuneration, following a certification of their obstetrician and an a director of a Gynecology – Obstetrics Clinic or Department of a public hospital.
4. Women employees who adopt a child are provided with a three-month (3) leave with full remuneration, within the first semester after completion of the adoption procedure, provided that the adopted child is up to six (6) years old. One month of such leave may cover the employee's absence before adoption.
5. Labor allowances paid to a woman employed with a public law legal entity as a result of compulsory insurance by security institutes are deducted from the remuneration paid during maternity leave if the insurance is justified by a legal entity contribution as well."

Moreover, as **to private law employees under a fixed-term labor contract**, the provisions of Article 89 (on labor legislation) of **Presidential Decree 410/1988 on "Codification into a unified text of the applicable legal provisions with regard to private law employees of the Public Sector, Local Government Agencies and other Public Law Legal Entities (A'191)**" apply as follows:
"*Unless otherwise provided for in this Code, the provisions of labor legislation on dependent employment supplementarily apply*.
Given that the provisions of Presidential Decree 410/1988 do not include any regulation on pregnancy and post-natal care leaves granted to private law employees under a fixed-term labor contract, the respective provisions of labor legislation on dependent employment contract shall apply."

II. MEASURES TAKEN TO IMPLEMENT THE LEGISLATION

The General Secretariat for Gender Equality, within the framework of the National Action Plan for Gender Equality 2016-2020 (specifically, under Objective 6 on Professional and Family Life Balance), has recommended and has been promoting measures and actions pertaining to the improvement and simplification of the procedures related to the protection of maternity, the launching of awareness and information campaigns, employer training on professional-family life balance issues (necessity and benefit of time autonomy, rotational working hours, avoiding of extended working hours culture), as well as to the encouragement of enterprises and bodies adopting family friendly practices (family friendly enterprises). In addition, a study shall be elaborated on the adoption of a single framework for maternity protection in the public and the private sector, in collaboration with the competent Ministers (Ministry of Interior, Ministry of Labor). Moreover, the General Secretariat for Gender Equality is expected to network with competent authorities (The Greek Ombudsman and the Hellenic Labor Inspectorate) for checking complains related to dismissals or discriminations infringing on the men's and women's right to reproduction (Implementation period: 2016-2020).

Such proposals have become provisions of the Bill on Effective Gender Equality, expected to be passed by the Hellenic Parliament shortly.

Additionally, see also Article 27para2.

III. STATISTICAL DATA AVAILABLE

ECONOMIC – POPULATION STATISTICS

Maternity Benefits

	Insurance Institute	Expenditure during 1/5/2016 - 31/12/2016	Number Of Beneficiaries	Average expenditure per beneficiary
1.	Social Security Institute (IKA) – Unified Fund for Salaried Employees (ETAM) – Sickness Branch	45.438.220,24 ACTUAL DATA	18.817 Estimated	2.414,74
	Special Account for Hotel Employees	1.663.873,58 ACTUAL DATA	677 Estimated	2.457,72
2.	Agricultural Insurance Organization (OGA) – Health Sector	1.460.672 ESTIMATED	2.963 Estimated	492,97
3.	Social Security Fund for Self-Employed (OAEE)	1.380.600 ACTUAL DATA	2.301 ACTUAL DATA	600,00
4.	Unified Insurance Fund of Independently (ETAA) – Health Sector	THE FOLLOWING ANALYTICAL DATA ARE ESTIMATES:		
	a) Engineers and Public Works Contractors Fund (TYMEDE)	480.000,00	600	800,00
	b) Health Sector for Healthcare Professionals (TYY)	263.200,00	329	800,00
	c) Health Sector for Lawyers of Athens (TYDA)	156.000,00	195	800,00
	d) Health Sector for Lawyers of Piraeus (TYDP)	23.200,00	29	800,00
	e) Health Sector for Lawyers of Thessaloniki (TYDTh)	64.800,00	81	800,00
	f) Health Sector for Lawyers of Regions (TYDE)	130.400,00	163	800,00
5.	Insurance Fund of Employees of Banks and Utilities (TAYTEKO) – Health Sector	10.000,00 ESTIMATED (FOR MATERNITY – POST-NATAL CARE AND BREASTFEEDING BENEFIT – THERE ARE NO ANALYTICAL DATA PER SECTOR)		
6.	Unified Insurance Fund for Mass Media Personnel (ETAP-MME) – Health Sector	ESTIMATION		
		142.240,00	33	4.310,30

There are no analytical statistics for **2017**, as allowances were paid by the Unified Social Insurance Fund (EFKA), whereto the aforementioned bodies have been subjected. Total EFKA expenditure on maternity allowances during 2017 was **€75,140,105.00.** The total number of beneficiaries for the same year is estimated to 34,295, with the following sectors being excluded: a) Special Account for Hotel Employees, b) Health Sector for Public Servants, c) Health Sector for Municipal and Communal Employees, d) Health Sector for Notaries and e) TAYTEKO Health Sector, for which no statistics are available.

IV) ECSR's NEGATIVE CONCLUSION

With regard to **employed women's remuneration during maternity leave**, you are hereby advised that during such period, employed women are entitled to receive remuneration from a) their employers depending on their work experience, b) their security institute and c) by the Manpower Employment Organization (OAED), if the conditions set by such bodies are met.

In particular, with regard to the employer's obligation to pay remuneration during such period, and given that the maternity leave is a non-liable impediment because of which a working woman may not offer her work, the provisions of articles 657 and 658 of the Greek Civil Code apply.

According to the above, employers' obligation to pay related remuneration to their women employees, during maternity leave, is limited to the payment of remuneration for 15 days in case the impediment occurred following a ten-day working period and before completing the first year of service, whilst, following completion of the first working year, the obligation to pay remuneration may reach up to one month.

Under article 658 of the Greek Civil Code, a year means a working year and not a calendar one, starting from the date that the labor contract entered into force and terminating on the anniversary date of the following year.

Therefore, the completion of the working time period (based on the date that the labor contract entered into force) raise employed women's claim on remuneration for maximum one month.

- Special maternity protection benefit granted by the Manpower Employment Organization (OAED)

As to the "special maternity protection benefit", what has been stated in the 21st Greek Report remains valid, the applicability of which has been also extended to presumptive mothers insured by former IKA-ETAM and acquiring a child through a surrogate mother, by virtue of para3, article 44 of Law 4488/2017.

During the said leave, the mother receives remuneration from OAED, according to article 142 of Law 3655/2008, as in force. The duration of the special maternity leave is deemed as insurance term for EFKA pension and health sectors and as auxiliary insurance term for the Unified Auxiliary Social Security and Lump Sum Benefits Fund (ETEAEP). All prescribed insurance contributions are withheld from remunerations, as for natural mothers.

- Conditions for establishing the right to pregnancy- post-natal care benefit per each former health insurance institute

	Insurance Institute	Pregnancy- Post-natal care Benefit	Granting Conditions	Term of Payment
1.	**Social Security Institute (IKA) – Unified Fund for Salaried Employees (ETAM)**	Equal to the basic sickness benefit, without any limitations of maximum thresholds which may be provided for by Law	Minimum insurance term: 200 days	Granted for 17 weeks or 119 days (56 days compulsorily granted before labor date and 63 days after labor)
	Health Sector for Public Servants	Payment of prescribed regular remuneration by the employer service		Two months before labor and three months after labor

	Insurance Institute	Pregnancy- Post-natal care Benefit	Granting Conditions	Term of Payment
	Health Sector for Municipal and Communal Employees	Payment of prescribed regular remuneration by the employer service		Two months before labor and three months after labor
2.	**Agricultural Insurance Organization (OGA) – Health Sector**	€486.77	Valid insurance coverage	
3.	**Social Security Fund for Self-Employed (OAEE) – Health Sector**	€150.00	Valid insurance capacity and certificate of good standing	Four (4) months
4.	**Unified Insurance Fund of Independently (ETAA) - Health Sector**			
	a) Engineers and Public Works Contractors Fund (TYMEDE)	**Self-employed women:** €800.00. Salaried employed women receive the benefit from IKA-ETAM, as provided for by the applicable legislation	Valid insurance capacity and exclusive occupation as self-employed	(€200 for four months)
	b) Health Sector for Healthcare Professionals (physicians, nurses etc) (TYY)	**Self-employed women**: €800.00. Salaried employed women receive the benefit from IKA-ETAM, as provided for by the applicable legislation	Valid insurance capacity and exclusive occupation as self-employed	(€200 for four months)
	c) Health Sector for Lawyers of Athens, Piraeus, Thessaloniki and Regions	**Self-employed women**: €800.00. Salaried employed women receive the benefit from IKA-ETAM	Valid insurance capacity and exclusive occupation as self-employed	(€200 for four months)
	g) Health Sector for Notaries	**Self-employed women**: €800.00. Salaried employed women receive the benefit from IKA-ETAM	Valid insurance capacity and exclusive occupation as self-employed	(€200 for four months)
5.	**Insurance Fund of Employees of Banks and Utilities (TAYTEKO) - Health Sector**			
	a) Health Sector for OTE (Hellenic Telecommunications Organization) Personnel (TAP-OTE)	Remuneration paid by the employer	---	Granted for 17 weeks or 119 days. 8 weeks or 56 days compulsorily granted before labor date and 63 days after labor.
	b) Health Sector for ISAP (Electric Urban Motorway) Personnel (TAP – ISAP)	Remuneration paid by the employer	---	
	c) Health Sector for ILPAP (Public Transit	Remuneration paid by the	---	

	Insurance Institute	Pregnancy- Post-natal care Benefit	Granting Conditions	Term of Payment
	Company) Personnel (TAP – ILPAP)	employer		
	d) Health Sector for DEI (Public Power Corporation)) Personnel (TAP – DEI)	Remuneration paid by the employer (PPC S.A.) **Pregnancy and Breastfeeding benefit** paid by the Sector of Welfare and Childcare for 6 months before labor and 6 months after labor, equal to 40% of 7th PPC payroll scale (€230 in 2015)	Valid insurance coverage	Granted for 17 weeks or 119 days. 8 weeks or 56 days compulsorily granted before labor and 63 after labor.
6.	**Unified Insurance Fund for Mass Media Personnel (ETAP-MME) - Health Sector**			
	a) Health Sector for Owners, Journalists and Press Employees **b) Health Sector for Press Technicians in Athens** **c) Health Sector for Press Sellers and Press Agency Employees**	a. **Insured journalists and salaried employees of the Sectors:** 100% of insurable salary b. **Insured Press Sellers**: 100% of pensionable remuneration, increased by 10% for each dependent family member	Minimum insurance term: 3 months	Granted for 17 weeks or 119 days. 8 weeks or 56 days compulsorily granted before labor and 63 after labor.

Paragraph 2 – Illegal dismissal during maternity leave

I. LEGAL FRAMEWORK – LEGISLATIVE MEASURES

A. With regard to an **employed woman's protection against dismissal as a result of maternity,** and especially in relation to the notice of dismissal during the time of her protection, we would like to inform you that the provisions of article 15 of Law 1483/1984, as amended by para1, article 36 of Law 3996/2011 apply.

Specifically, the said provisions set forth that an employer is strictly prohibited from terminating a contract or an employment relationship with an employed woman both during her pregnancy and eighteen (18) months following labor or during her absence for a longer term, as a result of a sickness due to pregnancy or labor, unless there is a substantial ground for terminating. The protection against termination of a contract/an employment relationship apply both to the employer who has hired a pregnant woman, without having any previous working experience, before completing eighteen (18) months from labor or for the maximum time period provided hereunder, as well as to any new employer employing a pregnant woman and until the completion of the aforementioned times. A potential decrease to a pregnant working woman's performance attributed to her pregnancy can no means be considered to be a substantial reason for her dismissal.

In addition, pursuant to para2, article 10 of Presidential Decree 176/1997, in case of termination of an employment relation on serious grounds under article 15 of Law1483/84, the employer is obliged to duly justify such termination in writing and notify the same to the locally competent Labor Inspectorate.

Furthermore, it should be underlined that in case of a regular termination, the **termination shall coincide with the notice**, whilst its results, i.e. the termination of the labor contract, shall onset after the related deadline lapses. As a result, **the notice of dismissal in a period during which a working woman is protected against dismissal**, under article 15 of Law1483/84, as amended under para1 of article 36 of Law3996/2011, is **illegal** (Supreme Court judgments no.323/38 and no.2064/86, Single Judge First Instance Court of Ioannina judgment no.265/82).

B. Protection of maternity is fully established by the provisions of article 4 paragraphs 1 and 2, article 22 para1 of the **Constitution of Greece**, pursuant to European and International Law, as also provided for by Directive 92/85/EC, ratified by the Greek Law through Presidential Decrees no.176/1997 and no.41/2003, International Labor Convention 103 (Convention Concerning Maternity), as ratified by Law 1302/1982, as well as by the provisions of Law 1426/1984 on the ratification of the European Social Charter and Law 4359/2016 on the ratification of the Revised European Social Charter.

In parallel, the protection of maternity is subject to the principle of equal opportunities and equal treatment of men and women, as the same is specialized under the provisions of Law3896/2010 (replacing Law3488/2006), by which the Greek legislation transposed the requirements set by Directive 2006/54/EC as follows:

The **scope** of the aforementioned law, as provided in article 17 hereof, is extended and its provisions horizontally apply to persons employed or will be potentially employed in the Public Sector and the broader Public Sector, as well as in the private sector, under any form of working status or employment relationship, including under an assignment contract, regardless of the nature of the provided services, also to freelancers, as well as to persons receiving vocational training.

The **application extent** of the said law covers all phases and aspects of a working relationship, from access to employment, working terms and conditions, including remuneration, vocational training and expertise, professional growth and termination thereof.

In particular, with regard to the application of the said law, the provisions of indent a, article 2 thereof, provide the following as to direct and indirect discrimination:

"a. "direct discrimination": where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation;

b. "indirect discrimination": where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary".

Paragraph 1, article 3 of the same law explicitly prohibits "*any form of direct or indirect discrimination on the grounds of sex, mostly in correlation to family status, in all fields covered by the scope of this law, as specified below*". Paragraph 4 of the same article specifies that: "***Any less favorable treatment of a woman related to pregnancy or maternity, in cases of Presidential Decrees no.176/1997 (O.G.150 A), 41/2003 (O.G.44 A) and article 142 of Law3655/2008 (O.G.58 A), form a discrimination in the meaning of this law.***".

In addition, the provisions of article 12 of the same law also stipulate: "*Any direct or indirect discrimination on the grounds of sex or family status as to the terms, working and employment conditions, promotions and planning and implementation of personnel assessment systems is prohibited.*".

In addition, article 14 of the same law also stipulates: "*Any termination or by any means cease of working and employment relationships,* ***as well as any adverse treatment: a) on grounds of sex or family status… is prohibited***."

Finally, article 16 stipulates that: "A working woman on maternity leave, as applicable, or on the special leave of article 142 of Law 3655/2008 (O.G.58 A), shall have the right, upon termination of such leaves, to return to the same or an equivalent post, to suffer no detriment in their terms and conditions as a result of taking such leave and **to benefit from any improvement in working conditions to which she would have been entitled during her absence**."

C. In addition, the provisions of article 22 of Law3896/2010 ensure that **any person believing to have been harmed** from non-compliance of the provisions of this law, even if the relationship under which the discrimination has allegedly occurred no longer exists, shall have a right to judicial protection, even the right to recourse before the competent administrative and judicial authorities. In particular, any employed woman who believes that she is harmed as a result of an infringement of the aforementioned provisions, is entitled to recourse to the competent administrative authorities, the Hellenic Labor Inspectorate, the Greek Ombudsman, who, pursuant to article 25 of Law 3896/2010 and par. 5 of article 4 of Law 3094/2003, as amended and currently in force by article 20 of Law 4344/2016, has been appointed as the national body for the promotion and monitoring of the principle of equal treatment and equal opportunities between men and women. Exercise of such rights does not affect any deadlines for raising judicial and administrative proceedings.

Moreover, in the event that the principle of equal treatment and equal opportunities between men and women is infringed, the provisions of article 24 (of the same law) on **reversal of burden of proof** apply. In particular, when a person claims to have suffered discrimination on grounds of sex and invokes, before a judicial or any other competent authority, facts or data which indicate direct or indirect discrimination on grounds of sex, or that a sexual or other harassment has occurred, the accused party is obliged to prove before the court or any other competent authority that no violation of the principle of equal treatment between men and women has occurred. The said regulation does not

apply in case of criminal proceedings. Reversal of burden of proof **also applies to cases raising an issue of unequal treatment on grounds of maternity, maternity leave, special protection of maternity and parental child-minding leave**.

Furthermore, any violation of the aforementioned provisions under article 23 of Law3896/2010 and article 53 of Law4075/2012 are deemed as a violation of the applicable labor legislation, inducing the imposition of administrative and/ or civil penalties, in order to accomplish full compensation of the affected party, which shall cover any incidental or consequential damage suffered by the latter, as well as such party's non-material harm.

Finally, in case of violation of the said provisions, **civil penalties** are imposed for the full compensation of the victim, which cover the victim's material and non-material damage and any incidental or consequential damage[27], as well as **administrative and criminal penalties**, under the provisions of article 23, Law3896/2016, as in force from time to time.

II. MEASURES ADOPTED TO IMPLEMENT THE LEGISLATION

See Article 8, para1, as well as Article 27, para2 & para3.

III. STATISTICAL DATA AVAILABLE

See Article 27, para2 & para3 (Part III, B – *Protection against dismissal due to family responsibilities*)

ADDITIONAL QUESTION OF THE ECSR – PUBLIC SECTOR

❖ As regards **illegal dismissal during maternity leave**, the provisions of **Article 27 para1** apply (part **I** and specifically the provisions of **Law 1483/1984** on the "*Protection and facilitation of employees with family responsibilities – Amendments and improvements of labor laws*", as well as **Article 27, paragraphs 2 and 3** (part **I, 2** on the "***Protection against dismissal on grounds of family responsibilities***").

[27] Incidental damage means the decrease of the existing property of a party, whilst consequential damage means the profit that such party would acquire in the regular course of events.

Paragraph 3 – Time off for nursing mothers

{See also article 27, paragraphs 2 & 3}

We refer to the previous Greek Report and we also state the following:

The right to **child-minding leave** is established under the provisions of article 9 of the National General Collective Agreement (EGSSE) 1993, article 6 of EGSEE 2002-2003, ratified by the provisions of article 7 of Law 3144/03, articles 8 & 9 of EGSEE 2004-2005, article 6 of EGSEE 2008-09, article 2 of EGSEE 2014 and article 38 ("*child-minding leave*") of Law 4342/2015.

This right is alternatively vested to employed, natural, step or foster parents of both sexes, regardless of the kind of business activity exercised by the other parent, even if the other parent does not work. In case of a divorce, separation or birth of a child out of wedlock, child-minding leave is granted to the parent delegated with the custody of the child, unless otherwise agreed between them.

Child-minding leave is granted following a joint declaration of the parents to their employer or employers as to who will make use of the leave. In addition, they may agree to share the leave for specified periods of time, which they shall relatedly notify. Employers are obliged to provide their employees with related certificates. More favorable regulations of Collective Agreements, Arbitration Decisions or employment regulations with regard to child-minding leaves remain in force, regardless of sex. The aforementioned leave is deemed and paid as working time and should not induce any detrimental employment conditions or relationships.

In the context of its mandatory way of granting, the child-minding leave means the decrease of daily working hours, per one hour on a daily basis for thirty months following termination of the maternity leave. Alternatively, upon agreement between the parties, daily working hours may be decreased by two hours on a daily basis for the first 12 months and by one hour for six (6) more months.

Working men and women, instead of decreased working hours for breastfeeding and child-minding, are entitled to request an equal paid leave, within the time period that they are entitled to decreased working hours for child-minding purposes. Such alternative type of leave requires employer's consent and is provided either one-off or in parts (e.g. as off-days), taking into consideration for calculation purposes the time that a valid employment relationship exists, whilst, according to the related provision, the parties calculate the term of the equal leave in lieu of decreased working hours.

The aforementioned leave is deemed and paid as working time and should not induce any detrimental employment conditions or relationships.

We would like to point out that, under the aforementioned regulations, the obligation to provide decreased working hours is set to be one hour per day for thirty calendar months, forming the basis for any further agreement between the parties with regard to alternative types of the aforementioned leave.

ADDITIONAL QUESTION OF THE ECSR – PUBLIC SECTOR

As regards the Public Sector we would like to remind you that, in addition to the said maternity leave, granted upon labor (**article 8, par. 1** – Maternity leave), women working in the Public Sector are entitled to child-minding leave, pursuant to the provisions of article 53 of Law3528/2007 on the "*Code of Regulations of Public Civil Administrative Servants and Employees of Legal Persons of Public Law/ Civil Servants Code*", as well as other facilitations provided for under article **27, paragraphs 2 and 3** (Part I, 1 – *Reassurance of parental leave and facilitations of employees with family responsibilities*).

Paragraph 4 – Night work regulation
Paragraph 5 – Prohibition of dangerous, unhealthy and arduous work for working women

LEGAL FRAMEWORK – ADDITIONAL QUESTION OF THE ECSR

We refer to the previous Greek Report.

We remind that issues pertaining to night work and the prohibition of dangerous, unhealthy and arduous types of work for employed mothers are governed by the provisions of **Presidential Decree no.176/1997** on "*Measures for improving safety and health conditions for working pregnant women, women who have recently given birth and women nursing their infants, in compliance with Directive 92/85/EEC*", as amended and currently in force under **Presidential Decree no.41/2003**.

The above framework provides for a special status for the protection of pregnant women, women who have recently given birth and women nursing their infants, the work of whom may jeopardize their health and safety. In case that the said women's health and safety is jeopardized, employers have to take any required measure in order to avoid any exposure to risk, by permanently or temporarily adapting working conditions and/or by temporarily adapting working hours. If it is technically or/and objectively impossible to adapt working conditions and/or working hours, employers must take any required measure for providing such working woman with a change of post. If it is also technically or/and objectively impossible to change post, such working woman is relieved from work for the entire period required for protecting her safety or health.

In any case, employed women falling under the scope of the said presidential decree cannot be forced to carry out any work which may be dangerous for their own or for the child's health.

In particular, pregnant women, women who have recently given birth and women nursing their infants, in the meaning of article 2 as in force, under full-time or part-time working status during night hours, must be transferred to an equivalent post during day hours, provided that they submit a medical certificate, justifying the necessity for taking such measure on grounds related to safety and health. If such transfer is technically or/and objectively impossible, they shall be relieved from work.

Analytically, as to the implementation of the above, the definitions of article 2 of Presidential Decree no.176/1997, as amended by para2 of article 2 of **Presidential Decree no.41/2003** ("*Amendment of Presidential Decree no.176/97*") and currently in force, apply:

"***a. Pregnant employed woman***: *Any employed woman who is pregnant and has notified her employer about her condition, if this is required for the taking favorable measures for the pregnant employed woman.*

b. Employed woman who has recently given birth: *Any employed woman during post-labor phase, for a period up to two months, who has notified her employer on her condition, if this is required for the taking favorable measures for the employed woman who has recently given birth.*

c. Employed woman nursing her infant: *Any employed woman who breastfeeds for a time period up to one year from labor and has relatedly notified her employer, if this is required for the taking favorable measures for the employed woman nursing her infant."*

Finally, we underline that the above regulations have a ***generalized and horizontal scope of implementation***, **both for the private and the public sector**, according to article 1, Presidential Decree no.176/1997, as amended by para1, article 2 of Presidential Decree no.41/2003 and currently in force.

Moreover, the same issue is also governed by the provisions of paragraphs 3 and 4, article 9 of Law3174/4003 "**Part-time employment and social services**", by virtue of which:

"…By way of derogation of the applicable provisions, under a decision made by the competent body, permanent employees and employees under an open-ended private law employment relationship with

Ministries and other public services, and any form of Public Law Legal Entities and Local Government Organizations of 1st and 2nd level may be seconded ***during pregnancy, post-natal care and nursing*** to services of other Ministries, Public Law Legal Entities and Local Government Organizations of 1st and 2nd level **only when the working environment is dangerous for the health** of the aforementioned employee categories and it is not possible to get transferred within the same service or to be assigned with different duties. The seat of the services to be seconded may not be longer than ten (10) kilometers away from the seat of the service they actually belong to.

4.a. Until Occupational Physicians and Safety Engineers are appointed, as provided for by the provisions of article 8 of Presidential Decree no.17/1996 (O.G.11A/1996), Medical Inspectors in the meaning of article 60 of Law 1943/1991 (O.G.50A/11.4.1991) and Public Sector Engineers, within the framework of their territorial competence, assess in writing the risks that a working environment may entail for employed women during pregnancy, post-natal care and nursing, according to the criteria specified in the provisions of article 12, Presidential Decree no.176/1997 (O.G.150A/15.7.1997).

b. The details for implementing the provisions of such paragraph are regulated by a decision of the Minister of Interior, Public Administration and Decentralization.

c. Under a joint decision of the Minister of Economy and Finance and the Minister of Interior, Public Administration and Decentralization, additional remuneration is set for Medical Inspectors and Engineers...".

STATISTICAL DATA AVAILABLE

Based on the statistics kept by the Labor Inspectorate (SEPE) from 01/01/2017 to 31/12/2017, no complaints were examined about the transfer of any employed woman to a dangerous, unhealthy and arduous type of work during maternity.

In addition, there **has only been one (1) case** of adverse change to working hours for a pregnant employed woman, which was resolved by the competent Labor Inspectorate. This complaint was not investigated upon an order by the Greek Ombudsman, however the latter was relatedly informed.

Article 16 – The right of family to social, legal and economic protection

NEW LEGISLATION

A) Social Protection for the Family

a) Legislative Regulations regarding the Roma population

Law 4430/2016 (O.G.205/A/31.10.2016)

Article 42 of the abovementioned law concerns the establishment of the Special Secretariat on Roma Social Inclusion, under the authority of the Minister of Labour, Social Security and Social Solidarity, with the following main tasks:

1. Setting the guidelines for each policy area related to the social inclusion of Roma and proposing relevant policies to the Minister of Labour, Social Security and Social Solidarity.
2. Close cooperation with other competent Ministries, relevant bodies at national, regional and local level and with private entities for the design and implementation of interventions regarding Roma issues and for the coordination and interdisciplinary monitoring of policies for Roma, such as access to education, employment, health care and housing.
3. The establishment and development of a GIS system for the documentation, monitoring and evaluation of policies and the mapping of the characteristics of the Roma population living in camps and settlements cut off from the wider urban and social fabric.
4. The provision of guidance and technical support to stakeholders for the design and evaluation of interventions regarding Roma issues and the conduction of workshops and events for this purpose.
5. The carrying out of field surveys and studies regarding the living conditions of the Roma population and their problems associated with housing, education, health and work.
6. The collection of any information or element required for shaping a national policy for the Roma population from any public or private body dealing with Roma issues.

The Special Secretariat on Roma Social Inclusion also takes up the role of the **National Contact Point for the promotion of the National Strategy for the Social Integration of Roma** – EU framework. The Strategic goal of the National Roma Inclusion Strategy is "to end social exclusion and to create the necessary conditions for the social inclusion of Roma residing lawfully in the country".

Article 48 of the aforementioned law provides for the establishment of a *Board of Experts* by the Minister of Labour, Social Security and Social Solidarity, which has as its main tasks: a) to provide scientific data and support through research, analysis and data collection and b) to draft recommendations in order to analyze the Roma issues, with the participation of representatives of the target population.

Law 4497/2017 (O.G.171/A/ 13.11.2017)

Law 4497/2017 (articles 1-60, 103 and relevant annexes) provides for the new regulatory conditions for the exercise of open – air trade activities facilitating special social groups, such as Roma. In particular, a special point system for flea market or out-of-store trade licenses for Roma as well as the possibility of co-organizing markets between Roma associations and municipalities are provided. The same law provides for a favorable regulation concerning fines from unregulated activities, in order to encourage Roma citizens to work legally and be integrated in the society.

Joint Ministerial Decision 43420/19.12.2017 (O.G.4603/B'/28.12.2017)

The above mentioned Joint Ministerial Decision (JMD) has established on the initiative of the Ministry of Interior and in co-operation with other co-responsible Ministries, a Working Group on Roma Civil and Municipal Registration that aims at exploring the most appropriate administrative way

to speed up the process of civil and municipal registration for the part of Roma population facing such problems.

The aim of this interministerial Working Group is: a) the removal of institutional and practical difficulties encountered by the Roma when settling civil status issues in order to enable them to have equal access to social goods and b) civil status settlement as a mechanism for ensuring legality.

It should be noted that solving these problems is a necessary prerequisite for the implementation and success of sectoral policies, particularly in the fields of housing, education, employment and social support, given that the eligibility and integration of beneficiaries into specific actions implies the absence of cases pending civil and municipal registration (eg, rent subsidy, concession, integration into an employment program).

In addition to those mentioned above, we inform you of the following legislative regulations that have been adopted in 2018, as they complement the aforementioned legislation of the reference period.

Law 4520/2018 (O.G.30/A/ 22.02.2018)

The article 55 of this law provides for the procedure of certification of knowledge of Romani language or local dialect. In addition, it clarifies the correlation of this procedure with the procedure of recruitment of Roma Mediators within the Roma Branches of the Community Centers.

Law 4554/2018 (O.G.130/A/ 18.07.2018)

The article 62 of that law provides for the procedure for identifying a mother without Identification Documents and the procedure for recording a child in the registry. This article defines the procedure for the identification of baby bearing mothers in maternity hospitals, so that they are not separated from their infants for bureaucratic reasons (lack of ID documents) after childbirth.

B) Childcare facilities

- Municipal units of pre-school education

In order to safeguard the unrestricted right of the children to have access to pre-school education, the Ministry of Interior revised the institutional framework regarding the municipal units of pre-school education so that it can fully respond to the modern social needs and requirements.

In particular, the **Presidential Decree 99/2017**[28] is setting out the conditions for the establishment and operation of nurseries and child care centers operating within the legal entities of municipalities or within municipal units, the relevant technical specifications, the specific terms and conditions of suitability as well as the control procedures[29].

The Minister of Interior and the Deputy Minister of Labor, Social Security and Social Solidarity published the Decision no41087/29-11-2017[30] on "**Model Rules of Procedure of Municipal Nurseries and Day Care centers**", operated either by a municipal legal entity or by a municipal utility enterprise or in the context of a respective municipal service. It responds to the need for this service to be provided for by all the above stated entities in a way, based on a modern and targeted legislative framework.

[28] OG 141/Α΄/28.9.2017. and adopted by delegation provided for in par 1 article 43 of law 4369/2016 (Α΄13)

[29] Relevant Circulars on the implementation of the above mentioned presidential decree have been issued (circular no.26/2018 ref no34200/11-10-2017, Online publication number: 6ΙΥ5465ΧΘ7-ΠΡΥ) and circular no 12/2018 (ref no: 14016/14-4-2018, Online publication number: 66ΒΑ465ΧΘ7-8ΤΔ) by the Directorate of Organization and Operation of Local Government, as well as the Circular ref no35233 Φ. 701.2/14-6-2018 issued by the Fire Brigade Headquarters.

[30] OG4249/τ.Β΄/5-12-2017

Based on the above mentioned Model Rules of Procedure **all children are eligible for being registered in the municipal nurseries, day care centers and crèches.** In particular, the children of working parents, of unemployed parents, of economically disadvantaged families are selected in the registration procedure (such as orphans, double orphans, children coming from single parent families, children of divorced or separated parents, children of women accommodated in the network of structures protecting women who experienced violence, children coming from families that have family members with physical or mental disabilities, children coming from large families, etc). By decision of the competent management body, **children with incomplete documentation who belong to vulnerable groups and fail to present the documents required, may also be registered to the above mentioned childhood facilities.**

- Kindergartens and Nurseries run by private entrepreneurs :

These are profit making kindergartens and nurseries the operation license of which is issued by the relevant Municipality in accordance with the provisions of Ministerial Decision No. D22/11828/293/2017[31].

- Non-profit making Kindergartens and Nurseries run by charities, churches and Public Entities under Private Law:

Non-profit making kindergartens and nurseries operate at the initiative of Charities, Churches, Foundations[32]. The purpose of these units is to provide food, education and entertainment to infants and children on a daily basis and accommodate children of working parents, children of financially weak families and those who are in need due to social circumstances. Their establishment and operation license is issued by the relevant Municipalities.

ECSR's NEGATIVE CONCLUSIONS

A. Housing conditions of Roma families are not adequate

The Greek state, without ignoring the problems and the further steps that need to be taken to promote housing and safeguard the right of the family to social protection through housing and decent living conditions in general, notes the following:

- the adoption of the institutional framework
- the institutionalization of procedures based on the principles of social housing
- the institutionalization of an accelerated fast-track procedure, by means of derogation from any general and specific provision, since the approval by the competent Commission has the use of authorization/license and leads directly to the implementation of the intervention for housing restoration of the target population; and
- the readiness to meet the required expenditure on a case-by-case/ ad hoc basis either from national or European resources.

For the efficiency of the planning of interventions the Special Secretariat for Roma Social Inclusion defined the current situation by mapping the settlements, camps and classifying them in the following three categories:

- **Type 1**: "Most degraded areas- Unacceptable living conditions in huts, shelters lacking basic infrastructures.

31 O.G. 1157/B΄/2017

32 The preconditions for their establishment and operation are defined by Ministerial Decision No. D22/11828/293/2017, (O.G. 1157/B΄/2017).

- **Type 2:** Mixed camps - houses together with short –term facilities (shuts and shacks, tents, pre fabricated containers) often used on a permanent basis and partial infrastructure (Water supply, electricity, roads), usually in the vicinity of a built –up area.
- **Type 3:** Neighborhood, often in distressed / disadvantaged areas of the urban fabric (mainly houses, buildings- apartment flats or detaches houses and some containers).

Based on the aforementioned mapping, there are 371 settlements and Roma living areas today with a total population of 110,007 inhabitants. As regards the type of settlements, 74 of them are highly degraded camps (type 1), 181 settlements are mixed camps (type 2) and 116 are deprived and socially excluded neighborhoods (type 3).

In addition, in order to support local authorities to implement the national strategy at local level, the Special Secretariat has forwarded to all the municipalities of the country with Roma populations a Template of Local Action Plan which comprises of spatial and demographic mapping as well as intervention activities to be implemented by the municipal authorities together with budgets and timelines in the four operational axes: housing, education, employment and health.

Also, the Special Secretariat for Roma Social Inclusion is promoting the legislative framework in order to establish the right to housing for the Roma population with support by a **Special Technical Group consisting of Architects and Engineers for:**

- designing settlements, public buildings and spaces for the community (multicenters, schools, public spaces, etc.)
- modulating/shaping standard housing units
- improving infrastructure
- licensing of interventions
- solving technical problems with stakeholders

The aforementioned Technical Group contributes both to the work of the Special Secretariat and to the work of the Municipalities as the main beneficiaries of the interventions by reason of jurisdiction on local issues, while taking into account the following principles:

- **cooperation with the Municipality and consultation with the Roma community**
- **To find land for relocation** to avoid reactions and, **in case this is not feasible**, **promote improvements of the living conditions in existing settlements**
- take into account the environment, soil morphology, orientation
- create communal spaces and green areas, internal network of roads and parking spaces
- take into account the composition of households for choosing the types of housing and the relationships (family, neighborhood, etc.) for the organization of the dwellings in individual modules
- ensure better quality (insulation, material durability, aesthetics) for houses and infrastructure
- ensure autonomous connection of each dwelling to utilities/public networks (electricity, water, sewage)

Furthermore, we inform you that as regards housing issues, the National Roma Strategy provides for:

i) Organized Areas of Transitory Relocation (Housing Complexes designed according to Social Housing Principles) - Managing Bodies

Municipalities having within their boundaries, Roma settlements of Type 1 are responsible for providing their citizens with the basic services and goods for ensuring descent living conditions. Roma population that live in temporary or illegal shacks/settlements at the borderline of extreme deprivation, should be immediately relocated or until this becomes possible, should enjoy improved living conditions (type 1 and type 2 areas which have pockets that resemble to type 1 settlements) with

a view to gradual and full inclusion of Roma population in the wider urban and social fabric. If the area where the settlement is set is inadequate, a new residential area may be developed, in direct connection with the wider urban fabric.

ii) Basic Infrastructure

In Roma settlements of Type II and Type III which lack basic infrastructure or have not completed the necessary infrastructure (sewage system, water supply, roads, bitumen layering, pavement construction, restoration of communal areas and replacement of sacks with prefabricated housing etc), interventions will be implemented in order to complete the necessary infrastructures. In addition, the social housing complexes require the construction of infrastructure networks (public utility networks such as sewage, waste and sewers, electrification networks and municipal lighting) in the selected areas.

iii) Rent subsidy

The rent subsidy action relates to the relocation of Roma from the existing settlements to residential areas within the wider urban and social fabric, based on certain criteria which must be fulfilled by the beneficiaries. The municipality assumes the role of the mediator between the tenant and the owner. It may identify residential buildings for rental and persons - families who can relocate to independent houses or flats in the urban fabric and pays the rental to the owner for the agreed period of time.

In order to achieve the successful inclusion of the Roma population into the urban fabric, the selection of beneficiaries will be made on the basis of the individualized approach with specific criteria. In addition, the adults of the beneficiary family will participate in active policy measures promoting employment, i.e. via participation of at least one person in the active employment. Also, the family members will be supported through a broad range of social services which will be offered by the Roma Branches and/or the Community Centers, placing particular emphasis on education.

It is worth also mentioning, beyond the above mentioned initiatives and activities undertaken by the Special Secretariat on Roma Social Inclusion, the **"Housing and Reintegration" program** of the National Institute of Labor and Human Resources, which aims at providing housing, among other things, in favour of reintegration and inclusion into the social fabric of people who face homelessness due to unfavorable economic circumstances and individual reasons. The program is also addressed to Greek Roma population.

B. Roma families still do not have sufficient legal protection

The Greek State recognizes the difficulties facing part of the Roma population due to lack of identification documents. However, we note the initiatives taken in this regard together with other competent authorities, and we state that the enjoyment of adequate legal protection is only partly dependent on the lack of identification documents. The problem is addressed by the circular of the Prosecutor of the Supreme Court to the President of the Supreme Court, for informing all courts of first instance and county courts on the provision of free legal aid to low-income citizens that they do not possess the necessary legal identification documents.

C. The level of family benefits is manifestly inadequate

Regarding family benefits the current legislation is as follows:

i) Child benefit

By virtue of **article 214 of Law 4512/2018**[33] ***«Arrangements for the Implementation of the Structural Reforms of the Economic Adjustment Programs and Other provisions»*** **the child benefit was established**, which depends on the **number of dependent children**, the **equivalent family income and the category of equivalent family income.** The said benefit replaces the benefits that apply so far and is granted to families with at least one child and to workers of the private and the public sector.

More specifically:

«The **equivalent family income** is the total, actual or imputed income of all family members from any source of national or not origin, before taxes, after deducting social security contributions, excluding benefits that are not counted in the taxable income, divided by the equivalence scale».

The equivalence scale, the beneficiary families and the benefit amount are defined in paras.4,5,6 of article 214 of Law 4512/2018. More specifically, the following results from the weighed sum of family members:

a) first parent: the weighting is 1, b) second parent: the weighting is 1/2, c) each dependent child: the weighting is 1/4. In particular regarding single parent families, for the first dependent child the weighting is 1/2 and 1/4 for each subsequent dependent child.

The beneficiary families are classified in the following three categories of equivalent family income: a) first category: up to 6.000 euros, b) second category: from 6.001 euros up to 10.000 euros, c) third category: from 10.001 euros up to 15.000 euros.

The benefit amount, depending on the number of dependent children and the category of equivalent family income is set as follows:

For the first category: a) 70 euros per month for the first dependent child, b) plus 70 euros per month for the second dependent child, c) plus hundred 140 euros per month for the third and any other subsequent dependent child.

For the second category: a) 42 euros per month for the first dependent child, b) plus 42 euros per month for the second dependent child, c) plus 84 euros per month for the third and any other subsequent dependent child.

For the third category: a) 28 euros per month for the first dependent child, b) plus 28 euros per month for the second dependent child, c) plus 56 euros per month for the third and any other subsequent dependent child».

According to para.11 article 214 of Law 4512/2018, **the child benefit is granted** to the following categories of persons:

a) Greek nationals permanently residing in Greece,

b)**Greek foreign nationals permanently residing in Greece** who are holders of a Greek national card

c) **citizens of EU member states** permanently residing in Greece,

d) citizens of EEA countries (Norway, Iceland and Lichtenstein) and **citizens of Switzerland** permanently residing in Greece,

e) **recognized refugees permanently residing in Greece**, whose residence status in Greece is governed by the provisions of the 1951 Convention on the Status of Refugees (Decree No 3989/1959, 201A), as amended by the 1967 New York Protocol to the Convention on the Status of Refugees (389/1968, 125A),

[33] O.G. 5/A΄/2018

f) **stateless persons** whose residence status in Greece is governed by the provisions of the 1954 Convention on the Status of Stateless Persons (Law 139/1975, 176A),
g) **beneficiaries of the humanitarian regime**,
h) **citizens of other states legally and permanently residing** in Greece.

In addition to the family allowance as presented above, we would like to inform you about the following provisions:

ii) Maternity cash benefits scheme

In accordance with the provisions of article 4, para5 of Law 1302/1982[34], ratifying ILC No103/1952 on «Maternity protection», a maternity cash benefit scheme applies to women who are not entitled to claim benefits from any social security institution or are uninsured.

iii) Supplements for dependent family members

According to the Greek social security legislation[35], old-age, invalidity and survivor's pensioners, receive supplements for their dependent persons from OGA fund, as follows:
Persons who have entered retirement since 12/05/2016 (enforcement of law 4387/2016):
No supplements to children. Pensioners may apply for the **Single allowance child support** and the **Special benefit for families with at least three children**.
No supplements to spouse and other dependents.
Persons who have entered retirement before 12/05/2016 (enforcement of law 4387/2016) receive supplements as following:
Until 31/12/2018:
Persons insured before 1/1/1993:
Spouse (under conditions): 1.5 times the wage of an unskilled blue-collar worker per month.
Children (under conditions): 1st child: 20% of the pension, 2nd child: 15% of the pension, 3rd child: 10% of the pension
Persons insured since 1/1/1993:
Spouse: No supplements.
Children (under conditions): 1st child: 8% of the pension, 2nd child: 10% of the pension, 3rd and any further child: 12% of the pension
Since 01/01/2019: No supplements. **Pensioners may apply for the Single allowance child support and the Special benefit for families with at least three children.**

According to the Greek social security legislation, pensioners of EFKA (Unified Social Insurance Fund) receive the above mentioned supplements irrespective of their gender, nationality or the group of people they belong to (i.e. the Roma).

iv) Tax exemptions

By virtue of Law 4387/2016 (A΄ 85) the first attempt was made to support families with dependent children, which was not included in the initial provisions of the Income Tax Code {Law 4172/2013 (A΄ 167)}.
More specifically, in accordance with article 16 of Law 4172/2013 (A΄ 167), as amended by article 112 of Law 4387/2016 (A' 85) and in force, the income tax arising from salaried work, pensions and agricultural sole proprietorship business is reduced as follows:

[34] O.G. 133/τ. Α΄/1982
[35] clause 27 par. 3 of law 4387/2016 as amended by par. 1 of clause 2 of law 4472/2017

- By 1.900 euros for a tax payer without children when the taxable income arising from the above categories does not exceed 20.000 euros,
- By 1.950 euros for a tax payer with one (1) dependent child,
- By 2.000 euros for two (2) dependent children
- By 2.100 euros for three (3) or more dependent children.

If the tax amount is less than these amounts, the tax reduction is limited to the amount of corresponding tax.

For a taxable income from salaried work, pensions and agricultural sole proprietorship business exceeding 20.000 euros, the reduction amount is reduced by ten (10) euros per thousand euros of taxable income.

Furthermore, in order to protect low income families, article 7 of Law 4223/2013 (A' 287) provides that a fifty percent (50%) reduction is granted to the taxpayer, his/her spouse and the dependent children of the family on the Single Property Tax (ENFIA) that the said persons have to pay, provided that the following conditions are met cumulatively:

a) the total taxable family income does not exceed 9.000 euros, increased by 1.000 euros for the spouse and each dependent member.

b) the overall area of buildings does not exceed 150 m2 and the total property value does not exceed 85.000 euros for an unmarried person, 150.000 euros for a married person and his/her spouse or a single parent family with one dependent child and 200.000 euros for a married person, his/her spouse and their dependent children or a single parent family with two dependent children and

c) the taxpayer, his/her spouse and their dependent children are tax residents in Greece.

From the above it follows that the number of dependent children and the existence or not of a spouse are taken into account when defining the conditions for a reduction in the Single Property Tax (ENFIA). Similar conditions should be met in order to be entitled to a hundred percent (100%) reduction on ENFIA.

v) Further provisions to families with many children

In addition to the family allowance, we would like to inform you that families with many children are entitled to a reduced fare on public transport. They are also included in policies for vulnerable population groups, such as – by order of priority – admission of children in municipal nurseries and pubic summer camps, whose parents are financially weak, disabled or unemployed. Moreover, these children are entitled to extra points for their admission in Universities and Technological Institutes, appointment in the public sector or recruitment in the private sector, etc.

ADDITIONAL QUESTIONS OF THE ECSR

i. Definition of "family" in national law

There is no specific definition of family in nation law as this is a broad social term. However, there are definitions, as appropriate, depending on what shall be regulated each time. For example in article 1, para.2 of Law 3500/2006[36] «Combating domestic violence and other provisions», family is defined as follows:

a. family or community consisting of spouses or parents and relatives of first and second degree by blood or by marriage and their adoptive children.

b. family includes, relatives by blood or marriage up to fourth degree and persons for whom a family member is designated as guardian, judicial supporter or adoptive parent, provided that they cohabit, as

[36] O.G.232/A'/24.10.2006

well as any under-aged person cohabiting with the family.

c. the provisions of the present law shall also apply to the permanent partner of a man or the permanent partner of a woman and the children they have in common or children of one of the partners, provided that such persons cohabit, as well as to former spouses.

Moreover, by virtue of Law 4531/2018 «Ratification of Council of Europe Convention on preventing and combating violence against women and domestic violence and adaptation of Greek legislation», the concept of family is further expanded in order to include persons associated based on a cohabitation agreement.

It has to be noted that with the said law, in order to include the permanent partner of a man or the permanent partner of a woman and their children under the protection of Law 3500/2006, their cohabitation is no more necessary.

Finally, article 1 of Law 4356/2015 defines the cohabitation agreement as an agreement of two adults, irrespective of their sex, that regulates their cohabitation.

SOCIAL PROTECTION OF FAMILIES

i. Housing for families

- **Adequate housing for families**

Refer to art.31 and afore mentioned information on Roma population and housing conditions

- **Adequate housing – according to the composition of the family – and supply of basic services (heating, electric supply)**

Refer to art.31

- **Taking into consideration the family needs when planning housing policies**

Refer to the above mentioned on Roma housing conditions (ie Law 4430/2016, art. 48 on the Council of Experts, in which Roma representatives participate, as well as art.159/Law 4483/2017 on temporary relocation of Special Social Groups etc)

- **Eliminate unlawful evictions of Roma families**

Regarding evictions, we would like to note that no legislative amendments have occurred since the previous Greek report. However, in accordance with our country's obligations stemming from the Constitution and EU law concerning ROMA citizens, the authorities avoid taking any expulsion measures or using any other means of forced eviction from their places of residence, however illegal or annoying their settlements may be, until a prior relocation site is identified, where they will be able to stay legally and which meets at least the basic standards of decency, while measures are taken to deal with the practical aspects of their relocation.

In any case, Municipalities:

- Should ensure the resolution of problems relating to living standards, under article 75 of the Code of Local Authorities (Law 3463/2006) on support to financially weak citizens, in combination with the general provisions on actions concerning disadvantaged groups (Law 3304/2005, article 21, para4Σ). In accordance with JMD B-973/2003, amending regulation A5/696/83 on «the organized relocation of travelers», the responsibilities of Municipalities are further specified with regard to their obligation to improve the living conditions of such groups, in particular hygiene issues. Moreover article 4 of the above JMD stipulates that «Municipalities are responsible for the organization and supervision of approved relocation sites' operation».
- Should take action, in cases where Roma people have clearly occupied private land without the owner's permission, in order to relocate them, within the necessary time frame, to other appropriate places with decent living conditions, in accordance with the terms and procedures laid down in JMD 23461/2003.

- **Information on programs aimed at improving Roma housing conditions**

See above mentioned on Roma housing. In addition, we inform you of the following:

In 2017, the Special Secretariat on Roma Social Inclusion as the competent coordination authority has already forwarded the necessary legislative provisions, so as to facilitate the implementation of action for the improvement of housing conditions for special social groups following the meaning of paragraph 11 of Article 13 of Law 3212/2003 (308A) and paragraph 1 of Article 34 of Law 3448/2006 (57A).

The **Article 159** of law 4483/2017 on the transitory relocation of special social groups provides for the authorization and operation of organized transitory relocation areas developed as social housing complexes according to bioclimatic design principles on the basis of urgent housing needs for special social groups who live in unacceptable housing conditions. The operation of such areas requires a holistic approach (through the Community Centers- Roma Branches) - by providing a wide area of social services that assist the process of inclusion.

Additionally, the current program requires that the entity responsible for the implementation must have a management unit/ group seated in the transitory relocation area. This unit/group will cooperate both with the competent municipal services and with the Roma Branch or the Community Center and other social services. The operation of such a group helps to address the risk of deterioration and depreciation of the housing complex and involving, in the meantime, the Roma community in the running of the housing estate. The Management Group also serves as a support mechanism on administrative and financial management issues of the organized area. This Management Group will be composed of at least four members and it guarantees the employment of the beneficiaries. One member will also have a coordinating role. Furthermore, the Roma branch will offer individualized social services in all areas, in order to assure the gradual but full social inclusion.

In case that transitory relocation of social vulnerable groups is not feasible due to lack of available appropriate land, it is provided via paragraph 8 of article 159 of law 4483/2017 (OG107/A/31.07.2018) the intervention for Improvement of Living Conditions, taking into consideration that in several Roma settlements, particularly in Type I and Type II (mixed settlements), there is an urgent need for immediate provision of individual hygiene utilities and environmental interventions, in order to create the conditions, so as Roma population, mainly children, to have access to such infrastructure and by extension access to basic public utilities and goods.

Provisions of paragraph 8 of article 159 of law 4483/2017 (OG107/A/31.07.2018), as further specified within the applying Joint Ministerial Decision, as amended and being in force, provide for the creation of temporary or mobile hygienic and personal cleaning units with communal toilets, public baths and laundry washing facilities for the cleaning of clothing. The abovementioned interventions can be combined with the provision of wider supportive services via a Community Center and interventions such as pebble paving, pestilences, insecticides, pruning of wild bushes and weeds, interventions related to public network utilities (sewerage, electricity, water supply) or other actions concerning the hygienic dimension of the environmental aspect within the settlement resulting from the particular circumstances of the particular camp.

Childcare facilities

ii. Information on the number of applications that were rejected

The Programme “Harmonization of work and family life” concerns the provision of child care services at public and private day care centers, integrated care nurseries, crèches and creative occupation centers, with a view to enhancing employment prospects and helping low income beneficiaries maintain their jobs.

Within this context, according to the information provided by the Hellenic Agency for Local Development and Local Government (EETAA), for the school year 2016-2017, the total costs of the programme amounted to 189.510.046,18 euros, with the Ministry of Interior contribution being 89.721.307 euros. For the above period, under the programme the number of persons engaged amounted to74.993 beneficiaries and 92.751 children.

iii. Measures planned to monitor the quality of childcare services

Article 1, para.4 of Law 2345/1995 «Organized Protection Services by social welfare bodies and other provisions», establishes the institution of social adviser in order to supervise and monitor the social services provided by private bodies, in terms of quality and adequacy. By virtue of article 186 ZII, case 18 of Law 3852/2010[37], the responsibilities of the Social Adviser are extended also to include the conduct of inspections at private and public kindergartens, through reports on the quality and adequacy of provided services.

iv. Roma access to childcare services

As mentioned above, **all children are entitled to be enrolled at municipal kindergartens and nurseries**. Priority is given to worker parents' children, children of unemployed persons and children of financially weak families, while preference is given to those who need special care for social reasons. Besides, we have to note that **in Greece Roma children are an integral part of the Greek population**. They are Greek citizens and enjoy all civil and political rights under the Constitution and the laws of the country for the whole population. Consequently, they may enjoy the same economic, social and cultural rights as their peers.

However, due to their living conditions both at practical and social level, Roma children face discrimination and social exclusion. For this reason, in the event of failure to produce all required supporting documents for their enrollment at kindergartens, the enrollment of children of vulnerable groups is possible even with incomplete supporting documents.

Family Counseling Services

v. Information on family counseling services

The General Secretariat for Gender Equality (GSGE), as the competent governmental body for preventing and combating violence against women, implements since 2010 the **"National Programme for the Prevention and Combating of Violence against Women"**, which is the first comprehensive and coherent action plan at national level on combating gender-based violence (domestic violence, rape, trafficking, sexual harassment). The Network consists of the following 62 structures:

a) 24-hour SOS 15900 helpline.

b) 40 Counseling Centers that provide:

-psychosocial support (specialized counseling for women victims of gender-based violence),

-legal counseling and information on victims' rights.

- legal aid (in cooperation with the local Bar Associations),

-labor counseling and enhancement of women's skills to enter the labor market, in cooperation with other organizations (e.g. Hellenic Manpower Organization-OAED, Employment Promotion Centers, Municipal Social Services, etc.)

-counseling on sexual and reproductive health,

-referral of women victims accommodated to Shelters, to police and prosecution offices, courts, hospitals or health centers, social policy agencies, employment agencies, childcare facilities, etc., while implementing actions to prevent, communicate and raise awareness of local society.

[37] O.G. 87/7-6-2010

c) 21 Shelters for Women Victims of Violence: in addition to safe accommodation offered to women victims of violence and their children, the shelters provide additional psychosocial support, labor and legal counseling through Counseling Centers, facilitate access to health services and the enrollment of children in schools

All services of the Network are **free of charge**.

In the new programming period (2016-2020), services have been expanded in order to provide labor counseling and the target group has been expanded to women victims of multiple discrimination (refugees, single parents, Roma etc.).

In order to raise public awareness on violence against women, nationwide campaigns take place. One of the most important was the campaign with the slogan: "You're not the only one, you're not alone" including relevant seminars, informational material in several languages (Greek, English, French, Albanian), TV and radio spots, cultural events, publicity on public transport, entries in Press, a webpage (www.womensos.gr) and a Facebook page as well as banners in web pages.

In addition to the above mentioned, concerning family counseling services for Roma, it is worth noting:

- The role of the **Community Centers and the Roma Branches**, which provide a wide range of advisory and support services to families. The responsibility for specializing them further via Roma Branches in areas with high concentrations of Roma population highlights the state's recognition of the vulnerability of the population and the prioritization of the concern to solve this problem.
- the pilot implementation of the Joint EU and CoE Program for Access to justice to Roma Women and Travelers (JUSTR♀M), which was basically advisory and informative on the rights of women and supported a large number of beneficiaries according to the results of the pilot period
- the actions to be taken by the Special Secretariat for employment having as main purpose to provide either individual or collective counseling services, in order to support young Roma in business development or job searching.

vi. Information on Participation of associations representing families

As regards the involvement of associations that represent families in the drafting of policies that affect them, we would like to note the following:

a) Public online consultation process

Public consultations are established by law 4048/2012[38], which provides that each ministry or body of the public sector may conduct public consultation on draft legislative and regulatory acts and any other instrument or call for expression of interest. In essence, this is a platform where citizens or associations of citizens may comment on draft laws, etc. This procedure ensures, on the one hand, transparency and on the other, access and involvement of citizens in lawmaking process.

Draft laws or any other instrument that is approved and for which public consultation takes place, are commented by the interested persons. More specifically, as soon as the instrument (draft law, decision, act etc), is put to public consultation, the each time relevant Minister or the person responsible of the each time relevant body, invites citizens to participate in the consultation process. We have to note that all accompanying texts (Explanatory Memorandum, other relevant legislation, possible positions of the social partners, etc.) are posted on the home page. Each Ministry sends a press release in time reporting the launch of online consultations together with the website.

[38] O.G. 34/23-02-12

b) With regard to information on the involvement of ROMA unions representing families we note the following:

- the participation of representatives of the target group in the Council of Experts (see above, session on new legislation/ Housing)
- The Special Secretariat for Roma Social Inclusion has undertaken, as National Roma Contact Point for National Strategy the implementation of the EU programme "RomPlat", which is funded by the European Commission. This programme refers to a consultation platform on Roma issues that promotes awareness, participation and cooperation of stakeholders, supporting positively the local meetings organized for networking and encouraging and supporting the active participation of the Roma population. The program covers the period from September 2017 to August 2018, while the relevant concluding conference has taken place strengthening the dialogue and taking steps to encourage Roma mediators as levers to be involved in consultation activities and to follow developments concerning the implementation of the National Strategy.
- the efforts of the Special Secretariat for Roma Social Inclusion to ad hoc approach the target group when planning interventions (eg approach of Roma women's clubs to support women's entrepreneurship, approaching university graduates of gynecological origin to participate in schooling of Roma children).

vii. The ECSR considers that ROMA families are being discriminated against due to lack of identification documents

As for the difficulties Roma families face due to lack of identification documents, it is worth mentioning the efforts of the Special Secretariat in cooperation with other competent bodies (Ministry of Interior, Hellenic Police, Hospitals, etc.) for the settlement of the civil and municipal status of Roma and the resolution of the problems through:

- the establishment of the relevant Working Group to identify the most appropriate administrative way to speed up civil and municipal settlement process for the Roma population facing problems of lack of documents
- article 62 of Law 4554/2018 defining the procedure for identification of a mother without identification documents, so that she is not separated by her infant for bureaucratic reasons (lack of identification documents) after childbirth.

We would, also, like to repeat that ROMA people are not a minority in Greece and that they are an integral part of the Greek population. They are Greek citizens and enjoy all civil and political rights under the Constitution and the laws of the country for the whole population (the right to assembly, the right to association, right to vote, freedom of expression etc). However, the Greek State recognizes the difficulties in their living conditions and therefore decided to take action in every field of their social life in order to end ROMA social exclusion, to improve their social and economic life and to promote their full integration.

To this end, the Special Secretariat has begun the drafting of an Action Plan specifying the National Strategy for Roma Social Inclusion, taking into account the existing situation and the main pillars of the national strategy. The Strategic goal of the National Roma Inclusion Strategy is "to end social exclusion and to create the necessary conditions for the social inclusion of Roma residing lawfully in the country".

This strategic objective is to be served via three individual general objectives, as follows:

- Guaranteed provision of housing

- Development of complex of social intervention support services (in the areas of employment, education, health and social integration)
- Development of social dialogue and consensus, through social empowerment and participation of the Roma themselves.

More specifically, as regards ROMA **access to social services and benefits**, we inform you of the following:

HEALTH

Access to health structures

Access to health structures is a crucial factor in safeguarding fundamental rights. In this context, the introduction of free universal health coverage of the population, providing for special care for vulnerable social groups (Law 4486/2017, Government Gazette 115 / 7-8-2017 and Joint Ministerial Decision A3 (c) -4-2016) is expected to have a very positive impact on the access of vulnerable population groups, such as Roma, to primary health care.

Hygienic Reports by Local Authorities

The local authorities due to their knowledge on local needs are asked to issue hygienic reports for the Roma settlements within their territory, in order to find out and define the current needs for further actions.

EMPLOYMENT

Support Structures for Employment and Entrepreneurship/ Business Counseling (through ESF)

The purpose of this action is to activate and mobilize Roma in order to participate in the labor market either as self-employed or employees according to the specific needs and characteristics of local economies. In the framework of the action, through a tailor-made approach, counseling will be provided individually or on group sessions, and advice will be offered to business start-ups along with entrepreneurship support to address relevant issues. Furthermore, counseling will be provided to jobseekers. In addition, support will be given not only at the initial stages of employment but for a considerable time, based on the needs of the beneficiaries. At the same time, there will be an intervention to raise awareness among employers `unions and chambers of commerce about the elimination of negative stereotypes regarding Roma.

Interventions promoting Employment and Entrepreneurship (through ESF)

The action will involve the creation of new enterprises and new job placements as well as the development of social entrepreneurship relying on the findings of the labor market needs assessment mechanism of the local economy. The cooperation between the Community Centers Roma - Units, the "Support Structures for Employment and Entrepreneurship" and the “Manpower Employment Organization (OAED)” is necessary in order to promote access to the conventional labor market.

As for the employment and entrepreneurship initiatives, it is proposed to support entrepreneurship, encouraging schemes of Roma and non-Roma with particular emphasis on the primary sector as well as well as on the sector of circular economy, technical jobs generally and social economy (third sector).

Legislative initiatives- measures concerning the profession of Roma mediator

Additionally to institutional/ legislative settings’ concerning the open – air trade (L.4497/2017) and the procedure for the procedure of certification of knowledge of Romani language (L.4520/2018), it is worth mentioning that the Special Secretariat has developed regular cooperation with the Union of Roma Mediators and Partners, in order to further deal with the immediate problems that are raised during the exercise of the Roma mediator profession on the spot as well to institutionally establish the professional profile of the Roma social mediator. Within this context, the Special Secretariat has also

developed cooperation with the National Organization for the Certification of Qualifications and Vocational Guidance (EOPPEP), in order to institutionalize and certify the profession of Roma social mediator in the near future.

Rights and obligations of spouses

Mediation services

viii. Information on access to mediation services, whether they are free of charge, how they are distributed across the country and how effective they are.

General information

By **Law 4478/2017** (O.G. A', 91/23.06.2017) Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime was transposed into national law. More specifically, articles 61 para. 5, 62 para. 3 and 72, stipulate, inter alia, that victims, in accordance with their needs, are entitled to have access to confidential victim support general or special services and care, free of charge, before, during and for an appropriate time after criminal proceedings. This entitlement may be extended to family members of the victim, in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim. Moreover, the children of women who are victims of crimes against personal and sexual freedom, sexual exploitation, domestic violence, trafficking in human beings, and racially motivated crimes, are entitled to support and care.

The special victim support and care services provide at least the following: a) reception centers or other adequate temporary accommodation of the victim who needs a safe place to reside due to immediate risk of secondary and repeat victimization, bullying and retaliation, b) targeted and integrated support to victims with special needs, such as victims of racist violence, sexual violence, violence on the grounds of gender identity or characteristics and violence in the context of close interpersonal relationships, including post-traumatic support and counseling.

This law aims at ensuring that crime victims receive appropriate information, support and protection, in order to participate in the criminal proceedings. Victims are indentified and treated with respect, sensitivity, individualized, professional approach without discrimination on the grounds of race, colour, nationality, ethnicity, language, religion, social origin, political or other belief, assets, age, gender, sexual orientation, gender identity or characteristics, disability or any other impairment, during every contact with the relevant victim support services or restorative justice services, where this is provided by law or any other relevant authority, acting in the context of criminal proceedings.

The following rights are established under the current law and apply to all victims without discrimination, irrespective of ethnicity or nationality and their residence status:

a) right to understand and to be understood during their first contact with the Police or other relevant authority, b) right to get information since their first contact with the relevant authority, c) right of victims during the filing of the complaint, d) right of victims to get information on their case, e) right to interpretation and translation, f) right of access to victim support and care services during and after the end of the criminal proceedings for a reasonable time period, g) right to safeguards in the context of restorative justice services, h) right of victims who reside in another EU Member state, i) right to avoid contact with the perpetrator, j)right of the victim to be protected during criminal investigations, k) right to privacy l) right to individual assessment for special protection needs and m) right to protection of victims with special protection needs during criminal proceedings.

Mediation services for the ROMA

- The Roma Branches of the Community Centers have Mediator - in the majority of cases of Roma origin - in favor of facilitating the access to social services for the target group, while an effort is being made to promote Roma mediators in these positions through the institutionalization of the process of certifying the knowledge of Romani language or local dialect.
- Roma Mediators were included in the staff of the legal clinics that operated under the JUSTROM pilot program with particularly important contribution to target population
- It is noteworthy that this program provided a wide range of legal services to the target group, ie legal counseling, legal support, legal representation and free legal assistance/aid by means of Law 3226/2004. In the context of this law, on the one hand, the Prosecutor of the Supreme Court issued a circular for the provision of free legal aid to low-income citizens who do not have the necessary ID documents and, on the other hand, in Greece, paragraph 2 15 of the abovementioned law was activated introducing the pro bono legal procedure, namely voluntary legal assistance of a lawyer without financial burden / without payment of legal advice to those who needed the assistance and did not have the means/resources.

Mediation services for children

In the context of addressing the phenomenon of child abuse, the Ministry of Labour, Social Security and Social Solidarity in cooperation with the Ministry of Justice, Transparency and Human Rights, by Joint Ministerial Decision No.49540/2011[39] «Coordination of child protection actions and services», launched the **National Child Protection Hotline and Minor Protection Teams.** The objective and the operation of these structures are presented in detail in article 17, para.1 (c).

It is also noted that the provision of mediation services on all the above mentioned cases is free of charge.

Domestic violence against women

ix. Information on the implementation of Law 3500/2006 against domestic violence (or on any other relevant law)

Legal protection against domestic violence and mediation services

Law 3500/2006 «addressing domestic violence and other provisions» addresses the phenomenon of domestic violence by protecting a broader group of persons in addition to women, such as children, and providing them special and increased protection. Conducts manifested within the family, that violate their physical integrity and health, personal freedom and sexual freedom and dignity, are treated as offences.

Moreover, the provisions concerning domestic violence shall apply also when the perpetrator works in a social care provision body and his act is against a person who receives the services of this body (article 6 para.5). The same applies to cases of violation of sexual integrity (άρθρο 9 para.3).

The exercise of any form of violence among family members is prohibited (article 2) and punished (article 7). As regards domestic violence crimes, **the institution of criminal mediation applies.** This is a procedure that is activated when domestic violence offences committed are minor offences. Thus the criminal justice systems becomes more friendly for the said category of victims so that they have more incentives to report the act and to participate in a procedure that will help them discuss and put an end to relevant conducts with the assistance of an impartial third party.

[39] O.G.877/τ.Β΄/2011

For the rapid and unhindered handling of relevant cases both at civil and criminal courts, there are arrangements that avoid the said «secondary victimization at the court». Article 19 of the law provides that in domestic violence cases, family members are examined as witnesses without oath.

The assistance to victims of domestic violence is of special importance. Article 21 provides that the victims of domestic violence are entitled to moral support and necessary material assistance by public bodies corporate or legal entities under private law that operate especially for these purposes under the supervision of the Ministry of Health and by social services of local self-government agencies. Police authorities dealing with domestic violence cases, must inform the victim, if requested, and the above bodies, in order to provide the victim with the necessary assistance, as appropriate.

Furthermore, we would like to inform you that by virtue of **Law 4531/2018 the Council of Europe Convention on preventing and combating Violence Against Women and Domestic Violence (Istanbul Convention) was ratified.** This Law amended, inter alia, the above mentioned Law 3500/2006, in order to further improve its implementation and to supplement the protection of victims through a series of rules establishing the criminalization of conducts that till today did not come under the criminal law (for example, stalking the victim, harassment, forced marriage, female genital mutilation), and also their compensation.

Measures taken-Action Plans against domestic violence

The General Secretariat on Gender Equality, through the National Action Plan on Gender Equality 2016-2020, implements actions for women and their children who belong in vulnerable groups or are being discriminated against, i.e. women in the poverty threshold, lone parent families, homeless women, Roma, migrants, refugees, asylum seekers, victims of violence, tortures or trafficking, women with disabilities, drug addicts, in prison, elderly women and long-term unemployed.

The National Action Plan on Gender Equality 2016-2020 sets out 3 key objectives for the protection of vulnerable social groups and a number of proposed actions. These objectives are the result of the analysis of the field, as detailed above, but also of the strategic objectives set by the Beijing Platform for Action at the Fourth World Conference on Women. These objectives are:

Objective 1: Gender mainstreaming in legislation and public policies on vulnerable social groups. Indicative actions already in place are:

- Training of the Asylum and First Reception Service staff and the Hospitality Centers for refugee's interpreters and administrators on existing cultural differences, childhood, gender issues and sexuality. Specific reference to cases of women who are victims of violence (domestic violence, rape, trafficking, persecution, etc.) and unaccompanied or unrelated girls. (GSGE, Asylum Service, First Reception Service, Greek Police, Civil Society)
- Coding legislation, circulars etc for women belonging to vulnerable social groups and suffer multiple discrimination and developing proposals for better law and administrative practices in cooperation with the KETHI (Equality Research Center).
- Inclusion of gender mainstreaming in the competences of co-competent Ministries, Local and Regional Authorities in cooperation with the Ministry of Interior, Ministry of Labor, Social Security and Social Solidarity, Ministry of Migration, Ministry of Health.

Objective 2: Strengthening the GSGE in the formulation of targeted policies for women who suffer multiple discrimination and the creation and dissemination of gender-disaggregated data. Indicative actions:

- Establishing an organizational unit in the GSGE for women who suffer multiple discrimination through the revision of the Organization Chart of the office.

- Monitor the implementation of specific provisions for vulnerable social groups with a gender perspective (Gender Equality Observatory).
- Creation of a Project Management Team for the co-ordination of co-competent bodies in the process of locating, referral, hosting and providing support services to refuge women.
- Training of GSGE officers of the personnel employed in shelters, counseling shelters and 15900 line on cultural diversification, asylum and international protection issues, on the process of referrals for refugee women victims of gender violence, dealing with a victim of gender violence in a humanitarian crisis, in accordance with International Practice (GBV Case Management).

Objective 3: Ensuring equality and eliminating discrimination for women with multiple discrimination. Indicative actions:

- Hosting and providing support services to female refuge victims or potential victims of violence or single parent families within the framework of the pan-Hellenic network of structures for preventing and combating violence against women in the GSGE.
- Issuing of a leaflet for female refugees describing the services that can be provided to them (translated into English, Arabic, Persian (farsi).
- Informational meetings with women refugees in Reception Centers or Shelters about their rights and available assistance.
- Organization of creative employment courses and visits to archaeological sites.

Economic protection of families

Family benefits – Vulnerable Families

x. Although the Committee noted that the current legislation abolished the obligation to prove the permanent address by candidates to housing assistance, the previous report did not indicate whether the same solution applies as regards entitlement to family benefits where the residence requirements in principle have to be met.

Please refer to our answer regarding the relevant negative conclusion on family benefits as well as our answer to the additional question on ROMA families being discriminated against due to lack of identification documents.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

xi. Do foreign nationals and stateless persons permanently residing in the country have access to family benefits?

Please refer to our answer regarding the negative conclusion on the granting of family benefits.

xii. Conditions related to the acquisition of permanent resident status and how those affected receive family allowances.

As regards whether third country nationals legally and permanently residing in Greece, are entitled to receive family allowance, please refer to the rebuttal for the third negative conclusion on domestic allowances.

As regards the terms to obtain long-term residence status, article 89 of Law 4251/14[40] «Immigration and Social Integration Code and other provisions», provides for the following:

[40] O.G. 80 A/01-04-2014

1. The long-term residence status is conferred to third-country nationals residing in Greece legally and continuously for a period of five (5) years immediately prior to the date of the relevant application, provided that the following conditions are met cumulatively:

a. They possess an income that is adequate for their needs and the needs of their families that does not come from the social assistance system of the country. Such income may not be less that the annual earnings of a worker who receives the minimum salary, in accordance with national law, increased by 10% for all dependent members of their family, also taking into account any unemployment benefit amount. When calculating the income the contributions of their family members shall be taken into account. The fact that this is a regular income is evidenced by the fulfillment of social security and tax obligations.

b. They are fully insured for sickness, together with their family members, as regards all provisions covered for the respective categories of insured nationals.

c. Meets the condition for integration into the Greek society, in accordance with article 90 para.2.

The Ministry of Interior and the relevant bodies responsible for filing and examining the application and granting a long-term residence permit, inform the interested persons about the terms and the procedure for obtaining long-term residence status as well as the rights and obligations deriving from that status.

Furthermore, article 90 on the acquisition of the status and granting a long-term residence permit, provides the following:

1.If the conditions of the previous article are met cumulatively, the third country national shall file to the relevant body an application for long-term residence permit, accompanied by the necessary supporting documents.

2.The conditions for the integration of a third-country national into Greek society referred to in article 89, para.1, are met when:

a) the third country national proves that has an adequate knowledge of the Greek language and elements of Greek history and culture in accordance with article 107 or

b) they are holders of permanent residence card as members of the family of a Greek national or

c) there is a relevant proposal by a naturalization committee under article 12 of the Code of Greek Citizenship and in accordance with article 5A, para. 2 of the same Code or

d) they legally reside in Greece for twelve years.

The long-term residence status is permanent, subject to article 93 of the said law, which refers to the terms for withdrawing long-term residence status.

Article 17 – The right of children and young persons to social, legal and economic protection

Paragraph 1 - (a): Care, assistance, education and training for children and young persons & (b): Protection of children and young persons against negligence, violence or exploitation

Note A΄: As regards the issues of sexual exploitation and abuse, see under art.7 para10 R.ESC of the present report.

Note B΄: For further information on the prohibition of corporal punishment of children in schools and social care institutions, we refer to the previous simplified Greek report (28th Greek report, July 2018) and in particular to the chapter on Collective Complaint 17/2003 "Global Organization Against Torture Against Greece ".

Protection of children against violence

Law 3500/2006 "For combating Domestic Violence and Other Provisions" aims to tackle the phenomenon of domestic violence by protecting, apart from women, a wider circle of individuals, such as children, by providing special and increased protection. Dealing with minors as victims of domestic violence is a significant regulation of the law, even when the relevant acts are not directly against them but are simply committed before them. In particular, scientific data according to which the acts of domestic violence have a negative impact on the psychosocial development of minors at the risk of perpetuating the phenomenon has been taken into account. For this reason, when the relevant acts are committed before a minor member of the family, this is considered as a distinct variant of the crime of domestic bodily injury. In cases where a family member inflicts a motivated and intense serious domestic bodily injury and the victim is a minor, the offender is sentenced at least to 10 years of incarceration.

It is also stipulated that the provisions on domestic harm apply also when the offender is working at a social welfare provider and his act is directed against a person who receives the services of that provider. The same applies to cases of affront to sexual dignity.

The practice of all kinds of violence among the members of the family is forbidden (article 2 of Law 3500/2006) and punished (article 7 of Law 3500/2006).

In case of domestic violence crimes, the institution of criminal mediation applies. This is a procedure initiated as long as the committed offenses of domestic violence are of a minor nature. With this institution, the criminal justice system becomes friendlier for the particular category of victims so that the latter are given more incentives in order to denounce the act, but also to participate in a process that will help them discuss and put an end to relevant conducts with the assistance of an impartial third party. For minors - victims of domestic violence, specific provisions are provided for in Article 11 (3) to (4) of the Law.

For the prompt and unimpeded court proceedings, both in civil and criminal courts, there are regulations to avoid cases of the so-called “secondary victimization in courts”. Article 19 of the law provides that in cases of domestic violence, family members are heard as witnesses without taking the oath. Minors, during court proceedings, are not summoned as witnesses to the audience, but their testimony is read, if any, unless their examination (hearing) is required by the court.

It is also envisaged that a primary or secondary school teacher who, when carrying out his/ her educational work, learns or finds out in any way that a crime of domestic violence is committed against a child, informs the school principal without delay. The latter shall immediately communicate the offence to the competent prosecutor in accordance with the provisions of paragraph 1 of Article 37 of the Code of Criminal Procedure or to the nearest police authority. The same obligation applies to teachers and managers of private schools, as well as to all kind of Preschool Units[41] (Article 23).

Moreover, concerning gender-based violence and domestic violence, recent Law 4531/2018 ratified the ***Council of Europe Convention on preventing and combating violence against women and domestic violence*** (the Istanbul Convention). Amongst others, this law amended Law 3500/2006 on Domestic Violence in order to improve its implementation by completing the protection of victims with a set of rules establishing the obligation to criminalize conducts that had so far escaped from the state criminal interest, as well as their compensation.

In particular, Law 4531/2018 "Ratification of the Convention of the Council of Europe on Preventing and Combating Violence against women and Domestic Violence and adaptation of the Greek legislation" includes the following amendments-forecasts:

- Training of professionals dealing with victims of violence
- Implementation of treatment programs for perpetrators of domestic violence crimes
- Ability to isolate the victim from the offender (obligation to leave his home)
- Obligation to establish reception centers for victims throughout the territory
- Special provision for the issue or renewal of the residence permit for foreign women- victims of domestic violence
- Forced marriage is also added to trafficking in human beings
- Provision of article 339(3) of the Penal Code, for suspension of criminal proceedings if a marriage was contracted between the perpetrator of grooming of a minor under 15 years of age and the victim, is repealed.
- The concept of family is further extended in order to include cohabiting partners.
- For the purpose of enjoying the protection of Law 3500/2006, the permanent spouse/partner of the man or the permanent spouse/partner of the woman and their children are not required to cohabitate. What applies to former husbands applies also to those rescinding the cohabitation agreement.
- The procedure for criminal mediation is completed with the legal consequences arising when the person to whom the offense of domestic violence is imputed does not comply with the obligations laid down by the specific legislative provision. In this case, criminal mediation is interrupted and criminal proceedings continue.
- Weapons license is forbidden to those prosecuted for domestic violence offenses.

Furthermore, the Penal Code (PC) includes several provisions for the protection of minors, which provide that the commission of the respective crime against a minor is considered to be an aggravating circumstance (e.g. articles 323A par. 1 and 4 and 351 PC).

Under Law 4322/2015[42], Article 312 PC has been amended and "bullying against children" (Bodily Harm inflicted on Minors) has been penalized. According to para. 1 of this article, an act of continuous tough behavior between minors is not punished unless the age-difference between them is longer than three (3) years, and in this case only reformatory or therapeutic measures are imposed. According to para. 2 of Article 312 PC, if the victim is younger than 18 years old, a punishment of at least six (6)

[41] For more details see article 17(2) of the present report
[42] Law 4322/2015 (OG 42 A'/27.04.2015)

months imprisonment is imposed on the perpetrator, depending on the relationship existing between them (i.e. custodian, educational, etc.) under certain circumstances provided by the law, if a heavier offence had not been committed.

Additionally, Law 4478/2017[43] transposed Directive 2012/29/EU *on the establishment of minimum standards on the rights, support and protection of victims of criminality*. The provisions of this law established, inter alia, the right to protect individuals with special needs, including minors, during the criminal proceeding. According to the relevant legislation, during the examination of the minor victim as witness of acts referred to in specific articles of the Penal Code[44] and concern mainly crimes against personal freedom, sexual freedom and economic exploitation of sexual life, as well as in Article 29(5), (6) and (30) of Law 4251/2014 "Immigration and Social Inclusion Code and other provisions", a specially trained child psychologist or child psychiatrist and, in their absence, a psychologist or psychiatrist is appointed and attends as an expert, serving in the Independent Offices for the protection of minor victims or being included in the list of experts where these offices do not operate, by not otherwise applying the provisions of articles 204 to 208 of the Code of Criminal Procedure. Examination of the minor victim as a witness must be carried out necessarily at the Independent Offices of the Court of Appeal for the Protection of Minor Victims, or, where these do not operate, in places specially designed and adapted for that purpose without undue delay. Additionally, minor's deposition shall be submitted in writing and recorded by electronic audiovisual means, replacing physical presence in the next stages of the process.

Independent Offices for the Protection of Minor Victims - "House of the Child"

The minor victim needs special protection due to the particular risk of being subjected to secondary and repeated victimization, intimidation and retaliation, and for this purpose is subject to an individual assessment by the Independent Offices for the Protection of Minor Victims of the Juvenile Probation and Social Welfare Officers Service of the Ministry of Justice, Transparency and Human Rights and where these do not exist, by the Independent Offices of Juvenile Probation and Social Welfare Officers, in cooperation with a child psychologist or child psychiatrist of mental health structures, and in their absence, a psychologist or psychiatrist, and they decide whether and to what extent (the victim) benefits from the specific measures of Article 69 of the Law. The individual assessment of adult victims is carried out by the Departments of Probation and Social Welfare Officers and the Independent Offices of Juvenile Probation and Social Welfare Officers of the above Service of the Ministry of Justice, Transparency and Human Rights. The individual assessment by the above Independent Offices is carried out by the probation officers of each branch depending on the victim's age.

In relation to the support of the victims, and in particular of children victims of crime acts, Independent Offices for the Protection of Minor Victims ("House of the Child") are established, at the Services of Juvenile Probation and Social Welfare Officers in Athens, Thessaloniki, Piraeus, Patras and Heraklion, with the following responsibilities:

- Individual assessment of minor victims to identify specific protection needs
- Provide general support services to minor victims
- Assistance of the preliminary, investigating, prosecution and judicial authorities for the proper examination of minor victims

[43]Law 4478/2017 (OG' 91 A'/ 23.06.2017)
[44]Concerns articles 323A (4), 323B (a), 324, 336, 337(3) and 4, 338, 339, 342, 343, 345, 346, 348, 348A, 348B, 348C, 349, 351, 351A of the Penal Code

- Assessing the perceptual capacity and mental state of minor victims by qualified personnel and
- Establishment of appropriate conditions and places for the examination of minor victims by the preliminary, investigating, prosecution and judicial authorities, supply and installation of logistical equipment for the recording of the minor's deposition by electronic audiovisual means.

The Independent Offices for the Protection of Minor Victims exercise their responsibilities throughout the Appellate Region to which these belong.

The "Children's Houses"[45], are also competent for the individual assessment and the evaluation of the perceptual ability and the mental condition of under-age victims, the provision of general support services, the assistance to all competent authorities for the proper and child-friendly examination of the victim during criminal proceedings, as well as for the development of proper conditions and spaces for their examination and for the audiovisual recording of the child's testimony. L. 4478/2017 provides for an interdisciplinary approach to be applied to the "Children's Houses".

The Ministry of Justice, Transparency and Human Rights is currently working on the establishment and operation of the "Children's Houses". The "Scientific Council for combating children's victimization and criminality" ("KESATHEA") of the Ministry of Justice is also preparing a protocol for the proper examination of minors in criminal proceedings.

The aforementioned actions aim towards the establishment of child-friendly justice and the avoidance of secondary victimization of children in criminal proceedings and the provision of support services to children who are victims of crimes.

[45] See articles 74, 75 and 77 of Law 4478/2017

Paragraph 1 - (c): Protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support

Children in public care

I. LEGISLATIVE MEASURES

Within the reference period of the present report:

- Law 3961/2011 (article 8) was adopted and Joint Ministerial Decision No. 49540/04-05-2011, entitled «Coordination of actions and services for child protection» was issued, providing for the Development of a Child Protection Network and the establishment of Child Protection Teams (O.P.A.) throughout the Municipalities of the country, the operation of the National Child Protection Helpline and the National Child Protection Register. More specifically, the functions of the OPA are focused on the conduct of social investigation in child abuse when:

(a) a relevant notice is received by the National Child Protection Hotline,

(b) a complaint is made, even anonymous, concerning child abuse within the boundaries of the Municipality or

(c) a court order is delivered for the conduct of an investigation.

- Ministerial Decision No. Π2δ/Γ.Π.93510/28-07-2011 was issued, according to which the National Social Solidarity Center was assigned the task of handling housing applications made by asylum seekers and unaccompanied minors. The above mentioned Decision aims at strengthening cooperation and coordination between actors involved, in order to ensure the promptest possible response to the needs for care of the large number of unaccompanied children that were (and are still) arriving at the country.

- Law 4445/2016 entitled «National Coordination, Monitoring and Evaluation Mechanism for Social Integration and Social Cohesion Policies, regulations for social solidarity and implementing provisions of Law 4387/2016 (A΄ 85) and other provisions» was adopted. Article 21 of the Law provides for the establishment and operation of the «e-pronoia» Information System, run by the National Center for Social Solidarity (E.K.K.A.), which also includes the «National Social Solidarity Activities' Reporting and Monitoring Center for the child » (E.K.A.P.) Subsystem. This subsystem aims at supporting the operational procedures of welfare units for their offered services through a unified electronic record keeping system of children enjoying protection. It also coordinates services and monitors children's development within the welfare system and the electronic National Child Protection Register established by earlier legal regulations[46]. The child's electronic file contains file information, social history, monitoring, guardianship, adoption, outstanding matters, attached documents, mobility, file access rights per user and search for roots. The System will interconnect inter alia with the Societies for the Protection of Minors, the National Probation Services, the Services of Minors' Probation Officers and the Juvenile Correctional Institution for boys of Volos, bodies supervised by the Ministry of Justice, Transparency and Human Rights.

- Joint Ministerial Decision No.30840/ 20-09-2016 was issued according to which the National Center for Social Solidarity was assigned the task of establishing, operating and managing the National Identification and Referral System of Victims of Human Trafficking named «National Referral Mechanism for the Identification and Referral of Victims of Human Trafficking» (EMA). The said Decision aims at strengthening cooperation and coordination of actors involved for the early

[46] Such as Article 8 of Law 3961/2011 and Joint Ministerial Decision No. 49540/04-05-2011.

identification and provision of better assistance to the victims. It has to be noted that the said Mechanism provides for the recording also of under-aged victims.

- Law 4538/2018, entitled «Measures for the promotion of foster care and adoption and other provisions» was adopted. The law aims at coordinating of bodies that provide foster care services and implement adoptions as it establishes the National Foster Care – Adoption Council (E.S.AN.I.). Moreover, it aims at accelerating procedures, collecting valid data at national level while updating and enriching regulations on National Registers (of children placed in institutional care, in foster care, or adoption). Furthermore, it provides for sanctions in case data are not submitted to the body responsible for the Register, i.e., the National Center for Social Solidarity (E.K.K.A.). It also aims at controlling private adoptions through the establishment of the National Register of Candidate Adoptive Parents. Furthermore, Article 13 of this Law stipulates that guardianship monitoring is entrusted inter alia to the social services of the Societies for the Protection of Minors of the Ministry of Justice, Transparency and Human Rights for minors under their responsibility and to the Services of the Ministry of Justice, Transparency and Human Rights for minors put under guardianship in accordance with this law.

- On 10/07/2018 the Law entitled «*Social Security and Pension Regulations – Addressing undeclared work – Strengthening workers' protection – Guardianship for unaccompanied minors and other provisions*» was adopted. Part C of the said Law regulates issues relating to professional guardianship for unaccompanied minors, (responsibilities of a professional guardian, selection procedures, work status, etc). A Guardianship Supervisory Council for Unaccompanied Minors is established together with the following Registers: a) for Unaccompanied Minors b) for Professional Guardians c) Unaccompanied Minors Accommodation Centers. A Directorate for the Protection of Unaccompanied Minors is established at the EKKA which is responsible for the coordination and implementation of the said action. The Law aims at promoting the implementation of guardianship for unaccompanied minors residing in the country, on an organized basis, strengthening cooperation and coordination of actors involved and mainly ensuring the realization of children's and young persons' rights by providing the appropriate social and legal protection, care and medical assistance.

Furthermore, the Ministry of Labour, Social Security and Social Solidarity, without any discrimination on the grounds of race, religion or decent, protects children who grow in an environment that is not suitable for their physical and mental health, who lack family care (orphans, abused, children whose parents have physical or mental problems, who are in crisis, unprotected, abandoned, street children), by implementing a network of social welfare measures through Twelve (12) Child Protection branches of the Social Welfare Centers (Public Bodies Corporate).

Child Protection Branches are mainly located at the seat of each Region and aim at offering care for the psychophysical development and the education and vocational training of infants/children and adolescents who are proven to be unprotected and lack family care until they adapt to an environment that will guarantee their best possible development (placement in foster families or adoption)[47].

In addition to the above Public Bodies Corporate, there are also child protection institutions and associations that are run by the church and charitable trusts and assist the above public bodies corporate in their work.

[47] These Centers were established under article 9, para1 of Law 4109/2013 (O.G.16/2013/τ.Α΄) and article 127 para. I of Law 4199/2013 (O.G. 216/2013/τ.Α) concerning the Papafio child care center of Thessaloniki.

Also, as regards the number of children who remain in the Child Protection Branches of the Social Welfare Centers, until their rehabilitation in an appropriate family environment (through a foster family or an adoption) as presented by statistics, it is currently about 550, and as regards the ages, from 0 to 25 years.

II. MEASURES ADOPTED TO IMPLEMENT THE LEGISLATION

- Child Protection Teams (O.P.A.s) have been established since 2011 in most Municipalities throughout the country. Today, 236 Municipalities participate in the network with 408 professionals, while 89 Municipalities have not established an OPA yet. Moreover, the E.K.K.A., through the Coordinating Unit for Child Protection Actions, is responsible for the coordination of the Network and provides mainly advice and information to the OPAs by phone to help them handle cases, inform actors, etc. (over 4500 phone calls). Moreover, a standard Form has been prepared for Social Investigation Reports on the living conditions of minors, which was positively assessed by the majority of the OPAs (over 70% positive assessment). It also periodically sends to the OPAs material on child protection such as Reports by the Ombudsman for Children, manuals on how to handle minors' abuse cases, etc (over 120 e-mails). Furthermore, in cooperation with other bodies, {Ombudsman for Children, Child Health Institute, Central Scientific Council Dealing with Victimization of and Crime against Minors} training activities for the OPA members have been implemented.

- In November 2017, the E.K.K.A., in cooperation with the Child Health Institute, the organisation "Lumos" and the Social Workers Union in Greece prepared a new assessment form for children's needs that will be used by social workers involved in child protection mainly in the Minors' Protection Teams of Municipalities that are responsible for investigating complaints about minors' abuse, with a view to providing a child-oriented, better tackling of such cases. Moreover, recently, all those bodies have worked in partnership and implemented four training programs for OPA member.

- The National Child Protection Helpline «1107», a 24/7 service, has been fully operating since February 2012 under the responsibility of the National Center for Social Solidarity (E.K.K.A.), and is staffed by social workers and psychologists. The Helpline receives complaints and reports over the phone, even anonymous, by people living in Greece, professionals, Services and minors. It provides immediate information and advice, as well as social and psychological support to minors, parents or other interested parties, it cooperates with the OPAs and the relevant public prosecutor, judicial and police authorities and other services, for the immediate social protection of children and adolescents who are in danger.

- The E.K.K.A. has been running **the Service for the Handling of Housing Requests of asylum seekers and unaccompanied minors** since 2011. The said service collects and handles housing requests of asylum seekers and unaccompanied foreign minors, referred to the service by relevant public authorities or cooperating bodies that provide accommodation and social assistance services to the target group and coordinate the authorized entities or voluntary movement programs in order to assist the Central Authority in transferring unaccompanied minors from the islands or the borders to accommodation centers. Officials of the service participate in meetings with interested national and international bodies with a view to efficiently responding to the protection system of unaccompanied minors in general. They also participate in training programs aiming at the educational empowerment of the personnel who work at accommodation structures. Recently UNICEF developed an electronic platform that interconnects all parties involved in order to achieve better interconnection, expedite procedures and handle requests for the accommodation of unaccompanied minors much more rapidly. On completion of the project, the platform will be granted to the EKKA.

- The **«e-pronoia for the citizen» electronic platform** has already been developed since November 2015. It has to be noted that in the context of this project, the entire register of state child protection

institutions was digitized (78.345 files) from their establishment up to and including November 2015. The project aims at serving citizens who were placed in institutional care, (for example, immediate provision of accommodation certificates) and informing them about their social background (for example, adopted children may be informed about their natural parents, their descent) etc. Moreover, in the context of this project, training of professionals was carried out, equipment was delivered to bodies and actions were implemented for the dissemination of the project (for example, one-day seminars, etc). However, now the «e-pronoia for the citizen» platform is not fully operational since Ministerial Decisions are pending that will regulate the technical and operational requirements of subsystems, interconnection and interoperability issues with other information systems, as well as organizational and confidentiality issues.

- With regard to the establishment and operation of the National Referral Mechanism for the Protection of Victims of Trafficking in Human Beings [**E.M.A.],** the E.K.K.A., in cooperation with the parties involved, **has set up permanent Working Groups** and carried out cooperation meetings in order to a) formulate and clarify the information procedures used by the EMA about actions and services provided to the «victims» by accommodation and social support providing bodies, b) standardize a common (printed and electronic) form and how this form will be submitted, the assessment protocol of victim vulnerability, the common frameworks that shall define procedures concerning victims' information, protection, identification, repatriation etc. It has to be noted that there is also cooperation with the Data Protection Authority which ensures that the EMA shall be developed on the basis of institutional provisions for the protection of the population's in question personal data.

- Promoting Foster Care and Adoption. In the context of implementing the new Law, the National Foster Care – Adoption Council was established (E.SANI.), where the Chairman of the E.K.K.A. also participates, while the record keeping procedures have already started.

Protection of Unaccompanied Minors

The Reception and Identification Service of the Ministry for Migration Policy is responsible for the reception and identification of unaccompanied minors entering the country without legal formalities at the Reception and Identification Centers operating at the country's borders under the supervision of the Central Agency. In case of detection of an unaccompanied minor, the Reception and Identification Center informs immediately and in writing the competent Youth Prosecutor or, in his/her absence, the Public Prosecutor and the competent Authority for the protection of unaccompanied and separated minors as well as the National Center for Social Solidarity for the purpose of finding the appropriate Accommodation Center. The locally competent Youth Prosecutor, or where he/ she does not exist, the Public Prosecutor acts as the temporary guardian of unaccompanied minors and has liability for designating a person responsible for the care and protection of the unaccompanied minor. In the case of a minor separated from his/ her family accompanied by an adult relative, the competent Medical Examination and Psychosocial Support Unit of the Reception and Identification Center shall take the necessary steps to identify minor's relationship with the companion and specifically assess minor's best interest in order to take measures for minor's protection from possible risks of abuse, neglect or exploitation. The possibility of assigning minor's daily care and representation to the adult companion is assessed and decided by the competent Prosecutor.

At the same time, unaccompanied minors, as a particularly vulnerable group according to law, during their stay at the Center are separated from adults and hosted in a separate wing for reasons of protection, where they are diligently managed ensuring their full protection and their best interests until they leave the Center. In particular, at the separate wings of the unaccompanied minors, custodianship and safety can be provided 24 hours a day whereas administrative, medical and psychosocial support by specialized personnel of the Reception and Identification Center, their access

to legal assistance and their participation in recreational and educational actions is also ensured. If a place is found by the National Center for Social Solidarity in an open accommodation center and the Prosecutor issues an Order to send the minor to an accommodation center, the minor is subject to the necessary medical examinations with a view to his/ her transfer and admission to the center.

Similarly, at the Open Temporary Accommodation Centers for Temporary Reception operated by the Reception and Identification Service, the unaccompanied minors are hosted in a separate wing for their protection and they are diligently managed ensuring their full protection and their best interests, until they leave the Center to appropriate accommodation facilities. During their stay in the Center, administrative, medical and psychosocial support, access to legal aid and participation in recreational and educational activities is ensured by the specialized personnel of the Center in cooperation with civil society bodies, active in the field of child protection.

Young offenders

Criminal liability and procedures for young offenders - detention conditions

The age of criminal responsibility of minors has been set in Greece from 8 to 18 years since 2003 (Law 3189/2003). Recent Law 4322/2015[48] however reformed the provision of Article 126 of the Penal Code (PC) by raising the maximum age limit of a person's non-criminal liability from the 13th to the 15th year of age (Article 126 PC). Therefore, a punishable offense committed by persons between 8 and 15 years is not attributable to them and only reformatory or therapeutic measures can be enforced.

In particular, recent Law 4322/2015 (Article 26) introduced strict restrictions to the availability of the measure of detention to a special facility for juveniles, only for juveniles who have reached the age of 15 years and have committed a felony which, had it been committed by an adult, would have been sentenced to life imprisonment (Article 127 para.1). Additionally, this penalty may be imposed for actions provided in Article 336 PC (rape) and only in the case of a victim below the age of 15 (Article 127 para. 1 PC). The rest of the criminal offences committed by juveniles above 15 years of age are treated with reformatory or therapeutic measures (Article 126 para. 3 PC).

The duration of confinement of a juvenile to a special facility for juveniles cannot be extended to more than 5 years or be less than 6 months for crimes punishable with imprisonment up to ten years whereas for crimes punishable with imprisonment longer than ten years, or life imprisonment, the duration of detention cannot be extended to more than 10 years or be less than 2[49].

Law 4205/2013[50] introduced electronic home monitoring in the Greek criminal justice system, providing inter alia the imposition of home detention with electronic monitoring as a restrictive condition for juvenile offenders accused of offences punishable with imprisonment of more than ten years, had it been committed by an adult (Article 282 para.3f PPC). In this case the electronic home monitoring should not last more than six (6) months given although the possibility to be extended for three more (3) months only under certain circumstances provided by law[51]. This measure, however, may be replaced by pretrial detention only in the case of violating a relevant obligation or committing an act provided for in Article 173[A] PC (Violation of electronic home monitoring). This provision on electronic home monitoring for juveniles has not been implemented yet.

Specifically the juvenile facilities being located in Greece are the following:

1. Special Youth Detention Centre of Avlona

[48] 4322/2015 (OG 42 A΄/2015)

[49] Article 2 of Chapter B of Law 4322/2015 which replaces Article 54 PC

[50] Law 4205/2013 "Electronic Monitoring of remand, convicted detainees and prisoners on leave and other provisions" (OG 242 A΄/2013)

[51] See article 291 para. 1 of the Criminal Procedure Code

2. Special Youth Detention Centre of Volos
3. Special Youth Detention Centre of Kassaveteia
4. Detention Establishment of Korinthos (Separate detention facility for juveniles below 18 years of age)
5. Minor Males' Treatment Institute of Volos

In compliance with the provisions of Article 37c of the Convention on the Rights of the Child, and following a recommendation made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (C.P.T.), the Minister of Justice, Transparency and Human Rights issued Decision 90467/2013 (GG 2767), which was followed by the setting-up of Special Detention Establishments of Juveniles for the imprisonment of persons under 18 years old. Children that serve sentence in the Juveniles' department are fully separated from the adult inmates. Moreover, in compliance with the article 40.4 of the Convention as mentioned above, schools of all three levels for the juvenile detainees have been established in the Corinth Detention Establishment.

Furthermore, young prisoners subject to detention in youth detention centers under article 12 of the Greek correctional Code are those of both sexes who are in their fifteenth year of age but have not completed their 21st year (adolescence and post-adolescence). Nevertheless, it is permitted for young prisoners to remain at the special youth detention centers until they have completed their 25th year of age, if this is judged necessary by the Central Committee for Transfers, following a proposal by the Prison Board, in order to complete their educational or vocational programs, provided though that they are interested and that their permanence in the establishment causes no problems to its common living conditions and normal operation.

Special attention is paid to the issue of minors' detention. In collaboration with the Ministry of Education, permanent training structures have been established within the special facilities for juveniles (Primary School, Secondary School, High School), equal to Public schools, providing the relevant qualification without mentioning that it was acquired in a detention facility.

Formal education is provided (Primary School, Junior High and High School):

-In Special Detention Centers

-In the Volos Special Treatment Institution for Men

-In the Corinth Detention Center

Finally, special cooperation agreements have been concluded between the General Secretariat for Crime Policy and the Hellenic Open University from 2016, to provide special educational programs for prisoners / students.

Moreover, in addition to the training of minors, in order to reintegrate them in society, various programs are implemented in cooperation with other competent bodies, such as complementary education, vocational training, counseling, self-help and psychological support for former users of toxic substances, legal support by volunteers, mainly lawyers, and training for everyone.

In addition to the above activities, the existing libraries are being enriched and various cultural and entertainment events are organized, such as theatrical performances, music concerts, sports meetings etc.

Also, those minors who wish to work, are provided with working opportunities, with a beneficial calculation of days in their sentence (as well as the participants in the various training programs), in various operational areas of each education facility.

The prison administration provides to the most deprived minors, mainly foreigners, several items free of charge from the charitable fund in order to satisfy their individual needs, such as garments,

footwear and various personal items, in addition to the needs being already covered by the prison services.

Juveniles' Protection Agencies (EPA)

Juveniles' Protection Agencies (EPA) are public bodies operating under the auspices of the Ministry of Justice, Transparency and Human Rights. EPA were founded by mandatory Law 2724/1940 (Governmental Gazette A' 449). Following the reorganisation of Law 4109/2013 (Governmental Gazette A' 16), EPA may operate countrywide at the area of each Court of Appeal. Each EPA is managed by a seven-member Board of Directors and participation in the Board is honorary and voluntary. In 2017, EPA were operating in fourteen (14) judicial districts[52].

The aim of EPA, according to Law 3860/2010[53], is to contribute actively to the prevention of youth victimization and delinquency. More specifically, they provide material, social and psychological support to young people and their families, vocational training, education, cultural cultivation, entertainment and housing to young people who have anti-social behaviour or are at risk of becoming perpetrators or victims of crime as a result of inadequate or non-existent family environment and/or other adverse social conditions. EPA may operate 'Hostels' providing accommodation and multi-faceted support to juveniles at risk. Currently, there are three (3) Hostels operating in Athens, Piraeus and Crete (Heraklion). Moreover, EPA provide daytime services without accommodation in three cities (Karditsa, Thesssaloniki and Alexandroupoli).

STATISTICAL DATA AVAILABLE

With regard to the action of **Child Protection Teams**, according to the records kept by the E.K.K.A. in 2014, and data received by 50 Municipalities and 86 professionals, social workers-members of O.P.A.s, the following have been found:

- 86 social workers have carried out 583 social investigations on child protection issues concerning 896 minors
- Investigations concerned 450 girls and 446 boys
- The majority of investigations (370- 41,29%) concerned children aged 4-9
- Regarding the nationality of minors, 803 of them, i.e., 89,62% of their total number, concerned Greek minors
- With regard to the cause of these investigations, the majority (429 cases - 717 minors), were conducted following a report for child abuse - neglect
- With regard to the type of abuse, 352 (49,09%) were cases that referred to child neglect
- With regard to the duration of abuse, 304 (70,86%) were cases of long term abuse – multiple incidents.

Regarding the operation of the **National Child Protection Helpline «1107»,** data from the annual activity reports of the E.K.K.A. show the following concerning the provision of counseling services (wrong or unnecessary or malicious acts - calls are not counted):

- 2013: 1375 calls addressed and 119 calls concerning complaints for children in danger (abuse, neglect, risk of injury, etc.),
- 2014: 1432 calls and 40 complaints

[52] Agrinio, Athens, Heraklion, Thessaloniki, Thrace, Kalamata, Kerkira, Kozani, Larissa, Mytilene, Piraeus, Syros, Chalkida and Chania

[53] Law 3860/2010 (OG 111 A'/2010)

- 2015: 897 calls and 43 complaints
- 2016: 371 calls and 20 complaints
- 2017: 450 calls and 23 complaints

However it has to be noted that other Helplines also operate throughout the country concerning child protection issues.

Regarding the **right of unaccompanied children to care** and in particular to the **handling of accommodation requests of unaccompanied children**, data of the E.K.K.A. shows the following:

- 2012: 2 requests that were all processed (1 accommodation structure).
- 2013: 4 requests that were all processed (3 accommodation structures).
- 2014: 14 requests that were all processed (7 accommodation structures).
- 2015: 2248 requests that were all processed (16 accommodation structures).
- 2016: 5191 requests and 2775 were processed (57 accommodation structures).
- 2017: 5527 requests and 3470 were processed (68 accommodation structures).

Regarding **National Registers on child protection issues,** we would like to note the following:
The **National Adoptions Register** is established since 2004[54] and is fully operational. The body responsible for its operation is the EKKA from 2010 onwards. According to its institutional regulations during the 1st semester of each year, data on adoptions carried out during the previous year are collected from all Magistrates' Courts throughout the country. It has to be pointed out that the Register's operation was regulated by virtue of Law 4538/2018, according to which more information about natural and adoptive parents shall be kept with a view to further upgrading the Register's competence. According to the Register, the number of adoptions throughout the country during the recent years is the following:

Year - Adoptions
2012: 543 adoptions
2013: 496 adoptions
2014: 361 adoptions
2015: 271 adoptions
2016: 221 adoptions
2017: 393 adoptions

Provision was made about the **National Register of Minors placed in institutional care**, where information on minors who live in institutions would be kept, since 2011[55], in the framework of the National Child Protection Register, where information on «*minors protected by social care, protection and solidarity services (institutional care, foster care, etc.)*» should be kept inter alia. The body responsible for the Register is the National Center for Social Solidarity (E.K.K.A.). However, the fact that no sanctions were provided for concerning data sent to the National Register (that it is now provided for by the recent Law 4538/2018) resulted in the non-compliance of all interested actors in child protection and subsequently the lack of clear data at national level. The available data from 37 Structures only that responded (9 run by the State and 28 not run by the state) to the recording conducted in 2015 show the following:

[54] Joint Ministerial Decision No. Π1α/ΓΠ οικ. 63501, O.G. 965/B/28-05-2004.
[55] Article 8 of Law 3961/2011 and Joint Ministerial Decision No. 49540/04-05-2011

945 children are accommodated in 37 structures (443 boys and 502 girls), the majority of whom :
- belongs to the age group of 9-14 -292 children
- were children whose parents were married – 567 children
- were of Greek nationality – 695 children
- did not have any form of disability – 786 children
- were victims of abuse / neglect – 584 children.

We would like to note that the quantitative research conducted in 2014 by the Research Center «Roots», in the context of the European campaign "Opening Doors", showed 85 institutions (37% state run), 2825 children placed in institutions 182 of whom are under 3 years old, while the vast majority of 833 persons with disabilities were over 18. During the same period of time, 361 exits from institutions took place on the following grounds: 69 reached the age of majority, 84 because were adopted and 124 returned to their biological families.

The **National Foster Care Register** had been established since 2014[56] and has been running since 2016, by the National Center for Social Solidarity (E.K.K.A.), following the relevant authorization issued by the Hellenic Data Protection Authority. However, the fact that no sanctions were provided for concerning data sent to the National Register (that it is now provided for by the recent Law 4538/2018) resulted in the non-compliance of all interested actors that provide foster care services and subsequently the lack of clear data at national level. Data available from only 12 bodies that responded show the following:

- Total number of foster care placements: 131 concerning 125 children (including cases of consecutive placements of certain children).
- Number of foster care placements annually:
  - 2016: 73 foster care placements
  - 2017: 43 foster care placements
  - 2018: 15 foster care placements
- Placements finalized: 37, 2 children were adopted while the remaining 35 concerned unaccompanied minors, in which case they were either reunited with their families or reached the age of majority or were sent to structures, etc.

ADDITIONAL QUESTIONS OF THE ECSR

Children in public care

1. *Criteria for the limitation of parental rights or rights of parental responsibility and the extent of such restrictions.*

According to art. 1537 of the Greek Civil Code, a parent forfeits parental care when he/she has been finally sentenced to a term of imprisonment for at least one month for a fraudulent offence against the child, or because of any offence against the child's life or health. This is a result of the conviction, without any need for a special provision in the relevant court decision. Under these circumstances, the court may also discharge the parent from the parental care of all his/her children. In addition, art. 1532 par. 1 of the Civil Code provides that if a parent abuses his rights (e.g. by maltreating his/her child), violates his duties (e.g. by neglecting the child), or is not in a position to be able to carry out this task (e.g. because of a mental illness), the court may only deprive him of the exercise of parental care. As regards a parent's violent behavior towards the other parent, although this behavior is not directly

[56] Joint Ministerial Decision No. Δ27/ΓΠ.οικ. 22560/891, O.G. 3692/τ. Β΄/ 2014

aimed at the child, it may imply an insufficient exercise of parental care if it has a detrimental effect on the child itself. In any case, art. 1533 par. 1 of the Civil Code provides that the court may only discharge a parent from the care of the child if all other available measures are insufficient, or do not suffice in order to prevent any danger to the physical, mental or psychological health of the child (*ultimum remedium*). If the child is subject to guardianship, the parental responsibilities of the guardian will immediately cease when he/she loses, wholly or partly, his/her capacity to enter into judicial acts (art. 1650 Civil Code). Moreover, the court may discharge the parent from these tasks, on important grounds, particularly when it determines that the continuation of the guardianship may endanger the interests of the child (art. 1651 CC).

Nevertheless, the right of contact is distinct from parental responsibilities. Thus the discharge of parental responsibilities does not necessarily lead to the exclusion of the right of the parent to contact the child. Nevertheless, the court will regulate the exercise of the right of contact (art. 1520 para.3 CC). In doing so, the reasons as to why the parent does not have parental responsibilities will be of importance. Particularly in the case where the parent has forfeited his responsibilities because of an offence against the child, contact with the child should rather be exceptional. The main guideline to decide this issue is the best interests of the child.

2. *Statistical data on the number of children placed in institutions and foster families.*

See above under the chapter "Statistical Data".

3. *Procedures followed for complaints about care at institutions.*

In respect to the work of the Corps of Inspectors of Health and Welfare Services (SEYYP), in accordance with Article 6 para4 of Law 2920/2001[57], it is stipulated that "Inspectors, while performing their work, may visit, with or without warning, the service or the body where the inspection is conducted and study on the spot the case under examination". Pursuant to Article 59 para11, subparagraph (f) of Law 4316/2014[58] entitled "Arrangements of SEYYP", at the end of paragraph 4 of Article 3 of Law 2920/2001 regarding the structure and the fields of activity of SEYYP, subparagraph (f) is added as follows: within the competence of the Welfare Bodies Audit domain falls especially… *"The conduct of regular and extraordinary administrative and financial inspections of public services, public and private law legal entities under the responsibility or supervision of the Minister of Labour, Social Security and Welfare in regard to the subject matter of the General Secretariat of Welfare"*.

Also, with Law 3094/2003 (O.G 10/A'/2003), the responsibilities of the Ombudsman were redefined. The Ombudsman has also the mission of defending and promoting the rights of the child. In this context, the Ombudsman:

- mediates following citizens' reports on specific cases of child rights violation, seeking protection and rehabilitation. If necessary, in cases of serious breaches, it shall act on its own initiative.
- takes initiatives to monitor and promote the implementation of international conventions and other national legislation on the rights of the child, the public's information, the exchange of views with bodies' representatives and the preparation of proposals to the state.

Any person directly concerned, that is, the child, his/ her parent, relative or other persons having a direct perception of the child's rights violation may submit a report, when acts or omissions of public services (as specified in the law governing the operation of the Ombudsman) or individuals (natural or legal persons) infringe child's rights.

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[57] Law 2920/2001 (O.G 131 A'/2001) "Corps of Inspectors of Health and Welfare Services (SEYYP) and other provisions
[58] Law 4316/2014 (O.G 270 A'/2014) "SEYYP Arrangements"

In specific cases of child's rights violation, the Ombudsman mediates after citizens' complaints seeking to protect and restore child's rights. Minors who want to report violations of their rights they are admitted by the personnel of the Children's Ombudsman in an appropriate environment. They can also contact with the specialized personnel at 800.11.32.000 (free helpline for minors).

The Ombudsman investigates the incidents reported to it and if it finds that a public service has violated the rights of the child, it suggests ways to terminate the violation and resolve the problem. When the report is directed against individuals –natural or legal persons- it takes all appropriate actions and proposes all necessary measures to defend the rights of the child. In any case, it does not substitute nor assume the role of public prosecutors, courts, lawyers, legal advisors and social services. In order to investigate and resolve the identified problems and to defend the rights of the child, the Ombudsman may request cooperation from public services or other bodies (welfare, mental health, etc.) or the intervention of the competent judicial authority.

Young offenders

1. *Young offenders' right to education*

See above under the chapter "Young Offenders".

Paragraph 2 – Free primary and secondary education

In Greece, school attendance is assured through legislative and administrative measures, complemented by additional interventions, e.g. action plans, institutional arrangements, data bases, researches and studies, etc.

The primary objective of measures and actions promoted by the Ministry of Education, Research and Religion Affairs is to foster and encourage respect for human rights, without discrimination on grounds of sex, race, language or religion. In this context, the basic legal provisions governing the pupils' attendance at secondary education school units of the country ensure the equal and unhindered access for all to the Greek educational system.

More specifically:

According to Law 1566/1985 (O.G.167/A'/30.9.1985), Article 1, Paragraph 1:

Educational policy applied by the Greek Ministry of Education, Research and Religious Affairs aims, on the one hand to assure the right of all pupils to free access to education and, on the other hand, to upgrade education as a good, free for all young people.

I. COMPULSORY EDUCATION

Pursuant to Article 2, Paragraph 3 of the above Law, school attendance is compulsory for all children, from the age of 4 until the age of 15 years, provided that a young person has not exceeded the age of 16 years[59].

Compulsory education includes: Pre-primary, Primary and Lower Secondary Education. Upper Secondary Education (Lykeio), lasting three years, is not compulsory.

More specifically, compulsory education is consisted of: Pre-primary education (Nipiagogeio) (two years of school attendance, starting from the age of 4), primary education (Dimotiko Scholeio) (six years of school attendance), lower secondary education (Gymnasio) (three years of school attendance).

Pursuant to Law 1566/1985, Article 5, there are two types of Gymnasia: The day (Imerísia) and the evening Gymnasia (Esperinà). In the latter, students of over 14 years can be enrolled.

Parents or guardians omitting to enroll children at school and / or supervising poorly children's school attendance, may be held responsible and be subject to sanctions, according to the Penal Code (Article 458).

Additionally, in accordance with Presidential Decree 79/2017 (O.G.109, A'), Art. 12, Par. 2-4, in case of persistent, systematic and unjustified absence of children from school, remaining unresolved, despite the provisions of paragraph 2, of the same article, providing that "When a pupil is systematically and unjustifiably absent from school, the teacher responsible for his/her class immediately contacts pupil's parents or guardians and also informs the School Director in that respect, etc….", police or municipal authorities, as well as the competent social services, undertake the search of the child.

In the Ministry of Education, the Directorate for Primary Education Studies is responsible for searching in the schools of the whole country a child who has leaved his/her school and cannot be located through other means.

Operation of All-Day school program

In primary education[60], for school year 2018-2019, an all-day school program may be set up and operate, where the intermediate departure of pupils can take place after the end of the 2nd hour of the

[59] Joint Ministerial Decision 66981/27.4.2018, O.G.1586, B.

[60] According to Ministerial Decision 69345/Δ1/2-5-2018 (ΑΔΑ:6Β114653ΠΣ-23Φ)

all-day school program (15:00), provided that a relevant signed declaration of parents/ guardians has been filed.
The all-day school program shall be addressed to:
aa) pupils whose both parents work presenting a relevant certificate or an unemployment card if they are unemployed. bb) students whose parents/ guardians belong to vulnerable social groups, such as large/ triple/ single parent families, parents with chronic diseases, integrated into a drug rehabilitation program/ prisoners,

- at primary education school units after enrollment in the morning zone and not being integrated into operating Reception Facilities for Refugee Education (DYEP)
- third-country nationals residing in centers or in accommodation facilities of the Greek state or UNHCR and their children attending primary education school units with registration in the morning program and not in the operating DYEP
- registration of Roma pupils in the All-Day School Program is done without any conditions.

Free transfer of pupils to and from school
A Joint Ministerial Decision[61] provides for the free transfer of pupils to and from school, stipulating that: "The Regions transfer free of charge pupils from public schools of primary and secondary education, who reside from their school unit at a distance greater than the one specified […]".

Education Priority Zones (ZEP)
Law 3879/2010[62] introduces the institution of Education Priority Zones (ZEP). "…The aim of ZEP is the equal integration of all pupils into the education system via the operation of supportive actions for the improvement of learning performance, such as the operation of reception classes […]".

During the school year 2018-2019 the country's primary schools are given the opportunity to run Reception Classes, via a co-funded project from the European Union - the European Social Fund and the Greek State[63].

The relevant Act for the school year 2018-2019 will limit early school abandonment of pupils from vulnerable social groups and pupils with cultural and religious specificities and improve learning outcomes, especially in grammar and mathematics and additionally in complementary subjects so that these pupils become capable of coping with their study program and remain in the education system completing their studies. The Act will also aim for the education and smooth adaptation of refugee children. Teachers who will work in the context of the Act will staff the Reception Classes focusing on the acquisition of the Greek language as well as on the instructive support to other subjects in order to facilitate the smooth adaptation and stay of pupils from vulnerable social groups, pupils with cultural and religious specificities, as well as refugee children in the education system.

For the education of pupils who do not have the required knowledge of the Greek language (Roma, Foreigners, Repatriates, Refugees, Vulnerable Social Groups, etc.) a flexible scheme of institutional and educational intervention is formulated in the context of intercultural Education, which allows the school unit after weighting the actual educational needs of these pupils and their abilities, to choose the scheme that can provide them with additional instructive support in order to help them

[61] This is the 24001/14-06-2013 Joint Ministerial Decision (O.G B' 1449), as amended by the Joint Ministerial Decision No 31636/09-09-2015 (B' 1931). Additionally the 95030/ΓΔ4/15-6-2017 (B' 2073) Decision of the Ministry of Education, Research and Religious Affairs on "Responsibility for the transfer of pupils" has been issued and in force.
[62] See article 26, paragraphs 1(a) and 1(b) of Law 3879/2010 (O.G 163 A'/ 21.09.2010).
[63] These are the actions 6.10.1.1.01.01, 8.10.1.1.01.01, 9.10.1.1.01.01 for the "Integration of Vulnerable Social Groups into Primary Schools-Reception Classes" of the Operational Program "Development of Human Resources, Education and Lifelong Learning" of NSRF 2014-2020, co-financed by the European Union/ European Social Fund (ESF) and the Greek State.

adjust themselves and be fully integrated into the regular classes in which they are registered, in accordance with the applicable legislation. These are the Reception Classes of ZEP type (Education Priority Zone) for which detailed data are presented in this report under Article 19 para11 R.ESC.

II. UPPER SECONDARY EDUCATION

Upper Secondary Education lasts three (03) years and is not compulsory. It offers two different types of day Lycea and students can enroll at the age of 15: General (Geniko Lykeio) and Vocational (Epaggelmatiko Lykeio). Parallel to day Lyceum, there are two types of Evening Lyceum (four years of studies): General (Esperinà Genika Lykeia) and Vocational (Esperinà Epaggelmatika Lykeia). The minimum age of enrolment is the age of 16. Vocational Lyceum offers an optional, post-secondary cycle, called "Apprenticeship Class".

III. TECHNICAL/VOCATIONAL EDUCATION

According to Law 4547/2018 (A' 102), Article 105, adult students and students who work, minors of age, can attend the evening Lyceum (General and Vocational).

In addition, under the same Law, special measures have been adopted to ease access of students to evening Vocational Lyceum, namely through:

- The reduction of the total time of studies in the evening Lyceums, from four to three years (Article 105).
- Easier access of the graduates of evening Lycea to Tertiary Education, with the adoption of special legal provisions (Article 105).
- The possibility to certify acquired qualifications (Article 87, paragraph 2), without being obliged to attend the Post-Lyceum, Apprenticeship Class, after finishing Lyceum.

Also, the provisions of article 105 of Law 4547/2018 are in force, according to which the duration of the attendance of the Evening Vocational Lyceum (Epaggelmatiko Lykeio) is the same as the duration of the attendance of the Daily Vocational Lyceum.

The Ministry of Education[64], by introducing the Apprenticeship Class after the completion of Lyceum, has connected education with the labour market, upgrading this way the acquired skills, giving greater importance to labour perspectives of the students who have finished the Vocational Lyceum, and offering them smooth access to the labour market, with their diploma.

Entitled to attend this class, according to Article 3 of the Common Ministerial Decision (O.G.2859/21.8.2017, A'), are all those who have a General Lyceum leaving Certificate, those having a Vocational Lyceum leaving Certificate (Law 4186/2013 and Law 3475/2006), as well as those who have equivalent study certificates and do not work or study at that period of time.

The Apprenticeship Class is optional and has the following characteristics:

- Teaching time is being alternated between the educational structure and the work place.
- The Programme is primarily destined for adults. However, graduates of both General and Vocational Lyceum, having a Vocational Lyceum diploma, and who at that period of time do not attend other educational structures, can optionally attend it, with no age limit.

During the nine-month apprenticeship period, apprentices attend a laboratory class within school, in the sector of their specialization. They also attend an educational programme in a public or private sector work place, comprising an apprenticeship contract, an educator in the working place, a remuneration and full working and security rights for a nine-month period.

[64] Adopted Law 4521/2018 (O.G.38/2.3.2018, Art. A') and Law 4386/2016 (O.G.83/11.5.2016, Article 66), in modification of Article 7 of Law 4186/2013.

IV. VULNERABLE GROUPS

Programme for the inclusion of socially vulnerable groups in education

It is a mainstream programme based on socio economic criteria and implemented by the Ministry of Education through:

- *Reception Classes & Educational Support in Zones of Education Priority*
- *Provision of Social Workers' Services within School Units*
- *Parents' Schools/ Academies*
- *Attendance of all-day schools*

This program aims through the creation of reception classes and training courses to reduce early school leaving for pupils from vulnerable social groups and different cultural backgrounds, providing additional learning and psychological support to school units with a significant number of Roma students.

A. Measures to support the education of Roma children

Supporting the integration of Roma children into the education system and ensuring completion of education, particularly in primary education, requires adequate accompanying social and supportive services. In this context:

- The possibility of employing special educational staff of psychologists and social workers in certain schools of general and vocational education was established by article 70 of 4485/2017 (O.G.114 A / 04-08-2017), if there are special needs for support of vulnerable social groups or it is necessary to implement psychosocial and emotional support programs for pupils, and
- An application Decision No.144073/D1/1-9-2017 (O.G.3084 B / 6-9-2017) was issued, specifying 42 primary school units with Roma student population, where 30 Social Officers are placed for the school year 2017-2018. This action provides in particular for: a) the Reduction of the number of pupils by 25 to 15 in 52 primary schools in the country, where pupils from families belonging to vulnerable social groups attend, b) the placement of social workers in these schools, c) the unconditional access to the all-day program in all schools in the country for pupils belonging to families of vulnerable social groups (e.g. Roma) and d) the pilot operation of Parent Schools in some schools.

Programme for the Education and Inclusion of Roma Pupils

It is a targeted programme within schools with high Roma Population through:

- strengthening of pre-school education
- support of the regular attendance
- support of the completion of compulsory education through socio-psychological support, mediations and parent's schools
- interventions of school psychology and awareness-raising of teachers
- dynamic process of the results-feedback to the planning- dissemination of results

The Roma Children Education Program is a program undertaken by Greek universities since 2010, in order to avoid school drop-outs, increase Roma pupils' school attendance attracting young Roma Pupils at school.

The programme aims at enhancing access and attendance in preschool education; implementing interventions for school integration and supporting regular attendance of Roma children in primary and secondary education, educational actions for completing the primary education by Roma young and adults who dropped school; awareness raising among the educational staff and provision of support, with the collaboration of Roma mediators, in creating links and enhancing the communication between the school and the family environment of the target group. The Special Secretariat on Roma Inclusion is

in close cooperation with the Universities involved in the above mentioned programme and with the competent Ministry of Education, while drafting the Action Plan on education issues.

Primary Education

With regard to the enrollment and schooling support of Roma pupils, it is noted that[65]:

1. Headmasters and Directors of Nursery Schools encourage Roma pupils to attend school, seek Roma children living in their area and take care for their enrollment and attendance as provided for in the relevant provisions for compulsory schooling.

……

The Ministry of Education with regard to Roma students and in order to improve their school attendance, issued a circular[66] which applies across the country, according to which school principals encourage Roma pupils school attendance. For this purpose, they visit themselves the areas where these pupils live in order to encourage the families to enroll children in school, since attendance is mandatory[67]. When enrolled, Roma pupils are provided with a special card after which they can study at any school of the country, if for some reason they change residence area in the middle of the school year.

……..

2. Roma children are admitted to the nursery school regardless of whether they are enrolled in registry offices or population registers. The Headmasters and Directors of the nurseries take care for their registration, in accordance with Article 6(11) of the Presidential Decree 79/2017 (O.G.109A'/2017).
3. Headmasters and Directors of nurseries shall not impede the enrollment of Roma children due to lack of a certificate of permanent residence and shall accept any data attesting, in their opinion, the pupil's permanent address, applying the principle of leniency.
4. When it is impossible to register due to non-vaccination, it is necessary to cooperate with all the bodies involved (local bodies, local Self-Government Agencies, Support Centers for Vulnerable Population Groups, Social Welfare Directorates, Hospitals, Medical Centers, Social Support Bodies and the Hellenic Center for Disease Control and Prevention (H.C.D.C.P.). Correspondingly, it is necessary to cooperate with the above bodies and to conduct the required medical examinations.
5. The registration of Roma pupils to the All-Day Program shall be accomplished without any conditions.

Secondary Education

The Ministry of Education, Research and Religious Affairs wishing to contribute to the elimination of the social exclusion of Roma pupils from the rest population groups and to promote their participation in the educational process, sent to the country's Regional Directors of Education a circular on "Schooling of Roma pupils", according to which inter alia it is recalled that: "*the inclusion of Roma children in the regular classes constitutes an immovable will and pursuit of the Ministry of Education, Research and Religious Affairs, (…), while their exclusion and/ or separation from other pupils and their marginalization is contrary to the Greek Constitution, to the Law 3304/2005 (OG 16 A') which prohibits*

[65] The following provisions shall apply: Article 6, para 11&12 Presidential Decree 79/2017 (O.G 109A'), the Ministerial Decision Φ.4/155/Γ1/1237/11-9-96,(ΦΕΚ 893 τ.Β') and the Circulars of the Ministry of Education, Research and Religious Affairs 116184/Γ1/10-9-2008, Φ.3/960/102679/Γ1/20-8-2010 και 180644/Γ1/26-11-2013.

[66] Circular 180644/Γ1/26.11.2013

[67] Circular Φ.6/65742/Δ1/25.4.2018

discrimination on the grounds of racial or ethnic origin in education and in a number of international texts binding the country and having over-legislative effect".

In accordance with a Ministerial Decision[68] "*in cases where minors-pupils of compulsory education belong to families of displaced populations and do not have permanent residence, their registration is not impeded and the school Direction cooperates with the local bodies, the local government, the medical centers, the Social Welfare Directorate, the hospitals, the medical centers as well as the social support bodies for the issue of the pupil's Personal Health Card. In this case, parents/ guardians are required to submit the pupil's Personal Health Card within three months of the initial registration*".

In the framework of a Programming Agreement between the Attica Region and the Technological Educational Institute of Athens, the Primary and Secondary Education school units of Western Attica were informed on the implementation of a program entitled "Investigating the Psychosocial Needs of the Roma of Western Attica and the good practices for the support and promotion of their social inclusion" under which a Roma Support Office operates (in Elefsina).

Program "Inclusion and education of Roma Children in Secondary Education"

It is noted that the admission of collaborators of the Program "Inclusion and Education of Roma Children", implemented by the National and Kapodistrian University of Athens in school units of Primary and Secondary Education of Attica, Sterea Ellada, Peloponnese, Ionian Islands, Crete, Northern and Southern Aegean, Epirus and Western Greece, as well as the admission of collaborators of the corresponding program implemented by the University of Thessaly in school units of Primary and Secondary Education of Thessaly for the school year 2017-18 was approved.

Youth Guarantee Program-Three Steps to find a job

During the school year 2017-2018, in the context of supporting and managing actions addressed to young people coming from vulnerable groups (Roma and Muslin Children), via the European Youth Guarantee Program- Three steps to find a job, three (3) teams of specialized executives have been set up in order to support young people from specific vulnerable groups (15-24 years old) such as young people from the Roma community and young people belonging to a minority etc. to prevent early school abandonment (early intervention) or to encourage and support their reintegration into the educational system or their integration into the labour market. Two of the teams were based in Attica and the third in Thrace.

B. Reception Facilities for Refugees' Education (DYEP)

For the specific facilities see details in the chapter of the present report concerning Article 19 para 11A of the R.ESC.

C. Registration/ enrollment of pupils-citizens from Third-Countries

For this issue, see details in the chapter of the present report concerning Article 19 para 11A of the R.ESC.

D. Education of pupils with disabilities and/or special educational needs

According to paragraph 1 of Article 1 and paragraph 1 of Article 2 of Law 3699/2008, pupils with disabilities and certified special educational needs of all ages are provided with compulsory Special Education as an integral part of the compulsory and free single public education (from the age 4 to 15).

[68] See Article 9 paragraph H of the 10645/ΓΔ4/22-1-2018 (OG B' 120/2018) Ministerial Decision.

The State through the Ministry of Education, Research and Religious Affairs, has the obligation to provide Special Education in Preschool, Primary and Secondary Education Schools. The kind and degree of special educational needs determine the form, the type and category of Special Education School Units. The State also provides free public education for disabled people of all ages and at all stages and levels of education.

Pursuant to Article 2(5) of the aforementioned Law, the objectives of the Special Education are:

a) the full and harmonious development of the personality of pupils with disabilities and special educational needs

b) the improvement and exploitation of their abilities and skills in order to enable them integrate or reintegrate into the general school wherever and whenever possible

c) their integration into the educational system, the social life and the professional activity corresponding to their potential

d) their mutual acceptance, their harmonious cohabitation with the community and their equal social development in order to ensure the full accessibility of pupils with disabilities and special educational needs, as well as of teachers and/or parents and guardians with disabilities in all infrastructure (buildings, logistics including electronics), services and goods that these own.

……

As regards the education of pupils with disabilities and/or special educational needs, the following options are available:

1) Pupils with disabilities and/ or special educational needs[69] may attend as a priority:

a) An ordinary mainstream school classroom, in case of pupils with mild learning difficulties, supported by the classroom teacher.

b) A mainstream school classroom, with concurrent support-inclusive education by Special Education and Training teachers, when this is imperative by the type and degree of their special educational needs.

c) Specially organized and suitably staffed Integration Classes[70] operating in the general and vocational education schools offering two types of programs:

2) When school attendance of pupils with disabilities and special educational needs becomes particularly difficult in common training program schools or in the Integration Classes due to their special educational needs, pupils are trained:

a) at separate Special Education School Units (SMEAE)

b) at schools or departments operating either as independent or as school branches in hospitals, rehabilitation centers, juvenile correctional institutions, institutions for chronically ill or education and rehabilitation services of mental health units, provided that school-aged persons with disabilities and special educational needs are living there. These educational structures are considered Special Education School Units and are under the authority of the Ministry of Education, Research and Religious Affairs.

c) via home schooling, when deemed necessary for serious short-term or long-term health problems-barriers to school access and attendance.

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[69] Pursuant to Article 6 of Law 3699/2008 (199 A) as amended and in force by paragraph 2b of Article 48 of Law 4415/2016 (159 A), paragraph 3 of article 46 of law 4264/2014 (118 A), paragraph 2 of article 56 of Law 3966/2011 (118 A), paragraph 3a and paragraph 5 of Article 82 of law 4368/2016 (21A), paragraph 8, paragraph 15 and paragraph 16 of article 28 of Law 4186/2013 (193A), paragraph 1a and paragraph 1b of Article 11 of Law 4452/2017 (17 A)

[70] Pursuant to paragraph 5 of Article 82 of Law 4368/2016 added to paragraph 1 of Article 6 of Law 3699/2008, the purpose of the Integration Classes is the full integration of pupils with special educational needs and/or disability into the school environment via special educational interventions carried out in the general class by the Integration Department teacher in cooperation with the class teachers.

In support of all pupils attending primary and secondary education including pupils with disabilities and/or special educational needs, in accordance with Law 4547/2018, the following supporting structures operate:

1) The Centers of Educational and Counseling Support (KESYs) aiming at supporting the school units and the laboratories of their area of responsibility at the level of:

a) investigation and assessment of educational and psychosocial needs
b) targeted educational and psychosocial interventions and vocational guidance activities
c) support of the school units' overall work
d) information and training
e) awareness of society as a whole (Article 7 of Law 4547/2018).

2) Educational Support School Networks (SDEYs) which consist of school units and laboratories of primary and secondary general and vocational education and special education, aiming at promoting co-operation and co-ordination of the work of school units belonging to this, for the equal access of all pupils to education and for the promotion of their psychosocial health. For each SDEY a Special Education School Unit (SMEAE) is set, operating as a Support Center (paragraph 1 of Article 10 of Law 4547/2018).

3) The Interdisciplinary Educational Assessment and Support Committees (EDEAY) operating in each school unit that belongs to SDEY, as the competent body for the educational assessment and support of pupils in the school community (paragraph 2 of Article 10 of Law 4547/2018).

As regards the procedures for investigating and identifying the specific educational needs of pupils[71], these are carried out by:

a) The Centers of Educational and Counseling Support (KESYs)
b) The Cross-scientific Committees for Educational Evaluation and Support (EDEAY)
c) Other Ministries' Community Centers for Mental Health of Children and Adolescents recognized by the Ministry of Education, Research and Religious Affairs.

V. SCHOOL DROPOUTS

With Law 4186/2013 (O.G.193/17.9.2013, Article 36, Para29), the **Observatory for School Dropouts** has been set up within the **Institute of Educational Policy** (a consultative body supervised by the Ministry of Education) in order to record school dropout rates and propose measures to combat it.

This institutional intervention aims at tackling the phenomenon, because, school dropouts often lead to child work and, as a consequence, to child abuse. In this context, there is a research currently run by the Institute of Educational Policy, with the aim to search and demonstrate the underlying causes of school dropouts, as well as their impact. This research is connected with another research/study conducted by the Observatory for School Dropouts on students (males and females) dropping out of school, entitled "School dropouts in Greek primary and secondary education: Reference period 2013-2016 (2017)"[72].

In addition, various proposals, measures and policies to combat school dropout are being currently put forward by the Institute for the Educational Policy to the Ministry of Education. Among

[71] In accordance with Article 51 of Law 4547/2018 which replaced Articles 4 and 5 of Law 3699/2008.
[72] http://www.iep.edu.gr/images/IEP/EPISTIMONIKI_YPIRESIA/Paratiritirio/2017/Mathitiki_Diarroi_Ereyna_2013-2016_Paratiritirio_Mathitikis_Diarrois.pdf

them, is the proposal for the introduction of a **unique code number** that will be given to each pupil upon his/her first school registration.

The proposal has been accepted by the Ministry of Education and incorporated into Law 4452/2017 (O.G.17/15.2.2017), Article 7, para1.

This unique code number will, on the one hand, assure greater precision in identifying the total number of students who attend school or drop out, and, on the other hand, serve as a tool to better check data and avoid errors.

At this stage, the elaboration of the necessary details for the application in school practice of the said code number is taking place by the competent authorities. The objective is to make the measure functional and credible, by recording the educational development of each child in an easier way by school authorities. This way, the conduction of quantitative and qualitative researches will be easier, making therefore possible the adoption of effective and targeted measures to bring back to school students who had eventually dropped out.

Moreover, the statistical relation between school dropouts and early school leaving is necessary, and also enables authorities to keep track of the phenomenon in connection with the index of early school leaving as defined by the Eurostat.

The Institute of Educational Policy has proposed to the Ministry of Education an "**Action plan on school dropouts**", aiming first at recording school dropouts and then at reducing them. The proposal has been accepted by the Ministry and formed part of a plan entitled "**Strategy Policy Framework on school dropouts**"[73].

Following this plan and the conclusions extracted following the "National and social dialogue on education" conducted by the Ministry, a series of proposals have been put forward, in direct connection with school dropouts. With the strategy plan on school dropout, the Ministry has adopted and applies a series of policies in order to face the phenomenon, in view also of its target to reduce the rate by 9,7% in the context of Europe 2020.

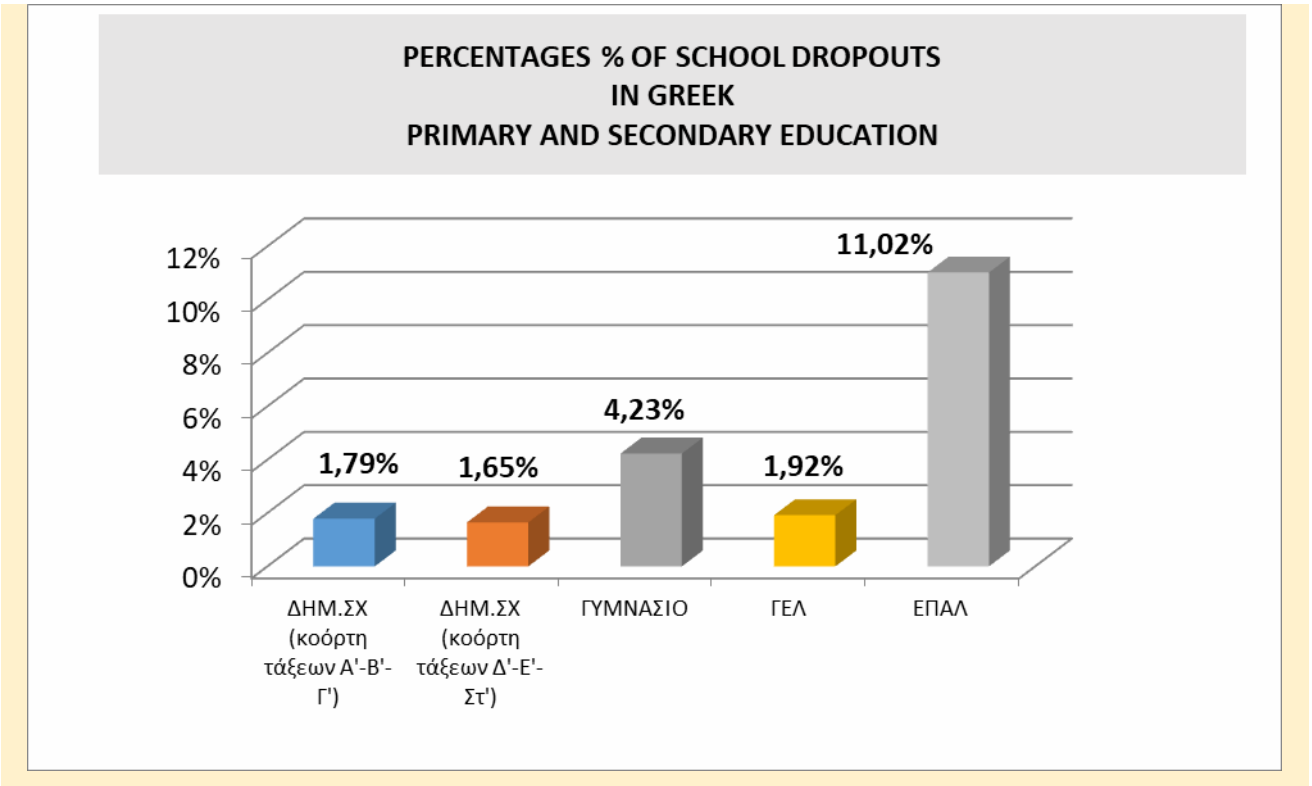
In order to reduce early school leaving, specially designed informatics systems have been developed by the Institute "DIOFANTOS" in order to map the phenomenon, permitting at the same time the adaption of the existing informatics (Myschool) in such a way as to record in a more credible way school dropout rates and early school leaving. This way, all interested parties (school director, parent/guardian, etc.) will be easier and better informed when a pupil/student exceeds the permitted limit of absences.

In an effort to reduce bureaucracy and connect school with family, with a final aim of reducing dropouts, parents and /or guardians who wish so, will be able to receive an automatically sent e-mail, or SMS, informing them on their children's absences.

More specifically, in spring 2018, the Ministry announced that "DIOFANTOS" has already designed a special platform, through which the above-mentioned automatic messages can be sent (**Joint Ministerial Decision 10645/4/2018**, O.G.120, ΓΔ, Β' /23.01.2018) to those interested.

73 https://www.minedu.gov.gr/publications/docs2015/14.%CE%A3%CF%87%CE%AD%CE%B4%CE%B9%CE%BF_%CE%94%CF%81%CE%AC%CF%83%CE%B7%CF%82_%CE%A0%CE%95%CE%A3_2014-2020.pdf

In Greece, school dropout rates can be illustrated in the following **Graph**:



***Source**: The Institute of Educational Policy (2017): "School dropouts in primary and secondary education". Reference period 2013-2016.*

Blue: Primary school, Grades A, B, C (1,79%)
Orange: Primary school, Grades D, E, F (1,65%)
Grey: Gymnasium (4,23%)
Yellow: General Lyceum (1,92%)
Light grey: Vocational Lyceum (11,02%)
Graph Accessible through:
http://www.iep.edu.gr/images/IEP/EPISTIMONIKI_YPIRESIA/Paratiritirio/2017/Mathitiki_Diarroi_Ereyna_2013-2016_Paratiritirio_Mathitikis_Diarrois.pdf
The above-mentioned information demonstrates that all necessary measures aiming to assure in practice children protection from work that deprives them from the full benefits of compulsory education have been taken.

STATISTICAL DATA AVAILABLE

Regarding the statistics or figures on the number of public schools and the number of pupils per class and according to the data from *myschool* information system for the school year 2017-18, we mention the following:

The following statistics are displayed as derived from the *myschool* information system, supported by the Directorate for Educational Technology and Innovation of the Ministry of Education, Research and Religious Affairs.

Type of School	Number of Students
Nursery School	137137

Primary School	606595
Lower Secondary School-Gymnasio	311176
Upper Secondary School	221332
Vocational Upper Secondary Education School (EPAL)	86788
Special Vocational Education and Training	3173
Private School	74968

Type of School	**Number of School Units**
Nursery School	5415
Primary School	4739
Lower Secondary School-Gymnasio	1803
Upper Secondary School	1073
Vocational Upper Secondary Education School (EPAL)	402
Private School	1167
Special Vocational Education and Training	92
School Lab	116

Finally it must be noted that the figures on the pupils' population relate to the school year 2017-2018.

Also, during the school year 2017-18, 398 EPAL operated totally (323 Day EPAL and 75 Evening EPAL). The total number of the General Education Departments of the 1st class of the Day and Evening EPAL amounts to 3.729 (3.170 Departments at the Day EPAL and 559 at the Evening), where a total of 68.329 (57.855 at the Day EPAL and 10.474 at the Evening EPAL) active pupils attended. Accordingly, the total number of active pupils in the Sections and Specialties of the Day and Evening EPAL (Classes B and C of the Day EPAL and B, C and D of the Evening EPAL) amounts to 66.473 pupils (48.523 at the Day EPAL and 17.950 at the Evening EPAL).

As regards the number of Special Education School Units (SMEAE) and Integration Classes that operated during the school year 2017-18 as well as the number of pupils attending them, according to *myschool* information system of the Ministry of Education, Research and Religious Affairs, we have the data below:

- Number of SMEAE: 446
- Number of SMEAE pupils: 10.861
- Number of Integration Classes: 3.278
- Number of pupils at Integration Classes: 39.989

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

Paragraph 1 – Assistance and information for migration

I. LEGAL FRAMEWORK

A. MIGRATION AND SOCIAL INTEGRATION CODE

In 2014, **Law 4251/2014** (O.G.80A/01-04-2014) was published (**Migration and Social Integration Code and other provisions, hereinafter the 'Code'**), which depicts the existing national immigration legislative framework with a view to: **i)** collecting the provisions of immigration law, **ii)** harmonizing it with the EU law, and **iii)** rationalizing the existing institutional framework and addressing the shortcomings that had been identified in the application of the existing law.

More specifically, the Code simplifies the procedures for the granting of residence permits, establishes one-stop shops, reduces the categories of residence permits, reexamines the terms of access to the labour market, cultivates a favourable to investments environment, promotes the long-term resident status as well as special terms and conditions of stay for "second generation" immigrants.

It is noted that it also includes provisions of a transitional nature, with the purpose of tackling urgent issues arising mainly from the socio-economic crisis and the increase of problems related to access to the labour market.

B. OTHER RELEVANT LEGISLATION

1. Equal Treatment

Law 4443/2016 (concerning equal treatment in employment and occupation) amended Law 3304/2005 on the implementation of equal treatment between persons irrespectively of racial or ethnic origin, religion or belief, disability, age or sexual orientation. The new law creates a single, clear and legally robust application of the principle of equal treatment in accordance with the case law of the European Court of Justice. Most importantly, the new Law assigns overall powers to the Greek Ombudsman, (an independent authority according to the Greek Constitution) to receive and examine complaints on discrimination in public and private sector.

1. Racism, Xenophobia and Intolerance

With a view to strengthening the country's criminal anti-racism legislation and adjusting the relevant legislative framework with EU Council Framework Decision 2008/913/JHA, Law 927/1979 was amended by **Law 4285/2014**. According to the latter, acts, such as: a) public incitement to acts or activities, which may result to discrimination, hatred or violence against individuals or groups of individuals defined by reference to race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, or disability, in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons, b) the establishment of or participation in an organization or union of persons of any kind systematically pursuing the commission of the abovementioned acts, and c) the act of publicly condoning, trivializing or maliciously denying the commission or seriousness of crimes of genocide, war crimes, crimes against humanity, the Holocaust and Nazi crimes, recognized by decisions of international courts or the Hellenic Parliament, under the circumstances prescribed by this Law, **are punishable**.

According to article 81A, added to the Penal Code by the abovementioned law, the commission of any offence on racist grounds (race, colour, religion, descent, national or ethnic origin, sexual orientation, disability, gender identity and, recently added, gender characteristics) constitutes an aggravating circumstance leading to penalty enhancement.

Furthermore, **Law 4356/2015** provided for the establishment of a "National Council against Racism and Intolerance" (ESRM) with the participation, inter alia, of NGOs and other actors of civil society. Among its main goals is the drafting of an Integrated National Action Plan against Racism and Intolerance.

It should also be noted that as far as data monitoring on racism and intolerance are concerned, the Programme "Building a Comprehensive Criminal Justice Response to Hate Crime" by the OSCE[74] *Office for Democratic Institutions and Human Rights (ODIHR)* and the Hellenic Ministry of Justice, Transparency and Human Rights as a partner, is being implemented. The programme started in February 2017 and will be of two-year duration. The project is being funded by the European Commission and provides for the improvement of the common database on hate crimes maintained by the Ministry of Justice and the Hellenic Police and the identification of the main elements of a national policy against hate crimes and drafting of a cross government protocol for preventing and combating hate crimes as well as a sub-protocol on criminal justice system response to hate crimes.

Concerning support to victims, recent **Law 4478/2017** incorporated Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime (among which, hate crimes).

Finally, the recording of racist crimes is carried out through the joint update (by the Greek Police and the Ministry of Justice) of a centralized annual scoreboard, illustrating the criminal course of cases with a suspected racist motive, which are recorded as such by the Police.

2. Cybercrime

By **Law 4411/2016** Greece has ratified the Council of Europe's (CoE) Cybercrime Convention and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

3. Trafficking

Law 4531/2018 for the ratification of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence, amended article 323A of the Penal Code, by adding within the scopes of labour trafficking forcing a person to enter into a marriage.

Law 4267/2014 (harmonization of Greek legislation with the Directive 2011/93/EU of the European Parliament and Council, on combating sexual abuse, exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA) amended the article 4 of Law 3625/2007 and established the liability of legal persons also for Trafficking.

Law 4216/2013, «Ratification of the Council of Europe Convention on action against trafficking in human beings»: Law 4216/2013 ratifies the 2005 Council of Europe Convention on action against trafficking in human beings. The Convention provides for all aspects of trafficking in regard not only with the prosecution of the perpetrator, but also with the protection of victims, the rights of whom are protected at all levels (psychological, legal, e.t.c.), on the basis only of their status as victims of trafficking in human beings, always individualized, non-discriminatory and irrespective of sex, religion or belief, or whether the victims wish to participate as witnesses in the criminal proceedings or whether the respective offense is linked to organized crime (transnational or non-transnational). Furthermore, an independent mechanism is being established for monitoring the compliance of the Contracting Parties as far as the commitments deriving from the Convention are concerned.

Law 4198/2013, «Prevention and combating of trafficking in human beings and protection of its victims and other provisions»: Law 4198/2013 transposed Directive 2011/36/EU on

[74] OSCE: Organization for Security and Co-operation in Europe

preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA to which it makes explicit reference. Law 4198/2013 is primarily an amending act, bringing changes to the Criminal Law Code and the Criminal Procedure Code in view of harmonizing crimes of trafficking in human beings with the definition under Article 2 of the Directive and ensuring the protection of victims in criminal proceedings. Amendments are also brought to Law 3811/2009 as regards the compensation granted to victims under Article 17 of the Directive. Despite being mainly an amending act, Law 4198/2013 introduced several new provisions for the transposition of the liability of legal persons (Articles 5 and 6 of the Directive), investigative tools used for organized crime (Article 9(4) of the Directive), as well as **the establishment of the Office of the National Rapporteur** (Articles 19 and 20 of the Directive).

Law 3875/2010 "Ratification and implementation of the UN Convention against Transnational Organized Crime and of the three Additional to it Protocols and other provisions": One of the aforementioned three protocols ratified by L. 3875/2010 was the protocol "to prevent, suppress and punish trafficking in persons, especially women and children". As it is clear from the preamble of the above Protocol, this constitutes the first *universal instrument, which addresses all aspects of trafficking in persons*, occurring in the field of "Transnational Organized Crime" and especially those relating to: (i) criminalization of absolutely specific and certain behaviors which fall within the abovementioned criminal activity; (ii) the provision of protection and assistance to victims and (iii) co-operation between the contracted States Parties.

Law 3811/2009, «Compensation of victims of intentionally violent crimes (Harmonization of the Greek legislation with Directive 2004/81/EC of the Council of the European Union of 29 April 2004) and other provisions»: Law 3811/2009 gives the right to victims of crimes of violence that have been committed intentionally to claim compensation. Following the amendments brought by Law 3875/2010, the scope of application of this law was extended so as to cover victims of trafficking in human beings. Furthermore, Law 4531/2018, amending Law 3811/2009, provided for the widening of the compensation categories, a certain deadline of six months for the Greek Compensation Authority to decide on the case and a relatively longer period than that provided for at the Code of Administrative Procedure for the appeal of the victim against the decision of the compensation Authority before the Administrative Court of first Instance.

ADDITIONAL QUESTIONS OF THE ECSR

- The manual "Immigrant's Guide 2003" has not yet been updated. However, the main legislation and all the relevant information and documents relating to the procedures, the documentation and the conditions provided for by the legislation in force for the issuance or renewal of a residence permit, as well as the invitation of alien workforce have been uploaded to the official site of the Ministry both in Greek and **in English**:
(**http://www.immigration.gov.gr/web/guest/nomoi-metanasteusi**).
Also, as you will see in detail below, the persons concerned may be informed by the local competent **one-stop shops**.
- Furthermore, as regards *the training of civil servants working/ dealing with migrants in terms of language issues and legislation,* please refer to paragraph 11 of the present Article.

II. MEASURES ADOPTED TO IMPLEMENT THE LEGISLATION

MINISTRY OF MIGRATION POLICY

In the context of restructuring the administrative organization of our country with a view to providing quality services to the citizens, **the Aliens and Immigration Services of the Decentralized**

Administrations of the country gradually changed into "one-stop shops", a process that started at the beginning of 2012 and was completed at the beginning of 2014.

More specifically, the purpose of these specific services is the improved and immediate service of the persons concerned, the gradual application of procedures for the issuance of the stand-alone document, as well as the reduction of the time limit for the submission and examination of relevant requests. With the aim of establishing **a single format residence permit (electronic card**) for third-country nationals legally residing in the Member States of the EU, in accordance with Regulation No1030/2002EC of the Council (Law 4018/2011), the "one-stop shops" are responsible for: **a)** the collection of biometric data in order to issue single format residence permits, **b)** offering complete and satisfactory services and adequate information to the third-country nationals concerned, **c)** the reduction of the time period required for the issuance of residence permits.

Today, all 58 one-stop shops, that were planned, are in operation throughout the Greek territory.

A particularly significant institutional development is the establishment of the Ministry for Migration Policy by virtue of Presidential Decree 123/04.11.2016, which took over the competencies of the General Secretariat for Migration Policy of the former Ministry of Interior (Article 25 of Law4375/2016). The Directorate for Migration Policy comes under the General Secretariat for Migration Policy; its main operational objectives are the planning, the implementation of migration policy and the management of issues that relate to the regular entry and residence of third-country nationals to the Greek territory, as well as the coordination and supervision of the competent services of Decentralized Administrations.

MINISTRY OF INTERIOR

Moreover, within the framework of ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Ministry of Interior has provided for:

a) that the network of structures to prevent and combat violence against women, which is supervised by the General Secretariat for Gender Equality (GSGE), is providing appropriate services for the smooth integration of women-victims of violence (including refugees and immigrant women),

b) The set up of a special department with the responsibility to protect vulnerable social groups and a specific focus on the design of measures to protect refugee and migrant women.

c) The promotion of measures to tackle trafficking in human beings through the National Action Plan on Gender Equality 2016-2020 and to tackle the problem of prostitution.

Specifically:

A) The GSGE, as the competent governmental body for preventing and combating violence against women, has designed and continues to implement, since 2010, the "National Programme for the Prevention and Combating of Violence against Women", which is the first comprehensive and coherent action plan at national level to combat gender-based violence (domestic violence, rape, trafficking, sexual harassment). For the first time, an integrated network of 62 structures has been set up and operates across the country for the prevention and treatment of all forms of violence against women (domestic violence, rape, trafficking, sexual harassment).

The Network includes:

1. *A 24-hour SOS 15900 helpline.*

The helpline is nation-wide, operates 365 days per year on a 24-hour basis, is charged as a local call and offers counseling services both in Greek and English.

It is also supported by the e-mail address: sos15900@isotita.gr

2. *40 Counseling Centers.*

The Counseling Centers provide:

- Psychosocial support (specialized counseling for women victims of gender-based violence),
- Legal counseling and information on victims' rights, relevant legislation, procedures required to file a complaint, etc.
- Legal aid (in cooperation with the local Bar Associations),
- Labour counseling and enhancement of women's skills in order to enter the labour market in cooperation with other organizations (e.g. the Hellenic Manpower Organization-OAED, Employment Promotion Centers, Municipal Social Services, etc.)
- Counseling on sexual and reproductive health,
- Referral of women victims accommodated in shelters, to police and prosecution offices, courts, hospitals or health centers, social policy agencies, employment agencies, childcare facilities, etc., while implementing actions to prevent, communicate and raise awareness of the local society.

3. *21 Shelters for Women Victims of Violence.*

In addition to safe accommodation to women victims of violence and their children, the shelters provide additional psychosocial support, labour and legal counseling through Counseling Centers and facilitate access to health services and the enrollment of children in schools.

All services of the Network are FREE.

The purpose of these services is to empower women victims of violence and to help them regain their self-esteem, so that they can take responsibility for their professional, personal and family life and make the best decisions for their own future.

In the new programming period (2016-2020), services have been expanded to provide labour counseling and the target group has been expanded to women victims of multiple discrimination (**refugees, migrants**, single parents, Roma etc).

In order to inform the public on violence against women, a major nationwide campaign was designed and implemented with the slogan: *"You're not the only one, you're not alone"* including relevant seminars, informational material in several languages (Greek, English, French, Albanian), TV and radio spots, cultural events, publicity on public transport, entries in the Press, a webpage (www.womensos.gr) and a Facebook page, as well as banners in web pages.

Furthermore:

-A new awareness-raising campaign is set to take place over the next three years under the new National Action Plan for Gender Equality.

-In 2017, four TV spots on sexual harassment in public places were made and presented in the context of the celebration of the World Day against Violence against Women (25 November 2017).

B) The General Secretariat for Gender Equality puts the focus of its intervention policies on women who belong to vulnerable social groups or suffer multiple discrimination, ***including migrant and refugee women***. The GSGE, in order to be able to intervene effectively as regards the increasing needs of these women in the context of the ongoing economic crisis, initially established an organizational unit - through the revision of the Ministry's of Interior Organizational Chart - within itself (i.e. within the GSGE) for women who suffer multiple discrimination. Specifically, the newly established Department of Social Protection and Combating Multiple Discrimination (Directorate of Social Protection and Counseling Services) is competent for:

-elaborating and promoting measures to tackle gender discrimination against persons belonging to vulnerable social groups (***migrant women, refugee women***, single parent families, Roma women, etc.) with a view to their social integration and social cohesion.

-working and networking with all relevant stakeholders to mainstream gender in the context of national, regional and local social policy planning for vulnerable social groups.
-designing, coordinating and implementing social networking and co-operation actions with supranational institutions and international organizations, as well as with national actors, on issues of multiple discrimination
-providing first-line services and counseling services regarding the psychosocial support and legal counseling to women who face multiple discrimination (e.g. ***migrant women, refugees***, single parents, persons with disabilities etc).

In December 2016, the General Secretariat for Gender Equality (GSGE)/ Ministry of Interior also signed a **Protocol of Cooperation** with the following stakeholders:

1. General Secretariat for Reception/Ministry of Migration Policy
2. General Secretariat for Public Health/Ministry of Health
3. Ministry of National Defense
4. Research Center for Gender Equality
5. Association of Greek Regions
6. The Central Union of Greek Municipalities
7. National Center for Social Solidarity
8. Hellenic Agency for Local Development and Local Government

The aim of the Protocol is to adopt a common framework of procedures for identifying, referring and hosting, as well as providing counseling services and actions to women refugees, victims or potential victims of violence and to their children, as well as women refugees heads of single parent families, through the Network of Structures of the GSGE.

The GSGE operates a Pan-Hellenic Network of 62 Structures (40 Counseling Centers, 21 Shelters across the country and a 24-hour SOS Helpline 15900) providing free counseling services, safe accommodation and other services and facilities to female victims of gender-based violence. For the 2014-2020 programming period, the GSGE extended the target group to include not only female victims of gender-based violence, but also women victims of multiple discrimination, such as refugees, migrants, Roma women, etc. in order to help eliminate social exclusion at all levels.

C) Concerning illegal trafficking and exploitation of women and girls, there are actions put forward in the National Action Plan on Gender Equality, such as:
-Information and awareness-raising actions for pupils and young people by setting up an awareness campaign in cooperation with the GSGE, the Office of the National Rapporteur for Combating Trafficking in Human Beings and the Ministry of Education, Research and Religious Affairs.
-Training of professionals (port guards, nursing and medical staff, police officers and employees of Reservation Centers) in identifying potential victims of trafficking and taking concrete steps as regards the cooperation with institutions in order to protect them in collaboration with the GSGE, competent Ministries and the National Center for Public Administration and Local Administration.

MINISTRY OF JUSTICE, TRANSPARENCY & HUMAN RIGHTS

The Ministry of Justice, Transparency and Human Rights, within its competence, is cooperating with the Office of the National Rapporteur on Trafficking in Human Beings.
Specifically, its contribution involves:
- collection of data with respect to the legislative framework in Trafficking in Human Beings, as well as the collection of the relevant statistics from the competent Courts.

- coordination and planning of meetings with the co-competent bodies (e.g. meeting of the representatives of the co-competent bodies in examining the phenomenon of human trafficking, initiated by the General Secretariat of Human Rights of the Ministry of Justice, Transparency and Human Rights in cooperation with the National Rapporteur Office for Combating Human Trafficking and the International Immigration Agency - Greek Office, March 2018)
- contribution to the evaluation of Greece by the Group of Experts on Action against Trafficking in Human Beings (GRETA) on the implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings (October 2016)
- Participation in the Regional Expert Workshop on enhancing international legal cooperation in the fight against THB (8-9 November 2017).

Paragraph 2 – Departure, journey and reception

I. LEGAL FRAMEWORK & LEGISLATIVE MEASURES

The immigrants legally residing in Greece as well as their family members seamlessly enjoy the right to depart from and return to the country. Except for the regular control carried out by the competent control Greek authorities during the entry in and exit from the country of any person, the aliens concerned are also required to produce a valid residence permit. No other particular administrative formalities are required.

With regard to their stay in the Greek territory and the corresponding services, the measures for healthcare, medical treatment and good conditions of hygiene, it should be pointed out that, in accordance with Article 26 par.2 of the Code, as currently in force, migrants legally residing in Greece have access to national health system. Hospitals, health centres and clinics are bound to supply their services to migrants who need to be hospitalised or minors.

Apart from that, it is worth mentioning here that by Joint Ministerial Decision ΝοΑ3(c)/ΓΠ/25132/2016 "Provisions on securing access of uninsured persons to the Public Healthcare System", access to public health structures for the purpose of medical treatment and healthcare services is upgraded for vulnerable social groups, among which, refugees and immigrants. More particularly, refugees (recognized refugees and beneficiaries of subsidiary protection) and immigrants who are subject to the conditions of this regulation, regardless of their legal status, are entitled to receive, irrespective of their level of income, free access to the healthcare system, free medicine as well as healthcare services provided in accommodation centres.

It should further be noted that the Code includes provisions of a transitional nature for the purpose of **dealing with urgent matters arising from the socio-economic crisis and the increase of problems related to access to the labour market**. Within this framework worth mentioning here is the protection of the legal status of migrants affected mainly by the financial crisis by a legal provision which reduces up to a minimum of 50 days of the insurance days required for the renewal of residence permits.

Furthermore, with regard to the vulnerable groups of immigrants, the Code was responsible for the upgrading of the special protective framework of securing the rights of vulnerable groups of immigrants, especially due to the transposition of provisions of the Joint Ministerial Decision 30651/2014 "Specification of residence permit category issued for humanitarian reasons, as well as format, procedure and specific conditions of granting the permit" into the Code as currently in force (Article 19A of the Code, as currently in force). The specific residence permit is granted among others, to victims of human trafficking, victims of domestic violence, victims of crime, victims employed under particularly exploitative work conditions or employed regardless of being minors (regardless of their legal status), adults incapable of monitoring their affairs due to health reasons, victims of accidents at work covered by Greek legislation for as long as the treatment lasts or retire for the same reason, minors who need protection measures and are hosted in boarding institutions operating under the supervision of the competent Ministries and persons suffering from serious health problems.

II. MEASURES ADOPTED TO IMPLEMENT THE LEGISLATION

As an additional positive development, it is worth mentioning, at this point, the recent ***amendment of terms and conditions of issuing residence permits aiming to the return to the legality*** (residence permit for exceptional reasons) ***and the simplification of these procedures***. The persons who are also subject to this category, without the requirement of a prior visa or permanent

residence authorization, are the parents of minor nationals, who were not able to provide legal documents during the submission of their application.

III. STATISTICAL DATA AVAILABLE

Based on the statistics from the Ministry of Migration Policy Database, the total number of residence permits for employment reasons which are currently valid in our country amounts to approximately 248,911. Of these, 61,264 are residence permits for depended employment. The rest of the permits concern aliens residing in Greece for many years (mainly residence permits of a ten-year / indefinite stay, long-term stay and "second generation" residence permits) and provide increased labour rights. The total number of the valid residence permits amounts to 544,443.

Paragraph 3 – Co-operation between social services in emigration and immigration countries

I. LEGAL FRAMEWORK

→ All provisions of the **Code (Law 4251/2014)** provide for communication and cooperation with competent services whenever necessary.

It is worth mentioning for example that in the case of third-country nationals in detention, their communication with diplomatic or consular officers of the State of nationality or origin, as well as with their authorized representative lawyers is being facilitated in accordance with Article 26 of the Code [See Article 19, paragraph 7]

In accordance with paragraph 5 of Article 21A "Equal treatment of employees, holders of a single (residence and work) permit" of the Code it is provided for that:

"The competent Greek consular authorities and the competent departments of the Decentralized Administration provide both workers and employers with all the necessary information on the application procedure, the supporting (legalization and travel) documents, the rights and obligations, as well as the provided procedural guarantees".

Exactly the same are provided for the seasonal workers in accordance with Article 21B, paragraph 5 of the same Law.

→ Regarding asylum seekers:

The Asylum Service was established in 2019 by virtue of Law 3907/2011 and has been operating since 7 June 2013. It is an independent service under the responsibility of the Minister of Migration Policy with jurisdiction *ratione loci* covering the entire Greek territory and jurisdiction *ratione materiae*, inter alia, to examine applications for international protection submitted within the Greek territory since the beginning of its operation and henceforth.

The Regional Asylum Office of Attica started receiving applications for international protection in June 2013, whereas the Asylum Unit of Fylakio (former Northern Evros) and the Regional Asylum Office of Thrace (former Southern Evros) became operational the following month. Currently, 23 Regional Asylum Offices and Asylum Units operate.

Today the Service is staffed with 650 employees (permanent personnel and fixed-term employment contract personnel). **The UN Refugee Agency (UNHCR), with its personnel focused on the field of quality control and the European Asylum Support Office (EASO), with the provision of EU Member-States experts and Greek-speaking personnel, assist the Asylum Service.**

International protection obligations arise from international conventions, the European law and the national law. The applicants for international protection join free of charge legal support by lawyers from the Asylum Service Register of Lawyers in the context of the administrative procedure at second instance before the Refugees Authority in accordance with paragraph 3 of Article 44 of Law4375/16 in conjunction with the Joint Ministerial Decision no.12205/16.8.16 (OG 2864/B'/9.9.16). In areas not covered by the register's lawyers, a free of charge legal support is granted by UNHCR's operational partners to applicants for international protection at second instance examination, by virtue of a memorandum of understanding between the Ministry of Migration Policy and the UNHCR.

→ Finally, it is worth mentioning the following:

Our country, aiming at protecting the mobile workers and ensuring their rights, within its cooperation with third countries on labour and social security issues, has concluded bilateral agreements ratified by laws of the Greek Parliament.

By way of illustration, the following are set out:

In the Field of Labour

By virtue of Law 1453/1984 (OG 88 A) the Agreement on the promotion of a bilateral cooperation on labour issues between the Greek Government and the Arab Republic of Egypt has been ratified. Its provisions concern the status of the citizens of the respective countries working in the territory of the other country.

By virtue of Law 2407/1996 (OG 103/A/4.9.1996) the Seasonal Employment Agreement between Greece and Bulgaria has been ratified, according to which the seasonal employment ability of the citizens from the Contracting States is allowed for a period of three to six months. Employees are granted legal residence and work documents. The signed agreement shall be valid for two years and tacitly extended from one year to the other and shall expire three months after the notification date of the complaint by one of the Contracting Parties. Up to now, none of the Contracting Parties has denounced the said agreement.

By virtue of Law 2482/1997 (OG 73 A), the Agreement on seasonal employment of labour force between the Government of the Hellenic Republic and the Government of the Republic of Albania has been ratified. It deals with issues related to the cooperation of the two countries on issues of workers' recalling for seasonal employment at sectors with seasonally increased needs. The recalling on the basis of the said Agreement concerns mostly workers in agriculture and livestock farming and shall be carried out after the employers' requests, claiming the recalling of specific workers-nationals of these two countries.

In the Field of Social Security

Our country has concluded thirteen (13) bilateral Social Security Agreements divided into nine (9) ***classic type*** Agreements (binding for all Insurance Bodies of our country, apart from the General Accounting Office and the Seamen's Pension Fund (NAT), the legislation of which did not fall within their material scope of application) and four (4) ***peculiar*** Agreements (regulating only certain social security issues in a particular way and for specific categories of workers).

A. Classic Type Social Security Agreements

1. With Australia: In force since 1.10.2008 (Law 3677/ OG 140/A/11.7.2008)
2. With Uruguay: In force since 1.3.1997 (Law 2258/ OG 202/A/ 5.12.1994)
3. With Canada: The revised Agreement is in force since 1.12.1997 (Law 2492/OG 83/A/16.5.1997)
4. With Venezuela: In force since 1.2.1995 (Law 2259/OG 203/a/5.12.1994)

**The Agreement does not apply due to inconsistency between the coordination instruments*

5. With N. Zealand: In force since 1.4.1994 (Law 2185/OG 14/A/8.2.1994)
6. With the USA: In force since 1.9.1994 (Law 2186/OG 15/A/8.2.1994)
7. With Brazil: In force since 1.9.1988 (Law 1553 OG 98/A/24.5.1985)
8. With Argentina: In force since 1.5.1988 (Law 1602 OG 79/A/18.6.1986)
9. With Quebec (Canada): In force since 1.9.1983 (Law 1317 OG 4/A/11.1.1983). This Agreement has been replaced by the revised Agreement signed on 7.12.2004 in Quebec. (Law 3476 OG 149/A/19.7.2006) and entered into force on 01.11.2010.

The above mentioned Agreements **are underpinned by the basic social security principles such as:**

1) the equal treatment principle in terms of social security protection for workers of the two Contracting States,

2) the principle of social security rights maintenance for insured employees and their counterparts and for self-employed persons in case of transfer of their residence or work to the territory of the other Contracting State
3) the principle of aggregation of the insurance periods completed in both Contracting States both for the establishment of the right and for the calculation of benefits
4) the principle of proportionate allocation of benefits (namely each state's burden depending on the insurance time completed there) and
5) the principle of free transfer of benefits to the beneficiary's State of residence.

B. Peculiar Agreements

Greece has concluded four (4) peculiar Social Security Agreements with:

1. **Egypt** (ratified by Law 1595/ 1986, OG 66 A)
2. **Libya** (ratified by Law 1909/1990, OG 164 A)
3. **Syria** (ratified by Law 2922/2001, OG 135 A) and
4. **Ontario-Canada** (**on the regulation of industrial accidents and occupational diseases**, ratified by Law 1550/1985, OG 96 A).

The first two Agreements (Libya, Egypt) provide for the transfer of workers' social security contributions to their country of origin at the time of insurance risk occurrence, for the periods they had been working at the destination countries, so that these shall be considered work time in accordance with the domestic legislation. These Agreements provide also for the transfer of pensions for beneficiaries, given that they establish a standalone pension right in Greece and they are entitled to that benefit under the conditions determined by the Greek legislation.

The third Agreement regulates social security issues for Syrian workers posted in Greece at the offices of the Syrian Airlines and the last Agreement (Ontario) regulates issues on industrial accidents and occupational diseases.

Paragraph 4 – Equal treatment in employment, the right to organize and accommodation

I. LEGAL FRAMEWORK – Additional Questions of the ECSR

A basic principle of the national migration policy is to ensure respect to all fundamental rights of immigrants, without discriminations based on their nationality or the cultural and religious persuasions, placing particular emphasis on the rights of children and groups that are in need of protection.

Particularly as regards the area of employment, the existing legal framework, resulting from the Code and the EU *acquis* for regular immigration, it guarantees the full protection of immigrant workers, without discriminations for reasons of racial or ethnic origin. More specifically, the Code adopts equal treatment of legally residing working immigrants and national employees, maintaining at the same time, where applicable, specific derogations or reservations of the national legislation. **The principle of equal treatment in the domain of employment is connected with the purpose of stay and is strictly implemented with regard to the main terms of employment such as the working hours, vacation days, the healthcare and security**.

Third-country nationals who legally reside and work in our country, under **article 21 of the Code**, ***have the same labour and social security rights as Greek workers.*** The provisions of labour law apply, therefore, also to them as regards ***working time and wages***, and they enjoy ***similar benefits provided by the public social security institutions*** they are insured with.

More specifically, based on article 21A «*Equal treatment of workers, holders of a single permit*»:

1. Workers who are holders of a single permit, shall enjoy equal treatment with Greek nationals as regards:

a) the right to enter and reside in the Greek territory as well as free access to it, subject to restrictions under article 21, para. 1 ,

b) the right to exercise a specific activity for which a visa is granted,

c) **the working terms, including the minimum age limit for work, working conditions, including pay and dismissal, working hours, leaves and holidays as well as requirements concerning health and safety at the workplace**,

d) **the right to strike and trade union action**, in accordance with the national law, **the freedom of association, affiliation and membership of an organization representing workers or employers or any organization whose members are engaged in a specific occupation, including benefits conferred by such organizations, including the right to bargain and conclude collective agreements, without prejudice to the provisions on public order and public security**[75],

e) education and vocational training,

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[75] In our country, the right of trade union freedom and action is enshrined in the Constitution (paragraph 1 of article 23 of the Constitution), protected by International Labor Agreements (ILC87/1948, ILC98/1949, ILC135/1971) and regulated by Law 1264/1982 "For the democratization of the trade union movement and the safeguarding of workers' trade union freedoms" (A 79), as in force today.

More specifically, Law 1264/1982 establishes the trade union rights of employees and regulates the establishment, organization, operation and action of their trade unions. Its provisions include both general and specific measures to protect trade union action. Article 7, para1 stipulates that any worker who has completed a two-month period within the last year in a business or an undertaking or their employment sector may be registered as a member of a trade union, both in the organization of the business or undertaking and in their occupational employment sector, provided that they meet the legal requirements of their statutes. Minors **and aliens, legally employed, may be members of trade unions**.

f) recognition of diplomas / certificates and other professional qualifications, in accordance with the relevant national procedures,
g) the provisions in national legislation as regards social security branches, as defined in Regulation (EC) No.883/2004 (EEL 166 of 30.4.2004). The special provisions in the Annex to Council Regulation (EC) No.1231/2010 (EEL 344 of 29.12.2010) and No. 987/2009 (EEL 284 of 30.10.2009) shall apply accordingly,
h) without prejudice to existing bilateral agreements, payment of amounts relating to entitlements as statutory old age pensions at a rate provided by the national law or the law of the EU Member State that owe such amounts in case of workers who move to a third country,
i) access to goods and services and the supply of goods and services made available to the public, **including procedures for housing** as well as information and counseling services offered by employment agencies. This right shall be without prejudice to the freedom of contract in accordance with the Community and national law,
j) tax benefits, provided that the worker is considered tax-resident of Greece.
2. Workers who move to a third country or their survivors who reside in a third country insofar as they derive rights from such workers, shall receive statutory pensions based on the employment offered by the seasonal worker, in accordance with the provisions set out in article 3 of Regulation (EC) 883/2004, under the same conditions and at the same rates as Greek nationals when they move to a third country.
5. The relevant Greek consular authorities and the services of the Decentralized Administration provide both seasonal workers and employers with all the necessary information on the application process, the supporting documents, their rights and obligations, together with the procedural safeguards provided by law.

Also, third-country nationals who have been granted the long-term resident status (Directive 2003/109/EC), enjoy equal treatment with nationals as regards a set of key rights to ensure the smooth integration into the host society and their general welfare. At the same time, the right to move and reside in other EU Member States is conferred on these persons, with the purpose of salaried or non-salaried employment, studies and professional training or as financially independent persons.

Furthermore, as mentioned above (see **Article 19, para2**), the existing legal framework ensures that the permit granting procedure is implemented for victims of exploitative working conditions and for minors as well as victims of work and other accidents providing for a special category of a **residence permit for humanitarian reasons** (Article 19A of the Code, as in force).

Finally, it is underlined that, except the national rules for granting a permit and the renewal of relevant residence permits, the same specific internal arrangements have been put in place with regard to regulated professions and relevant professional rights.

Furthermore, a Joint Ministerial Decision[76] determines the maximum number of dependent employment jobs for seasonal employment as fishermen and highly skilled employment jobs, per Region and specialty that shall be covered through invitations of third country nationals. The same decision may make provisions for increase in the maximum number of jobs up to 10%, in order to meet any contingencies and any other relevant details. (article 11 of the Code).

In order to issue the above mentioned joint ministerial decision the opinion of the following shall be taken into account: (a) the Economic and Social Committee, (b) the Manpower Employment Organization (OAED), and (c) the country's Regions, at the request of the Ministers of the Interior and of

[76] Decision of the Ministers of the Interior, of Foreign Affairs, of Development and Competitiveness, of Shipping and the Aegean, of Labour, Social Security and Welfare, issued within the last quarter of every other year.

Labour, Social Security and Welfare, relating to existing labour needs in the country. Such needs are specified mainly on the following criteria: consultation between a Region and employers' organisations, the interests of national economy, the feasibility of employment, labour supply from Greek nationals, EU citizens or third-country nationals legally residing in Greece per specialty and the unemployment rates per employment field.

Based on the jobs provided for by the above JMD, every employer, who wishes to hire **personnel for dependent work, or seasonal employment or fishermen** shall lodge an application with the relevant agency of the **Decentralized Administration in his area of residence,** stating the number of jobs, the details and nationality of the third-country nationals to be employed, the specialty and the duration of employment. The application shall be accompanied by: (a) a valid employment contract[77] demonstrating that the remuneration is at least equal to the unskilled worker's monthly salary and (b) a tax clearance note or copy of tax statement of a legal entity demonstrating the employer's ability to pay the monthly salaries as set out in the employment contract[78].

A third-country national with residence permit for purposes of dependent employment may sign an employment contract with another employer during the period of validity of his initial residence permit, provided that the specialty for which the national visa was granted and the social security agency remain unchanged.

A holder of a residence permit for purposes of employment may be employed in another Regional Unit and change his specialty after one year from the date the initial residence permit was issued. A third-country national holder of a residence permit that is renewed is entitled to access to dependent employment and the provision of services or work.

The holder of a national visa for seasonal employment is entitled to have access to the labour market only for the provision of the specific employment with the specific employer following the invitation of whom such visa was granted.

Moreover, seasonal workers **enjoy equal treatment with nationals** in accordance with **article 21B** *"Equal treatment of seasonal workers"* **of the Code**, which is identical (as a provision) to article 21A.

Also, with the adoption of Law **4384/2016 (article 58), article 13A was added to the Code (Law 4251/2014) offering the possibility of employment to irregularly staying third-country nationals,** in order to meet urgent needs of the rural economy. A specific procedure is defined in order to cover jobs for dependent and seasonal employment in the rural economy that have not been covered by means of invitation. More specifically the employer files an application at the relevant Agency of the Decentralized Administration in order to conclude an employment contract with an irregularly staying third-country national, which should be accompanied by a Solemn Statement that he is facing a force majeur situation. The relevant agency shall consider the application pursuant to the JMD (number of

[77] The duration of the employment contract for dependent work shall be for at least one year in Greece. For seasonal employment in the rural economy (land workers and breeders) and fishermen, the duration of employment may not be less than two (2) months.

[78] For seasonal employment the employer must accompany his application, *inter alia*, with a Valid employment contract for the purpose of seasonal employment, signed by the employer who is established in Greece. The employment contract shall state: a) the type of employment and its starting date, b) the place where such employment is to be performed, c) the employment duration, d) the working hours, which should be specified per day, within a week or a month, f) worker's remuneration, which in no case may be less than the unskilled worker's wages, g) the amount of a possible holiday allowance, if provided by the contract and h) any other working term, as appropriate as well as evidence that the worker is provided with an adequate accommodation. When the accommodation is provided by the employer, on the one hand, he has to ensure that the accommodation meets all health and safety standards required by the current health provisions, based on inspections by the competent services, and on the other, he has to inform the relevant authority concerning any changes in such accommodation.

jobs, correspondence between cultivated land and livestock per worker) and forward authorization decisions to the local relevant Police Division. The Police Division shall issue for each third-country national an **expulsion decision and then it shall postpone of the expulsion.** The relevant agency of the Region shall issue **a work permit of six months' duration** equal to the period for which the expulsion is postponed.

The main sectors for which Greek enterprises or employers request to invite foreign workers in order to cover gaps in human resources are the following: **primary sector** (agriculture, livestock breeding, fishery), **tourism** and **domestic services**.

Article 15, para1 of Law 4251/14 provides that the remuneration of a third-country national who has been granted a residence permit for the purpose of dependent employment, should be, at least, equal with the monthly remuneration of an unskilled worker, ensuring thus, as far as possible, a satisfactory standard of living for him and his family giving him the opportunity to smoothly integrate into the social life of our country.

Other relevant legislation:

Law 4332/2015 "*Amendment of the provisions of the Greek Citizenship Code – Amendment of Law4251/2014 etc*": transposing relevant European Directives in the Greek law. According to circular No.53326/2015/04.08.2015 of the Ministry of the Interior and Administrative Reconstruction, General Secretariat for Population and Social Cohesion, this law includes provisions on single residence and work permit in Greece as well as common rights for workers from third countries legally residing in Greece. The holder of a residence permit has access to **salaried employment** and the provision of services or work.

- The legal text updating the provisions on **refugees' access to the labour market** is Law **4375/2016** (O.G.51/A΄/03.04.2016) on the «Organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition of the European Parliament and Council Directive 2013/32/EU into the Greek Legislation "on the common procedures for granting and withdrawing the status of international protection (recast)", provisions on the employment of beneficiaries of international protection (refugees and those granted the subsidiary protection status) and other provisions». **The most significant change this law brings is the abolition of the requirement to hold a work permit in order to access the labour market for specific categories of third-country nationals and their family members.**

More specifically:

With this legislative regulation **a work permit is no longer necessary as requirement** for specific categories of third-country nationals and their family members **to have access to the labour market.** They can now be served at the local OAED Services) (they can register at the OAED Unemployment Registers and be served by our Organization) provided that they meet the conditions laid down by the current provisions, **by producing a valid residence permit**.

In particular, the OAED circular No.21114/23.03.2018 on the registration of unemployed people who do not have permanent residence, following relevant decision of the Organization's Administrative Board, stipulates that **unemployed refugees and asylum seekers may register as unemployed** by presenting a certificate issued by a temporary accommodation facility or a certificate of residence in granted property or a deed of transfer, provided that they meet the remaining conditions for their registration.

Articles 68 to 71 of Law 4375/2016 regulate the conditions for access to employment concerning those who are recognized by the state as beneficiaries of international protection, applicants for international protection, persons who have been granted residence in Greece on humanitarian grounds as well as third-country nationals whose case is referred to the Ministry of the Interior and Administrative Reconstruction by the relevant Decision Authorities (article 2 case g' of P.D.113/2013 (A' 146)) and the Refugee Committees (articles 26 and 32 of Presidential Decree114/2010 (A' 195)).

Therefore, **beneficiaries of international protection**, their family members, family members of beneficiaries who arrived in Greece in the context of family reunification and foreign nationals legally residing in the country who have married a person granted with a residence on humanitarian grounds, (for the duration of the marriage and provided that they are holders of a relevant valid residence permit) have the right to access to dependent employment, provision of independent services or work or the exercise of an independent economic activity, on equal footing with Greek nationals, provided that they are holders of a valid residence permit, in accordance with the current provisions. Moreover, applicants for international protection, from the moment they file the relevant application, have the right to access to dependent employment or provision of services or work, by producing the «international protection applicant card» or «valid asylum seeker's card», in accordance with the current legislation (P.D. 113/2013 and P.D. 114/2010).

Also, beneficiaries of international protection (refugees and those granted the subsidiary protection status), persons who have been granted a residence permit on humanitarian grounds, as well as their family members, shall be enrolled in educational programs for adults related to employment and vocational training under the same terms and conditions as nationals (on condition that they hold a valid residence permit as prescribed by the relevant provisions).

Finally, as regards **housing,** apart from everything already mentioned and provided for by virtue of Article 21A "*Equal treatment of workers, holders of a single permit",* we refer to paragraph 5 of this Article that follows.

Paragraph 5 – Equal treatment as to taxes and contributions

I. LEGAL FRAMEWORK

According to immigration law, **all** third-country nationals regularly residing in the Greek territory, **may be insured in the insurance agencies concerned, enjoy the same insurance benefits as nationals and are subject to relevant provisions for social protection**.

More particularly, working holders of a single permit, enjoy the right of equal treatment with nationals as regards tax benefits, on condition that the working person is a resident for tax purposes in the Greek territory (Article 21A para1 of the Code, see above Article 19, para4).

II. ECSR'S Negative Conclusion

Regarding the possibility of **granting a tax exemption for the purchase of a first family home to all migrant workers** coming from the State-Parties to the 1961 Charter and the Charter **on equal terms with nationals**, we inform you of the following:

Pursuant to the provisions of article 1 of Law1078/1980, as in force (and in particular as supplemented by the provisions of article 21, para1 of Law3842/2010 and article 23, paragraphs 4 and 5 of the Law3943/2011), purchase contracts of real estate in full and wholly owned are exempt from the transfer tax if they are intended for the acquisition of first residence and meet the conditions laid down by the law.

The exemption is granted only to natural persons (married or unmarried), provided they reside permanently in Greece or intend to settle in Greece within two years of the purchase (Article 23 paragraphs 4-5 of Law3943/2011, O.G.66A/31-3-2011).

Also, the categories of beneficiaries were defined as follows:

a) Greeks,

b) expatriates from Albania, Turkey and countries of the former Soviet Union,

c) the citizens of the Member States of the European Union and of the European Economic Area,

d) recognized refugees in accordance with the provisions of Presidential Decree 96/2006 (O.G.152A) and

e) third - country nationals who enjoy long-term resident status in Greece, in accordance with the provisions of Law4251/2014 (O.G.80A).

It should be noted that, **especially for foreigners**, their intent to permanently settle in Greece is not undermined by the fact that, for special reasons, the competent authorities grant them temporary residence permits which are renewed.

Consequently, **migrant workers who permanently reside in Greece** and who fall under the above categories of beneficiaries **are entitled to tax exemption from the real estate transfer tax for the purchase of their first residence** and, therefore, there is no discrimination between Greek citizens and immigrants who reside legally in Greece.

Paragraph 6 – Family Reunification

I. LEGAL FRAMEWORK – ECSR's Negative Conclusion

The Immigration Code, as currently in force, has included (Articles 69 to 77), among other provisions, **the residence permit for family reunification of third-country nationals** (Directive 2003/86/EC), transposed into Greek Law by Presidential Decree 131/06. The Code stipulates that the family members of a third-country national (spouses and minors), who legally resides in Greece or the family members of a Greek citizen **are entitled to a residence permit on the grounds of family reunification, in order to maintain family unity, irrespective of whether the family ties were created before or after the resident's entry (into the country).**

More specifically:

- The Code provides for **a special favorable state of residence for "second generation" aliens**, the ***"second generation" residence permit*** included in Article 109 of the Code with the purpose of ensuring the legal residence of the "second generation", with a view to facilitating its integration prospect.
- With regard to the issue of family reunification of third-country nationals with children over 18 years of age, paragraph 5 of Article 76 of the Code lays down that children of third-country nationals who have reached majority, are entitled to **a stand-alone three-year residence permit**, which constitutes a next step as regards the residence permit for family reunification, and which shall not be granted, should the persons have completed their 21st year of age. This residence permit, without prejudice to reasons of public order and security, is renewed **for three more years with the sole obligation to provide the previous stand-alone residence permit**. Further renewal of this permit shall be allowed in accordance with this Code.
-The Code also regulated the matter of granting a residence permit to members of families created in Greece by marriage between two regularly residing third-country nationals in the Greek territory, as well as to minor children born in Greece, based on the fact that these cases are not covered by the provisions of Directive on family reunification (Article 80 of the Code).
- Furthermore, the right of residence provided for in the Code **has been extended to more categories of third-country nationals**, who **may enter the country accompanied by members of their family**, by derogation to Directive 2003/86/EC, as transposed into national law (Article 71, para1 of the Code), and based on which, the right of family reunification can be granted on the basis of a prior two-year residence of a working immigrant in the country, the minimum annual income and accommodation.

The following categories are included:

a) third-country nationals who enter Greece with national entry visa, by derogation of the invitation procedure, based on specific legislation or specific interstate agreements, or with a view to serving public interest, or the promotion of education, culture, sports, protection of human rights and national economy (Directors, business and technical executives of companies, intellectual creators, athletes and coaches, foreign press correspondents etc.). These employees form a specific category and are granted a residence permit for specific purposes (Article 17 of the Code).

b) third-country nationals who are granted a residence permit, in case there is a reasoned public interest, which is presumed to derive from bilateral agreements or, from specific cases that mainly concern fields of foreign policy, defense, internal security, economy and development, investments, education and culture, following a recommendation of the competent public body (Article 19 of the Code).

c) third-country nationals who enter Greece with a view to making investments which have been characterized as "Strategic Investments" that shall have positive effects on national development and economy (Article 16 of the Code).
d) third-country nationals who enter Greece as financially independent individuals, since they have sufficient resources, in other words a stable level of income to cover subsistence costs (Article 20A of the Code) and third-country nationals who come to Greece as property owners (Article 20B of the Code).
e) third-country nationals who enter Greece to acquire medical specialization (Article 47B of the Code).
f) third-country nationals who enter Greece as researchers (Article 61 of the Code).
g) third-country nationals who are holders of a residence permit of highly qualified employment (EU "Blue card", Article 120 of the Code)
h) third-country nationals who enter Greece as family members of a Greek national (Article 80 of the Code).
i) third-country nationals who enter Greece as family members of a European citizen in conformity with the provisions of Presidential Decree No 106/2007 "Free movement and residence in the Greek Territory of European Union citizens and their family members" (Article 7 of Presidential Decree 106/2007).
Following the submission of a relevant application, the European citizen's family members are granted an individual residence permit. "Family members" means: the spouse, the direct descendants of spouses or one of the spouses, who are under 21 years of age and the direct ascendants of the spouses.

II. MEASURES ADOPTED TO IMPLEMENT THE LEGISLATION

A fact of particular significance that should be pointed out is **the amendment of provisions concerning family reunification of the Code by Law 4540/2018**[79] with the purpose of adapting immigration legislation to the provisions of Law 4356/2015, "*Registered partnership, exercise of rights, criminal and other provisions*", with a view to exercising the right deriving from the registered agreement status. In accordance with this amendment, the definitions of "family members" have been replaced with regard to: **a)** family members of a Greek citizen, **b)** family members of EU citizens, **c)** family members of third-country nationals who enter the country based on Article 16 of Law 4251/2014 and **d)** family members of third-country nationals who enter the country based on Article 20B of Law 4251/2014.

Additionally, in cases of marriage or registered partnership in Greece between third-country nationals who are holders of a residence permit and reside in Greece, a residence permit for family reunification may be granted to one of the two spouses or partners and his/her family member/s (article 80 of the Code).

It is noted that the category of partners also includes same-sex couples.

III. STATISTICAL DATA AVAILABLE

Based on the statistics from the Ministry for Migration Policy Database, the total number of residence permits for family reunification, which are currently valid in our country, amounts to approximately 205,777.

[79] Law 4540/2018 "Adaptation of the Greek legislation to the provisions of Directive 2013/33/EU of 26 June 2013 of the European Parliament and of the Council on the requirements for the reception of international protection seekers (recast, L180/96/ 29.6.2013) and other provisions - Amendment of Law 4251/2014 (A '80) on the adaptation of Greek legislation to Directive 2014/66/ EU of 15 May 2014 of the European Parliament and of the Council on the conditions of entry and residence third-country nationals in the framework of an intra-corporate transfer – Amendment of asylum procedures and other provisions ".

Paragraph 7 – Equal treatment in respect of legal proceedings

I. LEGAL FRAMEWORK – Additional Questions of the ECSR

1. Access to Justice / Legal Aid

In Greece, persons with low income may request **free legal aid**. Victims of certain crimes (domestic violence, slavery, trafficking in human beings, kidnapping of minors and other serious crimes, children victims of rape, sexual exploitation, etc.) are provided with free legal aid irrespective of their income. In such a case, **a lawyer is appointed** to the person concerned, who will represent him and will receive payment by the State. Any other legal information needed, will be available to the person concerned by the competent persons of the authorities (e.g. Prosecutors).

In addition, according to the Code (Law 4251/2014), art.51(3) as regards trafficking victims during the reflection period the competent prosecution, judicial and police authorities shall, in accordance with the relevant provisions, give priority, for the protection and safety of those victims, to the **provision of translation and interpreting services where they have no knowledge of the Greek language**, for their information regarding their rights and the services provided, as well as for the provision of all necessary legal assistance.

In addition, pursuant to art 21 para4 of the Code, detained third-country nationals shall be informed in a language they can understand about the rules of conduct and their rights and obligations as soon as they are admitted to an institution. Their communication with diplomatic or consular officials of the State of nationality or of origin and with their authorized attorneys shall be facilitated. The public services, legal public entities, local self-government agencies, public organizations and public utilities and social insurance organizations are obliged to provide their services to third-country nationals who have entered and legally reside in Greece (Article 26 of the Code).

The Code of Criminal Procedure also provides for the extraordinary legal remedy of the reopening of a case, where a judgment of the European Court of Human Rights has found a breach of the right to a fair trial or of any other substantive provision of the European Convention on Human Rights (Law 2865/2000). The same applies to procedures before all the jurisdictions: administrative, penal and civil (Article 16 of Law 4446/2016 and Art.29 of Law 4491/2017).

Moreover, in Greece there are certain good practices, concerning the training of judges, prosecutors and lawyers on innovative topics that have the potential to facilitate access to justice for the aforementioned vulnerable groups, such as training programs on the right of access to justice for persons with disabilities and several workshops, conducted by the National School of Judges. [http://www.esdi.gr/nex/images/stories/pdf/23_seira/23_proto_stadio_eis.pdf]

2. Trafficking

Greece has ratified the two fundamental legal instruments against Trafficking in Human Beings [THB], i.e. The UN Convention against Transnational Organized Crime and its Protocols – the "Palermo Protocol" and the Council of Europe Convention on Action against Trafficking in Human Beings, and transposed the 2011/36/EU Directive with Law 4198/2013 "Preventing and combating trafficking in Human Beings and protecting its victims and other provisions".

Especially for the victims of offences under article 323A and 351 of the Greek Penal Code, article 9, par.6 Law 2928/2001, as amended and in force, provides that: "in criminal proceedings and as to THB offences under articles 323, 323A, 323B and 351 of the Greek Penal Code, as well as for the offences of illicit trafficking of migrants under articles 87 par. 5, 6 and 88 of Law 3386/2005 (O.G.212A), measures may be taken in accordance with the provisions of par. 2 and 4 for the effective protection against probable retaliation or intimidation of the victim of such acts, as defined in cases 10 and 11 of par. 1 ,

article 1, Law 3386/2005, the victim's relatives or crucial witnesses, even if any of the aforementioned offences has not been committed within the framework of organized crime, pursuant to article 187 par. 1 of the Greek Penal Code".

After the abolition of Law 3386/2005 by Law 4251/2014 (the Code), the abovementioned persons fall under the provisions of articles 1, 29 par. 5,6 and 30 of Law 4251/2014. As to whether victims may be examined as witness, supported by psychologists or psychiatrists and the form of their attestation, related regulations are included in article 226 A of the Greek Code of Penal Procedure on minor victims and 226B of the Greek Code of Penal Procedure on adult victims. Also, article 330 of the Greek Code of Penal Procedure (hearing behind closed doors) protects the victims during the procedure, avoiding their re-victimization.

Art. 226 A of the Code of Criminal Procedure provides that children who are victims and witnesses of crimes of sexual violence, trafficking etc. are examined under a special procedure during criminal proceedings. This provision has been recently improved by Law 4478/2017 (Transposition of Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime), in order to ensure its application. The new provision stipulates that the aforementioned victims are examined in special offices (which are established to this end by the said Law) called "Children's Houses". Moreover, it provides that the examination of the victim is conducted by the competent authority (Prosecutor, Investigative Judge etc.) through a specialized psychologist or psychiatrist, who has received appropriate training. Additionally, it stipulates that the testimony of the child is always audio-visually recorded, so that such recorded testimony is used as evidence and the child doesn't have to testify again in the following proceedings.

The "Children's Houses" (articles 74, 75 and 77 of Law 4478/2017), are also competent for the individual assessment and the evaluation of the perceptual ability and the mental condition of under-age victims, the provision of general support services, the assistance to all competent authorities for the proper and child-friendly examination of the victim during criminal proceedings, as well as for the development of proper conditions and spaces for their examination and for the audiovisual recording of the child's testimony. L.4478/2017 provides for an interdisciplinary approach to be applied to the "Children's Houses".

The Ministry of Justice, Transparency and Human Rights is currently working on the establishment and operation of the "Children's Houses". The "Scientific Council for combating children's victimization and criminality" ("KESATHEA") of the Ministry of Justice is also preparing a protocol for the proper examination of minors in criminal proceedings.

The aforementioned actions aim towards the establishment of child-friendly justice and the avoidance of secondary victimization of children in criminal proceedings and the provision of support services to children who are victims of crimes.

Furthermore, **Law 4251/2014** (**the Code**) represents the first code concentrating and classifying provisions on immigration and social inclusion issues. More specifically, the second Part, Section B of Law4251/2014, transposes Directive 2004/81/EU in Greek legal order. Article 49 of Law 4251/2014 stipulates:

"Reflection Period:

1. Third-country nationals that have been characterized as victims of trafficking in human beings or migrant smuggling in accordance with the provisions of points (k) and (l) of paragraph 1 of this Code, provided that they do not fall within the provision of Article 1(2) of PD 233/2003, are granted a reflection period of three months by act of the competent Public Prosecutor, in order to escape the influence of the perpetrators of the offences against them and to recover so that they can take an informed decision as to whether to cooperate with the criminal authorities.

2. With regards to minors – victims of trafficking in human beings or migrant smuggling, the same deadline may be extended for two more months by decision of the competent Public Prosecutor and with the minor's best interest in mind.
3. In the interim and until the expiration of the deadline of the reflection period, the persons of the abovementioned paragraphs cannot be deported from the country. Any issued decision for forced return is suspended.
4. Upon decision of the competent prosecution authority, the deadline of the reflection period can be terminated prior to its expiration date, in cases that:
I. The relevant prosecution authority ascertains that the victim reconnects actively and voluntarily with the perpetrators of the crimes of article 1(ia) & (ib) of this Code or when the elements that were taken into account for the person to be characterized as victim of trafficking according to the provisions of article 1 (ia) and (ib) are not finally present.
II. It is necessary due to reasons of public order and public security".

According to the EU Directive 2004/81/EU on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities[80], special protection is provided to migrants recognized as victims of trafficking in human beings or smuggling of migrants, who cooperate with the competent authorities. After the expiry of the reflection period, which allows the victims to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities and provided that the victim cooperates, the common criteria that have to be examined for the issue and renewal of a residence permit are the following:
a. the prolonged stay of the victim in the Greek territory would facilitate the investigations or criminal proceedings;
b. the victim has shown a clear intention to cooperate; and
c. the victim has severed all relations with the purported perpetrators of the offences of trafficking according to the law.

Pursuant to article 12 of Law 3064/2002 (Combating trafficking in human beings, crimes against sexual freedom, pornography of minors and in general the financial exploitation of sexual life and relied to the victims of these actions) as supplemented by Presidential Decree 233/2003 and amended by law 3875/2010, the victims of the acts referred to – inter alia – in articles 336 323, 323A, 323B, 339 par. 1 and 4, 342 par. 1 and 2, 348A, 348B, 348Γ, 349,351 and 351A of Greek Penal Code as well as those under articles 29 par. 5 and 6 and 30 of the Migration and Social Integration Code receive protection for their life, physical integrity and personal and sexual freedom, where there is a grave danger to such values. They also receive, for as long as necessary, assistance for accommodation, sustenance, living conditions, care and psychological support.

The process of identifying a THB victim is currently provided for by article 1 of the Code, which also gives the definition of the victim : "(xi) Victim of trafficking means both the natural person for whom there are substantial reasons to be considered victim of any of the crimes provided for in Articles 323, 323A, 323B, 339(1) and (4), 342(1) and (2), 348A, 348B, 349, 351 and 351A of the Penal Code, before criminal prosecution, and the person against whom any of the above crimes were committed and for which proceedings were initiated, regardless whether the person has entered into the country legally or not. The 'victim of trafficking' status is granted in a legal instrument by the competent Prosecutor of First Instance, both after the opening of proceedings against a crime provided for in

[80] The said Directive has been transposed in national law by Law 4251/2014 "Migration and Social Integration Code".

Articles 323, 323A, 323B, 339(1) and (4), 342(1) and (2), 348A, 348B, 349, 351 and 351A of the Penal Code and before criminal prosecution for any of these offences. In the latter case, the issuing of the instrument requires the written opinion of two specialists, either psychiatrists, psychologists or social workers, employed in a protection or assistance service or unit referred to in Articles 2, 3 and 4 of Presidential Decree 233/2003, as in force, or the Initial Reception Service, NGOs, the IOM, International Organizations or other specialized and state-recognized protection and assistance bodies, pursuant to the provisions of Articles 2, 3 and 4 of Presidential Decree 233/2003. The status-granting instrument is issued regardless of whether the victim is cooperating with the criminal investigation authorities, in those of the above cases where the prosecutor deems appropriate, following the prosecutor-general's assent that the conditions set out in Article 1 (2) of Presidential Decree 233/2003 are met or that the victim is not cooperating because of threats against members of his/her family who are in Greece, in his/her country of origin or elsewhere and that, if the victim is not protected or removed from the country, these persons face an imminent danger. This process also applies for granting a person the 'illegal immigrant smuggling victim' status, as defined in paragraph (xii) hereof."

Law 4478/2017 (OG.A'91/23-06-2017) transposed into the national legal order the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. According to the above mentioned Directive "victim is the person who has suffered damage (physical, health, honor, moral or economic or deprivation of his liberty) caused by a criminal offense". Indicatively, the law includes*, inter alia*, victims of trafficking in human beings.

The purpose of the aforementioned law is to ensure that victims of crime are properly informed, supported and protected to participate in criminal proceedings.

The rights set out in the new law shall apply to all victims, without any discrimination, irrespective of their nationality or nationality and of their residence status:

- Victims' right to understand and be understood.
- Right to receive information from their first contact with a competent authority.
- Victims' right to lodge a complaint
- Victims' right to receive information about their case
- Right to interpretation and translation
- Right to access to victim support and care services
- Right to safeguards in the context of restorative justice services
- Rights of victims residing in another EU Member State
- Right to avoid contact between a victim and an offender
- Right to protection of victims in criminal investigations
- Right to privacy
- Individual evaluation of victims to identify specific protection needs
- Right to protection of victims with special protection needs during the criminal proceedings

The Greek Law (L.3811/2009) also recognizes to victims of crimes under the articles 323A and 351 of the Penal Code the right to apply for compensation from the Greek State. The compensation claim arises: a) if the offender does not have the necessary resources for that purpose, from the adoption of an irrevocable convicting judgment, b) if the offender cannot be identified, and c) if the offender cannot be prosecuted or sentenced due to closure of the case by an act of the competent public prosecutor, or the adoption of an irrevocable dismissing decree, or from the adoption of an irrevocable acquittal judgment, or from the final closure of the case by any other means.

The decision on the claim for damages is taken by the Greek Compensation Authority. Law 4531/2018, which amended Law 3811/2009, provides, *inter alia*, for the extension of the compensation categories, a certain deadline of six months for the Greek Compensation Authority to decide on the case

and a relatively longer period than that provided for by the Code of Administrative Procedure for the appeal of the victim against the decision of the compensation Authority before the Administrative Court of first Instance.

- Application for compensation shall be addressed to the Greek Compensation Authority by the entitled person or by their proxy within a strict time limit of one-year period from the date on which the claim arises, as set out in Article 3 (2) hereof.
- If the applicant is a resident or habitual resident of another Member State, the application shall address the appropriate Member State's Assistance Authority, which shall send it to the Greek Compensation Authority. In the latter case, the Greek Compensation Authority shall notify the Assistance Authority of the Member State and the applicant on: (a) the person or department handling the case; (b) the acknowledgement of receipt of the application; (c) the approximate time period within which the decision will be made.
- Authorities responsible for the investigation of the case and the prosecution of the perpetrator are required to clearly inform victims of intentional violent crimes regarding their potential right to seek compensation, as well as of the specific formalities for its exercise. A report shall be drawn up in accordance with the terms of Articles 148 to 153 of the Greek Code of Penal Procedure.
- The Greek Compensation Authority, for the purpose of verifying the financial and general assets of the offender who is allegedly lacking the necessary resources to compensate the victim, may request relevant data from public financial authorities and any other public authority.

The losses and expenses of the victim of the offence that are covered by the compensation are the following:

— Material (non-psychological) damage:

medical costs of injury (medical treatment — ambulant and hospital treatment, recovery),

loss of earnings during medical treatment and after (including lost earnings and loss or reduction of earning capacity, etc.)

— Moral damage:

mental and psychological support

environment and change of residence

The compensation shall be paid in a single payment.

Paragraph 8 – Guarantees as regards expulsion

I. LEGAL FRAMEWORK – ECSR's Negative Conclusion

We refer to the previous Greek Report as there has been no change in the relevant legislation.

According to article 76 para1c of Law 3386/2005, as amended and in force by article 48, para1 of Law 3772/2009, "The deportation of an alien is authorized if: (...) c. His presence in the Greek territory is dangerous to the public order or security of the country. The alien is considered to be dangerous to public order or security, especially when he is prosecuted for an offense punishable by a custodial sentence of at least three (3) of months."

However, it is worth mentioning that Immigration Law, aiming to ensure the legality of residence, provides for **the granting of a special certificate of legal residence to a third-country national for whom the competent Administrative Court of First Instance has delivered a decision on the stay or a temporary order of stay in relation to an administrative act concerning the rejection or withdrawal of a residence permit.** The special certificate confers on him/her the right to exercise all rights which would have otherwise been granted, if he/she held a residence permit, which was not granted or was withdrawn, until a final decision is delivered upon the request for cancellation (Article 25 of Law 4251/2014).

ADDITIONAL QUESTION OF THE ECSR

As regards the Committee's wish "*to receive confirmation that when ordering expulsion a court or Police Director takes into account all the circumstances of the case including the personal circumstances of the individual*", we would like to inform you that:

In accordance with article 76, para2 of Law 3386/2005, administrative expulsion/ deportation is ordered by a decision of the Police Director. During the examination of the case, the Police Director **takes into account the gravity of the offense, the alien's criminal past, their family status, the duration of their stay in the Country, the circumstances in which the offense was committed and the possible threat posed by their stay to the public order or security of the country**.

Paragraph 9 – Transfer of earnings and savings

I. LEGAL FRAMEWORK

A. Introduction

On 28 June 2015, by virtue of a Legislative Act (A'65), a short-term bank holiday was declared, which ended on 19 July 2015. Immediately thereafter, with the **Legislative Act of 18.7.2015 (A'84)** entitled "*Urgent arrangements for the establishment of limitations on cash withdrawals and transfers of capital and the amendments of Laws 4063/2012, 4172/2013, 4331/2015 and 4334/2015*" restrictions on the movement of capital were imposed in Greece. The purpose of these provisions was **to preserve financial stability** by limiting the outflows of deposits from the banking system and **to shield the Greek economy** from adverse macroeconomic and financial developments.

The restrictions imposed on capital movements consist of three pillars:

- Pillar I: Restrictions to prevent the rapid reduction of banks' assets and liabilities (such as the ban on early repayment of loans and the early expiry of time deposits).
- Pillar II: Limitations on cash withdrawal and opening of new accounts.
- Pillar III: Restrictions on the transfer of capital abroad.

B. Description of the legislative framework from 18.7.2015 up to 31.12.2017

From 18.7.2015 to 31.12.2017 (end of the reporting period), there was a significant relaxation of the restrictions in successive steps.

In particular, by 31.12.2017, **the first pillar had been fully liberalized** [Ministerial Decision of March 2016 liberated the early expiry of time deposits (B '684) and Ministerial Decision of July 2016, the early repayment of loans (B'2282)].

On 31 December 2017, **for Pillar II**, the main provisions in force can be summarized as follows:

• With regard to **cash withdrawals**, the permitted amount was up to one thousand eight hundred euros **(€1800) cumulatively per month**, per depositor and per credit institution in Greece and abroad (B'2723 / 3.8.2017).

• It was allowed **to withdraw cash up to 100% of the amount which, after 1 December 2017, is transferred from abroad** by credit transfer to existing accounts held with a credit institution in Greece (B '3976 / 14.11.2017).

• A **natural person** was allowed to open a current or savings account and add a co-beneficiary to an account, through the creation of a new Customer ID, provided that there was no available account in another credit institution of which he/she is the beneficiary (B'3976/14.11.2017).

• Companies in the form of a **legal person** and holding a single-entry or double-entry accounting system were allowed to open a current or savings account, by creating a new Customer ID, regardless of the existence of another available account of which they are beneficiaries (B'2723/3.8.2017).

On 31 December 2017**, for Pillar III**, the main provisions in force can be summarized as follows:

• The transfer of funds abroad was allowed up to **€1,000 per month**, by Customer ID or by natural person/ payer, by credit institutions operating in Greece or by payment institutions supervised by the Bank of Greece, respectively (B '684/15.3.2016).

• Free transfer of funds abroad is allowed for funds imported from abroad by transferring credit to an account held with a credit institution operating in Greece (paragraph 11f, art1 of Legislative Act of 18.7.2015-A '84).

• The transfer of banknotes abroad was allowed up to **€2,000** or the equivalent in foreign currency per natural person and per trip abroad. **This restriction excludes permanent residents abroad** (B'1561/24.7.2015).
• As regards the transfer of funds abroad by the enterprises, the sub-committees of the banks approved the transfer of funds abroad, only in the context of their normal business activities, up to **EUR700,000 per day**, with a total weekly limit for each credit institution (B'4050/20.11.2017). The transfer of funds abroad was also allowed up to the amount of **EUR20,000 per day** per legal person or trader in the context of their business activities, through the branch network of credit institutions, without the prior approval of the subcommittee (B'3976/14.11.2017) .
• In all other cases, the transfer of funds abroad was subject to prior approval by the Bank Transactions Committee[81].

■ **From the above limitations are excluded:**

(i) Credit, debit and/or prepaid **cards of foreign banks**, provided they are issued abroad, are used both for purchases of goods and services and for cash withdrawals, without restrictions.
(ii) **Salary payments abroad for employees in diplomatic missions, permanent representations** or other Greek government services, by transferring the equivalent payroll credit to an account held with a credit institution operating outside Greece. Employees in diplomatic missions, Permanent Representations or other Greek government agencies abroad who hold payroll accounts with a credit institution based and operating in Greece are permitted to transfer their salary equivalent to their account abroad by documenting their status in writing (A'84/18.7.2015).
(iii) Transactions of natural persons that are imposed by **serious health reasons or exceptional social reasons** and involve the execution of payments abroad or cash withdrawals, with **a monthly limit of two thousand (2,000) euros** per natural person (in one or more transactions) to the total of banks operating in Greece (B '2100/25.9.2015).
(iv) The transfer of a maximum amount of **five thousand (5,000) euros** or its equivalent in foreign currency, **per calendar quarter**, in total, **for accommodation and subsistence costs of students** studying abroad or participating in student exchange programs. The payment must be made to an account held abroad, whose beneficiary is the student. However, in the cases where the above amounts are credited directly to a halls of residence account or to a lessor's/landlord's one, upon the submission of a lease or other relevant documentation, the transfer of a maximum amount of **eight thousand (8,000) euros** or its equivalent in foreign currency, per calendar month quarter, is allowed (B'1721/17.8.2015).
(v) **Payment of pensions and welfare benefits of any kind abroad** by social insurance bodies governed by Greek law, by crediting an account held in a bank established and operating outside Greece is permitted in the following cases: (a) if prior to the start of the bank holiday, which was declared on 28/06/2015 by virtue of a Legislative Act (A'65), the recipient of the pension or welfare benefit received their pension or welfare benefit in the manner described above or if they could prove to have submitted the relevant application for its granting by then, as well as (b) if they are granted a pension for the first time after 22/07/2016, provided, in the latter case, that the beneficiary proves that he/she is a resident abroad at least during the last two years (B '2282/22.7. 2016).
(vi) **Unlimited cash withdrawals and remittances abroad, up to EUR5,000 per month,** per beneficiary, per bank account, may be made by **members of diplomatic missions** and paid consular

[81] The Bank Transactions Committee was set up under para4 of art.1 of the Legislative Act of 28/06/2015, as amended and in force, and its members were appointed by the decision no.2/47604/0004/15.7.2015 of the Minister of Finance, as amended and in force.

posts, as well as by officials of the international and European organizations referred to in paragraph 16 of the first article of the Legislative Act of 18 July 2015, who are assimilated to the members of the diplomatic missions following demonstration of their special identity issued by the Ministry of Foreign Affairs (B'4/7.1 .2016).

C. Description of the legislative framework currently in force

From 31.12.2017 to date, there has been a significant further relaxation of these restrictions. More specifically, **Pillar II has been fully liberalized at this stage**, by virtue of a Ministerial Decision of February 2018 (release of accounts' opening - B'687) and of September 2018 (lifting restrictions on cash withdrawals within Greece - B'4315).

The third pillar, which concerns the transfer of capital abroad, is the last part of the restrictions on capital movements to be lifted, on the basis of the *"Roadmap for gradual relaxation and lifting of restrictions on capital movements"* of 15.5.2017.

As can be seen from the above, as regards the transfer of salaries and savings, there is no difference between what applies to national and what applies to migrant workers and**, under no circumstances, there is discrimination between Greek citizens and immigrants legally residing in Greece**.

Paragraph 10 – Equal treatment as to the self-employed

I. LEGAL FRAMEWORK

With regard to self-employed individuals the information mentioned above in paragraph 2 of the present Article applies as well.

It is made clear that, as free-lance professionals may be employed third-country nationals who are holders of a long-term residence permit, in other words, long-term residents, holders of a ten-year residence permit or a permit of indefinite duration, holders of a residence card and the holders of "second generation" residence permit. It is noted at this point, that aliens who returned to legality are entitled, if they once had obtained a residence permit for independent economic activity and on condition that this activity is still in force, to renew their residence permit for this purpose when they first submit an application for renewal.

Additionally, we would like to remind you that non-discrimination between self-employed migrants and self-employed nationals is also safeguarded by Law 4443/2016 (concerning equal treatment in employment and occupation), which amended Law 3304/2005 on the implementation of equal treatment between persons irrespectively of racial or ethnic origin, religion or belief, disability, age or sexual orientation.

This law improves and reinforces the existing legislative framework for the implementation of equal treatment and non-discrimination. The new law creates a single, clear and legally robust application of the principle of equal treatment in accordance with the case law of the European Court of Justice. Most importantly, the new law assigns overall powers to the Greek Ombudsman to receive and examine complaints on discrimination in public and private sector.

In particular, 'color', 'national origin', 'family status' and 'social status' are added as grounds for discrimination.

In addition to the concepts of direct and indirect discrimination and harassment, the definitions of 'relationship discrimination', 'denial of reasonable adjustments' and 'multiple discrimination' are also added.

The principle of equal treatment, in accordance with Article 3 of Law 4443/2016 (scope of application), applies **to all persons in the public and private sectors**.

As regards the prohibition of discrimination on grounds of race, color, ethnic or national origin, it applies, apart from in the field of employment and labor, in social protection too, including social security and health care, social benefits, education, access to the provision and granting of goods and services available to the public, including housing.

Paragraph 11 – Teaching of the national language of the receiving State

I. LEGAL FRAMEWORK

Pursuant to paragraphs 7 & 8 of Article 21 of the Code, minor third-country nationals residing in Greek territory are subject to compulsory schooling, as are nationals. **Third-country minors, attending all levels of education, have unrestricted access to the activities of the school or educational community.** For the registration of underage citizens of third countries in Greek schools, at all levels, the documents corresponding to the ones asked from the country's nationals are required. By way of exception, children of third-country nationals may register in public schools with incomplete documents, provided that:

a. They are protected by the Greek State as entitled to international protection and those under the protection of the United Nations High Commissioner for Refugees.
b. They come from regions where there is a debilitating situation.
c. They have filed an application for international protection.
d. They are third-country nationals residing in Greece, even if their legal residence is not regulated.

In the Greek educational system, the same rules on school enrollment apply for **all children**, **regardless of residence status**. As a general rule, children in Greece attend the nearest school in the district where they live.

Immigrant students are supported by:

a) Greek language support or tutorial teaching within the mainstream program in "Receptions classes" functioning in primary and secondary schools situated in "educational priority zones" (ZEP). Reception classes' scheme is open to all pupils from socially vulnerable groups with little or no knowledge of the Greek language (foreign-born pupils, repatriated Greeks, Roma, members of the Muslim minority from Thrace, etc.). In its current form the institution of "educational priority zones" (ZEP) was introduced by Law 3879/2010. The law that allows Reception Classes (RC) to operate in secondary schools is activated as from the school year 2017-18 by the Ministerial Decision 169735/ΓΔ4 (OG3727/B΄/23-10-2017)"Regulations on Educational Priority Zones (ZEP)- Foundation of Reception Classes ZEP in Secondary Education school units".

b) As from the school year 2016-17, the Ministry of Education, Research and Religious Affairs (MoE) has established afternoon classes, named "Reception School Facilities for Refugee Education" (DYEP in Greek). The DYEP are specially designed as a preparatory transitional intervention scheme aiming to ensure the gradual integration to the educational system of the refugee children living in refugee Accommodation Centers. The DYEP run in school districts where refugee accommodation centers exist and they are part of the existing primary (for children aged 7 to 12 years old) and secondary schools (for children aged 12 to 15 years old). The DYEP were introduced by Law 4415/2016.

The DYEP targets specifically newly-arrived refugee children and is a preparatory stage for the integration to the morning school. The Reception classes' scheme targets all children in need of language support.

The curriculum of the DYEP includes Greek language courses, Mathematics, Foreign language courses (English, etc.), Computer Science, Physical Education and Arts classes.

The Reception Classes scheme consists of supplementary teaching and/or tutorial support in two cycles: "Reception Class I" and "Reception Class II". In "Reception Class I" enroll students with elementary or no knowledge of the Greek language. They follow an intensive programme of learning the Greek language. In parallel, they attend a number of courses of the mainstream curriculum, such as: Physical education, Arts , Music , Foreign Language (primary education), or Maths, Physical education,

Music, Computer Science (secondary education) or other courses, upon decision of the Teachers Council in cooperation with the School Advisor.
In "Reception Class II" enroll students with knowledge of the Greek language at an intermediate level. In this cycle supplementary teaching is provided in Greek language and eventually in some other courses: in some cases, they might be assisted by a second teacher within their normal classes.

As regards **access to pre-primary education,** please note that refugee children enroll in pre-primary schools at the nearest school in the district where they live, as they are not differentiated from their Greek peers.
Early childhood education for newly-arrived children is offered within the refugee Accommodation Centers, in specialized facilities accredited by the Ministry of Education ad hoc.
For the enrollment of student-seekers of international protection in the school units operating as nursery schools within the accommodation centers, the Education Coordinator of the accommodation center undertakes to collect the necessary documentation for the registration of the pupils and submit them to the nursery school in which they belong. According to article 72 of Law 3386/2005 (O.G.212A/2005), minor children of third-country nationals can register even if their permanent residence in the country is not regulated.

In addition, with regard to **Secondary Education**:
1. The measures and actions promoted by the Ministry of Education have as their primary objective to promote and encourage respect for human rights, without discrimination on the grounds of sex, race, language or religion. In this context, as already mentioned above, the basic legal provisions governing the pupils' attendance at secondary school units in the country ensure the equal and unhindered access of all to the Greek educational system.
2. In particular, according to article 1 of Law 1566/1985 (A 167): *"The aim of primary and secondary education is to contribute to the all-round, harmonious and balanced development of the mental and psychosomatic abilities of the students, so that, regardless of gender and origin, they have the opportunity to develop into whole personalities and live creatively".* Pursuant to the aforementioned Law, attendance at elementary and secondary schools is compulsory, provided that students, irrespective of their sex and origin, have not reached the age of 16. Anyone who has custody of a minor and fails to register them or supervise their attendance is punished, in accordance with Article 458 of the Penal Code.
3. With a view to the smooth integration of the country's heterogeneous pupil population into the school environment, foreign pupils are allowed to enroll in secondary schools at any time during the academic year, provided they present a title or a certificate of studies from the foreign school they attended.
According to article 14 of Ministerial Decision No.10645/ΓΔ4/22-1-2018 (B 120):
"Minors who are third-country nationals or stateless persons, while staying in the country, have access to the public education system, ***under conditions similar to those applicable to Greek citizens and with facilitations as regards registration in case of difficulties in submitting all the required supporting documents.*** *Minors who are third-country nationals are registered by exception with incomplete supporting documents, provided they fall under paragraph 8 of Article 21 of the Code (see above).*
Access to the education system is provided given that any expulsion measures that are pending against them or their parents are not enforced. The right to attend secondary education is not recalled due to adulthood.
The Online Application for Registration - Declaration of Preference for the Minors who are third-country nationals that fall under paragraph 8 of Article 21 of Law 4251/2014 (A '80) and who wish to enroll in Gymnasium, General Lyceum or Vocational High School, is submitted if: a. They are protected by the Greek State as entitled to international protection or are under the protection of the United Nations High

Commissioner, b. They come from areas where there is a debilitating situation, c. They have applied for asylum, d. They are third-country nationals residing in Greece, even if their legal residence is not regulated."

4. Additionally, Circulars No.Φ1/103401/Δ2/20-06-2017 and Φ1/156996/ΔΔ4/20-09-2017 were issued on: "Registration of foreign pupils and Reception Classes", according to which Reception Classes I or II may be established for pupils who do not have the required knowledge of the Greek language, in order for them to be able to integrate smoothly into the Greek educational system, whereas the aforementioned Ministerial Decision No.16735/ΓΔ4/10-10-2017 on *"Regulations on Educational Priority Zones (ZEP)- Foundation of Reception Classes ZEP in Secondary Education school units*", defined as Educational Priority Zones (ZEP) all the Regional Directorates of Primary and Secondary Education, which include secondary schools (Gymnasia, General and Professional Lyceums), where ZEP Reception Classes, aiming at enhancing knowledge of the Greek language and creating a supportive framework to combat school leakage, at the equal integration of all pupils, without discrimination in the educational system, and the need to receive and educate refugee children / pupils. Ministerial Decision no.214206/Δ2/13-12-2017 (Β'4374) on *"Integration of Secondary Education School Units in the Educational Priority Zones (ZEP), where the Reception Classes I ZEP may be established"* defines the Secondary Education School Units where the Reception Classes I ZEP may operate.

Finally, for issues related to the education of **adult citizens of third countries**, the following apply:

By virtue of Presidential Decree No.18/23-02-2018, the Department of "Greek Language and Skills Development" was created within the Directorate of Lifelong Learning of the Ministry of Education and Religious Affairs, which is responsible for:

(a) the study, design and implementation of the policy on the education of adult citizens of third countries and, in particular, issues of Greek language, history and Greek culture, in cooperation with the Ministry of Migration Policy,

(b) the study and design of Greek language, history and Greek culture learning classes for adult citizens of third countries and the organization of these Classes through the Lifelong Learning Centers,

(c) the training of adult educators who teach in the Greek language classes,

(d) the design, supervision and implementation of national programs or other programs relating to the learning of Greek as a second language or programs of Greek history and culture to third-country nationals, in cooperation with the co-competent ministries, agencies and bodies,

(e) exploring the educational needs of adult third-country nationals, in cooperation with the co-competent ministries, agencies and bodies,

(f) the cooperation with the Department of Education and Training in detention centers, concerning the implementation of courses in the Greek language, history and Greek culture and the carrying out of tests in the Greek language for foreign prisoners in detention facilities,

(g) the organization and implementation of tests for the certification of the knowledge of the Greek language (level A2), history and Greek culture intended for third-country nationals, with a view to their obtaining the status of a "long-term resident", under the provisions of Articles 107 of Law 4251/2014 (A '80) and 9 of Law 4264/2014 (A' 118),

(h) the organization and implementation of tests on the knowledge of the Greek language (level A2 and above) for third-country nationals, with a view to the proficiency of the Greek language for professional purposes,

(i) the design and implementation of learning programs of the Greek language, history and Greek culture, in order to acquire Greek citizenship, in cooperation with the Ministry of Interior and the Ministry of Migration Policy,

(j) drawing up recommendations for the use of New Technologies in the implementation of education programs for migrants,
(k) the design and selection of the educational material for the courses of Greek language, history and Greek culture carried out in Migrant Integration Centers and other relevant structures, in cooperation with the Ministry of Migration Policy.

II. MEASURES ADOPTED TO IMPLEMENT THE LEGISLATION

To support the education of refugees, the Institute for Educational Policy (IEP) has developed an electronic platform for the collection and distribution of approved educational material: [http://iep.edu.gr/el/component/k2/content/5-ekpaidefsi-prosfygon].

As regards ensuring equal access to education to refugees' children, the IEP, within the framework of its competences, supports the Ministry of Education's educational policy by implementing **Action 4 "Training actions to support the education of refugee children"**, within the context of the Action "*Training interventions for the strengthening of the school structures of the educational system"*, in the framework of the Operational Programme "Human Resources Development, Education and Lifelong Learning 2014-2020", co-funded by the European Social Fund and National Resources.

It is noted that the Action includes ***actions to train executives on Intercultural Education and the operation of the Reception Classes as well as the production of supplementary educational material.*** (see also: ADDITIONAL QUESTION article19,para1).

In order to further support the education of refugee children, the IEP, based on the Acts 29/21-07-2016, 40/06-10-2016 and 34/31-07-2018 of the Administrative Board, has defined a procedure for the examination of the content of educational programs aimed at refugee children, in order to approve their application in Refugee Accommodation Centers in accordance with the provisions of Ministerial Decision No39487/2016 (O.G.2930B ', 14-9-2016) *"Establishment of a National Register of Hellenic and Foreign Non Governmental Organizations (NGOs) active in the field of international protection, migration and social integration".* The submission of the NGOs' training programs is carried out through a special IEP platform: (https://www.iep.edu.gr/services/mitroo/mko/)

Also, under the Operational Program "Development of Human Resources, Education & Lifelong Learning", Greek language learning programs are implemented through the Centers for Lifelong Learning of the Municipalities.

Brief description of the subject of the action:

The Action aims to continue and broaden the institution of Lifelong Learning Centers, which were either set up and operated during the previous Programming Period by Local Self-Government Agencies of the First degree, or are going to operate for the first time during the current Programming Period. The Lifelong Learning Centers target adult unemployed persons and workers, regardless of gender, educational level, country of origin, religion, place of residence, as well as young people, students, etc., on the sole basis of their interest in knowledge and active participation.

In order to ensure equal access to general adult education actions, particular attention will be given to members of vulnerable social groups, migrants and residents of remote and inaccessible areas. **Programs of Greek language courses for Migrants are included** among the General Adult Education programs that will be provided.

Duration of project implementation: 18/11/2016 - 18/11/2018.

Note: The project implementation period has been redesigned and it is expected to be carried out by the implementing body by the end of 2020.

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

Paragraph 1 – Entry, stay and re-entry in employment

I. LEGAL FRAMEWORK – LEGISLATIVE MEASURES

PRIVATE SECTOR

1] To Enter, remain & reenter employment

In the Greek Law the rights of workers with family responsibilities relating to their protection in employment and occupation are regulated by the provisions of Law 1483/1984, as amended and in force by the provisions of articles 4, 5 and 6 of the National General Labour Collective Agreement [EGSSE] 2008-2009, of Law 4075/2012 as amended by the provisions of article 39 of Law 4144/2013, as well as by the provisions of Law 3896/2010.

More specifically:

❖ ***Law 1483/1984 «Protecting and facilitating workers with family responsibilities – Amendments and improvements to the labour law»***

According to article 1, para.1, the provisions of this Law apply to workers employed by enterprises or undertakings, bound by a working relationship under private law or on salaried assignment basis. **They refer to workers of both genders who have dependent children or other family members who are in need of their care and support, in order to enable them to enter and remain in employment and ensure their career development.** We have to note that, by virtue of Presidential Decree 193/1988, the provisions of Chapter A' of Law 1483/84 were extended and apply **also to workers bound by any form of relationship in the public sector, Public Bodies Corporate and Local Self-Government Agencies.**

In particular, according to article 2 of the above mentioned law dependent children or other family members who are in need of care and support are the following: «a) biological or adoptive children up to the age of 16, provided that their custody is granted to the parents, b) children over the age of 16 who are demonstrably in need of special care, due to severe or chronic disease or disability, on condition that their custody is granted to the parents, c) the spouse who cannot look after himself/herself due to severe or chronic disease or disability, d) parents and unmarried brothers and sisters who cannot look after themselves due to severe or chronic disease or disability, provided that the worker looks after them and their annual income is not greater than the annual income based on the unskilled worker's wage who receives the general minimum wage each time in force calculated on 25 wages per month.».

Moreover, article 4 of the same law **explicitly prohibits any direct or indirect discrimination against workers who fall under the scope of this law, in order to enter and remain in employment and ensure their career development.**

Furthermore, article 14 stipulates that workers' family responsibilities do not constitute a ground for termination of their working relationship.

Furthermore, **regarding the obligation of enterprises to establish and operate pre-school childcare facilities** the following apply:

Article 12 of Law 1483/1984 stipulates the following: «1. Industrial enterprises and undertakings with over three hundred (300) employees, when building their facilities, are required to make

provisions for an adequate and appropriate space for a nursery that will meet the needs of their workers.»[82]

❖ ***Law 3896/2010 «Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation – Harmonizing current legislation with Directive 2006/54/EC of the European Parliament and of the Council, of 5 July 2006 and other relevant provisions»***

Moreover, **discrimination on the grounds of marital status and use of parental facilitations shall be treated as discrimination on the grounds of worker's sex and is prohibited in the context of Law 3896/2010.**

More specifically, the following are stipulated:

In accordance with article 3, para.1**,** any form of direct or indirect discrimination on the grounds of sex is prohibited, **especially in relation to marital status**, in all sectors included in its scope, including : ***a) access to employment including career development and vocational training, b) working terms and conditions, including pay and c) occupational social security schemes.***

Under article 12 of Law 3896/2010, any form of direct or indirect discrimination on the grounds of sex or worker's marital status is prohibited as regards the ***working terms and conditions, promotions, as well as planning and implementation of staff performance appraisal systems***.

By virtue of article 13 of Law 3896/2010, « Any form of direct or indirect discrimination on the grounds of sex or marital status is prohibited, as regards: ***a) access to the content and implementation of vocational guidance and re-guidance programs or schemes of any type and degree, vocational training and retaining, apprenticeship, further training, training in order to change job, further education, information of workers or their families and programs in general that contribute to their mental, financial and social development and progress, including acquisition of practical or work experience and probationary period, b) defining conditions and sitting in exams for the acquisition of diplomas, certificates or other evidence of qualifications or licenses, as well as award of scholarships and granting study leaves or student or other relevant benefits.»***

Article 14 of Law 3896/2010, stipulates, inter alia, that *the termination or in any other way ending of an employment relationship, as well as any other less favorable treatment also on the grounds of marital status are prohibited*.

As regards protection of parents from less favorable treatment, who have availed themselves of child-raising facilitations, special provision is made in article 18 of the same law which stipulates that, **the, inter alia, less favorable treatment of parents, on the grounds of child-raising and child-minding, adoption or fostering leave, also constitutes discrimination**.

Under article 20, para.3 of the above mentioned law, **all workers, after the end of their parental leave shall be entitled to return to their job or to an equivalent post, on working terms and conditions which are no less favorable to them and to benefit from any improvement in working conditions, to which they would have been entitled during their absence.**

[82] In article 12, para.4 of Law 2082/1992 on "*Reorganizing Social Welfare and establishing new Social Protection institutions*" provision is made for a similar obligation as follows: «4. Having regard to the provisions of the present law, banks and all types of enterprises employing in the same municipality or community or neighboring municipalities or communities more than 300 employees bound by any working relationship, are required to establish and operate kindergartens or nurseries in order to meet the needs of their workers.»

We have to note that by virtue of article 29, para.1 of Law 3896/2010, the State encourages the dialogue between the social partners and with the non-governmental organizations that promote equality of men and women, with a view to promoting the principle of equal opportunities and equal treatment of men and women in employment and occupation as well as the reconciliation of professional, family and private life.

❖ ***Law 4075/2012 «Regulations on Insurance with the IKA – ETAM, Social Security Bodies, adapting legislation to Directive 2010/18/EU and other provisions»***

The above general framework that safeguards the right to equal opportunities and treatment of workers with family responsibilities **is supplemented by the provisions of Chapter F of Law4075/2012,** as amended and in force by the provisions of article 39, Law 4144/2013 (*«Addressing delinquency within the Social Security sector and the labour market and other provisions, falling under the competence of the Ministry of Labour, Social Security and Welfare»)*.

More specifically, **article 52 of Law 4075/2012** ***«Employment and social security rights – protection of workers (clause 5 of the Framework – agreement)»*** stipulates the following:

1. After the end of parental leave under articles 50 and 51 of the above law**, working parents shall be entitled to return to the same, or an equivalent or similar job, on working terms and conditions which are no less favorable to them and to benefit from any improvement in working conditions, to which they would have been entitled during their absence**.
2. **The period of absence from work on the grounds of parental leave** under articles 50 and 51 of the above mentioned law, **is considered as actual service time** for the calculation of workers' earnings, their annual leave and holiday bonus, **career development**, as well as the calculation of any compensation they should be granted in case of dismissal.
3. The termination of a working contract on the grounds of an application for or the taking of parental leave under articles 50 and 51, is null and void. Any less favourable treatment of a worker on the grounds of an application for or the taking of a parental leave under articles 50 and 51 is prohibited.

2] Emp loyment and Social Security Term s

→As regards the facilitations to workers with family responsibilities **for the organization and duration of working time,** the national legislative framework provides for the following regarding the conversion of full-time employment contract:

1) Article 38 of Law 1892/1990 on "*Modernization and development and other provisions*" (A΄ 101) as replaced by article 2 of Law 2639/1998 "*Regulating labour relations, establishing the Labour Inspectorate and other provisions*" (A΄ 205) and then by article 2 of Law 3846/2010 «*Job security guarantees and other provisions*» (A΄ 66) and following its amendment by paragraphs 1, 2 and 3, article 17 of Law 3899/2010 "*Urgent measures for the implementation of the support program of the Greek Economy*"(A΄ 212), provides for the following:

«*1. When drawing up a contract of employment or during its period, the employer and the salaried person may,* ***by written individual contract, agree upon*** *a daily or weekly or fortnightly or monthly work, for a definite or indefinite period of time, which shall be of shorter duration than the normal one (****part-time employment****). Unless the said agreement is communicated to the relevant Labour Inspection Office within eight (8) days from the date it was drawn up, it is considered to cover a full time employment relationship.*

2. The following definitions apply:

a) «A "part-time worker" is every worker bound by a contract or dependent working relationship, whose working hours on a daily, weekly, fortnightly or monthly basis are less than the normal working hours of the comparable full-time worker.

b) A "comparable full-time worker" is every full-time worker, employed in the same undertaking and bound by a contract of employment or dependent working relationship, who performs the same or similar duties under the same conditions. In case there is no comparable full-time worker, the comparison is made by reference to the collective arrangement that would apply to the worker, if he/she had been employed full-time. Workers bound by a contract or dependent working relationship of part-time employment may not be treated less favourably than comparable full-time workers, unless there are objective reasons justifying such a treatment, i.e. differentiation of working time….».

Moreover, para. 12 of the same article provides for the following: «*12. Full-time workers in enterprises employing more than twenty (20) persons, shall be entitled, after completing one calendar year of service, to request the conversion of their employment contracts from full-time to part-time employment, and also to return to full-time employment, unless employer's refusal is justified by business needs. In their application workers should specify the duration and the type of part-time employment. If the employer does not reply in writing within one month, workers' request is considered accepted*».

The entitlement of a full-time worker is therefore acknowledged to request the conversion of his/her contract of employment from full to part-time employment and also to return to full employment, provided that he/she has completed one calendar year of service with the same employer. This provision allows workers to address urgent family needs or needs for educational purposes for as long as such needs may exist, always retaining the entitlement to return to full employment.

2) Moreover, according to the provisions of article 8 of Law 1483/1984, parents who work in an enterprise or undertaking employing at least fifty persons and have children with mental or physical disabilities, may request a reduction in their working hours by one hour per day, with the relevant reduction in their remuneration.

Finally, according to the provisions of article 10 of Law 1483/1984, workers, who have a written or oral agreement with their employer, from the date of their recruitment or later, to work part-time due to family responsibilities, are entitled, at their request, to take up or resume work on full-time basis, if there is a vacancy, irrespective of whether the circumstances that forced them to work part-time still exist.

→Regarding the **social security framework**:

1. Article 2, para.2 of Law 1846/1951, as in force, provides that mothers insured with the former IKA-ETAM (now Unified Social Security Fund [EFKA]) continue to be insured with the Fund also during the period they receive maternity benefits by the Manpower Employment Organisation [OAED] for pregnancy and post-natal periods. Workers and employers' contributions for these women shall be calculated on the allowance paid and shall be deducted from that amount.

2. Article 141, para. 2, of Law 3655/2008 stipulates that the contributions for main pension entitlement born by women insured with all main pension funds falling under the competence of the Ministry of Labour, Social Security and Social Solidarity, shall be reduced by 50% during the 12 months of employment that follow the month of childbirth.

In case the insured woman receives postnatal allowance, the above mentioned reduction in social security contributions for main pension entitlement is implemented during the 12 months' period after the postnatal allowance expires.

3. Article 142 of Law 3655/2008, as in force, provides that mothers insured with the former IKA–ETAM (now EFKA), after the end of postnatal leave period and the leave that equals to part-time working hours, are entitled to an extra special six months' maternity protection leave, during which the OAED shall pay a monthly amount that equals to the minimum salary each time in force.

The said period of special six months' maternity protection leave shall be considered as insurance time for pension entitlement with the former IKA – ETAM.

Furthermore, as already mentioned above, the general framework that safeguards the right to equal opportunities and treatment of workers with family responsibilities **is supplemented by the provisions of Chapter F of Law4075/2012,** as amended and in force by the provisions of article 39 of Law 4144/2013 (*«Addressing delinquency within the Social Security sector and the labour market and other provisions, falling under the competence of the Ministry of Labour, Social Security and Welfare»)*.
More specifically, **article 52 of Law 4075/2012** also stipulates the following:
(…) 4. Working parents, who are granted parental leave under article 50 and para.2, article 51 of the above law, during their absence from work, have full insurance coverage by their social security body and can recognize the period of absence as working time, in accordance with the provisions of article 40 of Law 2084/1992 (A΄165), as in force.
5. The recognized time period of parental leave under articles 50 and 51 of the above law, as in force each time, is taken into account both for pension entitlement as well as for the calculation of the pension amount.

P U BL I C SE CTO R

Personnel recruitment in public sector bodies shall be in accordance with the recruitment provisions in force (Law 2190/94 "Establishment of an independent authority for the selection of personnel and the regulation of administration issues" as in force), apart from the exceptions provided for in paragraph 2 of Article 14 of the same law or in special law provisions.

Since its entry into force, this system has been tested and consolidated as a system based on the principle of meritocracy, objectivity and transparency, given that both the recruitment criteria adopted and the statutory audit required conducted by the Supreme Council for Civil Personnel Selection (ASEP) ensure the compliance with the aforementioned principles.

However, the State has adopted a set of provisions of social nature aimed at strengthening the family institution including provisions related either to the direct appointment of a member of a large and three-child family or to the award of promotion points to the persons interested involved in a recruitment process in the public sector.

In particular, the following have been adopted:
a) The provisions of Law 2643/1998 "Ensuring the employment of specific categories and other provisions" (OG 220/A/28.9.98), as in force and
b) The provisions of Law 2190/1994, as in force.

The implementation of the aforementioned provisions referred to in subparagraph (b) requires a notice publication by the ASEP or the body concerned and the participation of the person concerned in the tendering procedure.

Regarding the provisions of Law 2643/1998, the Ministry of Labour, Social Security and Social Solidarity is responsible for the recruitment process. The OAED Regional Directorates issue notices for permanent personnel recruitment in vacancies of the Public Sector, where only special categories (members of large families among them) participate.

With regard to the provisions of Article 14 of Law 2190/1994, as in force, "**15%** of the vacancies for regular personnel and personnel under an open-ended private law contract of higher education (PE), technical education (TE) and secondary education (DE) categories per Regional Unit, body and sector or specialty **are covered by parents and members of large families** and a further **10%** by **parents with three children and the children of those**".

Additionally, in accordance with the provisions of Article 18 of the said law, for positions where a compulsory education (YE category) is required as a formal appointment qualification, the rank order of candidates is determined in descending order of total score, as derives from rating criteria including the number of children:

The candidate receives one hundred (100) points for each of the first two minor children and two hundred (200) points for each of the subsequent minor children. If the candidate is member of a large family, he/she receives three hundred (300) points. If the candidate is member of a three-child family, he/she receives two hundred (200) points.

Finally, as regards recruitment procedures for personnel under a fixed-term private law employment relationship, in accordance with the provisions of Article 21 of Law 2190/1994, as in force, candidates are classified by sector or specialty, on the basis of criteria including the number of children of a large family: a) Fifty (50) points for each child of the candidate-parent of a large family, b) Fifty (50) points for each member in the case of candidates- members of large families.

In addition, it is envisaged that candidates should be classified by sector or specialty on the basis of criteria including being parent of a three-child family: Forty (40) points for each child of the candidate-parent of a three-child family, b) forty (40) points for each member in the case of candidates being members of a three-child family. Only one member of the same family may receive the aforementioned points during the same calendar year and at the same body.

With regard to **single-parent families**, in procedures for the recruitment of personnel under a fixed-term private law employment relationship to meet temporary needs in accordance with the provisions of Article 21 of Law 2190/1994 as in force, candidates are classified by sector or specialty on the basis of criteria among which for single-parent families are set the following: a) Fifty (50) points for each child in the case of a single-parent candidate, b) fifty (50) points for each member in the case of candidates-children of single-parent families. Only one member of the same family may receive these points during the same calendar year and at the same body.

For **staying in employment,** those referred to in **Article 27, paragraphs 2&3** *(Part 2- Protection from dismissal due to family responsibilities)* shall apply.

It should be noted that **all facilitations mentioned constitute a period of actual public service for civil servants**, with the exception of the unpaid leave, four (4) months of which count as an actual service time, as derives from the combined implementation of the provisions of Article 51 of the Code of Regulations of Public Civil Administrative Servants and Employees of Legal Persons of Public Law/ Civil Servants Code (Law 3528/2007) and the provisions of Law 4075/2012.

II. MEASURES ADOPTED TO IMPLEMENT THE LEGISLATION

Overall policy response

In line with **Article 27 of the European Social Charter** and with a view to ensuring the exercise of the right to **equality of opportunity and treatment for men and women workers with family responsibilities**, the Ministry of Labour, Social Security and Social Solidarity has undertaken specific measures to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training; measures to develop or promote services, in particular child daycare services and other childcare arrangements; to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice; to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

I. POLICY MEASURES TO PROMOTE LABOUR MARKET PARTICIPATION

With regard to **policy measures for increasing** labour market participation and in particular **female labour market participation**, a number of policy levers have been activated to address the challenge of low participation of women in the labour market. Provision of **full-time childcare places for children** (aged 0-3 and 3years to mandatory school age) and **care services for older dependants**, **flexible working arrangements** and **integrated leave policies**, harmonization of the retirement age between men and women are some of the policies in place to increase the labour market participation of women.

In this context, under the Operational Programme "Human Resources Development, Education and Lifelong Learning 2014-2020" a **programme for the reconciliation of work and family life** is implemented[83]. In terms of outcomes, according to the official data published by the Hellenic Agency for Local Development and Local Government (E.E.T.A.A.) S.A, for the **2016-2017 period 84.800 children** have been placed in day care facilities, the number of **beneficiaries** amounted to **66.397** while for the **2017-2018 period** the respective numbers amounts to **92.231 children** and **70.302 beneficiaries**. The action aims to increase employment and equal participation of beneficiaries in the labour market, by providing care and accommodation places for children, in order to achieve substantial facilitation for parents – especially women who are disproportionately affected by unemployment – and to reconcile the demanding roles of family and working life.

The beneficiaries are selected on the basis of income criteria, employment status and number of family members and receive a voucher that covers the provision of services in the different support structures (nurseries, children's creative centers etc.).

The action is implemented in annual cycles; it started to be implemented in 2014 and continues to be implemented due to the positive outcomes recorded in terms of effectiveness. More specifically, in terms of outcomes see the table below:

Year	**2014-2015**	**2015-2016**	**2016-2017**	**2017-2018**
Number of beneficiaries	66.922	66.292	66.397	70.302
Number of children in structures	80.326	81.270	84.800	92.231

Three cycles (2014-2017) have already been implemented and the 4th cycle for the school year 2017-2018 is currently implemented, with a total public expenditure of EUR 205 million and 109,952 potential end beneficiaries. The action is implemented on the basis of a financial scenario for the **phasing-out of community contribution** and its replacement exclusively by national resources.

Additionally, in order to increase female participation into the labour market, **care services** are provided for the **elderly**, in particular **day care centers (KHFH)** that operate in urban and semi-urban areas, delivering services related to the provision of nursing care, personal hygiene, creative activities and social skills development. Day care centers (KHFH) are units that operate on a daily basis and provide hospitality for the elderly who are not capable of accommodating themselves, for instance those facing moving disabilities, Alzheimer etc., or those whose family members are working or dealing with severe social and economic difficulties and fail to provide support for them.

The act is compatible with the National Strategy for Social Inclusion drawn up by the Ministry of Labour, Social Security and Social Solidarity, which sets the priorities of the Greek state for combating poverty and social exclusion.

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[83] See ANNEX to art27,para1.

The action is ongoing during the 2014-2020 programming period; for the 2007-2013 implementation period please see the table below:

REGIONS	Number of Bodies	Number of Structures	Budget	Beneficiaries	Employees
8 convergence	33	40	4.567.160	828	182
3 phasing-out	22	28	3.528.840	633	146
2 phasing-in	6	6	693.000	120	29
Total	**61**	**74**	**8.789.000**	**1.581**	**357**

II. Active Labour Market Policies (ALMPs)

In terms of **active labour market policies**, the Ministry of Labour, Social Security and Social Solidarity implements concrete measures to increase female labour market participation. The Ministry of Labour, Social Security and Social Solidarity implements measures to increase female participation in the labour market and promote the economic rights of women. Among these is the implementation of the following actions:

a. PUBLIC BENEFIT EMPLOYMENT SCHEMES

Besides 8 months guaranteed employment, plus social security rights, the programme provides for vocational training seminars and certification for the beneficiaries. More specifically the beneficiaries enjoy the following rights: (a) parents of children aged 4 to 16 years old are entitled up to 2 days paid leave per child in order to monitor their children's school performance; (b) pregnant women are allowed to be absent to undergo prenatal tests; (c) the duration of the programme is suspended in cases of absence due to pregnancy, threatened pregnancy and childbirth; (d) mothers are entitled to reduced working hours for 9 weeks after childbirth. Reduced working time arrangements apply to both parents after childbirth.

b. WORK-EXPERIENCE AND SUBSIDY PROGRAMMES

Both types of programs are more targeted to **groups with specific characteristics**; in particular LTUs, mothers with young children, parents of minors etc. The Ministry of Labour implemented in 2017 different programs clearly targeting to socially vulnerable groups with low income; namely the following:

- Two **work experience programs** for 10.000 young people aged 18-24 and for 3.000 young unemployed of the 25-29 age group respectively.
- Two programs for **job creation** as a constituent of the work experience programs mentioned above for 1.459 beneficiaries aged 18-24 and for 1.295 beneficiaries aged 25-29 respectively.
- **Special Employment Program for 4,000 unemployed in the public health sector**

The programme is implemented under Law 4430/2016, article 64 (A' 205) and aims to tackle unemployment giving priority to specific target groups of registered unemployed through guaranteed employment in the public health sector. As vulnerable groups for this program are defined: i) registered unemployed with the PES, spouses - members of families in which neither spouse is employed, ii) registered unemployed with the PES, breadwinners of single parent families, iii) registered unemployed with the PES, who are beneficiaries of the Social Solidarity Income (KEA).

III. STATISTICAL DATA AVAILABLE

On the basis of the statistics kept by the Labour Inspectorate (SEPE) during the period 01/01/2017-31/12/2017, the following cases of workers with family responsibilities entering staying and reentering employment were examined by the SEPE:

1. **Working hours reduction during maternity protection/ non-granting of reduced working hours during maternity protection (18 months after childbirth)**

One (1) complaint of working hours' reduction during maternity protection and **one (1) complaint** of non-granting of reduced hours during maternity protection were lodged and both had been resolved.

2. **Denial to return to the work post after expiry of the maternity leave**

Four (4) complaints were lodged in total, **three (3)** of them had been **resolved** and **in one (1)** case administrative sanctions were imposed.

3. **Non granting of a six-months special maternity protection leave**

A total of **three (3) complaints** were lodged, **all three (3)** of them had been resolved. These complaints were not being examined at the request of the Ombudsman, but the latter was informed accordingly.

ANNEX (to Art 27, para 1)

BRIEF DESCRIPTION OF THE ACTION "RECONCILIATION OF FAMILY AND PROFESSIONAL LIFE"

Within the framework of the Operational Program "Human Resources Development and Education and Lifelong Learning" and the Regional Operational Programs of the Programming Period 2014-2020, annual rounds of the action "Reconciliation of Family and Professional Life" are being implemented.

Under the 2014-2020 Operational Program, the budget available for this action amounts to **583 million Euros** for the whole period. This budget is annually funded by national resources in order to cover a larger number of beneficiaries. Indicative for the 2016-2017 cycle, the amount of 193.025.945 was allocated, €99,810,128 of which related to ECB co-funded resources, for the 2017-2018 cycle, €205,000,000 with ECB co-funded resources amounting to €71,887,255 and for the 2018-2019 cycle, a total of €205,000,000 is available with ECB co-funded funds amounting to €67,292,358.

OBJECTIVE OF THE ACTION

The action aims to: (a) increase employment and maintain in posts on equal terms women-beneficiaries from low-income families, so as through their effective facilitation they can fulfill their demanding and conflicting roles such as that of family care and child protection; (b) support effectively beneficiaries in order to ensure their equal access to work through the provision of quality care and accommodation services for infants, children and persons with disabilities, (c) ensure equal access of vulnerable groups (children and people with disabilities) to quality social services.

The objective of the action is to provide beneficiaries a position in corresponding Structures for the care and hospitality of infants, children and people with disabilities. Beneficiaries receive a "voucher" and choose a position in a Structure equivalent to that for which they received a “voucher”.

BENEFICIARIES

Beneficiaries of the action are:

-Mothers of babies, infants and children and/ or

- Mothers of infants, children, adolescents and people with disabilities.
- Individuals (women and men) who are given legal custody of a child by court order.
- Widowed people.

Beneficiaries Selection Criteria

- family income
- employment status and employment relationship
- marital status.

STATISTICS FOR BENEFICIARIES OF YEARS 2015-2016 AND 2017-2018 RECONCILIATION

YEAR	2016-2017	2017-2018
NUMBER OF BENEFICIARIES	66.397	70.302
NUMBER OF CHILDREN	84.800	92.231

Paragraph 2 & 3 – Safeguarding parental leave – protection against dismissal due to family responsibilities

I. LEGAL FRAMEWORK – LEGISLATIVE MEASURES

1] Safeguarding parental leave and facilitations for workers with family responsibilities

A. Basic Legal Framework

❖ ***Law 4075/2012 "IKA-ETAM Insurance Regulation, Insurance Bodies/ Parental leave Issues etc."***

Concerns all employees, irrespective of the type of employment relationship

CHAPTER F (*TRANSPOSITION INTO THE NATIONAL LAW OF THE 8 MARCH 2010 COUNCIL DIRECTIVE 2010/18/EC ON THE IMPLEMENTATION OF THE REVISED FRAMEWORK AGREEMENT ON PARENTAL LEAVE*)

Article 49 – *Scope of Application*

1. The provisions of "Articles 48 to 54" of this Chapter concern working parents and set the minimum requirements facilitating the reconciliation of their family and professional responsibilities, taking into account the increasing diversity of family structures and the need to promote equal opportunities and treatment for men and women.

2. ***The provisions of "Articles 48 to 54" of this Chapter apply to all working parents, natural, adoptive or foster parents, employed in the private, public sector, public legal entities, local self-government agencies and in the broader public sector as defined by the provisions of paragraph 6 of Article 1 of Law 1256/1982 (A 65), under any employment relationship or form of employment,*** including part-time and fixed-term contracts of employment or employment relationships with a temporary agency, Article 115 of Law 4052/2012 (A 41) and the remunerated mandate, irrespective of the nature of the services provided.

Article 50 - *Child-raising parental leave-Beneficiaries*

1. The working parent is entitled to a parental leave until the child reaches the age of six (6) years with the purpose of fulfilling the minimum child-raising obligations.

2. For the grant of parental leave, workers must have completed one (1) year of continuous or intermittent work for the same employer unless more favorably defined by a specific provision of laws, decrees, regulations, Collective Labour Agreements, Arbitration Awards or Agreements between employers and employees.

3. Parental leave is unpaid, is granted in writing for a period of at least four (4) months, and it is the individual right of each parent, with no transferability.

4. Parental leave is granted all at once or in parts, following the worker's relevant application, specifying the entry into force and the expiry date. Parental leave is granted by the employer depending on the order of priority of employees in the enterprise for each calendar year. Applications for parental leave submitted by parents of children with disabilities, chronic or sudden disease and by single parents due to one parent's death, total removal of parental responsibility or non-recognition of children are being dealt with absolute priority.

5. If there are more children, the parents' right is independent for each one of them, since from the expiry of the leave given for the previous child has been one (1) year of actual employment time for the same employer, unless more favorably defined by a specific provision of laws, orders, regulations, Collective Labour Agreements, Arbitration Awards or agreement between employers and employees.

6. If both parents are working for the same employer, they decide by a joint declaration, each time, which one of them will first use this right and for how long.

7. In case of death of a parent, withdrawal of parental responsibility or non-recognition of a child, the parental leave referred to in paragraph 3 of this Article shall be granted double to the other parent. In case of separation or divorce the right is independent for each parent.

8. The employee who adopts or fosters a child up to six (6) years of age is also entitled to a parental leave. The leave is granted after completion of the adoption or foster care process, while part of it may be granted following the employee's application before completion of the above procedures. The abovementioned right is valid up to the age of eight (8) years of the child if the adoption or foster care process has not been completed until the age of six (6) years.

Article 51- *Special parental leaves*

1. A special paid parental leave of 10 working days per year is granted to a natural, adoptive or foster parent of a child up to 18 years of age suffering from a disease requiring transfusion of blood and derivatives or dialysis, from a neoplastic disease or in need for transplantation following the parent's application as an absolute priority.

«The above leave is also granted to the natural, adoptive or foster parent of a child up to eighteen (18) years of age, suffering from severe mental retardation or Down's syndrome or autism[84]».

2. In case of the child's hospitalization due to illness or accident necessitating the immediate presence of the employee, the latter shall be granted an unpaid hospitalization parental leave, until the child reaches the age of 18 years, provided that the parental leave "of Article 50" of this Law has been depleted during hospitalization, and in any case not beyond thirty working days per year.

3. The leaves referred to in paragraphs 1 and 2 constitute the individual right of each parent, granted without any further condition, in addition to the relevant facilitations provided by other provisions to the working parents for family reasons and after having exhausted related paid rights other than the ordinary annual leave.

Article 54 – *Final provisions*

1. From the entry into force of this law, any general or special provision regulating less favorably the matters hereof as well as the provisions of Articles 5 and 6 of Law 1483/1984 (A 153) and of Article 25 of Law 2639/1998 (A 205) shall be repealed.

2. Special provisions of laws, decrees, regulations, Collective Labour Agreements, Arbitration Awards, or agreements between employers and employees regulating more favorably child-raising parental leave issues are not affected by this law.

3. More favorable conditions may be laid down for issues of the present Chapter via Collective Labour agreements, Arbitration Awards, labour regulations or agreements between employers and employees.

4. The parental leave provided for by Articles 50 and 51 of this law does not repeal nor infringes upon other rights relating to the parental facilitation for child upbringing, nursing and care or for family-related reasons.

❖ ***Law 3528/2007 "Code for Civil Servants", as modified and in force***

Concerns persons bound by an employment relationship under public law and persons bound by an employment relationship under private law for an indefinite time period

Article 50

2. Civil servants suffering, or having a spouse or children, who suffer from a disease requiring regular blood transfusions or periodical hospitalisation, are entitled to a special paid leave of up to twenty-two (22) working days per year. The diseases of the preceding paragraph are determined by Presidential

[84] The second subparagraph of para1 was added by article 45 of Law 4488/2017, O.G.A137/ 13.9.2017.

Decree, issued upon the proposal of the Ministers of the Interior, Public Administration and Decentralization and Health and Welfare.

3. The leave of the preceding paragraph is granted also to employees having children who suffer from serious mental disability or Down syndrome, as well as to employees whose children suffer from Pervasive Developmental Disorders, if they are underage or if they are adults but do not work[85].

Article 51

1. Civil servants may be granted, upon their request, an unpaid leave, subject to the needs of the service being covered. This leave cannot exceed the length of one (1) month in the same calendar year.

"The leave is granted mandatorily to the natural, adoptive and sponsor parent when it concerns hospitalization of an underage child due to illness or accident that requests his/her immediate presence"[86].

2. Civil servants may be granted unpaid leave of up to "five (5) years" in total, upon their request and the opinion of the service board, for serious private reasons[87].

Article 52

4. Civil servants adopting a child will be granted a fully paid leave of three (3) months within the first semester after the conclusion of the adoption procedure, if the adopted child is up to six (6) years old. One month from this leave can be used to cover the absence of the civil servant before the adoption.

Article 53 - Facilitations Extended to Civil Servants with Family Obligations

"1. The leave provided for by Article 51, para2 must be granted without need for the service board's opinion to the natural, adoptive and sponsor parent in the case of the upbringing of a child of up to six (6) years old or up to eight (8) years old if the adoption has not been completed until the age of six (6).

A period of three (3) months of this leave is granted with full pay from the birth of the third (3rd) child and onwards[88]".

2. The working hours of a civil servant who is a parent are reduced by two (2) hours daily when his children are up to two (2) years old and by one (1) hour, when his children are from two (2) to four (4) years old. Civil servants who are parents are entitled to nine (9) months of paid leave for the upbringing of their child, when they make no use of the reduced working hours of the preceding paragraph.

For parents who are single or widowed or divorced or have a disability percentage of at least 67%, the reduced by one hour working hours of the first section or the leave of the preceding section are increased by six (6) and one (1) month respectively.

In case of birth of a 4th child, the reduced working hours are extended for two (2) additional years.

"In case of birth of twins, triplets etc. a further paid leave of six (6) months is granted for each child after the first.[89]"

3. If both parents are civil servants, they define by means of a common declaration submitted in their services which one of the two will be using the reduced working hours or the leave for upbringing the child, unless in this common declaration they determine the time periods during which each parent will be using these facilitations, which in any case must be successive and in the time limits determined in the previous paragraph.

In case the civil servant's spouse works in the private sector, and provided he (she) is entitled to similar facilitations in whole or in part, the civil servant is entitled to make use of the facilitations of paragraph 2 to the extent the his (her) spouse is not making use of his (her) rights or to the extent that these fall

[85] Para3 was replaced as above by article 149 of Law4483/2017, O.G.107A/31-07-2017.
[86] The second section of para1 was added with para1, article 26 of Law4305/2014, O.G.237A/31-10-2014.
[87] The words "two (2) years" of para2 were replaced by the words "five (5) years" as above by virtue of para4, article 37 of Law3986/2011, O.G.152A/0-07-2011.
[88] Para1 was replaced as above by virtue of para2, article 26 of Law4305/2014, O.G.237A/31-10-2014
[89] The section in brackets ".." was added by virtue of para1, article 6 of Law4210/2013, O.G.254A/21-11-2013.

short of the facilitations of paragraph 2.
4. When one parent takes the leave of par.1 of the present article, the other has no right to make use of the facilitations of par.2 during the same period of time.
5. In the case of separation, divorce, widowhood or birth of a child out of wedlock, the parent exercising parental care is entitled to the leave of par. l and the facilitations of para2.
6. Services are required to facilitate civil servants with children attending primary or secondary education courses, so that they can visit their children's school and be informed as to their progress.
7. A decision of the Minister of the Interior, Public Administration and Decentralization regulates the implementation details of the provisions of the preceding paragraph and determines the maximum number of days of absence.
"8. Civil Servants who have underage children are entitled to paid leave of four (4) working days each year due to illness of their children. For civil servants who have three or more children the aforementioned leave comes up to five (5) working days each year. For civil servants who are single parents the aforementioned leave comes up to six (6) working days each year.[90]"

❖ ***Law 2527/1997 "Amendment of Law 2190/94 - Work contracts Article 6-Supreme Council for Civil Personnel Selection (ASEP)-National School of Public Administration (ESDD)-Recruitments-New municipalities etc."***

Concerns all employees, irrespective of the type of the employment relationship

Article 16- Facilitations for special cases of employees

"4. The reduction of the working hours by one (1) hour per day in accordance with the provisions of article 5 of the Presidential Decree 193/1988 (A'84) for permanent employees and employees under an open-ended and fixed term private law employment relationship, employees at public legal entities and local (self-) government organizations having children with intellectual, mental or physical disability of 67% or above or children up to 15 years of age suffering from insulin dependent diabetes mellitus or type 1 with a 50% or more disability or having a spouse with a 80% or more disability dependent on them, is made without a corresponding cut in their earnings".
The invalidity rate shall be certified in accordance with the existing provisions[91].

❖ ***Law 3986/2011 "Urgent Measures for the Implementation of the Medium-Term Fiscal Strategy Framework 2012-2015"***

Concerns persons bound by an employment relationship under public law and persons bound by an employment relationship under private law for an indefinite time period

Article 37

5. The regular personnel in the Public Sector, in Public Legal Entities and First-and Second-Level Local Self-Government Agencies may apply for a reduction in working hours of up to 50% with a corresponding reduction in remuneration for a period of up to five (5) years. The employee in his/ her application shall specify whether he/ she wish to reduce his/ her daily work or working days.
In any case, only the real employment time is calculated as a real and pensionable public service time for any legitimate consequence.

[90] Para8 was added with article 31 of Law4440/2016, O.G.224A/02-12-2016
[91] The first section of paragraph 4 was replaced as above by article 27 of Law 4305/2014, Official Gazette A'237 / 31.10.2014.

B. Other facilitations for working parents

- **Childcare leave (reduced working hours)**

Pursuant to the provisions of Article 9 of the 1993 National General Labour Collective Agreement, of Article 6 of the 2002-2003 National General Labour Collective Agreement, ratified by the provisions of Article 7 of Law 3144/03, of Articles 8 & 9 of the 2004-2005 National General Labour Collective Agreement, of Article 2 of the 2014 National General Labour Collective Agreement and of Article 38 of Law 4342/2015, working parents of both sexes are entitled alternatively, for a period of thirty months from the expiry of their maternity leave, either to arrive one hour later or to leave one hour earlier every day from their work. In agreement with the employer, parents' daily working hours may be reduced by two hours per day for the first 12 months and by one hour for six (6) additional months.

Beneficiaries are alternatively the working natural, adoptive or foster parents of both sexes irrespective of the type of activity practiced by the other parent and even if the other parent does not work. In case of a divorce, separation, or childbirth outside of marriage, the parent who has custody of the child is entitled to the childcare leave, unless otherwise agreed. In particular, for parents adopting a child up to six (6) years of age, the above right is valid under the same conditions as above for natural parents, having the adoption as a starting point.

In case that both parents are entitled to a childcare leave as defined by the abovementioned provisions, this leave is granted following a joint declaration by the parents to the employer or the employers on who will make use of the leave, and they can also agree to share this leave for specific time periods that should be made known. Employers are obliged to provide employees with the relevant certificates.

More favorable arrangements concerning Collective Labour Agreements or Arbitration Awards and working regulations for the childcare leave continue to apply regardless of the gender criterion.

The employee is entitled to reduced hours for nursing and childcare at his/ her request alternatively, as an equitable paid leave, within the period in which he/ she is entitled to reduced working hours for the child's care. Alternative leave is subject to the employer's agreement and is granted all at once or in parts. ***This leave is considered and paid as working time and must not cause any adverse conditions to employment and employment relationships***.

- **Single-parent families**

According to article 7 of the 2002-2003 National General Labour Collective Agreement a leave of six (6) working days a year shall be granted to widowed employees and to the unmarried parent having custody of the child, other than that to which the parent is entitled under other provisions. Also, a parent with three (3) or more children is entitled to a leave of eight (8) working days.

This one-off or in parts leave, granted after agreement with the employer according to the parent's needs, due to the increasing care needs of children up to twelve (12) completed years of age, should not coincide with the beginning or the end of the annual leave.

- **Leave to monitor school performance**

Pursuant to the provisions of Article 9 of Law 1483/84, of Article 4 of the 2008-2009 National General Labour Collective Agreement and of paragraph 5 of Article 20 of Law 3896/2010, a leave for some hours or a whole day each time up to four (4) working days for each calendar year is granted to full-time or part-time employees for every child up to 16 years of age attending elementary or secondary education, in order to visit the school and monitor their children's performance.

The absence leave is granted to one of the two parents, and if both are beneficiaries of the above right, they decide by a mutual agreement who will use it and for how long, a time period that however shall not exceed four (4) days in total for both parents.

- **Leave in case of illness of the child or other dependent member**

Pursuant to the provisions of Article 11 of the 2000-2001 National General Labour Collective Agreement, of Article 7 of Law 1483/84, of Article 5 of the 2008-09 National General Labour Collective Agreement and of Paragraph 5 of Article 20 of Law 3896/10, parents of both sexes are entitled to an unpaid leave in case of illness of the child or other dependent family member. Its duration lasts six (6) days per calendar year if protecting one child, eight (8) days if protecting two children and fourteen (14) days if more than two.

- **Planning annual absence leaves**

Pursuant to Article 11 of Law 1483/1984, employers are obliged to take into account the needs of employees with family responsibilities when planning the annual absence leaves.

→ Finally, we note that the last significant change was recorded in Article 2 of the 2014 National General Labour Collective Agreement, by virtue of which, in conjunction with Article 38 of Law 4342/2015, ***the parental leave (reduced working hours) was recognized as an independent right for the working father also in the case where the mother is self-employed***.

2] Protection against dismissal on the grounds of family responsibilities

As it has already been mentioned (look Article 27, para1), **Article 14 of Law 1483/1984** *«Protecting and facilitating workers with family responsibilities –Amendments and improvements to the labour law»* stipulates that **family responsibilities of employees falling within its scope do not constitute a reason for termination of their employment relationship**.

Also, **Article 14 of Law 3896/2010** *«Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation – Harmonizing current legislation with Directive 2006/54/EC of the European Parliament and of the Council, of 5 July 2006 and other relevant provisions»* stipulates inter alia **that termination -in any way- of the employment relationship, as well as any other unfavorable treatment for family reasons is prohibited.**

In addition, **paragraph 3 of Law 4075/2012** *«Regulations on Insurance with the IKA – ETAM, Social Security Bodies, adapting legislation to Directive 2010/18/EU and other provisions»* stipulates that **termination of the employment relationship if applying for or taking parental leave under Articles 50 and 51 of the said law is void, while, at the same time, any unfavorable treatment of the employee if applying for or taking parental leave as referred to in Articles 50 and 51 is prohibited**.

Furthermore, **any violations of the above provisions** in accordance with Article 23 of Law 3896/2010 and Article 53 of Law 4075/2012 **constitute breaches of the labour legislation**, **for which administrative and/ or civil penalties are provided for to fully compensate the affected, covering both incidental and consequential (material) damage (*damnum emergens and lucrum cessans*), as well as its non-material (moral) damage.**

It should be noted that as regards employees under a public-law employment relationship, the reasons for termination of their employment relationship are specific and provided for exclusively in the provisions of the ***"Code for Civil Servants" (Law 3528/2007)*** **leaving no margin for the dismissal of an employee due to his/her family responsibilities.**

II. MEASURES ADOPTED TO IMPLEMENT THE LEGISLATION

In the context of implementation and interpretation of the above legislation, the Ministry of Administrative Reform has issued a series of circulars and ministerial decisions. Indicatively, we would like to mention:

❖ Circular ΔΙΔΑΔ/ Φ.53a/1667/31514/ 22.12.2009 "Granting of maternity and child-raising leave in case of childbirth via surrogate". (Relevant consultation of the Third Division of the State Legal Council No.361/2009, according to which: a) The surrogate mother (carrier or pregnant) civil servant is entitled to the maternity leave provided for in Article 52 (1) of the Civil Code with full remuneration two (2) months before and three (3) months after childbirth. However, she is not entitled to a reduction in working time or to a nine-month paid leave as provided for in Article 53(2) of the Civil Code. The legitimate mother civil servant is entitled to a reduction in working time or a nine-month paid leave. (b) The legitimate mother civil servant is entitled to part of the paid maternity leave, namely three (3)-months leave post childbirth via surrogate).

❖ Circulars no.ΔΙΔΑΔ/Φ.51/538/12254 /14.5.2007 ***"Clarifications on the granting of leaves to civil servants under the new Civil Servants' Code"*** as well as no.ΔΙΔΑΔ/Φ.51/590/14346/29.05.2008 ***"Granting of leaves in accordance with the Civil Servants' Code and the Code for Municipal and Community Servants"*** as regards the granting of leaves provided for by the Civil Servants' Code that was ratified by Law 3528/2007, as well as the Code for Municipal and Community Servants that was ratified by Law 3584/2007.

The second one includes, inter alia, clarifications regarding **the granting of facilitations for the raising of a child to a newly recruited employee as well as to an employee that adopts a child** stipulating that: "…especially **the newly recruited employee** that at the time of his/her recruitment has a child younger than four (4) years old is entitled to a continuous child-raising leave that has the duration – in accordance with the reduced working hours applied – of the sum of the hours remaining from the date of recruitment till the completion of the child's 4th year of age. The continuance of the leave beyond that is prohibited."

III. STATISTICAL DATA AVAILABLE

Based on the statistics kept by the Labour Inspection Body (SEPE) for the period 1/1/2017-31/12/2017, the following cases ensuring (a) parental leave and (b) protection from dismissal due to family responsibilities were examined by SEPE:

A. <u>Parental leave</u>

Three (3) cases of not granting parental leave were reported in total, **all of which (3) were solved** and concerned **one (1) woman** and **two (2) men**.

B. <u>Protection from dismissal due to family responsibilities</u>

- **Invalid termination of employment relationship during maternity protection (18 months after childbirth)**

Sixteen (16) cases were reported in total, twelve (12) of which were resolved, two (2) were referred to the courts and for the other two (2) administrative sanctions were imposed.

- **Dismissal during maternity leave (9 weeks after childbirth)**

One (1) case was reported to the relevant competent SEPE department, which was resolved.

- **Dismissal of a pregnant employee**

Twenty-four (24) cases were reported in total, of which **nineteen (19)** were resolved, **three (3)** were referred to the courts, **one (1)** was canceled and for **one (1)** a lawsuit was filed.

The above complaints were not investigated at the request of the Greek Ombudsman, but the latter was informed accordingly.

Article 31 – The right to housing

Paragraph 1 – Promotion of access to housing of an adequate standard

DEBT SETTLEMENT OF HEAVILY INDEBTED NATURAL PERSONS

1.1 LAW 3869/2010 IMPLEMENTATION PROGRESS DATA

Greek authorities have established Law 3869/2010 "Debt Settlement of Heavily Indebted Natural Persons" (OG A'130) in order to protect citizens (natural persons without insolvency capacity) from the consequences of their sudden inability to meet their obligations due to the widespread economic crisis. By virtue of this law, citizens, after applying to the competent court and on the basis of financial and other criteria, may be exempt from part of their debts, repay their total, under settlement, debts, on the basis of a new debt settlement plan and simultaneously protect their main residence, by excluding it from liquidation until 31/12/2018 and on terms not affecting creditors' interests. Up to date, Law3869/2010 is the only instrument of the Greek legal order for the settlement of citizens' debts both owed to individuals and the state.

Law 3869/2010 has undergone several amendments[92] to improve and respond to the ever-changing economic and social conditions prevailing in Greece. Although with the adoption of the law, the legislator's intention was the prompt handling of applications and the administration of justice via a standardized and quick judicial process, however, the large number of applications submitted in conjunction with technical legislative defects and low penetration of information technologies into the Greek justice, led to the accumulation of pending applications, with the result that their litigation at some Magistrate Courts exceeds ten years from the date of application for subjection to the law.

Greek authorities, for the optimal monitoring of pending cases of Law 3869/2010, their prompt litigation, the identification, recording and dealing with issues that need to be improved in the implementation of the law, proceed: a) to the collection and publication of statistical data related to the processing of pending cases on the website of the Ministry of Justice, Transparency and Human Rights, on a quarterly basis, b) to the operation of special chambers at certain Magistrate Courts for the hearing of the applications related to this law and c) to the redaction of an assessment report on the application of the said law by the Special Secretariat for Private Debt Management, after consultation with the bodies concerned and the legal advisors of the Ministry of Economy and Development, the Ministry of Finance, the Ministry of Labour, Social Security and Social Solidarity, in accordance with a scientific methodology. The assessment Report has extensively analyzed the law and its amendments, processed the available statistical data and listed the issues raised by the interested bodies as well as the alternative ways for their resolution.

Further improvements in the relevant law are expected in the year 2018, taking into account the Assessment Report and the guidelines of the Government Debt Management Board aiming at: a) preventing bad payers from filing an application for subjection, b) minimizing the risk of procedural abuses, c) speeding up the litigation of accumulated cases, d) reducing the time between the filing of the application and the litigation of the case, e) enhancing the protection of vulnerable borrowers and f) preventing non-performing exposures in order to resolve banks' loan portfolio and improve bank financing.

[92] These amendments were introduced by the following laws: Law 3996/2011, Law 4029/2011, Law 4161/2013, Law 4336/2015, Law 4346/2015 and law 4366/2016

1.2. STATE'S SUBSIDY FOR THE PROTECTION OF THE MAIN RESIDENCE

Law 3869/2010 (Article 9, paragraph 2) as amended by Law 4346/2015 (OG A'152) provides for the possibility of State contribution to the repayment of the monthly installments of the debt settlement plan up to three (3) years, protecting the main residence of the financially weak debtors upon their request, following the issue of the court decision. Common Ministerial Decision no. 130377/16.12.2015 (B' 2723) signed by the Ministers of Economy, Development and Tourism-Finance, issued under authorization of Article 9(2) of law 3869/2010, sets out the criteria for the amount of State contribution to debts arising from a building loan, the minimum contribution of the debtor and the implementation procedure of the specific financial support mechanism. The implementation of an Integrated Information System, through which beneficiaries of the State's aid can apply for a subsidy for debts arising from a building loan, is also envisaged.

Within 2016, the operational requirements of the electronic application were set by the General Secretariat of Commerce and Consumer Protection. The General Secretariat of Information System has implemented part of it concerning the application by the debtor and its approval by the competent General Secretariat. The Ministry of Economy and Finance intends to amend the Common Ministerial Decision in order to allocate the responsibility for the operational support of the action to the Special Secretariat for Private Debt Management and the implementation of the electronic application to IDIKA (E-Government Center for Social Security).

During 2017, four (4) beneficiaries' applications were filed to the General Secretariat of Commerce and Consumer Protection for the State's contribution to monthly payments towards creditors for main residence building loan, which were forwarded with relevant documents to the Special Secretariat for Private Debt Management by the General Secretariat of Commerce and Consumer Protection. Examination of these applications is pending.

Consultations have also been made for the amendment of the 130377/16.12.2015 Common Ministerial Decision text, the formulation of its final provisions and the amendment of Article 9(2) of Law 3869/2010 in order to allow the creditors themselves to apply to the Administration on behalf of the debtor for the State's contribution to the debt settlement plan for the main residence protection.

STATISTICAL DATA AVAILABLE

I. Statistical data arising from the 2011 population census

During the 2011 population census the country's population amounted to 10.816.286 people, the percentage distribution of which according to the type of accommodation is as follows:

1. 97.66% (10.563.717 persons) live in households, 99.59% of them (10.520.775 persons) live in normal residences while the remaining 0.41% (42.942 persons) live in other than normal residences.

Ordinary residence is the permanent and independent structure, which consists of at least one normal room and is intended to be used as a residence for a period of at least one year.

Non-ordinary residence is considered to be a construction made of rough materials without predetermined design, intended or not for residential use, which was found to be inhabited at the time of the census (ex. hut, hovel, caravan, boat etc.).

2. 11.11% (120.199 persons) live in collective accommodation establishments. Their percentage distribution by occupation is shown below:

- 11.85% employees
- 1.55% unemployed
- 14.99% students-pupils
- 14.34% pensioners
- 57.28% other cases

Collective accommodation establishments are those buildings typically intended to be inhabited or serve many individuals or groups of persons, used as the regular residence of at least one person at the time of the Census. Institutions, camps, hotels etc. are representative types of accommodation.

3. 0.03% (3.381 persons) is homeless, 61.90% (2.093 people) of them live in accommodation for the homeless, whereas the remaining 38.10% (1.288 people) live on the street. The percentage distribution of homeless by occupation is shown below:

- 11.68% employees
- 30.94% unemployed
- 5.59% students-pupils
- 3.67% pensioners
- 48.12% other cases

4. 1.19% (128.989 persons) cannot be classified by type of accommodation.

Data analysis of the population residing in households (10.563.717 persons)

The largest percentage of this population 51.14% is living in residences with a population density of 20 to 39 square meters per inhabitant. 20.11% live in residences with a living density of less than 20 square meters per inhabitant, 17.94% resides in residences with population density of 40 to 50 square meters per inhabitant and finally 10.81% resides in residences with a population density of 60 square meters and above per inhabitant.

75.69% of the population residing in households owns a house (that is, a member of their household is the owner, whereas 19.81% reside in rented residences and the remaining 4.50% owns its residence otherwise (free of charge, cooperative ownership etc.)

2011 population census: permanent population by type of accommodation and occupational status									
Occupational status	**Total Population**	**Type of Accommodation**							
		Households				**Homeless persons**			**Not capable to be classified**
		Total	**Ordinary Residence**	**Non Ordinary Residents**	**Collective accommodation establishments**	**Total**	**Live in accommodation for homeless persons**	**Live on the street**	
Total	**10.816.286**	**10.563.717**	**10.520.775**	**42.942**	**120.199**	**3.381**	**2.093**	**1.288**	**128.989**
Employees	3.727.633	3.666.848	3.650.609	16.239	14.249	395	57	338	46.141
Unemployed	859.003	846.989	842.354	4.635	1.862	1.046	464	582	9.106
Students-pupils	1.737.074	1.697.322	1.693.256	4.066	18.021	189	150	39	21.542
Pensioners	2.407.222	2.360.950	2.357.590	3.360	17.241	124	101	23	28.907
Other cases	2.085.354	1.991.608	1.976.966	14.642	68.826	1.627	1.321	306	23.293

II. Statistical data on Law 3869/2010 "Debt settlement of heavily indebted natural persons"

According to the data published by the Ministry of Justice, Transparency and Human Rights regarding Law 3869/2010 "Debt Settlement of Heavily Indebted Natural Persons" (OG A' 130), the number of pending, incoming and resolved cases from the third quarter of 2016 until the fourth quarter of 2017 is shown in the following table.

Table: pending, incoming and resolved cases
3rd quarter 2016 – 4th quarter 2017

Index	Period of Reference					
	3rd quarter 2016 (1.7.2016-30.9.2016)	4th quarter 2016 (1.10.2017-31.12.2017)	1st quarter 2017 (1.1.2017-31.3.2017)	2nd quarter 2017 (1.4.2017-30.6.2017)	3rd quarter 2017 (1.7.2017-30.9.2017)	4th quarter 2017 (1.10.2017-31.12.2017)
Pending cases at the beginning of the period	163.801	170.593	173.414	170.527	166.296	162.358
New applications (incoming cases)	8.239	7.988	6.376	6.772	5.375	7.078
Pending cases (at the beginning of the period) & new applications (incoming cases)	172.040	178.581	179.790	177.299	171.671	169.436
Resolved cases	1.447	5.169	9.263	11.003	9.353	12.290
Pending cases at the end of the period	170.593	173.412	170.527	166.296	162.318	157.146

From the table above, comparing the data of the 4th quarter of 2016 with those of the 4th quarter of 2017 the following conclusions arise:

- Incoming cases show a decrease of 11.39%, as from 7.988 in the 4th quarter of 2016 they fall to 7.078 in the 4th quarter of 2017.
- Resolved cases show an impressive increase of 137%, as from 5.169 in the 4th quarter of 2016 they increase to 12.290 in the 4th quarter of 2017 due to the low rate of litigation in 2016 because of the lawyers' abstention (first nine months of 2016), to an increase in court staffing and to the effectiveness of legislative improvements made in 2016.
- The pending cases show a decrease of 9.73%, as from 173.412 in the 4th quarter of 2016 they are reduced to 157.146 in the 4th quarter of 2017.

Paragraph 2 – Prevention – Reduction of homelessness

I. LEGAL FRAMEWORK AND ACTIONS TO COMBAT HOMELESSNESS

As regards the legislative framework concerning homelessness and the actions developed or designed to combat this problem: The actions below try to meet a wide range of the needs of homeless people or people at risk of homelessness:

- *Definition of the legal status of homeless persons as vulnerable social group.*
- *Actions that refer to recording and processing housing requests.*
- *Actions referring to prevention of homelessness through rent subsidies.*
- *Actions-interventions through the operation of Dormitories, Open Day Centers for the Homeless, Transitional Housing – Shelters and structures providing essential goods.*
- *Actions for the immediate transition to independent living and promotion to employment.*
- *Support Actions for households in extreme poverty.*

More specifically:

i. Institutional framework

Article 29 of Law 4052/2012 (O.G. 41 τ. Α΄), as amended by subpara. A.2. of Law 4254/2014 (O.G. 85 τ. Α΄), established the definition of homeless people as vulnerable social group that needs social protection. The following are stipulated:

«1. Homeless people are recognized as vulnerable social group to which social protection is provided. A homeless individual is defined as an individual who legally resides in the country and lacks access or has unstable access to adequate, owned, rented or granted residence that meets the necessary technical requirements and has the basic water supply and electricity services. 2. The term "homeless people" includes especially those who live on the streets, in shelters, are hosted temporarily in institutions or other closed structures, as well as those who live in unsuitable living quarters. 3. By decisions of the Minister of Labour, Social Security and Welfare and the each time jointly competent Minister, published in the Official Gazette, the terms and conditions for the implementation of programs for the homeless are defined, together with the extent and the duration of social protection provided. Similar decisions define the standards for the operation of Day Centers for the Homeless, Social Shelters and other structures and in particular, the implementing bodies and how they are staffed, the facilities, licensing and inspection procedures, homeless people recording bodies and other issues relating to the present law ».

ii. Recording of homeless people and processing of housing requests

Pursuant to article 29 of Law 4052/2012, the project «Development of Tools and Definition of Procedures for the Recording of Homeless people» is implemented which includes:

- Definition of procedures and development of tools to record and monitor homeless people in accordance with international methodologies.

- Pilot recording of individuals who live on the streets and in structures for the homeless at a certain point in time through the activation of public bodies, the university, bodies of the civil society and volunteers.

The recording took place in May 2018 in seven big Municipalities of the Country (Athens, Piraeus, Salonica, Heraklion, Ioannina, Nea Ionia of Attica and Trikala). The results of the recording are under assessment and will be made available soon.

- Definition of the method used to process housing requests through IT tools networking social care providers to the homeless.

The establishment of procedures for the periodic recording of the homeless and processing of housing requests aims, on the one hand, at facilitating the immediate access of the homeless to adequate services, based on their profile and individualized needs, and on the other, on their operation as a permanent mechanism that will provide the State and bodies with the necessary information in order to design and evaluate policies implemented to combat homelessness.

iii. Prevention of homelessness

Housing allowance

By JMD[93] issued pursuant to Article 3 of Law 4472/19-05-2017 (O.G. 74 τ.Α΄), a housing allowance was established for households living in rented houses or bearing the cost of serving a mortgage for first residence, in order to ensure access to adequate residence for all citizens.

The implementation of this measure shall start on 01-01-2019.

The monthly allowance amount shall be the following:

Type of household	**Allowance Amount**
Single-person household	70€
Household composed of two adult members	105€
Household composed of three members or single-parent family with one under aged member	140€
Household composed of four members or single-parent family with two under aged members	175€
Household composed of five members or more or single-parent family with three under aged members or more	210€

The following criteria should also be met:

a. Income

Type of household	**Total Income**
Single-person household	έως 8.000€
Household composed of two adult members	έως 12.000€
Household composed of three members or single-parent family with one under aged member	έως 16.000€
Household composed of four members or single-parent family with two under aged members	έως 20.000€
Household composed of five members or more or single-parent family with three under aged members or more	έως 24.000€

b. Property

b.1 Real estate property:

Type of household	Taxable Value
Single-person household	Up to 120.000€
Household composed of two members	Up to135.000€
Household composed of three members	Up to 150.000€
Household composed of four members	Up to 165.000€
Household composed of five members or more	Up to 180.000€

b.2 Movable property (deposits, shares, bonds etc):

Type of household	**Limit of deposits/ shares, bonds, etc.**
Single-person household	Up to 8.000€
Household composed of two members	Up to 12.000€

[93] JMD No.Δ13/οικ.33474/1934/15-06-2018 (O.G. 2282Β΄)

Household composed of three members	Up to 16.000€
Household composed of four members	Up to 20.000€
Household composed of five members or more	Up to 24.000€

c. Residence criteria

The beneficiary and the adult members of the household should be living in Greece legally and permanently during the past five years.

iv. Housing assistance for uninsured elderly people

A housing allowance is granted in the form of rent[94] to lonely uninsured and financially weak elderly persons over 65, as well as to couples of uninsured and financially weak elderly persons who demonstrably lack housing and live in a rented house. The allowance is paid directly to the owner of the property by the social services of the relevant Municipalities of the country. The allowance shall not exceed the amount of 362 € per month for each beneficiary.

v. Daily housing structures for the homeless

A joint Ministerial Decision was issued, defining the terms and conditions for the operation of Dormitories, Open Day Centers for the Homeless, Transitional Housing – Shelters and Assisted Living Flats for the Homeless[95].

Open Day Centers and Dormitories for the Homeless operate in big Municipalities throughout the country (Athens, Salonica, Piraeus, Heraklion, Ioannina, Nikea), in the context of a network of structures that also includes structures that provide meals (soup kitchens), social groceries and pharmacies throughout the country, in cooperation with bodies of the local self-government agencies and the civil society. Additional actions relating to provision of accommodation, food, psychosocial support and streetwork are developed especially by the Municipality of Athens through the Reception and Solidarity Center and the Social Housing program and also by bodies of the civil society and the Church.

Furthermore, in Athens 2 public Transitional Housing Shelters for the Homeless are run by the Ministry of Labour, Social Security and Social Solidarity and the National Center for Social Solidarity.

Finally, in the context of Municipalities' competence for the protection of the homeless, special care is given to their temporary accommodation during days with adverse weather conditions.

vi. Transition of the Homeless to independent living

By virtue of JMD[96] the terms and conditions are specified concerning the implementation of the «Housing and employment for the homeless» program. This program is an attempt of integrated intervention for the re-integration of individuals and families living at shelters for the homeless, on the streets or at unsuitable facilities and constitutes the continuation and improvement of the «Housing and re-integration» program implemented since 2014.

The program «Housing and Employment for the homeless» aims at reducing the phenomenon of homelessness in Municipalities with 100.000 or more inhabitants. In particular the objectives of the program are the following:

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[94] Decision Γ3/οικ.2615/22-5-1985, O.G. 329/Β΄/1985, as amended and in force.

[95] By virtue of article 29 of Law 4052/2012, as in force, JMD No, Δ23/οικ.19061−1457/2016 (O.G. 1336 τ. Β΄) entitled «Framework of minimum requirements for Structures providing services to the Homeless» was issued.

[96] JMD No. 60134/786/15-12-2017 (O.G. 4545 τ.Β΄) issued pursuant to article 12 of Law 4506/2017 (O.G. 191 τ.Α΄).

- Immediate transition to independent living through the provision of housing and social care services.
- Activation for re-integration into society through the provision of counseling and labour market re-integration services.
- Inclusion of an estimated 600 individuals into the program for a period of up to 18 months.
- Inclusion of at least 20% of the total number of adult beneficiaries into the labour market re-integration pilar.
- Development of synergy between Units in order to address homelessness.

The program is targeted at the following groups:

- Families and individuals who are accommodated in Transitional Housing - Shelters for the Homeless or Dormitories,
- Families and individuals who are recorded by the Social Units of Municipalities as homeless living on the streets or in unsuitable facilities (camping cars, cars, improvised constructions, huts and hovels, containers, buildings not suitable for living based on the current legislation),
- Women accommodated in Shelters for Women who are victims of violence,
- Individuals accommodated in Child Protection Structures, who have reached the age of 18 and are not in education nor have access to a residence.

The program provides for the following: rent subsidy for a period of up to 18 months, basic expenses for household effects and public utilities and job subsidy for a period of up to 12 months. Moreover, psychosocial support is provided to the beneficiaries with a view to empowering and activating them so that they may gradually be able to resolve their everyday problems and smoothly re-integrate into the society.
The program is implemented by Municipalities with over 100.000 inhabitants and public social care providers, in cooperation with certified non-profit making social care providers.

vii. Fight against extreme poverty

Finally, in the context of the policy on the fight against poverty and social exclusion in general, the «Social Solidarity Income» program is implemented since 01-02-2017[97]. This program is targeted at households in extreme poverty, including individuals and families facing the problem of homelessness and is based on three pillars:

a) income support,
b) interconnection with social care services (inter alia, free care for uninsured persons and provision of essential supplies) and
c) interconnection with activation services aiming at the integration or re-integration of beneficiaries into the labour market and education.

NATIONAL CENTRE FOR SOCIAL SOLIDARITY-HOMELESS HOSTELS/SHELTERS

i. Hostels/shelters of the National Centre for Social Solidarity

Shelters-Hostels operate at the National Centre for Social Solidarity, offering emergency temporary sheltered hospitality to vulnerable individuals and population groups, such as children and

[97] Article 235 of Law 4389/2016 (O.G. 94A΄), as in force after being amended by article 22 N.4445/2016 (O.G. 236 A΄) and article 22 N.4549/2018 (O.G. 105A΄) and JMD No.Γ.Δ.5οικ.2961-10 (O.G. 128 B΄)

adolescents at risk, women and adolescents-with or without children, victims of domestic violence, abuse, exploitation, illicit trafficking, as well as adults in a social emergency situation-homelessness. During hospitality, a specialized personnel provides the guests with counseling, psychological and social support and rehabilitation, information for other accommodation, interconnection and cooperation with competent bodies, according to individual needs, implementation of a daily program with pedagogical activities for preschool children, systematic cooperation with mothers on issues of children' care and education, collaboration with schools, Centers of Differentiated Diagnosis, Diagnosis and Support (KEDDYs) and Education Directorates for the integration of guest children into school classes.

ii. Hostels-shelters of co-operating bodies with National Centre for Social Solidarity

The National Center for Social Solidarity provides NGOs and civil society bodies with buildings that it cannot run on its own resources, for them to offer social protection services. The accommodation facilities are part of the broader network of the National Centre for Social Solidarity, in a sense that these are required to receive people referred for hospitality.

iii. Participation of the National Centre for Social Solidarity in a committee for homeless recording

In 2016 and 2017 the National Centre for Social Solidarity participated via its representative in the preparation of the program for the pilot recording of homeless in seven cities in Greece (Athens, Piraeus, N.Ionia, Thessaloniki, Heraklion, Trikala, Ioannina) developing an application with questionnaires for the on-spot recording of homeless on the street and in accommodation facilities and the establishment of an application for the housing requests' management.

iv. Agency for the management of housing requests as regards asylum seekers and unaccompanied children

During 2017, this Agency received 5.527 housing requests for unaccompanied children from which 1.707 were satisfied. All requests were recorded; nevertheless the Agency set the criterion of vulnerability to assess the most urgent needs. Additionally, the "safe zones" measure has been institutionalized for children at the Accommodation Centers, where there is greater safety and protection.

v. Access of homeless to non-formal education and informal learning

During 2017, E.K.K.A. organized in its Lifelong Learning Centre in Athens (Κ.Δ.Β.Μ.) the vocational program «**Employability Paths**» for 20 unemployed residents of Shelters, empowering them towards their search and demand for work.

The project was divided in two parts:

- A seminar, which included presentations of personal development and skills (experiential workshops)
- A seminar in Social Economy, aiming at introducing the Social Economy and Entrepreneurship concepts to the participants.

II. STATISTICAL DATA AVAILABLE

A. SHELTERS OF E.K.K.A.

During 2017, the total number of beneficiaries was 337 individuals (homeless, female victims of domestic violence, minors).

More specifically:

SHELTER OF RECEPTION AND URGENT HOSPITALITY

2017: 56 beneficiaries

2016: 69 beneficiaries

SHELTER OF THE CENTRAL DISCRICT OF ATHENS

2017: 88 beneficiaries (66 men, 22 women)

2016: 105 beneficiaries (72 men, 33 women)

The observed decrease of the beneficiaries during 2017 is due to bureaucratic procedures, i.e. missing documents for the admission. Another cause is that during their stay in a Shelter certain allowances (KEA) are cut. This fact works against the demand for such services (counter motivation).

SHELTER OF THE WESTERN DISCRICT OF ATHENS

2017: 56 beneficiaries (26 women, 30 minors)

2016: 52 beneficiaries (25 women, 25 minors)

SHELTER OF THE SOUTHERN DISCRICT OF ATHENS

2017: 58 minors (unaccompanied boys)

2016: 36 minors (unaccompanied boys)

Since October 2016 and up to end of 2017, a pilot project was implemented targeting the unaccompanied minor boys.

SHELTER OF PIRAEUS

2017: 37 beneficiaries (25 men, 10 women, 2 minors)

2016: 51 beneficiaries (16 men, 35 women)

SHELTER OF THESSALONIKI

2017: 42 beneficiaries (22 women, 20 minors)

B. OTHER SHELTERS IN COLLABORATION WITH E.K.K.A.

One of E.K.K.A.'s consistent partners is **Greek Red Cross** with which they operate a Shelter for homeless (capacity of 80 beds).

2017: 68 beneficiaries (12 men, 31 minors, 25 women)

2016: 79 beneficiaries (42 adults, 37 minors)

Paragraph 3 – Affordable housing

The Workers' Housing Association (OEK) founded in 1954 for the purpose of housing protection of workers by providing a low-cost[98] working residence was abolished in February 2012, under the first memorandum law (Law 4046/2012, first subparagraph of Article 1(6), "…as a small body of special purpose dealing with non-priority social expenditure". OAED became a universal successor to the abolished Workers' Housing Association in accordance with Law 4144/2013 (OG 88A) assuming all its rights and obligations, by broadening its purposes as a social policy body, with the housing protection of the country's labour force now being the main pillar of its benefits.

Taking into account the adverse effects of the economic crisis, the accumulation of the beneficiaries' overdue debts, the effective dealing with the relevant pending issues of the abolished Workers' Housing Association, the defense of the social character of its housing benefits and the increase of collectability by OAED as the universal successor of OEK (Law 4144/2013, OG 88A), with recent ministerial decisions[99] and subsequent decisions of the OAED Board of Directors, a number of issues related to the social housing policy were regulated for OAED's beneficiaries, being summarized mostly in the following sections:

- Unit price determination for working residence concession in the settlement "Olympic Village" of former OEK[100].
- Establishment of a uniform reduced unit price for the concession of working residences nationwide in completed settlements of OEK, where the issuance of the definitive transfer titles is pending or the construction is in progress[101].
- Settlement of overdue and non-overdue debts for beneficiaries of a working residence in OEK settlements and extension of the repayment period of the above debts[102].
- OAED through its services both at central and regional level has undertaken the implementation of the aforementioned ministerial decision for the settlement of overdue and non-overdue debts for beneficiaries of a working residence in the OEK settlements, by developing a relevant electronic platform for supporting and monitoring the debt settlement.

Beneficiaries of former OEK settlements throughout the country have the possibility to apply for the favorable regulations of the ministerial decision. Subject to the stipulated regulations, they achieve, inter alia, the following: unitary value equal to 304.41 Euro/square meter maximum, extension of debt repayment in 360 monthly installments, discounts due to social criteria for vulnerable groups in all categories of beneficiaries, reduction of late payments by 50% for the categories of beneficiaries with a definitive concession.

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[98] A low-cost workman's dwelling, whether ready-made in organized settlements via its wide construction program (about 580 settlements with over 50.000 residences), either by purchase and disposal of single and scattered apartments in the territory or by loans provision for purchase, erection, repair and completion of dwellings to its beneficiaries, who contributed resource (contributions to OEK) to the logic of profitability in management.

[99] In accordance with Law 4445/2016.

[100] This price was set at 380.62 square meters of charged surface. See Decision No 59734/2362/13-1-2016 of the Minister and the Deputy Minister of Labour, Social Security and Social Solidarity on the "Determination of special terms, conditions, procedure and method of calculating the value of the reserved residences of the "Olympic Village" (OG 37B'/18-1-2016).

[101] See 3153/195/14.2.2017 (OG 474/B/17.02.2017), a decision of the Minister and a Deputy Minister of Social Security and Social Solidarity on the "*determination of the terms, conditions, procedure and method of calculating the value of the ceded and under concession residences in settlements of the former OEK (now OAED) throughout the Territory, for which a definitive concession has not been issued*").

[102] This price was set at a maximum of 304.41€/square meter of charged surface. See Decision no.13097/661/25-4-2017 (OG 1403/B/25.04.2017 & OG 1892B/31.05.2017 & Online Publication Number 6ΥΝΗ465Θ1Ω-1ΔΣ) of the Minister and Deputy Minister of Labour, Social Security and Social Solidarity.

Beneficiaries have the option to apply for a payments standstill for 6 months and up to 36 months, invoking a serious reason (unemployment, sickness, loss of a family member, natural disaster etc.). Those who are subject to regulations are entitled to discounts for a faster repayment of the new debt.

The condition for the beneficiary's subjection to the regulations is the ownership of the allocated residence at the time of the application. Residents who rent their domicile can also be included in the regulations, provided that they are given a legal leasing license by the OAED Board of Directors.

The above regulation concerns about 36.000 beneficiaries' residents.

The repayment of borrowers' debts for loans granted to them by the abolished OEK's own funds is regulated through a ministerial decision[103] (concerns loans for Repairs-Completion-Expansion-Construction-Purchase-Earthquake-Fire Victims from 1972 onwards-Mixed loans and residences and apartments purchase plans). OAED through its services, both at central and regional level, has undertaken the implementation of the aforementioned Ministerial Decision by developing a relevant e-platform for supporting and monitoring regulations. The borrowers-beneficiaries across the country have the possibility to apply for the favorable arrangements of the Ministerial Decision. Under these arrangements, inter alia, they achieve: repayment time expansion by 10 years, debt write-off up to 6.000€, decrease by 15% of the initial loan amount, elimination of all types of interest.

The unemployed beneficiaries have the option to request a payment standstill for 6 months and up to 36 months. A borrower, who is proved unable to pay the monthly installments of his loan, may, by his/ her reasoned application towards the OAED's Board of Directors, request the exemption of the payment for a certain period of time, the reduction of the installment and the increase of the repayment time. In addition, a borrower, through his/ her reasoned application to OAED, after bringing all the necessary documents, may be subject to a settlement paying a minimum monthly installment (10% of the annual family income in 12 equal monthly installments) depending on the total debt and the family income.

The only prerequisite for subjection to the settlement of the present is the ownership and the use of the residence by the borrower (parents-children-first and second degree relatives) for the remaining duration of the loan. The aforementioned settlement concerns 81.715 beneficiaries-borrowers.

The abovementioned settlements concern a total of approximately 120.000 families of beneficiaries of the former OEK, who have received as a housing benefit from the abolished OEK either a residence in an organized settlement, after a relevant inventory and drawing, or a loan for the purchase, construction, repair or completion of the beneficiary's residence by the Organization's own funds.

These regulatory interventions alleviate the abovementioned families from the burden of accumulated overdue debts by offering a framework of favorable opportunities to reduce total debts and the amount of their monthly repayment installment with provisions for further discounts due to social criteria or faster repayment and the extension of their repayment period, but also the suspension of installments for serious reasons (unemployment, health) justifying the beneficiary's inability to be consistent in monitoring the regulation. In parallel with the application of the

[103] See Decision no.52246/3173/26-01-2018 (OG 539/B/16.02.2018) of the Minister of Labour, Social Security and Social Solidarity

beneficiaries' ownership control, an effort is made to defend the social character of the working residence institution and the relative housing benefits of the abolished OEK.

Other relevant interventions made during the reference period relate to:

- Update of the Co-owners' Relations Regulation (OG 2643/B'/28.07.2017) of the former OEK settlements, given that the previous Regulation of 1976 had become anachronistic.
- Plan of completion and progressive constitution of independent horizontal properties of 151 settlements (approximately 13.500 residences) of the former OEK throughout the territory, including the settlement "Olympic Village" (2.292 residences) and issuance of Final Concessions (transfer of ownership titles) and contracts of agreement to beneficiaries-residents of the former OEK.
- Preparation and implementation of OAED drawings in the areas where in 2015 beneficiaries' inventories were carried out for the disposal of vacant and unsold apartments and residences of the former OEK's settlements. The aim is to initiate the procedures for designating the beneficiaries who will be as a priority required residing in the concession residences of the former OEK.
- Preparation for the disposal of vacant and unsold apartments and residences of the former OEK's settlements within Attica.
- Promotion of a draft Presidential Decree as regards the new OAED Organization where it is explicitly provided for the creation of a distinct organizational structure at Directorate level having as its object the housing assistance of the country's labour force and the management of the Organization's real estate.

Within the competence of OAED as a social policy body (housing policy is among the benefits of the Organization) following the above regulatory interventions, it paves the way for the implementation of new programs adapted to the extended objectives of OAED by Law 4144/2013 covering the housing needs of the country's labour force, which is the one supporting -from its own resources- OAED's budget.

This includes the acquisition of a residence stock through the management of OAED's real estate property, in particular of the one derived from the abolished OEK bodies (Workers' Housing Organization and Workers' Social Fund (OEE) for further use by economically weak and vulnerable social groups.

A typical example is the re-use/ exploitation of the former Volos cotton industry, property owned by OAED (former OEK), which is a model project allowing the management of its real estate, without any financial burden on the body, by acquiring building infrastructure for the development of social actions.

In view of the above, it is clear that the concern to pursue a social housing policy is currently limited to a favorable old debt settlement and to the completion of pending cases and obligations. Although given the revenues resulting from the collection of resources which no longer has any profitability and the debt collection as well, there is the possibility for developing a housing policy.

***Note**: with regard to the housing right for the Roma, a detailed presentation is made in the chapter concerning Article 16 of this report.