

Answers by the Greek Ministry of Justice, Transparency and Human Rights

Question 2:

According to the provisions of Article 3 of Law 4443/2016 (Government Gazette 232/9-12-2016) on the application of the principle of equal treatment in respect of access to and the supply of goods and services that are made available to the public, the principle of equal treatment applies to all persons in the public and private sectors regardless of their race, color, national or ethnic origin and family origin, without prejudice to paragraphs 3, 4, 6 of the same Article and to Article 4 of the above law.

Exceptions to the principle of equal treatment are provided for:

(a) in cases where adequately justified different treatment based on nationality is legally provided for and does not violate the provisions and legal conditions regarding the legal status of third-country (non-EU) nationals or stateless persons living on Greek territory.

(b) Regarding any kind of benefits offered by state or equivalent schemes, including public social security or welfare systems. The prohibition of discrimination does not affect any measures necessary to ensure public safety, to the safeguarding of public order, to the prevention of criminal offenses, to the protection of health and to the protection of the rights and freedoms of others.

(d) in accordance with the provisions of Article 4 of that law, a difference in treatment based on race, color, national or ethnic origin and family origin does not constitute unacceptable discrimination if, by virtue of the nature or context of the particular occupational activity, the element in question is a substantive and decisive factor of the activity in question and if the purpose sought is legitimate and proportionality has been respected.

Subsequently, according to Article 11 (1) of Law 4443/2016, whoever, in the course of the sale of goods or services to the public, violates the prohibition of discrimination based on race, color, national or ethnic origin under the present law, religion or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, identity or gender is punishable by imprisonment of six (6) months to three (3) years and by a pecuniary penalty of one thousand (1,000) up to five thousand (5,000) euros. The acts provided for in this paragraph are prosecuted ex officio.

Also, according to Article 12, of the aforementioned Law the principle of equal treatment should be considered in both the drafting and implementation of laws, regulations and administrative provisions or acts, policies and actions.

Finally, with Article 14 the Ombudsman appointed as the competent Authority for the monitoring and promotion of the implementation of the principle of equal treatment irrespective of race, color, national or ethnic origin, birth, religion or other belief, disability or chronic illness, age, marital status, sexual orientation, gender identity identifying elements.

Regarding Access to Justice for all and Legal Aid, the Greek legal order provides legal aid to low income citizens of Member States of the EU and low-income third-country nationals or stateless persons. These provisions eliminate the risk of restriction of access to justice. Legal aid consists of the waiving of the obligation of payment of part or all of the procedural costs and, if requested, in the appointment of a lawyer or a bailiff with the obligation to defend the beneficiary, represent them in court and provide them with all necessary actions for exercising their rights.

Question 3:

The Hellenic National School of Judges is the responsible authority for the introductory and continuing education of judges. Regarding the particular subject of the right to an adequate standard of living and adequate housing, we would like to inform you that the Hellenic National School of Judges does not include to its training program a special course under this title.