



MARANGOPOULOS
FOUNDATION
FOR HUMAN RIGHTS (MFHR)
ΙΔΡΥΜΑ ΜΑΡΑΓΚΟΠΟΥΛΟΥ
ΓΙΑ ΤΑ ΔΙΚΑΙΩΜΑΤΑ
ΤΟΥ ΑΝΘΡΩΠΟΥ (ΙΜΔΑ)

Athens, 13 February 2024

**PRESS RELEASE of the Marangopoulos Foundation for Human Rights
on the judgment of the ECtHR in the case of [X. v. Greece](#) (Application no. 38588/21), 13
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The case concerned the applicant's allegations that the Greek authorities did not conduct an effective investigation on her accusation for rape by a hotel barman in September 2019, when she was 18 years old and she was on vacation with her mother. She also claimed that the criminal procedure did not fulfil the necessary standards and that the authorities had violated their obligation to grant her legal protection and to protect her, being a victim of gender-based violence.

The European Court of Human Rights (ECtHR), at first, highlighted that the existing legal framework in Greece on gender-based violence, was not applied correctly in this case. The authorities did not effectively conduct the criminal investigation of the case and did not adequately inform the applicant for her rights, such as her right to legal assistance and interpretation. In addition, no sufficient measures were adopted in order to mitigate the applicant's traumatic experience while interacting with the police or during the medical examination. On the contrary, the applicant had to confront the accused in the hospital, as well as during the identification procedure.

Similarly, neither the Prosecution nor the domestic Court had taken into consideration the particular circumstances of the case in the light of gender-based violence; they did not take into account the particular psychological condition of the applicant and they did not make any serious effort to clarify the circumstances and the evidence of the case.

Without expressing an opinion on the guilt of the accused, the ECtHR concluded in that the investigative and judicial authorities had not sufficiently investigated the applicant's allegations on rape. The aforementioned conclusions of the ECtHR had already been confirmed by GREVIO's Baseline Evaluation Report on Greece, published in November 2023, in which the Experts expressed their concern on the low rate of sentences, demonstrating, inter alia, that the investigation processes are not effective.

As a result, the Strasbourg Court concluded in that there has been violation of articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life) of the European Convention of Human Rights.