HR COUNCIL RESOLUTION 31/6 ON THE RIGHTS OF PERSONS OF DISABILITIES

CONTRIBUTION OF THE HELLENIC REPUBLIC

1. Article 2, paragraph 1 of the Greek Constitution states that "respect and protection of human value are primary obligations of the State". Moreover, according to Article 5 paragraph 2 of the Greek Constitution “all persons within the Greek territory shall enjoy full protection of their life, honor and liberty irrespectively of nationality, race, language, religious or political beliefs. Exceptions are allowed under international law". Furthermore, Article 21 paragraph 6 of the Constitution provides that “Persons with disabilities have the right to enjoy special measures ensuring their autonomy, integration and participation in the social, economic and political life of the country”.
2. Recent Law 4443/2016 (Official Gazette. A', 232, 9-12-2016) 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.
3. Furthermore, Directives 2012/29/EU on the protection of victims of crimes and 2013/48/EU on the right to a lawyer, are under incorporation into national law and the relevant bills are soon expected to be voted. It should be reminded, that both Directives provide for the protection of persons with disabilities.
4. Directive 2011/93/EU was incorporated into national law by Law 4267/2014 and provides for the protection of children with disabilities. Article 8 of the Law provides for more severe penalties, if the production of “child pornography is linked to the exploitation of the needs, emergency, mental illness, mental or physical dysfunction of the minor...”.
5. Concerning Access to Justice for all and Legal Aid, Law 3226/2004 provides legal aid to citizens with low Income and eliminates the danger of restriction of access to justice. It should also be noted that according to Law 4285/2014, victims of any form of discrimination, are exempted from the obligation to pay a fee when submitting a criminal complaint or participating as a civil party in a criminal procedure.

As regards training programmes on the right of access to justice for persons with disabilities, the National School of Judges has conducted several workshops, concerning the protection of persons with disabilities (<http://www.esdi.gr/nex/images/stories/pdf/23_seira/23_proto_stadio_eis.pdf>)