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FLASH REPORT

Country:	Greece
Title:	Repeal of Article 361B of the Greek Criminal Code
Date:	15 July 2019
Expert:	Theodoridis Athanasios
Context	
Issue at stake:	Abolition of punishment of activities of discriminatory provision of goods and services
Grounds of discrimination:	Racial or ethnic origin, Religion or belief, Disability, Sexual orientation, Transgender, Other ground
Field of application:	Goods and services
Source:	National legislation
Applicable law:	Law 4619/2019, Chapter 21

Content

Law development: The new Criminal Code in Greece, which was introduced by Law 4619/2019¹ and came into force on 1 July 2019 by replacing the previous Code of the year 1950, abolished Article 361B that concerned punishment of provision of goods and services in case this provision was based on grounds of discrimination. Article 361B had been introduced in the previous Criminal Code by Article 29 of Law 4356/2015.²

This Article used to punish specific activities of racist groups such as 'distribution of food as a charity *only for Greeks*'.

In specific, Chapter 21 of the current Greek Criminal Code abrogates Article 361B of the previous Code which stated: '1. Whoever supplies goods or offers services or announces through a public call the supply of goods or provision of services by excluding out of disdain individuals based on characteristics of race, colour, national or ethnic origin, genealogical origin, religion, disability, sexual orientation, identity or gender characteristics, shall be punished with imprisonment of a minimum of 3 months and a fine of at least EUR 1 500'.

However, it should be highlighted that this repeal does not affect the general interdiction of discrimination regarding access to goods and services as stipulated by the basic Anti-Discrimination Law 4443/2016.

More specifically, Article 3(2)(d) of Law 4443/2016 still prohibits discrimination in the 'access to and supply of goods and services which are available to the public, including housing' on the grounds of race, colour, national or ethnic origin and descent. Furthermore, Article 11 of Law 4443/2016 still stipulates that whoever refuses to provide

¹ Greece, Law 4619/2019 'on ratification of Criminal Code' (Νόμος 4619/2019 'για την κύρωση του Ποινικού Κώδικα') (OJ 95A/11.06.2019).

² Greece, Law 4356/2015 'on civil partnership, exercise of rights, penal and other provisions' (Νόμος 4356/2015 'για το σύμφωνο συμβίωσης, άσκηση δικαιωμάτων, ποινικές και άλλες διατάξεις') (OJ 181A/24.12.2015).

goods and services on grounds of race, colour, national or ethnic origin, descent, religious or other beliefs, sexual orientation, gender identity, sex characteristics or disability and chronic illness is punished with an imprisonment ranging from 3 months to 5 years and a fine ranging from EUR 1000 to EUR 5000.

Key points of analysis: The current Criminal Code that came into force on 1 July 2019 abolishes a legal provision aiming to punish bias behaviour which includes the exclusion of individuals from the supply of goods or services based on specific characteristics they may have.

Internet link source: <https://www.lawspot.gr/nomikes-plirofories/nomothesia/poinikos-kodikas-nomos-4619-2019>.