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ex certis

THE CONSTITUTION OF GREECE

In the name of the Holy and Consubstantial and Indivisible Trinity

THE FIFTH REVISIONARY PARLIAMENT OF THE HELLENES
RESOLVES

June 11, 1975

PART ONE BASIC PROVISIONS

SECTION I THE FORM OF GOVERNMENT

Article 1

1. The form of government of Greece is that of a parliamentary republic.
2. Popular sovereignty is the foundation of government.
3. All powers derive from the People and exist for the People and the Nation; they shall be exercised as specified by the Constitution.

Article 2

1. Respect and protection of the value of the human being constitute the primary obligations of the State.
2. Greece, adhering to the generally recognised rules of international law, pursues the strengthening of peace and of justice, and the fostering of friendly relations between peoples and States.

SECTION II RELATIONS OF CHURCH AND STATE

Article 3

1. The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The Orthodox Church of Greece, acknowledging our Lord Jesus Christ as its head, is inseparably united in doctrine with the Great Church of Christ in Constantinople and with every other Church of Christ of the same doctrine, observing unwaveringly, as they do, the holy apostolic and syn-odal canons and sacred traditions. It is autocephalous and is administered by the Holy Synod of serving Bishops and the Permanent Holy Synod originating thereof and assembled as specified by the Statutory Charter of the Church in compliance with the provisions of the Patriarchal Tome of June 29, 1850 and the Synodal Act of September 4, 1928.
2. The ecclesiastical regime existing in certain districts of the State shall not be deemed contrary to the provisions of the preceding paragraph.
3. The text of the Holy Scripture shall be maintained unaltered. Official translation of the text into any other form of language, without prior sanction by the Autocephalous Church of Greece and the Great Church of Christ in Constantinople, is prohibited.

PART TWO INDIVIDUAL AND SOCIAL RIGHTS

Article 4

1. All Greeks are equal before the law.
2. Greek men and women have equal rights and equal obligations.
3. All persons possessing the qualifications for citizenship as specified by law are Greek citizens. Withdrawal of Greek citizenship shall be permitted only in case of voluntary acquisition of another citizenship or of undertaking service contrary to national interests in a foreign country, under the conditions and procedures more specifically provided by law.
4. Only Greek citizens shall be eligible for public service, except as otherwise provided by special laws.
5. Greek citizens contribute without distinction to public charges in proportion to their means.
6. Every Greek capable of bearing arms is obliged to contribute to the defence of the Fatherland as provided by law.
7. Titles of nobility or distinction are neither conferred upon nor recognized in Greek citizens.

Article 5

1. All persons shall have the right to develop freely their personality and to participate in the social, economic and political life of the country, insofar as they do not infringe the rights of others or violate the Constitution and the good usages.
 2. All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law.
- The extradition of aliens prosecuted for their action as freedom-fighters shall be prohibited. 3. Personal liberty is inviolable. No one shall be prosecuted, arrested, imprisoned or otherwise confined except when and as the law provides.
4. Individual administrative measures restrictive of the free movement or residence in the country, and of the free exit and entrance therein of every Greek shall be prohibited. Such measures may be imposed in exceptional cases of emergency and only in order to prevent the commitment of criminal acts, following a criminal court ruling, as specified by law. In extremely urgent cases the ruling may be issued after the administrative measure has been imposed and within three days at the latest; otherwise it is lifted ipso jure.

Interpretative clause:

Paragraph 4 does not preclude the prohibition of exit from the country for persons being prosecuted on criminal charges by act of the public prosecutor, or the imposition of measures necessary for the protection of public health or the health of sick persons, as specified by law.

Article 6

1. No person shall be arrested or imprisoned without a reasoned judicial warrant which must be served at the moment of arrest or detention pending trial, except when caught in the act of committing a crime.
2. A person who is arrested in the act of committing a crime or on a warrant shall be brought before the competent examining magistrate within twenty-four hours of his arrest at the latest; should the arrest be made outside the seat of the examining magistrate, within the shortest time required to transfer him thereto. The examining magistrate must, within three days from the day the person was brought before him, either release the detainee or issue a warrant of imprisonment. Upon application of the person brought before him or in case of force majeure confirmed by decision of the competent judicial council, this time-limit shall be extended by two days.
3. Should either of these time-limits elapse before action has been taken, any warden or other officer, civil or military servant, responsible for the detention of the arrested person must release him

immediately. Violators shall be punished for illegal detention and shall be liable to restore any damage caused to the sufferer and to pay him a monetary compensation for pain and suffering, as specified by law.

4. The maximum duration of detention pending trial shall be specified by law; such detention may not exceed a period of one year in the case of felonies or six months in the case of misdemeanours. In entirely exceptional cases, the maximum durations may be extended by six or three months respectively, by decision of the competent judicial council.

Article 7

1. There shall be no crime, nor shall punishment be inflicted unless specified by law in force prior to the perpetration of the act, defining the constitutive elements of the act. In no case shall punishment more severe than that specified at the time of the perpetration of the act be inflicted.

2. Torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited and punished as provided by law.

3. General confiscation of property is prohibited. The death sentence shall not be imposed for political crimes, unless these are composite.

4. The conditions under which the State, following a judicial decision, shall indemnify persons unjustly or illegally convicted, detained pending trial, or otherwise deprived of their personal liberty shall be provided by law.

Article 8

No person shall be deprived of the judge assigned to him by law against his will.

Judicial committees or extraordinary courts, under any name whatsoever, shall not be constituted.

Article 9

1. Every person's home is a sanctuary. The private and family life of the individual is inviolable. No home search shall be made, except when and as specified by law and always in the presence of representatives of the judicial power.

2. Violators of the preceding provision shall be punished for violating the home's asylum and for abuse of power, and shall be liable for full damages to the sufferer, as specified by law.

Article 10

1. Each person, acting on his own or together with others, shall have the right, observing the laws of the State, to petition in writing public authorities, who shall be obliged to take prompt action in accordance with provisions in force, and to give a written and reasoned reply to the petitioner as provided by law.

2. Prosecution of the person who has submitted a petition for punishable acts contained therein shall be permitted only after notification of the final decision of the authority to which the petition was addressed has taken place and after permission of this authority has been obtained.

3. A request for information shall oblige the competent authority to reply, provided the law thus stipulates.

Article 11

1. Greeks shall have the right to assemble peaceably and unarmed.

2. The police may be present only at outdoor public assemblies. Outdoor assemblies may be prohibited by a reasoned police authority decision, in general if a serious threat to public security is imminent, and in a specific area, if a serious disturbance of social and economic life is threatened, as specified by law.

Article 12

1. Greeks shall have the right to form non-profit associations and unions, in compliance with the law, which, however, may never subject the exercise of this right to prior permission.
2. An association may not be dissolved for violation of the law or of a substantial provision of its statutes, except by court judgment.
3. The provisions of the preceding paragraph shall apply, as the case may be, to unions of persons not constituting an association.
4. Restrictions on the right of civil servants to associate may be imposed by statute. Restrictions on this right may also be imposed on employees of local government agencies or other public law legal persons or public corporations.
5. Agricultural and urban cooperatives of all types shall be self-governed according to the provisions of the law and of their statutes; they shall be under the protection and supervision of the State which is obliged to provide for their development.
6. Establishment by law of compulsory cooperatives serving purposes of common benefit or public interest or common exploitation of farming areas or other wealth producing sources shall be permitted, on condition however that the equal treatment of all participants shall be assured.

Article 13

1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual's religious beliefs.
2. All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. The practice of rites of worship is not allowed to offend public order or the good usages. Proselytism is prohibited.
3. The ministers of all known religions shall be subject to the same supervision by the State and to the same obligations toward it as those of the prevailing religion.
4. No person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions.
5. No oath shall be imposed or administered except as specified by law and in the form determined by law.

Article 14

1. Every person may express and propagate his thoughts orally, in writing and through the press in compliance with the laws of the State.
2. The press is free. Censorship and all other preventive measures are prohibited.
3. The seizure of newspapers and other publications before or after circulation is prohibited. Seizure by order of the public prosecutor shall be allowed exceptionally after circulation and in case of:
 - a) an offence against the Christian or any other known religion.
 - b) an insult against the person of the President of the Republic.
 - c) a publication which discloses information on the composition, equipment and set-up of the armed forces or the fortifications of the country, or which aims at the violent overthrow of the regime or is directed against the territorial integrity of the State.
 - d) an obscene publication which is obviously offensive to public decency, in the cases stipulated by law.
4. In all the cases specified under the preceding paragraph, the public prosecutor must, within twenty-four hours from the seizure, submit the case to the judicial council which, within the next twenty-four hours, must rule whether the seizure is to be maintained or lifted; otherwise it shall be

lifted ipso jure. An appeal may be lodged with the Court of Appeals and the Supreme Civil and Criminal Court by the publisher of the newspaper or other printed matter seized and by the public prosecutor.

5. The manner in which full retraction shall be made in cases of inaccurate publications shall be determined by law.

6. After at least three convictions within five years for the criminal acts defined under paragraph 3, the court shall order the definitive ban or the temporary suspension of the publication of the paper and, in severe cases, shall prohibit the convicted person from practising the profession of journalist as specified by law. The ban or suspension of publication shall be effective as of the date the court order becomes irrevocable.

7. Press offences shall be subject to immediate court hearing and shall be tried as provided by law.

8. The conditions and qualifications requisite for the practice of the profession of journalist shall be specified by law.

9. The law may specify that the means of financing newspapers and periodicals should be disclosed.

Article 15

1. The protective provisions for the press in the preceding article shall not be applicable to films, sound recordings, radio, television or any other similar medium for the transmission of speech or images.

2. Radio and television shall be under the immediate control of the State and shall aim at the objective transmission, on equal terms, of information and news reports as well as works of literature and art; the qualitative level of programs shall be assured in consideration of their social mission and the cultural development of the country.

Article 16

1. Art and science, research and teaching shall be free and their development and promotion shall be an obligation of the State. Academic freedom and freedom of teaching shall not exempt anyone from his duty of allegiance to the Constitution.

2. Education constitutes a basic mission for the State and shall aim at the moral, intellectual, professional and physical training of Greeks, the development of national and religious consciousness and at their formation as free and responsible citizens.

3. The number of years of compulsory education shall be no less than nine.

4. All Greeks are entitled to free education on all levels at State educational institutions. The State shall provide financial assistance to those who distinguish themselves, as well as to students in need of assistance or special protection, in accordance with their abilities.

5. Education at university level shall be provided exclusively by institutions which are fully self-governed public law legal persons. These institutions shall operate under the supervision of the State and are entitled to financial assistance from it; they shall operate on the basis of statutorily enacted by-laws. Merging or splitting of university level institutions may take place notwithstanding any contrary provisions, as a law shall provide.

A special law shall define all matters pertaining to student associations and the participation of students therein. 6. Professors of university level institutions shall be public functionaries. The remaining teaching personnel likewise perform a public function, under the conditions specified by law. The statutes of respective institutions shall define matters relating to the status of all the above. Professors of university level institutions shall not be dismissed prior to the lawful termination of their term of service, except in the cases of the substantive conditions provided by article 88 paragraph 4 and following a decision by a council constituted in its majority of highest judicial functionaries, as specified by law.

The retirement age of professors of university level institutions shall be determined by law; until such law is issued, professors on active service shall retire ipso jure at the end of the academic year at which they have reached the age of sixty-seven.

7. Professional and any other form of special education shall be provided by the State, through schools of a higher level and for a time period not exceeding three years, as specifically provided by law which also defines the professional rights of the graduates of such schools.

8. The conditions and terms for granting a license for the establishment and operation of schools not owned by the State, the supervision of such and the professional status of teaching personnel therein shall be specified by law.

The establishment of university level institutions by private persons is prohibited.

9. Athletics shall be under the protection and the ultimate supervision of the State.

The State shall make grants to and shall control all types of athletic associations, as specified by law.

The use of grants in accordance with the purpose of the associations receiving them shall also be specified by law.

Article 17

1. Property is under the protection of the State; rights deriving therefrom, however, may not be exercised contrary to the public interest.

2. No one shall be deprived of his property except for public benefit which must be duly proven, when and as specified by statute and always following full compensation corresponding to the value of the expropriated property at the time of the court hearing on the provisional determination of compensation. In cases in which a request for the final determination of compensation is made, the value at the time of the court hearing of the request shall be considered.

3. Any change in the value of expropriated property occurring after publication of the act of expropriation and resulting exclusively therefrom shall not be taken into account.

4. Compensation shall in all cases be determined by civil courts. Such compensation may also be determined provisionally by the court after hearing or summoning the beneficiary, who may be obliged, at the discretion of the court, to furnish a commensurate guarantee for collecting the compensation as provided by law.

Prior to payment of the final or provisional compensation determined by the court, all rights of the owner shall be maintained intact and occupation of the property shall not be allowed.

Compensation in the amount determined by the court must in all cases be paid within one and one half years at the latest from the date of publication of the decision regarding provisional determination of compensation payable, and in cases of a direct request for the final determination of compensation, from the date of publication of the court ruling, otherwise the expropriation shall be revoked ipso jure. The compensation as such is exempt from any taxes, deductions or fees.

5. The cases in which compulsory compensation shall be paid to the beneficiaries for lost income from expropriated property until the time of payment of the compensation shall be specified by law.

6. In the case of execution of works serving the public benefit or being of a general importance to the economy of the country, a law may allow the expropriation in favour of the State of wider zones beyond the areas necessary for the execution of the works. The said law shall specify the conditions and terms of such expropriation, as well as the matters pertaining to the disposal for public or public utility purposes in general, of areas expropriated in excess of those required.

7. The digging of underground tunnels at the appropriate depth without compensation, may be allowed by law for the execution of works of evident public utility for the State, public law legal persons, local government agencies, public utility agencies and public enterprises, on condition that the normal exploitation of the property situated above shall not be hindered.

Article 18

1. The ownership and disposal of mines, quarries, caves, archaeological sites and treasures, mineral, running and underground waters and underground resources in general, shall be regulated by special laws.
2. The ownership, exploitation and administration of lagoons and large lakes, as well as the general disposal of areas resulting from the draining of such, shall be regulated by law.
3. Requisitions of property for the needs of the armed forces in case of war or mobilization, or for the purpose of facing an immediate social emergency that may endanger public order or health, shall be regulated by special laws.
4. The redistribution of agricultural areas for the purpose of exploiting the land more profitably, as well as the adoption of measures to prevent excessive parcelling or to facilitate restructuring of small parcelled farm holdings, shall be allowed in accordance with the procedure specified by special law.
5. In addition to the cases specified in the preceding paragraphs, the law may provide for other necessary deprivations of the free use and enjoyment of property, owing to special circumstances. The law shall specify the obligor and the procedure of payment to the person entitled to compensation for the use or enjoyment, which must be commensurate to the conditions present on each occasion. Measures imposed in accordance with this paragraph shall be lifted as soon as the special reasons that necessitated them cease to exist. In case of undue prolongation of the measures, the Supreme Administrative Court shall decide on their revocation, by categories of cases, upon recourse by any person having a legitimate interest.
6. A law may regulate the disposal of abandoned lands for the purpose of revalorizing them to the benefit of the national economy and the rehabilitation of destitute farmers. The same law shall provide for the matters of partial or full compensation of owners, in case of their reappearance within a reasonable time limit.
7. Compulsory joint ownership of adjoining properties in urban areas may be introduced by law, if independent rebuilding on the said properties or some of them does not conform with the applicable or prospective building regulations in the area.
8. Farmlands belonging to the Patriarchal Monasteries of Aghia Anastasia Pharmacolytria in Chalkidiki, of Vlatadhes in Thessaloniki and Ioannis the Evangelist Theologos in Patmos, with the exception of the dependencies thereof, cannot be subject to expropriation. Likewise the property in Greece of the Patriarchates of Alexandria, Antiocheia and Jerusalem and that of the Holy Monastery of Mount Sinai cannot be subject to expropriation.

Article 19

Secrecy of letters and all other forms of free correspondence or communication shall be absolutely inviolable. The guaranties under which the judicial authority shall not be bound by this secrecy for reasons of national security or for the purpose of investigating especially serious crimes, shall be specified by law.

Article 20

1. Every person shall be entitled to receive legal protection by the courts and may plead before them his views concerning his rights or interests, as specified by law.
2. The right of a person to a prior hearing also applies in any administrative action or measure adopted at the expense of his rights or interests.

Article 21

1. The family, being the cornerstone of the preservation and the advancement of the Nation, as well as marriage, motherhood and childhood, shall be under the protection of the State.
2. Families with many children, disabled war and peace-time veterans, war victims, widows and

orphans, as well as persons suffering from incurable bodily or mental ailments are entitled to the special care of the State.

3. The State shall care for the health of citizens and shall adopt special measures for the protection of youth, old age, disability and for the relief of the needy.

4. The acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special State care.

Article 22

1. Work constitutes a right and shall enjoy the protection of the State, which shall seek to create conditions of employment for all citizens and shall pursue the moral and material advancement of the rural and urban working population.

All workers, irrespective of sex or other distinctions, shall be entitled to equal pay for work of equal value.

2. General working conditions shall be determined by law, supplemented by collective labour agreements contracted through free negotiations and, in case of the failure of such, by rules determined by arbitration.

3. Any form of compulsory work is prohibited.

Special laws shall determine the requisition of personal services in case of war or mobilization or to face defence needs of the country or urgent social emergencies resulting from disasters or liable to endanger public health, as well as the contribution of personal work to local government agencies to satisfy local needs.

4. The State shall care for the social security of the working people, as specified by law.

Interpretative clause:

The general working conditions include the definition of the manner of collection and the agent obliged to collect and return to trade unions membership fees, specified in their respective by-laws.

Article 23

1. The State shall adopt due measures safeguarding the freedom to unionise and the unhindered exercise of related rights against any infringement thereon within the limits of the law.

2. Strike constitutes a right to be exercised by lawfully established trade unions in order to protect and promote the financial and the general labour interests of working people.

Strikes of any nature whatsoever are prohibited in the case of judicial functionaries and those serving in the security corps. The right to strike shall be subject to the specific limitations of the law regulating this right in the case of public servants and employees of local government agencies and of public law legal persons as well as in the case of the employees of all types of enterprises of a public nature or of public benefit, the operation of which is of vital importance in serving the basic needs of the society as a whole. These limitations may not be carried to the point of abolishing the right to strike or hindering the lawful exercise thereof.

Article 24

1. The protection of the natural and cultural environment constitutes a duty of the State. The State is bound to adopt special preventive or repressive measures for the preservation of the environment. Matters pertaining to the protection of forests and forest expanses in general shall be regulated by law. Alteration of the use of state forests and state forest expanses is prohibited, except where agricultural development or other uses imposed for the public interest prevail for the benefit of the national economy.

2. The master plan of the country, and the arrangement, development, urbanisation and expansion of towns and residential areas in general, shall be under the regulatory authority and the control of the State, in the aim of serving the functionality and the development of settlements and of securing the

best possible living conditions.

3. For the purpose of designating an area as residential and of activating its urbanisation, properties included therein must participate, without compensation from the respective agencies, in the disposal of land necessary for the construction of roads, squares and public utility areas in general, and contribute toward the expenses for the execution of the basic public urban works, as specified by law.

4. The law may provide for the participation of property owners of an area designated as residential in the development and general accommodation of that area, on the basis of an approved town plan, in exchange for real estate or apartments of equal value in the parts of such areas that shall finally be designated as suitable for construction or in buildings of the same area.

5. The provisions of the preceding paragraphs shall also be applicable in the rehabilitation of existing residential areas. Spaces remaining free after rehabilitation shall be allotted to the creation of common utility areas or shall be sold to cover expenses incurred for the rehabilitation, as specified by law.

6. Monuments and historic areas and elements shall be under the protection of the State. A law shall provide for measures restrictive of private ownership deemed necessary for protection thereof, as well as for the manner and the kind of compensation payable to owners.

Article 25

1. The rights of man as an individual and as a member of the society are guaranteed by the State and all agents of the State shall be obliged to ensure the unhindered exercise thereof.

2. The recognition and protection of the fundamental and inalienable rights of man by the State aims at the achievement of social progress in freedom and justice.

3. The abusive exercise of rights is not permitted.

4. The State has the right to claim of all citizens to fulfil the duty of social and national solidarity.

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Article 109

1. Alteration of the contents or terms of a will, codicil or donation as to the provisions benefiting the State or a charitable cause is prohibited.
2. Exceptionally, a more beneficial use or disposal of a bequest or donation, for the same or for another charitable cause in the area designated by the donor or the testator, or in the greater district thereabout, shall be permitted, as specified by law, after it is certified by a court judgement that for any reason whatsoever, the will of the donor or the testator cannot be fulfilled, either in whole or to its greatest extent as well as if it can be more fully satisfied by the change of use.