

Greece

EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS

MAIN ACHIEVEMENTS IN MEMBER STATES

The present survey presents short summaries¹ of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms referring, however, also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation or government regulations or the adoption of new policies or general guidelines from superior courts. As a rule, the survey does not cover information on measures aiming at providing individual redress to applicants.

The presentation is organised country-by-country and reforms are, in principle, presented in the order corresponding to the thematic domains used in the Council of Europe's specialised database HUDOC EXEC and the Committee of Ministers' Annual Reports on the Supervision of the Execution of the European Court of Human Rights' judgments.

Many reforms address issues which appear to be on-going challenges in the member State. The effects of reforms adopted at one point in time may thus need to be monitored and possibly re-evaluated as conditions change.²

¹ The summaries are the sole responsibility of the Department for the execution of the judgments of the European Court of Human Rights.

² The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued [Recommendation \(2004\)5](#) on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

➤ Prohibition of torture

▭ Ineffective criminal investigations into the racially motivated assault suffered by the migrant applicant in 2009

The Committee of Ministers ended its supervision of execution of the ECHR judgment in *Sakir* concerning mainly ineffective criminal investigations into the racially motivated assault suffered by the migrant applicant in 2009.

Following the Court's judgment, the authorities implemented a wide range of general measures to prevent similar violations, including: amendment of the definition of and strengthened penalties for hate crime; setting up of specialised police departments and prosecutors tasked with the investigation of hate crime; further training for prosecutors and judges on the application of the legislation on hate crime; establishment of the National Council against Racism and Intolerance (an advisory inter-ministerial body tasked with developing policies against racism and promoting initiatives aimed at protecting individuals and groups against hate crime).

Sakir (48475/09)

Final Resolution
CM/ResDH(2022)108

▭ Degrading treatment due to the poor living or detention conditions of unaccompanied minors

In response to this judgment, in 2020, Law 4760/2020 was adopted to abolish the practice of "protective custody" of unaccompanied minors (UM), while a Special Secretariat was established to ensure the application of a new comprehensive system for the protection of UM. In April 2021, the Special Secretariat launched the National Emergency Response Mechanism for UM which includes an emergency telephone line, with the aim of tracing, providing immediate support/accommodation to UM in precarious living conditions. Data confirmed that in practice UM are detained only as a matter of last resort and only for very short periods before their swift transfer to suitable accommodation.

Rahimi (8687/08)

Final Resolution
CM/ResDH(2023)259

➤ Prohibition of slavery and forced labour

▭ Human trafficking and subjection to agricultural labour exploitation

The Criminal Code of 2019 consolidated previous provisions criminalizing the offences of trafficking in human beings and sex trafficking, extended the scope of criminal liability and enhanced victim protection: The definition of the term 'exploitation' was broadened and the related sentences were increased. The definition of the THB offence was disconnected from the subjective element of the victim's "consent to the intended exploitation". As regards the protection of THB victims, the new Criminal Code provided that alleged perpetrators of the offences of "illegal entry to the country", "possession and use of false travel documents, identity cards, residence cards or other false documents", "delivery of authentic documents to another person", "illegal work" and "prostitution" would not be prosecuted, if they were victims of trafficking.

Chowdury and Others
(21884/15)

Final Resolution
CM/ResDH(2020)179

In 2013, the Office of National Rapporteur for the combating of the crime of trafficking in human beings for exploitative purposes was established in the

L.E. (71545/12)

Final Resolution
CM/ResDH(2020)314

Ministry of Foreign Affairs, supervising and coordinating the establishment and operation of the National System of Recognition and Reference of Victims of Trafficking. The number of anti-trafficking police brigades was increased. In 2019, the National Orientation Mechanism became operative, providing training for all professionals (judges, prosecutors, law enforcement, social services, civil society, etc.) called upon to deal with trafficking victims. Statistics on the number of interventions, police investigations and judicial proceedings in the context of human trafficking were submitted.

➤ *Right to liberty and security*

▢ Compensation for unlawful detention

Following an amendment of the Code of Criminal Procedure in 2001, compensation in cases of detention on remand after acquittal could not be excluded any longer for “gross negligence” of the detainee.

Karakasis (38194/97)
[Final Resolution CM/ResDH\(2003\)6](#)

➤ *Functioning of justice*

▢ Fairness of proceedings and access to a court

A 1995 amendment to the Code of Criminal Procedure provided that the defendant must be informed of the deliberation of the indictments chamber and summoned to be heard in person. In 1999, the legal aid system was extended to also cover less serious categories of crime and to provide compulsory appointment of a lawyer until the end of proceedings, including appeals on points of law before the Court of Cassation. A less formalistic approach with regard to the admissibility criteria for cassation appeals was adopted by the Supreme Court in 2011.

Kampanis (17977/91)
[Final Resolution CM/ResDH\(96\)367](#)
Twalib (24294/94)
[Final Resolution CM/ResDH\(2002\)102](#)
Alvanos and Others (38731/05+)
[Final Resolution CM/ResDH\(2016\)178](#)

▢ Access to justice and parliamentary immunity

In 2019, the Constitution was amended to provide that the lifting of parliamentary immunity is mandatorily granted if the prosecutor’s request concerns a crime which is not connected to the exercise of the MP’s duties or political activity. Parliament, under the responsibility of its President, must mandatorily decide on the request within three months.

Tsalkitzis (11801/04)
[Final Resolution CM/ResDH\(2020\)161](#)

▢ Presumption of innocence

In 2010, the Code of Criminal Procedure was amended and provided for the absolute nullity of all criminal proceedings in case of infringement of the defendants’ rights, including the presumption of innocence. Under a 2019 law, defendants whose rights were breached are entitled to compensation.

Kampanellis (9029/05)
[Final Resolution CM/ResDH\(2019\)176](#)
Kabili (28606/05)
[Final Resolution CM/ResDH\(2019\)175](#)

▢ Enforcement of final judicial decisions

In 2001, the Constitution was amended in order to reinforce the administration’s obligation to comply with judicial decisions. In addition, a new constitutional provision enabled compulsory execution of judgments against

Hornsby (18357/91)
[Final Resolution CM/ResDH\(2004\)81](#)

the State, local authorities and legal entities of public law. Following these constitutional amendments, statutory and regulatory provisions were adopted in 2002 to implement the Constitution. These new rules also provided for compulsory enforcement of judgments against the State, local authorities and legal entities of public law and strengthened civil liability of the State for damages through acts or omissions by State organs. The disciplinary and civil liability of public servants was also reinforced. "Compliance committees" were created in each administrative court in charge of examining non-execution complaints.

Remedies against excessive length of proceedings

The constitutional reform adopted in April 2001 was intended to eliminate excessive procedural formalism and to speed up the proceedings before administrative courts, especially the Council of State, in particular, through a redistribution of competences between the latter and lower courts. With regard to civil and criminal proceedings, a number of legislative reforms, as from 2001, introduced various measures, including time-limits and limits to trial adjournments. Acceleratory and compensatory remedies were established in 2012 and considered effective and accessible by the European Court. These procedural measures were supplemented in 2014 by organisational measures to simplify and accelerate proceedings.

Anagnostou-Dedouli
(24779/08+)
Final Resolution
CM/ResDH(2017)288

Pafitis and Others
(20323/92)
Final Resolution
CM/ResDH(2005)65

Academy Trading Ltd and Others (30342/96+)
Final Resolution
CM/ResDH(2005)64

Tarighi Wageh Dashti
(24453/94+)
Final Resolution
CM/ResDH(2005)66

Vassilios Athanasiou and Others (50973/08+)
Final Resolution
CM/ResDH(2015)230

Michelioudakis and Glykantzi (54447/10+, 40150/09+)
Final Resolution
CM/ResDH(2015)231

Freedom of religion

Places of worship

The Ministry of Education and Religious Affairs changed its administrative practice and granted, in the exercise of its discretion, permission for the construction and operation of places of worship in all similar cases. Subsequently in 2001, the Court of Cassation unanimously held that the "absolute discretion" granted to the administration by a Royal Decree of 1939 constituted "an unacceptable limitation of the freedom of religious worship contravening both Constitution and ECHR"

Manoussakis and Others
(18748/91)
Final Resolution
CM/ResDH(2005)87

Freedom of conscience

A 2012 amendment of the Code of Criminal Procedure ensured that, in the context of criminal proceedings, one is not obliged to disclose one's religious beliefs, but has a choice between taking a religious oath or a solemn declaration, following the oath-taking procedure before civil courts. The requirement to divulge one's faith when taking the oath of office as a lawyer was abolished following the 2013 amendments to the Lawyer's Code.

Dimitras and Others
(42837/06+)
Final Resolution
CM/ResDH(2012)184

Alexandridis (19516/06)
Final Resolution
CM/ResDH(2016)312

Conscientious objection

In 2001, the right to an alternative service for conscientious objectors was enshrined in the Constitution, and the right to the removal from criminal

Thlimmenos (34369/97)
Final Resolution
CM/ResDH(2005)89

records of sentences imposed on grounds of conscientious objection to military service was legally recognised.

➤ **Freedom of expression**

The offence of insult of the army was abolished. The new Military Criminal Code of 1995 provides that only a public expression of contempt for the armed forces may constitute an offence.

Grigoriades (24348/94)
 Final Resolution
 CM/ResDH(2004)79

➤ **Freedom of association**

In 2016, the Law on Agricultural Cooperatives ended the winemakers' obligation to adhere to Winemaking Cooperatives, allowing them to freely dispose and sell their wine production.

Mytilinaios and Kostakis (29389/11)
 Final Resolution
 CM/ResDH(2017)155

➤ **Protection against discrimination**

▢ *in the award of allowances*

Domestic legislation was amended in 2009, repealing the conditionality of the children's nationality as a prerequisite for their mothers acquiring the advantages attached to the status of "mother of a large family".

Zeibek (46368/06)
 Final Resolution
 CM/ResDH(2012)34

▢ *on the ground of sexual orientation*

The 2015 Law on "Civil Union exercise of rights, penal and other provisions" made possible civil unions of same sex couples.

Vallianatos and Others (29381/09)
 Final Resolution
 CM/ResDH(2016)275

➤ **Protection of property rights**

▢ *Compensation for expropriation*

The 2001 Code of Expropriation provided for adequate compensation and strict deadlines in proceedings for recognition of land ownership. The legal framework governing dormant deposit accounts was reformed in 2013 by a law establishing an automated notification procedure prior to the expiry of the 20-year period following the last transaction, after which the account will be statute-barred for the benefit of the State. Supervisory tasks were assigned to the National Bank.

Azas (50824/99+)
 Final Resolution
 CM/ResDH(2011)217

Zolotas No. 2 (66610/09)
 Final Resolution
 CM/ResDH(2014)58

▢ *Land registry issues and compensation of bona fide owners*

By laws adopted between 1997 and 2013, the national registry was established and started operating. Land property surveys were first implemented. In case of an inaccurate initial registration, the law provided for the possibility to dispute and correct it, partially or entirely, within specific time periods. The 2001 Code of Expropriation, amended in 2002, provided strict deadlines for expropriation proceedings and the possibility of allocating additional compensation in cases of delay. The Court of Cassation's case-law on land expropriation changed after 2004, in accordance with the European Court's case-law requirement of a "global evaluation" in such proceedings.

Nastou and Others (51356/99+)
 Final Resolution
 CM/ResDH(2019)179

Papstavrou and Others (46372/99)
 Final Resolution
 CM/ResDH(2019)178

As regards administrative decisions of compulsory reforestation of land taken on the basis of a ministerial decision of 1934, the Council of State in 2011-2012 changed its case-law and reaffirmed the authorities' obligation for fresh assessment before taking a reforestation decision in cases where a long time has elapsed from the initial assessment.

➤ *Right to education of Roma children*

Specific measures were adopted in order to facilitate the enrolment of Roma children in the national education system, including by simplified enrolment procedures, special instructions to teachers and the monitoring of attendance.

Sampanis and Others
(32526/05)

Final Resolution
CM/ResDH(2011)119

➤ *Electoral rights*

Following the European Court's judgment finding a violation of the Convention due to the post-election change of the Constitution and forfeiture by the applicant of the parliamentary seat he had won, the Constitution was amended, in 2008, to abrogate the prohibition of the exercise of professional activities by Members of Parliament.

Lykourazos (33554/03)

Final Resolution
CM/ResDH(2010)171