

Rehabilitation and mutual recognition – practice concerning EU law on transfer of persons sentenced or awaiting trial

May 2015

Country: Greece

**FRANET Contractor : Centre for European Constitutional Law-Themistokles and Dimitris Tsatsos Foundation,
Hellenic League for Human Rights**

Author(s) name: Klio Papapantoleon

Reviewed by (on contractor's side): Dr. Maria Mousmouti

DISCLAIMER: This document was commissioned under contract as background material for comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project 'Rehabilitation and mutual recognition- practice concerning EU law on transfer of persons sentenced or awaiting trial'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

Section A: General information on existing situation: probation measures, alternative sanctions and supervision measures as an alternative to pre-trial detention	3
Q1. Please outline the specific probation measures or alternative sanctions that are available at the post-trial stage in the Member State on which you are reporting	3
Q2. Please outline the specific supervision measures as alternatives to pre-trial detention that are available in the Member State	5
Q3. Are there any specific legislative or policy developments regarding alternatives to prison (at the pre- and post-trial stage) of particular suspects/sentenced persons (such as children, persons with disabilities, persons in need of special treatment or mothers with young children)?	6
Section B: Transfer of suspects/sentenced persons	7
Q1. Availability of information	7
Q2. Informed consent of the suspect/sentenced person	10
Q3. Decision on transfer	19
Q4. Victims	24

Section A: General information on existing situation: probation measures, alternative sanctions and supervision measures as an alternative to pre-trial detention

Please add the information required to answer the questions. Provide supporting or explanatory information – highlighting laws, policies and measures which justify the answer.

Q1. Please outline the specific probation measures or alternative sanctions that are available at the post-trial stage in the Member State on which you are reporting:

According to art. 99¹ of the Criminal Code (CC)², when a person is sentenced up to three years of imprisonment, the court orders the suspension of the sentence for a limited period of time (1-3 years), only if the defendant has no previous convictions for sentences of over a year.

According to art. 100³ of the CC, when a person is sentenced to three to five years of imprisonment, and has no prior convictions as described above, the court will order the suspension of the sentence for a limited period of time (3-5 years) and impose one or more probation measures such as: restitution to the victim, obligation to present themselves at the police station of the region of his/her domicile, deprivation of passport or driver's licence, prohibition/restraints on communication with certain person(s), on visiting certain places or travelling abroad, submission to a therapeutic program, donation of up to 10,000 Euros to a charitable foundation.

According to art. 82⁴ of the CC, under certain conditions, sentences of up to five years can be converted to financial penalties (5-100 Euros for each day of imprisonment). If the defendant is unable to pay due to his/her financial condition, the court may order further conversion of the financial penalty to community service.

¹ Greece, Criminal Code (*Ποινικός Κώδικας*), (OG A 106/31.5.1985) Art. 99 as modified by Art. 2 of Law 3904/2010 'Rationalization and improving the administration of criminal justice and other provisions' (*Εξορθολογισμός και βελτίωση στην απονομή της ποινικής δικαιοσύνης και άλλες διατάξεις*) (OG A' 218/23.12.2010), available at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=Jg-7YKP-wJk%3D&tabid=132> (in Greek).

² Greece, Criminal Code (*Ποινικός Κώδικας*), (OG A 106/31.5.1985), available at <http://www.ministryofjustice.gr/site/kodikos/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%AE%CF%81%CE%B9%CE%BF/%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%9F%CE%A3%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3/tabid/432/language/el-GR/Default.aspx> (in Greek).

³ Greece, Criminal Code (*Ποινικός Κώδικας*), (OG A 106/31.5.1985) Art. 100 as modified by Art. 67 (3) of Law 3994/2011 'Rationalizing and improving the administration of criminal justice and other provisions (amendments of the Civil Procedure Code)' (*Εξορθολογισμός και βελτίωση στην απονομή της πολιτικής δικαιοσύνης και άλλες διατάξεις (τροποποιήσεις του ΚΠολΔ)*) (OG A' 165/25.7.2011), available at <http://www.nomikosodigos.info/guide/legislation/595-n-3994-2011-exorthologismos-kai-veltiosistin-aponomi-tis-politikis-dikaiosinis-kai-alles-diataxeis-tropopoiiseis-tou-kodika-politikis-dikonomias.html> (in Greek).

⁴ Greece, Criminal Code (*Ποινικός Κώδικας*), (OG A 106/31.5.1985) Art. 82 as modified by Art. 1 of Law 4093/2012 'Approval of the Medium Term Fiscal Strategy for 2013-2016 - Urgent Measures on Application of Law 4046/2012 and the Medium Term Fiscal Strategy for 2013-2016' (*Έγκριση Μεσοπρόθεσμου Πλαισίου Δημοσιονομικής*

Q2. Please outline the specific supervision measures as alternatives to pre-trial detention that are available in the Member State:

According to art. 282 para. 2⁵ of the Code of Criminal Procedure⁶, supervision measures are: bail, obligation to present themselves to a certain authority, restraints on communication with certain person(s), on visiting certain places or on travelling abroad, or house arrest under electronic monitoring/surveillance. According to para. 3⁷ of the above mentioned article, the measure of house arrest under electronic surveillance can be ordered if all other supervision measures are considered by the judge not to be sufficient to prevent the suspect from committing other crimes or do not secure/ensure that the suspect will appear at trial.

House arrest under electronic surveillance may not be considered for a number of serious felonies, such as homicide, rape, child pornography, child maltreatment etc. Therefore, suspects accused of one of these crimes cannot be submitted to this measure.

Though legislation on the the measurement of electronic surveillance has been in force since 2013⁸, implementation was introduced on 11 May 2015 as a pilot program for 250 suspects/convicted persons, but still has not been applied to any other offenders⁹.

Στρατηγικής 2013–2016 – Επείγοντα Μέτρα Εφαρμογής του ν. 4046/2012 και του Μεσοπρόθεσμου Πλαισίου Δημοσιονομικής Στρατηγικής 2013–2016) (OG A' 222/12.11.2012), available at http://www.ydmed.gov.gr/wp-content/uploads/2012/12/19_n4093_01_egkrisi_plaisiou2013_16.pdf (in Greek)

⁵ Greece, 'Code of Criminal Procedure' (*Κώδικας Ποινικής Δικονομίας*), (OG A' 121/8.8.1986), Art. 282 (2) as modified by Art. 2 (A) of Law 4205/2013 'Electronic surveillance of indictess, convicts, prisoners on leave and other provisions' (*Ηλεκτρονική επιτήρηση υπόδικων, κατάδικων και κρατούμενων σε άδεια και άλλες διατάξεις*) (OG A/242/6.11.2013), available at http://www.espa.gr/elibrary/N4205_FEK242_6112013.pdf (in Greek).

⁶ Greece, 'Code of Criminal Procedure' (*Κώδικας Ποινικής Δικονομίας*), (OG A' 121/8.8.1986), available at <http://www.eayth.gr/misc/KodikasPoinikisDikonomias.pdf> (in Greek).

⁷ Greece, 'Criminal Code' (*Ποινικός Κώδικας*), (OG A 106/31.5.1985) Art. 282 (3) as modified by Art.19 (12) of Law 4267/2014 'Combating sexual abuse and exploitation of children and child pornography and other provisions' (*Καταπολέμηση της σεξουαλικής κακοποίησης και εκμετάλλευσης παιδιών και της παιδικής πορνογραφίας και άλλες διατάξεις*) (OG A 137/12.6.2014) available at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=CC0Lu-vKzI0%3D&tabid=132> (in Greek) and Art. 9 (4) of Law 4322/2015 'Modification of criminal law, abolishment of prisons C type and other provisions' (*Μεταρρυθμίσεις ποινικών διατάξεω, κατάργηση καταστημάτων κράτηση Γ τύπου και άλλες διατάξεις*) (OG A/42/27.4.2015), available at http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_11/N_4322-2015.pdf (in Greek).

⁸ Greece, Law 4205/2013 'Electronic surveillance of indictess, convicts, prisoners on leave and other provisions' (*Ηλεκτρονική επιτήρηση υπόδικων, κατάδικων και κρατούμενων σε άδεια και άλλες διατάξεις*), (OG A 242/6.11.2013), available at http://www.espa.gr/elibrary/N4205_FEK242_6112013.pdf (in Greek)

⁹ Representative of the Ministry of Justice, Transparency and Human Rights.

Q3. Are there any specific legislative or policy developments regarding alternatives to prison (at the pre- and post-trial stage) of particular suspects/sentenced persons (such as children, persons with disabilities, persons in need of special treatment or mothers with young children)?

According to art. 122¹⁰ of the Criminal Code and art. 45A¹¹ of the Code of Criminal Procedure, alternatives to prison for minors are: reprobation, restitution to the victim, community service, obligation to attend social, psychological or educational programs, supervision, submission to rehabilitation centre.

According to art. 282¹² of the Code of Criminal Procedure, during the pre-trial stage persons who are unable to serve their sentences and have a degree of disability of over 50% or 67% are subject to one or more of the probation measures described above (Q1). According to art. 110A¹³ of the Criminal Code, the above mentioned categories of offenders and offenders with a degree of disability of over 80% as well as offenders with serious diseases who have been convicted to life imprisonment and have served five or ten years¹⁴ of imprisonment are subject to house arrest during the post trial stage.

According to art. 31 para. 1 a and c Law 4139/2013 ‘Law on drugs’ (*Νόμος περί εξαρτησιογόνων ουσιών*) (OG A 74/20.3.2013)¹⁵, drug dependent offenders may be admitted to a community drug treatment program as an alternative to pre-trial detention.

According to art. 32 para. 1 c of the abovementioned law, for drug dependents attending a drug treatment outside prison who have been convicted of crimes committed during their dependence, any sentence must be suspended under the probation measure of the continuance of the treatment and until its successful completion. The same applies to drug dependents who have successfully completed drug treatment

¹⁰ Greece, ‘Criminal Code’ (*Ποινικός Κώδικας*), (OG A’106/31.5.1985) Art. 122 as modified by Art. 1 of Law 3189/2003 ‘Reform of the criminal legislation regarding juveniles and onther provisions’ (*Αναμόρφωση της ποινικής νομοθεσίας ανηλίκων και άλλες διατάξεις*) (OG A/243/21.10.2003), available at <https://nomoi.info/%CE%A6%CE%95%CE%9A-%CE%91-243-2003-%CF%83%CE%B5%CE%BB-1.html> (in Greek).

¹¹ Greece, ‘Criminal Code’ (*Ποινικός Κώδικας*), (OG A’106/31.5.1985) Art. 45A as modified by Art. 9 of Law 4322/2015 ‘Modification of criminal law, abolishment of prisons C type and other provisions’ (*Μεταρρυθμίσεις ποινικών διατάξεω, κατάργηση καταστημάτων κράτηση Γ τύπου και άλλες διατάξεις*) (OG A/42/27.4.2015), available at http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_11/N_4322-2015.pdf (in Greek).

¹² Greece, ‘Code of Criminal Procedure’ (*Κώδικας Ποινικής Δικονομίας*) (OG A’ 121/8.8.1986), Art. 282 as modified by Art. 9 of Law 4322/2015 ‘Modification of criminal law, abolishment of prisons C type and other provisions’ (*Μεταρρυθμίσεις ποινικών διατάξεω, κατάργηση καταστημάτων κράτηση Γ τύπου και άλλες διατάξεις*) (OG A/42/27.4.2015), available at http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_11/N_4322-2015.pdf (in Greek).

¹³ Greece, ‘Code of Criminal Procedure’ (*Κώδικας Ποινικής Δικονομίας*) (OG A’ 121/8.8.1986), Art. 110A as modified by Art. 6 of Law 4322/2015 ‘Modification of criminal law, abolishment of prisons C type and other provisions’ (*Μεταρρυθμίσεις ποινικών διατάξεω, κατάργηση καταστημάτων κράτηση Γ τύπου και άλλες διατάξεις*) (OG A/42/27.4.2015), available at http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_11/N_4322-2015.pdf (in Greek).

¹⁴ The pre-condition of serving ten years concerns those who have committed homicide.

¹⁵ Greece, Law 4139/2013 ‘Law on drugs’ (*Νόμος περί εξαρτησιογόνων ουσιών*) (OG A 74/20.3.2013) Art. 31 (1a,c) as modified by Art. 10 Law 4322/2015 ‘Modification of criminal law, abolishment of prisons C type and other provisions’ (*Μεταρρυθμίσεις ποινικών διατάξεω, κατάργηση καταστημάτων κράτηση Γ τύπου και άλλες διατάξεις*) (OG A 42/27.4.2015), available at http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_11/N_4322-2015.pdf (in Greek)

outside prison under probation measures that are related to the continuance of drug cessation. Drug dependent offenders attending or who have successfully completed drug treatment programs, are released earlier under probation measures related to the continuance of the program or drug cessation.

Section B: Transfer of suspects/sentenced persons¹⁶

Please give a response for each of the boxes. If the information is the same in two boxes, duplicate the text. If the question is not applicable, specify why.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q1. AVAILABILITY OF INFORMATION			
Q1.1. Is information publicly available in ‘issuing states’ concerning the following:? If yes, please specify.			
<ul style="list-style-type: none"> What information is provided (e.g. conditions for early release for FD 909 or the need for a suspect/sentenced person’s consent to a measure for FD 947 and 829)? 	<p>There are no relevant articles in Law 4307/2014 ‘Transposition of the Framework Decisions 2008/909, 2008/947 and 2009/829’ (“Ενσωμάτωση στο ελληνικό δίκαιο α) της Απόφασης-Πλαίσιο 2008/909/ΔΕΥ του Συμβουλίου της 27ης Νοεμβρίου 2008, όπως</p>	<p>There are no relevant articles in Law 4307/14 regarding provision of information on the transfer.</p> <p>The Public Prosecutor’s Office of the Court of Appeal and in particular its Department of Penalty Execution which is the competent authority (along</p>	<p>There are no relevant articles in Law 4307/14 regarding provision of information on the transfer.</p> <p>The Public Prosecutor’s Office of the Court of Appeal and in particular its Department of Penalty Execution which is the</p>

¹⁶Greece has transposed the three Framework Decisions in Law 4307/15-11-2014 (art. 1- 59). As this law was only recently passed, data and information on its practical implementation is minimal. Information requests have been sent to the Public Prosecutor’s Office (at the Court of First Instance and at the Court of Appeal) which is the competent authority as described in art. 3, 25 and 43 of the above mentioned law, as well as to the Greek Ministry of Justice Transparency and Human Rights which is the Central National Authority. Responses have not yet been received.

	<p>τροποποιήθηκε με την Απόφαση - Πλαίσιο 2009/299/ΔΕΥ του Συμβουλίου της 26ης Φεβρουαρίου 2009, σχετικά με την εφαρμογή της αρχής της αμοιβαίας αναγνώρισης σε ποινικές αποφάσεις, οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας, για το σκοπό της εκτέλεσής τους στην Ευρωπαϊκή Ένωση (ΜΕΡΟΣ Α'), β) της Απόφασης -Πλαίσιο 2008/947/ΔΕΥ του Συμβουλίου της 27ης Νοεμβρίου 2008, όπως τροποποιήθηκε με την Απόφαση - Πλαίσιο 2009/299/ΔΕΥ του Συμβουλίου της 26ης Φεβρουαρίου 2009, σχετικά με την εφαρμογή της αρχής της αμοιβαίας αναγνώρισης σε ποινικές αποφάσεις που προβλέπουν την αναστολή εκτέλεσης της ποινής ή απόλυση υπό όρους, με σκοπό την επιτήρηση των μέτρων αναστολής και των εναλλακτικών κυρώσεων στην Ευρωπαϊκή Ένωση (ΜΕΡΟΣ Β'), γ) της Απόφασης-Πλαίσιο 2009/829/ΔΕΥ του Συμβουλίου της 23ης Οκτωβρίου 2009, σχετικά με την εφαρμογή,</p>	<p>with the Public Prosecutor's Office of the Court of First Instance - which has yet to respond -) as issuing state, responded in writing on the 15th -6-2015 to our information requests and declared that there is no previous experience or any other kind of briefing and has stated that it is unable to give the required data or any further information.</p>	<p>competent authority (along with the Public Prosecutor's Office of the Court of First Instance - which has yet to respond -) as issuing state, responded in writing on the 15th -6-2015 to our information requests and declared that there is no previous experience or any other kind of briefing and has stated that it is unable to give the required data or any further information.</p>
--	--	--	---

	<p>μεταξύ των κρατών - μελών της Ευρωπαϊκής Ένωσης, της αρχής της αμοιβαίας αναγνώρισης στις αποφάσεις περιμέτρων επιτήρησης εναλλακτικά προς την προσωρινή κράτηση (ΜΕΡΟΣ Γ') και άλλες διατάξεις») (OG A 246/15-11-2014) regarding provision of information on the transfer.</p> <p>The Public Prosecutor's Office of the Court of Appeal and in particular its Department of Penalty Execution which is the competent authority (along with the Public Prosecutor's Office of the Court of First Instance - which has yet to respond -) as issuing state, responded in writing on the 15th -6-2015 to our information requests and declared that there is no previous experience or any other kind of briefing and has stated that it is unable to give the required data or any further information.</p>		
<ul style="list-style-type: none"> • How is the information made publically available (tools, or networks used)? 	Pl. see the answer above.	Pl. see the answer above.	Pl. see the answer above.
<ul style="list-style-type: none"> • In which languages is the information provided? 	Pl see the answer above.	Pl. see the answer above.	Pl. see the answer above.

<p>Q1.2. Apart from the competent authorities required by the FDs, is there any other national office or point of contact responsible for leading initial discussions about potential transfers (as issuing and executing state)? If yes, please provide brief details.</p>	<p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights there is no national office or point of contact about potential transfers as issuing and executing state</p>	<p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights there is no national office or point of contact about potential transfers as issuing and executing state</p>	<p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights there is no national office or point of contact about potential transfers as issuing and executing state</p>
<p>Q1.3. Do the competent authorities collate information about their experience of transfers (such as personal data of the suspect/sentenced person, states involved, issues raised during the transfer process)? If yes, specify the information gathered.</p>	<p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights to the information requests the competent aythorities do not collate information except those provided by the provisions of L. 4307/14.</p>	<p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights to the information requests the competent aythorities do not collate information except those provided by the provisions of L. 4307/14.</p>	<p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights to the information requests the competent aythorities do not collate information except those provided by the provisions of L. 4307/14.</p>
<p>TOPIC</p>	<p>FD 2008/909</p>	<p>FD 2008/947</p>	<p>FD 2009/829 (ESO)</p>
<p>Q2. INFORMED CONSENT OF THE SUSPECT/SENTENCED PERSON</p>			
<p>Q2.1. Is there a procedure in the issuing state (e.g. some form of mechanism that ensures it is done in all relevant cases) in place to inform the suspect/sentenced person of the option to transfer the judgment or decision to another Member State? If yes, please briefly provide information (e.g. is it an oral or written</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 3 para. 2 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 25 para. 2 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 43 para. 2 Law 4307/2014) to information requests.</p>

<p>procedure) and specify who provides this information.</p>			
<p>Q2.2. Is there a procedure in place in the issuing state to obtain the informed consent of the suspect/sentenced person before forwarding the judgment or decision to the executing state? (e.g. a pre-prepared written explanation of the process available in a number of languages). If yes, please briefly specify what information the suspect/sentenced person receives (e.g. information on appeal and release possibilities).</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 3 para. 2 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 25 para. 2 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 43 para. 2 Law 4307/2014) to information requests.</p>
<p>Q2.3. Does the suspect/sentenced person have the right to revoke his/her consent to the transfer in the issuing state? If yes, please briefly specify until which stage of the procedure this right exists.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 3 para. 2 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 25 para. 2 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 43 para. 2 Law 4307/2014) to information requests.</p>
<p>Q2.4. Is there any procedure in place in the issuing state to obtain the opinion of the sentenced person concerning the following: If yes, please briefly specify e.g. is it an oral or a written procedure, are there any checks on actual understanding of the option).</p>	<p>Yes.</p>		
<ul style="list-style-type: none"> When consent is not required)? 	<p>According to art. 6 para. 3 Law 4307/14, when the sentenced person is still in Greece, he/she has the opportunity to state his /her opinion verbally or in</p>		

	<p>writing. If the sentenced person states his/her opinion verbally, the prosecutor of the court that delivered the judgement ensures that the written record of this statement is also available to the executing state.</p>		
<ul style="list-style-type: none"> When consent is required, Article 6 (3) of FD 2008/909/JHA). 	<p>According to art. 6 para. 3 Law 4307/14 when the sentenced person is still in Greece, he/she has the opportunity to state his/her opinion verbally or in writing. If the sentenced person states his/her opinion verbally, the prosecutor of the court that delivered the judgement ensures that the written record of this statement is available to the executing state.</p>		
<p>Q2.5. Does the suspect/sentenced person have the right to change his/her opinion on the transfer? If yes, please briefly specify until which stage of the procedure this right exists and how this is implemented in practice.</p>	<p>There is no particular provision on this issue. We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 3 para. 2 Law 4307/2014) to information requests.</p>		
<p>Q2.6. Is the suspect/sentenced person assisted by a legal counsel in the issuing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone)</p>	<p>Yes.</p> <p>Every suspect/sentenced person has the right to legal counsel during all stages of criminal</p>	<p>Yes.</p> <p>Every suspect/sentenced person has the right to legal counsel during all stages of</p>	<p>Yes.</p> <p>Every suspect/sentenced person has the right to legal counsel during all stages of criminal</p>

	<p>proceedings. Legal advice can be provided either face to face or over the telephone¹⁷.</p> <p>According to art. 340 para. 1 of the Code of Criminal Procedure, if the suspect is accused of a felony the president of the court is obliged to appoint him or her legal counsel for the trial. There is no such provision when the suspect/sentenced person submits requests (e.g. request for release or probation measures)</p>	<p>criminal proceedings. Legal advice can be provided either face to face or over the telephone.</p> <p>According to art. 340 para. 1 of the Code of Criminal Procedure, if the suspect is accused of a felony the president of the court is obliged to appoint to him or her legal counsel for the trial. There is no such provision when the suspect/sentenced person submits requests (e.g. request for release or probation measures)</p>	<p>proceedings. Legal advice can be provided either face to face or over the telephone.</p> <p>According to art. 340 para. 1 of the Code of Criminal Procedure, if the suspect is accused of a felony the president of the court, or the investigating judge, is obliged to appoint him or her legal counsel for the trial. There is no such provision when the suspect/sentenced person submits requests (e.g. request for release or probation measures)</p>
<p>Q2.7. Is there a procedure in place to ascertain that the legal counsel speaks and understands the suspect/sentenced person's language in the issuing state? If yes, please specify.</p>	<p>There is no such procedure.</p> <p>According to art. 233 para. 1¹⁸ of the Code of Criminal Procedure, if required for</p>	<p>There is no such procedure.</p> <p>According to art. 233 para. 1 of the Code of Criminal Procedure, if required for</p>	<p>There is no such procedure.</p> <p>According to art. 233 para. 1 of the Code of Criminal Procedure, if required for communication</p>

¹⁷ Greece, 'Code of Criminal Procedure' (*Κώδικας Ποινικής Δικονομίας*), Art. 100 (1) (340), (OG A' 121/8.8.1986), available at <http://www.eayth.gr/misc/KodikasPoinikisDikonomias.pdf> (in Greek).

¹⁸ Greece, 'Code of Criminal Procedure' (*Κώδικας Ποινικής Δικονομίας*), (OG A' 121/8.8.1986) Art. 233 (1), as modified by art. 2 of Law 4236/2014 'For the incorporation of Directives 2010/64 / EU of the European Parliament and of the Council of Europe of the 20th of October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13 / EU of the European Parliament and of the Council of Europe of the 22nd of May 2012 on the right to information in criminal proceedings (L 142) and other provisions' (*Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L 142) και άλλες διατάξεις*) (OG A 33/11.2.2014) in which Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings was transposed in Greece, available at <https://nomoi.info/%CE%A6%CE%95%CE%9A-%CE%91-33-2014-%CF%83%CE%B5%CE%BB-1.html> (in Greek).

	communication between the suspect/sentenced person and legal counsel, interpretation is provided during all stages of criminal proceedings.	communication between the suspect/sentenced person and legal counsel, interpretation is provided during all stages of criminal proceedings.	between the suspect/sentenced person and legal counsel, interpretation is provided during all stages of criminal proceedings.
Q2.8. Does the suspect/sentenced person have the right to legal aid in the issuing state?	<p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights to the information requests legal aid in Greece as an executing state is provided in any case according to the greek law and in particular for citizens of low income according to the provisions of Law 3226/2004 (A'24), mentioned below.</p> <p>In general, legal aid is granted to any person of Greek nationality or legally resident nationals of the European Union or other country with annual resources of less than the 2/3 of the lowest annual income according to the General Collective Labour Agreement¹⁹</p>	<p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights to the information requests legal aid in Greece as an executing state is provided in any case according to the greek law and in particular for citizens of low income according to the provisions of Law 3226/2004 (A'24) mentioned below.</p> <p>In general, legal aid is granted to any person of Greek nationality or legally resident nationals of the European Union or other country with annual resources of less than the 2/3 of the lowest annual income according to the</p>	<p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights to the information requests legal aid in Greece as an executing state is provided in any case according to the greek law and in particular for citizens of low income according to the provisions of Law 3226/2004 (A'24) mentioned below.</p> <p>In general, legal aid is granted to any person of Greek nationality or legally resident nationals of the European Union or other country with annual resources of less than the 2/3 of the lowest annual income according to the General</p>

¹⁹ Greece, Art. 1 of Law 3226/2004 'Providing legal aid to low-income citizens and other provisions' ('Παροχή νομικής βοήθειας σε πολίτες χαμηλού εισοδήματος και άλλες διατάξεις'), (OG A/24/04-02-2004), available at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=a7yRfgkOUJI%3D&tabid=132> (in Greek).

		General Collective Labour Agreement ²⁰	Collective Labour Agreement ²¹
Q2.9. Is the suspect/sentenced person assisted by an interpreter in the issuing state, if required:	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 3 para. 2 Law 4307/2014) to information requests.</p> <p>According to art. 233 paras. 1 and 2 of the Code of Criminal Procedure, when a suspect or sentenced person does not speak or understand the Greek language properly, he or she is given access without delay to interpretation during all stages of criminal proceedings. Every year, the Council of Misdemeanors of each judicial district draws up a catalogue of interpreters. Any public prosecutor can appoint an interpreter from this catalogue. The interpreters are funded by the budget of each court.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 25 para. 2 Law 4307/2014) to information requests.</p> <p>According to art. 233 paras. 1 and 2 of the Code of Criminal Procedure, when a suspect or sentenced person does not speak or understand the Greek language properly, he or she is given access without delay to interpretation during all stages of criminal proceedings. Every year, the Council of Misdemeanors of each judicial district draws up a catalogue of interpreters. Any public prosecutor can appoint an interpreter from this catalogue. The interpreters are funded by the budget of each court.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 43 para. 2 Law 4307/2014) to information requests.</p> <p>According to art. 233 paras. 1 and 2 of the Code of Criminal Procedure, when a suspect or a sentenced person does not speak or understand the Greek language properly, he or she is given access without delay to interpretation during all stages of criminal proceedings. Every year, the Council of Misdemeanors of each judicial district draws up a catalogue of interpreters. Any public prosecutor can appoint an interpreter from this catalogue. The interpreters are funded by the budget of each court.</p>

²⁰ Greece, Art. 1 of Law 3226/2004 'Providing legal aid to low-income citizens and other provisions' ('Παροχή νομικής βοήθειας σε πολίτες χαμηλού εισοδήματος και άλλες διατάξεις'), (OG A/24/04-02-2004), available at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=a7yRfgkOUJI%3D&tabid=132> (in Greek).

²¹ Greece, Art. 1 of Law 3226/2004 'Providing legal aid to low-income citizens and other provisions' ('Παροχή νομικής βοήθειας σε πολίτες χαμηλού εισοδήματος και άλλες διατάξεις'), (OG A/24/04-02-2004), available at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=a7yRfgkOUJI%3D&tabid=132> (in Greek).

<ul style="list-style-type: none"> • While consenting to the transfer? 	<p>Yes. According to art. 6 para. 4 Law 4307/2014, the Public Prosecutor of the Court that delivered the judgement informs the sentenced person, in a language which he or she understands, that it has been decided to forward the judgment.</p>	<p>Yes According to art. 6 para. 4 Law 4307/2014, the Public Prosecutor of the Court that delivered the judgement informs the sentenced person, in a language which he or she understands, that it has been decided to forward the judgment.</p>	<p>Yes According to art. 6 para. 4 Law 4307/2014, the Public Prosecutor of the Court that delivered the judgement informs the sentenced person, in a language which he or she understands, that it has been decided to forward the judgment.</p>
<ul style="list-style-type: none"> • While requesting the transfer? 	<p>Yes According to art. 6 para. 4 Law 4307/2014, the Public Prosecutor of the Court that delivered the judgement informs the sentenced person, in a language which he or she understands, that it has been decided to forward the judgment.</p>	<p>Yes According to art. 6 para. 4 Law 4307/2014, the Public Prosecutor of the Court that delivered the judgement informs the sentenced person, in a language which he or she understands, that it has been decided to forward the judgment.</p>	<p>Yes According to art. 6 para. 4 Law 4307/2014, the Public Prosecutor of the Court that delivered the judgement informs the sentenced person, in a language which he or she understands, that it has been decided to forward the judgment.</p>
<p>Q2.10. Are these interpretation or translation services provided during a face-to-face consultation? Please provide brief information.</p>	<p>According to art. 233 of the Code of Criminal Procedure, the competent authority is responsible for verifying whether the suspect/sentenced person speaks and understands the Greek language using all appropriate means, and whether he or she needs the assistance of an interpreter during all stages of criminal proceedings.</p>		

<p>Q2.11. Is the suspect/sentenced person's full understanding of the transfer checked on a case by case basis in the issuing state? Please provide brief information.</p>	<p>No information or statistical data available. Desk research; written information requests to the Ministry of Justice, Transparency and Human Rights, Public Prosecutor's Office of First Instance and of the Court of Appeal; written answers from the Ministry of Justice and the PP of the Court of Appeal; interviews with representatives from the Ministry of Justice, the Hellenic Data Protection Authority and the Public Prosecution of the First Instance.</p>	<p>No information or statistical data available.</p>	<p>No information or statistical data available.</p>
<p>Q2.12. If the executing state adapts, before the transfer, the sentence or measure imposed by the issuing state (as authorised by Article 8.3 of FD 909, Article 9 of FD 947 and Article 13 of FD 829), does the suspect/sentenced person receive any updated information?</p>	<p>There is no such provision under Law 4307/14. No information available.</p>	<p>There is no such provision under Law 4307/14. No information available.</p>	<p>There is no such provision under Law 4307/14. No information available.</p>
<p>Q2.13. Is there a right to appeal the forwarding of the judgment/decision in the issuing state? If yes, please briefly provide information (e.g. how the suspect is made aware of his/her right to appeal and what support is made available to him/her)</p>	<p>There is no such provision under Law 4307/14.</p>	<p>There is no such provision under Law 4307/14.</p>	<p>There is no such provision under Law 4307/14.</p>

<p>Q2.14. Does the suspect/sentenced person have a right to a regular review of the decision on the transfer in the issuing state? If yes, please briefly provide information (e.g. how often he/she can exercise this right)</p>	<p>There is no such provision under Law 4307/14.</p>	<p>There is no such provision under Law 4307/14.</p>	<p>There is no such provision under Law 4307/14.</p>
<p>Q2.15. Is the suspect/sentenced person assisted by legal counsel in the executing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone?)</p>	<p>Yes. Every suspect/sentenced person has the right to a legal counsel during all stages of criminal proceedings. Legal advice can be provided either face to face or over the telephone²².</p>	<p>Yes. Every suspect/sentenced person has the right to a legal counsel during all stages of criminal proceedings. Legal advice can be provided either face to face or over the telephone²³.</p>	<p>Yes. Every suspect/sentenced person has the right to a legal counsel during all stages of criminal proceedings. Legal advice can be provided either face to face or over the telephone²⁴.</p>
<p>Q2.16. Have there been instances where the Member State has refused a transfer based on a pre-determined ground of refusal, as permitted to a varying extent under each FD? If so, please briefly provide details.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 3 para. 1 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 25 para. 1 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 43 para. 1 Law 4307/2014) to information requests.</p>

²² Greece, 'Code of Criminal Procedure' (*Κώδικας Ποινικής Δικονομίας*), Art. 100 (1) (340), (OG A' 121/8.8.1986), available at <http://www.eayth.gr/misc/KodikasPoinikisDikonomias.pdf> (in Greek).

²³ Greece, 'Code of Criminal Procedure' (*Κώδικας Ποινικής Δικονομίας*), Art. 100 (1) (340), (OG A' 121/8.8.1986), available at <http://www.eayth.gr/misc/KodikasPoinikisDikonomias.pdf> (in Greek).

²⁴ Greece, 'Code of Criminal Procedure' (*Κώδικας Ποινικής Δικονομίας*), Art. 100 (1) (340), (OG A' 121/8.8.1986), available at <http://www.eayth.gr/misc/KodikasPoinikisDikonomias.pdf> (in Greek).

<p>Q.2.17. Are there any specific legislative or policy developments regarding the informed consent to the transfer of particular suspects/sentenced persons (such as children or persons with disabilities) in the issuing state? (e.g. the use of healthcare professionals)</p>	<p>We are awaiting response from the Greek Ministry of Justice Transparency and Human Rights (central national authority as described in art. 3 para. 3 Law 4307/2014) to information requests.</p> <p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights to the information requests there is no legislative or policy development regarding the informed consent to the transfer of particular suspects/ sentenced persons.</p>	<p>We are awaiting response from the Greek Ministry of Justice Transparency and Human Rights (central national authority as described in art. 25 para. 3 Law 4307/2014) to information requests.</p> <p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights to the information requests there is no legislative or policy development regarding the informed consent to the transfer of particular suspects/ sentenced persons.</p>	<p>We are awaiting response from the Greek Ministry of Justice Transparency and Human Rights (central national authority as described in art. 43 para. 3 Law 4307/2014) to information requests.</p> <p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and Human Rights to the information requests there is no legislative or policy development regarding the informed consent to the transfer of particular suspects/ sentenced persons.</p>
TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q3. DECISION ON TRANSFER			
<p>Q3.1. Are the following factors considered while deciding on forwarding a judgment or decision in the issuing state?</p> <p>We are awaiting response from the Public Prosecutor’s Office (competent authority as described in art. 3 para. 2, art. 25 para. 2 and art. 43 para. 2 Law 4307/2014) to information requests.</p>			
<ul style="list-style-type: none"> The likely impact on the social rehabilitation of the suspect/sentenced person? 			

<ul style="list-style-type: none"> • Fundamental rights implications (such as the right to family life, right to education)? 			
<ul style="list-style-type: none"> • Others? Please specify. 			
<p>Q3.2: While deciding on the transfer, are there any specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation in the issuing state? Please provide any document containing those criteria/guidelines and specify whether the following factors are considered:</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 3 para. 2 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 25 para. 2 Law 4307/2014) to information requests.</p>	<p>We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 43 para. 2 Law 4307/2014) to information requests.</p>
<ul style="list-style-type: none"> • Family and social ties (e.g. accommodation, employment or other economic ties, linguistic and cultural links)? 			
<ul style="list-style-type: none"> • Criminal history and criminal ties? 			
<ul style="list-style-type: none"> • Humanitarian concerns (i.e. terminal illness of suspect/sentenced person or family members)? 			
<ul style="list-style-type: none"> • Detention conditions (e.g. issues of overcrowding or availability of courses, such as the <i>Modulos</i> in Spain which has separate units to promote a progressive accountability of inmates) 			

<ul style="list-style-type: none"> • Others? 			
<p>Q.3.3. Are the following persons/entities consulted in the evaluation of the likelihood of social rehabilitation by the issuing state:</p> <p>We are awaiting response from the Public Prosecutor’s Office (competent authority as described in art. 3 para. 2, art. 25 para. 2 and art. 43 para. 2 Law 4307/2014) to information requests.</p>			
<ul style="list-style-type: none"> • Probation agencies or similar entities in the issuing state? 			
<ul style="list-style-type: none"> • The competent authorities in the executing state? 			
<ul style="list-style-type: none"> • The suspect/sentenced person? 			
<ul style="list-style-type: none"> • The family of the suspect/sentenced persons, especially with regard to child offenders? 			
<ul style="list-style-type: none"> • Any other person/entity? 			
<p>Q3.4. Are there any specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/sentenced persons (such as children or persons with disabilities) by the issuing state?</p>	<p>We are awaiting response from the Greek Ministry of Justice Transparency and Human Rights (central national authority as described in art. 3 para. 3 Law 4307/2014) to information requests.</p> <p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and</p>	<p>We are awaiting response from the Greek Ministry of Justice Transparency and Human Rights (central national authority as described in art. 25 para. 3 Law 4307/2014) to information requests.</p> <p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry</p>	<p>We are awaiting response from the Greek Ministry of Justice Transparency and Human Rights (central national authority as described in art. 43 para. 3 Law 4307/2014) to information requests.</p> <p>According to the 8-6-2015 (prot.no.45753/8-6-2015) response of the Greek Ministry of Justice Transparency and</p>

	Human Rights to the information requests there is no legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/ sentenced persons.	of Justice Transparency and Human Rights to the information requests there is no legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/ sentenced persons.	Human Rights to the information requests there is no legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/ sentenced persons.
Q3.5. Is additional information, other than that required in the certificate (for which the standard form is given in Annex I of the three FDs), provided to the competent authorities of the executing state while forwarding the judgment or decision? If yes, please specify if pre-sentence reports are forwarded.	We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 3 para. 2 Law 4307/2014) to information requests.	We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 25 para. 2 Law 4307/2014) to information requests.	We are awaiting response from the Public Prosecutor's Office (competent authority as described in art. 43 para. 2 Law 4307/2014) to information requests.
Q3.6. If pre-sentence reports are forwarded by the issuing state, are they translated to the language of the executing state?	See above Q 3.5.	See above Q 3.5.	See above Q 3.5.
Q3.7. Are there specific measures, as required by Article 4 (6) FD 909, which constitute the basis on which the competent authorities in the executing State have to take their decisions whether or not to consent to the forwarding of the judgement and the certificate (where required)?	According to art. 9 para. 5 of Law 4307/2014, if the Public Prosecutor believes that recognition of the judgement and enforcement of the sentence would not facilitate social rehabilitation and successful reintegration of the sentenced person into society, he/she informs the competent authority		

	<p>of the issuing state. However, no specific measure has been adopted by Law 4307/14 that could constitute the basis on which the Public Prosecutor has to take the decision whether or not to consent to the forwarding of the judgment and the certificate in case.</p>		
<p>Q3.8. Are there formal and clear rules regarding data protection in the information exchange between:</p>	<p>There are no specific rules for this issue. There are no provisions regarding data protection in Law 4307/2014.</p>		
<ul style="list-style-type: none"> National authorities (consulted in the evaluation of the likelihood of social rehabilitation) in the issuing state? 			
<ul style="list-style-type: none"> Authorities in the issuing and executing state? 			

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q4. VICTIMS			
<p>Q4.1. Do the victims have the right to receive the following information regarding the transfer from the issuing state:</p> <p>There are no provisions at all regarding victims' rights in the transposition law. Therefore, it is a matter of interpretation whether national legislation on victims' rights applies to the issue of transfer. Given though the fact that the transposition law has not yet been implemented, it would be arbitrary to take position on this issue.</p>			
<ul style="list-style-type: none"> The decision to transfer 			
<ul style="list-style-type: none"> The status of the transfer 			
<ul style="list-style-type: none"> Other? Please specify. 			
<p>Q4.2. Is there any procedure in place to provide this information as issuing or executing state? If yes, please specify:</p>			
<ul style="list-style-type: none"> Is the information provided upon request of the victim? 			
<ul style="list-style-type: none"> Who responsible for providing this information? 			
<ul style="list-style-type: none"> Is it a verbal or written communication? 			
<p>Q4.3. Do the victims have the right to be heard concerning the transfer (in the state you are describing, as issuing or executing state)? (e.g. through submitting an oral or written response)</p>			

<p>Q4.4. Do the victims have any other rights concerning the transfer (in the state you are describing, as issuing or executing state)? Please specify.</p>			
<p>Q4.5. Do the victims have access to translators/interpreter in order to be kept fully informed of the transfer (in the state you are describing, as issuing or executing state)?</p>			
<p>Q4.6. Do the victims have the right to be informed of the suspect/sentenced person's release (in the state you are describing, as issuing or executing state)?</p>			