The ECHR and Greece

facts & figures

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

The ECHR and Greece

facts & figures

Council of Europe

Accession: 9 August 1949

European Convention on Human Rights

Signed: 28 November 1950
Ratified: 28 November 1974

ECHR judges

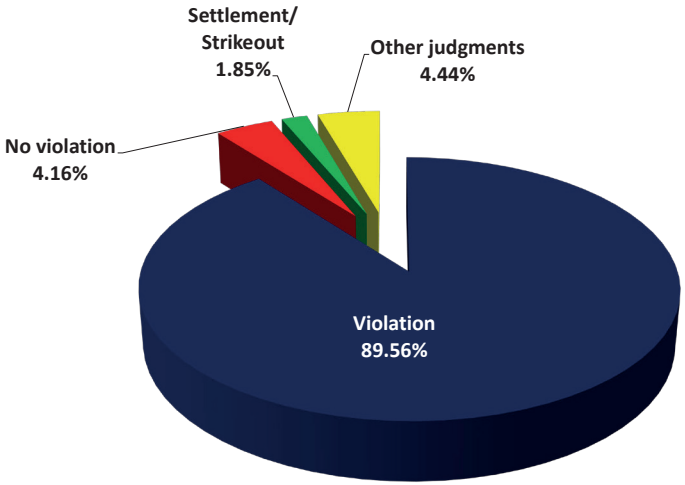
Ioannis Ktistakis (since 2021)
Linos-Alexandre Sicilianos (2011-2021)
Christos Rozakis (1998-2011)
Nicolas Valticos (1986-1998)
Dimitris Evrigenis (1975-1986)
Georges Maridakis (1959-1970)

ECHR and Greece at 1 January 2023

1st judgment: Philis v. Greece (No. 1) (27 August 1991)
Total number of judgments: 1,082
Judgments finding a violation: 969
Judgments finding no violation: 45
Friendly settlements/strikeout: 20
Other judgments: 48
Applications pending: 2,803
Applications finished: 10,045

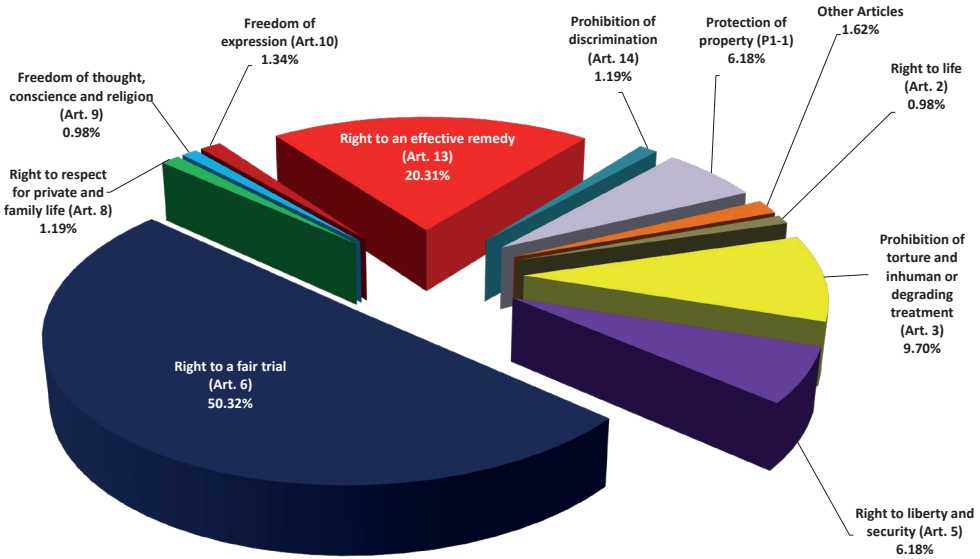
Types of judgments

In almost 90% of the judgments delivered concerning Greece, the Court has given judgment against the State, finding at least one violation of the Convention.



Subject-matter of judgments finding a violation

Over half of the findings of a violation concerned Article 6 (right to a fair hearing), relating either to the length of the proceedings (in the great majority of cases) or to the fairness of the proceedings.



Impact of the Court's judgments

The Committee of Ministers, the Council of Europe's executive organ, supervises compliance with the Court's judgments and adoption of the remedial measures required in order to prevent similar violations of the Convention in the future.

The Court's judgments have led to various reforms and improvements in Greece, relating in particular to:

Introduction of preventive measures and compensatory remedies for the length of proceedings

Reforms have been carried out to in order to speed up and simplify judicial proceedings but also to provide for awards of compensation for excessively lengthy proceedings.

Administrative procedures have been reformed in order to resolve the issue of procedural formalism and speed up proceedings.

Strengthening freedom of conscience and religion

Persons refusing to perform military service because of their ideological or religious beliefs have the right to perform civilian or unarmed service instead of military service. This right has been enshrined in the Constitution.

Defendants no longer have to disclose their religious beliefs in criminal proceedings. They may either take a religious oath or make a solemn declaration.

Legislative and constitutional reforms have been adopted to strengthen protections for conscientious objectors. The law provides for sentences imposed for conscientious objection to armed military service to be deleted from the criminal records.

Measures to tackle discrimination

Measures have been taken to facilitate the enrolment of Roma children in primary schools and to include them in the national education system, in particular by means of a new education policy.

The law now allows same-sex couples to enter into civil partnerships, thus ensuring equal treatment for all Greek citizens irrespective of sexual orientation.

Improved protection of property

The new Expropriations Code provides for an adequate compensation mechanism and lays down strict deadlines for expropriation proceedings.

Improvements to conditions and length of detention

Persons in police custody or awaiting trial or expulsion may now be detained only for the period that is strictly necessary, that is, for three to four days. The legislation has also put an end to the practice of keeping convicted persons in detention in police stations for over a month.

Selected cases

Case of Kokkinakis
(25 May 1993)

Minos Kokkinakis, a Jehovah's Witness, was arrested on more than sixty occasions for proselytism. The Court observed, in particular, that Greek law punished improper proselytism, but that the courts had not sufficiently specified in what way the applicant had attempted to convince his neighbour by improper means.

Violation of Article 9 (freedom of thought, conscience and religion)

Case of Thlimmenos
(6 April 2000)

Iakovos Thlimmenos complained of the authorities' refusal to appoint him as a chartered accountant following his conviction for refusing to wear military uniform because of his religious beliefs.

The Court held that States had a legitimate interest in excluding some offenders from the profession of chartered accountant, but that a conviction for refusing on religious or philosophical grounds to enlist in the armed forces did not imply any dishonesty or moral turpitude likely to undermine the offender's ability to exercise that profession.

Violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 9 (freedom of thought, conscience and religion)

Violation of Article 6 (right to a fair hearing)

Case of Former King of Greece and Others
(23 November 2000)

The case concerned the ownership status of property of the Greek Crown. The applicants, the former King of Greece, his sister, Princess Irene, and his aunt, Princess Ekaterini, complained about legislation which conferred ownership of their movable and immovable property on the State without providing for any compensation. In the Court's view the applicants had owned the properties in question – the Tatoi, Polydendri and Mon Repos estates – as private individuals rather than in their capacity as members of the royal family. The expropriation of these properties would have been legitimate, however, had the Greek State paid the applicants compensation.

Violation of Article 1 of Protocol No. 1 (protection of property)

Case of Makaratzis
(20 December 2004)

Christos Makaratzis was chased by police officers after driving through a red light. The police officers used firearms to arrest him. The applicant maintained that the officers had used excessive firepower against him, putting his life at risk. He further complained of the lack of an adequate investigation into the incident.

The Court was struck, in particular, by the chaotic way in which the firearms had actually been used by the police and found that the legislation regulating the use of weapons by State agents at the time had been obsolete and incomplete in a modern democratic society.

Violations of Article 2 (right to life)

Case of Lionarakis
(5 July 2007)

Nikitas Lionarakis, who at the relevant time was the presenter and coordinator of a radio programme broadcast live by the Hellenic Broadcasting Corporation, was held liable for defamation on account of comments on "the Öcalan case" made by a journalist whom he had invited onto the programme. The Court found, in particular, that the journalist and coordinator could not be held liable in the same way as the person who had made remarks that were possibly controversial, insulting or defamatory.

Violation of Article 6 (right to a fair hearing)

Violation of Article 10 (freedom of expression)

Case of Alexandridis
(21 February 2008)

Theodoros Alexandridis, a lawyer, alleged that when taking the oath of office he had been obliged to reveal that he was not an Orthodox Christian. In the Court's view, the fact that the applicant had had to reveal to the court that he was not an Orthodox Christian had interfered with his freedom not to have to manifest his religious beliefs.

Violation of Article 9 (freedom of thought, conscience and religion)

Violation of Article 13 (right to an effective remedy)

Case of M.S.S.
(21 January 2011)

The case concerned the expulsion of asylum-seekers under the European Union's "Dublin" system. The applicant, an Afghan national, entered EU territory through Greece and arrived in Belgium, where he applied for asylum. His application was not examined by Belgium and he was expelled to Greece under the "Dublin II" Regulation.

Violations of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 13 (right to an effective remedy) taken in conjunction with Article 3

Case of Zontul
(17 January 2012)

Necati Zontul, a Turkish national, was an irregular migrant who in 2001 boarded a boat bound for Italy together with other migrants. The boat was stopped by Greek coastguards. The applicant alleged that the coastguard officer supervising him had forced him to undress, threatened him with a truncheon and then raped him with it.

The Court held that the applicant had been tortured, and noted in particular that the penalty imposed on the coastguard officer had been insufficient in view of the fact that a fundamental Convention right had been breached, and that the penalty in question could not be regarded as having a deterrent effect.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Case of Sitaropoulos and Giakoumopoulos
(15 March 2012)

Nikolaos Sitaropoulos and Christos Giakoumopoulos were both officials of the Council of Europe. They complained of the fact that Greek legislation made no provision for Greek citizens living abroad to vote in parliamentary elections from their place of residence.

Referring to the findings of the European Commission for Democracy through Law (the Venice Commission), the Court observed, in particular, that facilitating the right of expatriates to vote was desirable but not mandatory for States.

No violation of Article 3 of Protocol No. 1 (right to free elections)

Case of Sampani and Others
(11 December 2012)

The applicants, 140 Greek nationals of Roma origin, complained of being enrolled in the 12th Primary School in Aspropyrgos, which was attended exclusively by children from their own community and provided a lower standard of education than other schools.

The Court recommended that those of the applicants who were still of school age be enrolled in another State school and that those who had reached the age of majority be enrolled in "second chance schools" or adult education institutes.

Violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 2 of Protocol No. 1 (right to education)

Case of I.B.
(3 October 2013)

The applicant worked for a company that manufactured jewellery. He was HIV positive and was dismissed in 2005 in response to pressure from other employees of the company who no longer wished to work with him. The Court held that the applicant had been the victim of discrimination on account of his health status.

Violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 8 (right to respect for private and family life)

Case of Vallianatos and Others
(7 November 2013)

The case concerned "civil unions", an official alternative to marriage which entered into force in Greece in 2008. The applicants complained, in particular, that civil unions were intended solely for different-sex couples.
The Court held that the Greek Government had not offered convincing and weighty reasons capable of justifying the exclusion of same-sex couples from the scope of the 2008 Law.

Violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 8 (right to respect for private and family life)

Case of L.E.
(21 January 2016)

The applicant, a Nigerian national who had been forced into prostitution in Greece, was required to wait for around nine months after informing the authorities of her situation before the justice system granted her the status of victim of human trafficking for the purpose of sexual exploitation.

The Court noted a lack of promptness as well as failings with regard to the Greek State's procedural obligations under Article 4 of the Convention.

Violation of Article 4 (prohibition of slavery and forced labour)

Violation of Article 6 (right to a fair hearing)

Violation of Article 13 (right to an effective remedy)

Case of Mamatas and Others
(21 July 2016)

The applicants are 6,320 Greek nationals who held Greek State bonds as private individuals, in amounts ranging from 10,000 euros (EUR) to EUR 1,510,000. The case concerned the fact that they were forced to participate in the effort to reduce the Greek public debt by exchanging their bonds for other debt instruments of lesser value, without their consent.

The Court considered, in particular, that Greece had not upset the fair balance to be struck between the public interest and the protection of the applicants' property rights, and had not imposed an exceptional or excessive burden on them.

No violation of Article 1 of Protocol No. 1 (protection of property)

No violation of Article 14 (prohibition of discrimination)

Case of Chowdury and Others
(30 March 2017)

The applicants, 42 Bangladeshi nationals who did not have work permits, were recruited between October 2012 and February 2013 to pick strawberries on a farm in Greece. Their employer failed to pay the applicants' wages and obliged them to work in extremely difficult physical conditions under the supervision of armed guards. The Court held that exploitation through labour was one aspect of trafficking in human beings. It found that Greece had failed in its obligations to prevent that situation, to protect the victims, to conduct an effective investigation into the offences committed and to punish those responsible for the trafficking.

Violation of Article 4 (prohibition of slavery and forced labour)

Case of Tsalikidis and Others
(16 November 2017)

Costas Tsalikidis, who worked for a telephone company, was found hanged the day before the Greek Government was informed that many of its members, including the Prime Minister, had had their mobile phones wiretapped. The applicants (his parents and his brother) complained of shortcomings in the investigation and maintained that their relative had not committed suicide but that his death was linked to the wiretapping affair, which had been widely covered in the media.

The Court found that the Greek authorities had not conducted an adequate and effective investigation into the death.

Violation of Article 2 (right to life)

Case of Sidiropoulos and Papakostas
(25 January 2018)

The case concerned criminal proceedings leading to the conviction of a police officer for torturing Georgios Sidiropoulos and Ioannis Papakostas following their arrest in 2002 for various road-traffic offences.

The Court held, in particular, that the penalty imposed on the police officer – a five-year prison sentence commuted to a fine of five euros per day of detention, payable in 36 instalments over three years – had been manifestly disproportionate in view of the seriousness of the treatment inflicted on the applicants. It found that the criminal and disciplinary system had not had a deterrent effect such as to ensure the effective prevention of illegal acts such as torture.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 6 (right to a fair hearing)

Violation of Article 13 (right to an effective remedy)

Case of Kontalexis (No. 2)
(6 September 2018)

Panagiotis Kontalexis complained about the refusal of the Greek Court of Cassation to reopen proceedings before the domestic courts following an ECHR judgment finding a violation of his right to a fair trial. The Court found that the Court of Cassation's reasoning did not appear to be arbitrary. It reiterated its settled case-law to the effect that the Convention did not guarantee the right to the reopening of proceedings.

No violation of Article 6 (right to a fair trial)

Case of Molla Sali
(19 December 2018)

On the death of her husband, Chatitze Molla Sali inherited her husband's whole estate under a will drawn up before a notary. However, the deceased's sisters challenged the validity of the will, arguing that their brother had belonged to the Muslim community and that matters relating to his estate were therefore subject to Islamic religious law and to the jurisdiction of the mufti rather than to the provisions of the Greek Civil Code. Owing to the application of Sharia law, the applicant was deprived of three-quarters of her husband's estate.

The Court observed, in particular, that Greece was the only country in Europe which, up until the material time, had applied Sharia law to a section of its citizens against their wishes. This had caused a situation that was detrimental to the individual rights of a widow who had inherited her husband's estate in accordance with the rules of civil law but who had then found herself in a legal situation which neither she nor her husband had intended.

Violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 1 of Protocol No. 1 (protection of property)

Case of T.I. and Others
(18 July 2019)

The applicants, three Russian nationals, complained that they had been forced into prostitution in Greece. They alleged that employees of the consulate had been bribed by Russian traffickers and had issued visas enabling the applicants to be brought to Greece for the purposes of sexual exploitation. The Court found that the legal framework in Greece had been insufficient at the relevant time to punish the traffickers and ensure effective prevention of human trafficking. It further held that the authorities had not dealt with the case with the level of diligence required by Article 4 of the Convention.

Violation of Article 4 (prohibition of slavery and forced labour)

Case of Papachela and Amazon S.A.
(3 December 2020)

The applicant and the public limited company of which she was the sole shareholder had complained about the authorities' failure to evacuate their hotel in central Athens, which had been illegally occupied for three years, until the squatters, consisting of migrants and persons supporting them, had voluntarily vacated the premises in July 2019. Their complaints had been unsuccessful, and the evacuation order concerning the hotel had never been enforced. The applicant had meanwhile been forced to sell her house on account of mounting debts.

Violation of Article 1 of Protocol No. 1 (protection of property)

Case of Anagnostakis and Others
(23 September 2021)

The case concerned the access rights granted to the applicants, the father and grandparents of the child concerned (who was two years old when the application was lodged), and the length of various sets of proceedings in which the opposing party was the child's mother.

Violation of Article 8 (right to respect for private and family life)

Selected measures to execute judgments

General measures

Case of Kokkinakis
(25 May 1993)

Detention of a Jehovah's Witness for proselytism.

Changes to domestic practice concerning the application of the offence of "proselytism".

Case of Alexandridis
(21 February 2008)

Requirement for a lawyer to disclose his religious beliefs when taking the oath of office.

Amendment of the Lawyers' Code so that lawyers are no longer obliged to reveal their religious beliefs when taking the oath of office before a court.

Case of Vallianatos and Others
(7 November 2013)

Discriminatory exclusion of same-sex couples from the scope of the legislation establishing civil unions.

Law on civil unions extended to include same-sex couples.

Case of Mytilinaios and Kostakis
(3 December 2015)

Compulsory membership of wine-growers' cooperatives and impossibility of obtaining a winemaking licence to market the wine.

Samos vinicultural cooperatives and their trade union converted into agricultural cooperatives without compulsory membership.

Individual measures

Case of Manoussakis and Others
(26 September 1996)

The applicants, who were all Jehovah's Witnesses, were convicted of setting up and operating a place of worship without the prior authorisation of the Minister of Education and Religious Affairs

The applicants were granted a permit to open a place of worship. Their case was also reopened and their conviction quashed; by the same decision, their prosecution was definitively terminated.

Case of Hornsby
(19 March 1997)

Failure of the administrative authorities to comply with two judgments of the Supreme Administrative Court following the refusal of the Minister of Education to grant the applicants permission to open a private English teaching school.

The applicants were granted permission to open the school.

Case of Kolonja
(19 May 2016)

Expulsion and permanent exclusion from Greek territory following a conviction, despite family ties.

The applicant was given leave to return to Greece.

Case of Papavasilakis
(15 September 2016)

Refusal to recognise the applicant as a conscientious objector and to allow him to perform alternative civilian service instead of compulsory military service.

The applicant's request was re-examined and he was authorised to perform alternative civilian service.

European Court of Human Rights
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