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Greece

### National Courts

There is no special competent court in Greece before which to seek redress in the event of a breach of fundamental rights. Depending on the nature of the violating offence or act, redress may be sought before national civil, criminal or administrative courts.

Whether or not a fundamental right has been violated is determined on the basis of national substantive law. The procedure to be followed before the (civil, criminal or administrative) court with jurisdiction is provided for in national procedural (civil, criminal or administrative) law.

The relevant procedure leads to a judgment, which either rejects the claim or, if final, is directly enforceable.

### Specialised human rights bodies

#### Greek National Commission for Human Rights

*Neofitou Vamva 6*

*10674 Athens, Greece*

The National Commission for Human Rights (NCHR) was recently set up in accordance with United Nations rules and the Paris Principles as an independent body providing advice to the government on matters of human rights. It comprises members designated by thirty-two bodies (independent authorities, university faculties of law and sciences, trade unions, NGOs, political parties and ministries).

The aim of the NCHR is to constantly signal to all government bodies the need for effective protection of the human rights of all persons residing on Greek territory.

According to the law establishing the NCHR (Law No 2667/1998 as amended and currently in force), the NCHR is responsible for the following material tasks: examining questions concerning the protection of human rights raised by the government or the Conference of Presidents of Parliament or proposed by Members of Parliament or NGOs;

submitting recommendations and proposals, preparing studies, and submitting reports and opinions for legislative, administrative or other measures contributing to improved protection for human rights;

developing initiatives to raise public and media awareness of human rights issues;

taking initiatives to foster respect for human rights in the educational system;

maintaining constant contact and cooperation with international organisations, similar bodies in other countries, and national and international NGOs;

providing opinions on national reports to be submitted to international organisations on human rights issues;

publicising NCHR positions by every appropriate means;

preparing an annual report on the protection of human rights;

organising a Human Rights Documentation Centre; and

examining the adaptation of Greek legislation to the provisions of international law on the protection of human rights and providing opinions on the matter to the competent bodies of the state.

#### The Ombudsman

The Ombudsman is an independent authority enshrined in the Constitution. The Ombudsman was established by Law No 2477/97 and became operational on 1 October 1998. The legislative framework for its operation is governed by Law No 3094/03. The Ombudsman's services are free of charge

The Ombudsman examines individual administrative acts or omissions or actions by public service bodies that breach the rights or legitimate interests of natural or legal persons.

Any citizen, before applying to the Ombudsman, must have first contacted the public service involved in the case. Only if such contact has failed to resolve the problem may the citizen submit a complaint to the Ombudsman.

The Ombudsman's mission is to mediate between citizens and public services in order to protect citizens' rights, combat maladministration and uphold the rule of law.

As a mediator, the Ombudsman gives advice and recommendations to public administrative authorities. The Ombudsman does not impose penalties or annul unlawful administrative acts.

*Hadziyanni Mexi 5*

*11528 Athens, Greece*

### Specialised Human Rights Bodies

#### Ombudsman in children's rights cases

The Ombudsman (see above) also examines acts or omissions by public administrative authorities and private individuals in breach of children's rights.

In order to protect children's rights, the Ombudsman is also responsible for issues attributable to private individuals – legal or natural persons – that breach children's rights.

#### Bodies having official responsibility for the promotion of promoting the principle of equality

I. Law No 3304/2005 transposing Directives 2000/43/EC of the Council of 29 June 2000 and 2000/78/EC of the Council of 27 November 2000 designated the Ombudsman, the Equal Treatment Commission and the Labour Inspectorate (SEPE) as the bodies for the promotion of equal treatment and defined each of their responsibilities.

More specifically:

The Ombudsman is responsible for promoting the principle of equality where this principle is being breached by public administrative authorities.

*The term 'public administrative authorities' refers here to the authorities mentioned in Article 3(1) of Law No 3094/2003 (Government Gazette, Series I, No 10), 'Ombudsman and other provisions'.*

The Equal Treatment Commission is responsible for the furtherance promoting the principle of equality where this principle is being breached by natural or legal persons other than those mentioned above, except in the field of employment and labour.

In the field of employment and labour, the Labour Inspectorate (SEPE) is responsible for promoting the principle of equality where this principle is being breached by natural or legal persons other than those mentioned in paragraph 1.

II. Law No 3896/2010 (Government Gazette, Series I, No 207, 8.12.2010) «on Implementation of the principle of equal opportunities and equal treatment of men and women in matters of work and employment – Harmonisation of current legislation with Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 and other relevant provisions» introduces an absolute ban on all forms of direct or indirect gender discrimination.

The purpose of the Law is to ensure implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation as regards:

access to employment, including career development, and to vocational training;

terms and working conditions of employment, including pay; and

occupational social security schemes, as provided for in Directive 2006/54/EC of the European Parliament and of the Council.

The Ombudsman is responsible for monitoring and promoting implementation of the principle of equal opportunities and equal treatment of men and women within the scope of the above Law (Article 25 of Law No 3896/2010).

#### **Hellenic Data Protection Authority (Αρχή Προστασίας Δεδομένων Προσωπικού Χαρακτήρα)**

The Hellenic Data Protection Authority (Hellenic DPA) is an independent authority established under Law No 2472/1997 transposing Directive 95/46/EC.

The Hellenic DPA is responsible for protecting the personality and privacy rights of individuals in Greece, as provided for in Laws No 2472/1997 and 3471/2006.

The primary purpose of the Hellenic DPA is to protect citizens from unlawful processing of personal data and to assist them whenever there has been a breach of their rights in this connection in any operational area.

The purpose of the Hellenic DPA is also to provide support and guidance to data processors in discharging their legal obligations, taking into account the new service needs of Greek society and the penetration of modern digital communications and networks.

The Hellenic Data Protection Authority, acting on its own initiative or following a complaint, conducts administrative checks on records both the public and the private sector. These checks are performed by officials from the Department of Inspectors (*Τμήματος των Ελεγκτών*) who are assisted in major cases by members of the Hellenic DPA. Those carrying out the checks, as special investigators, have a right of access to all records and no form of confidentiality may be enforced against them.

Checks involve verifying first of all whether the bodies being checked comply with the requirements of Laws No 2472/97 and 3471/2006 (regarding notification, information, other obligations as applicable and evidence). Then a check is carried out on the IT system, which, pursuant to Articles 6 and 10 of Law No 2472/1997, covers the basic characteristics of the system, the nature of the data and the level of security ensured by the organisational and technical measures taken by the data controller to protect the data. On completion of the check a findings report is prepared and submitted to the Hellenic DPA.

The Hellenic DPA also carries out independent supervision of the national section of the Schengen Information System, pursuant to Article 114(1) of the Convention Implementing the Schengen Agreement (Law No 2514/1997, Government Gazette, Series I, No 140); acts as the national supervisory body laid down in Article 23 of the EUROPOL Convention (Law No 2605/1998, Government Gazette I/88) and as the national supervisory authority laid down in Article 17 of the Convention on the Use of Information Technology for Customs Purposes (Law No 2706/1999, Government Gazette I/77); and carries out the supervisory responsibilities arising from any other international agreement.

The Hellenic DPA examines complaints and questions relating to the application of the law and protection of applicants' rights when they are breached by the processing of data, and it issues decisions in this regard. It also imposes administrative penalties on data controllers or their representatives, if any, for breach of their obligation arising from Law No 2472/97 as well as from any other rule concerning the protection of individuals from the processing of personal data. Finally, the Hellenic DPA may report infringements of data protection legislation to the appropriate administrative and judicial authorities.

*Kifissias 1-3*

*11523 Athens, Greece*

#### **Useful links**

[Greek National Commission for Human Rights](#)

[Hellenic Data Protection Authority](#)

[Greek Ombudsman](#)

Last update: 12/03/2024

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