



Greek National Commission for Human Rights (GNCHR)

**Submission to the United Nations Committee against Torture
on the List of Issues Prior to Reporting for the Eighth periodic
examination of Greece**

**under the Convention against Torture and other Cruel, Inhuman
or Degrading Treatment or Punishment**



February 2022



The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection and the National Human Rights Institution (NHRI). It was established in accordance with the UN Paris Principles and is governed by Law 4780/2021. Its members are persons appointed by forty-two institutions whose activities cover the field of human rights (independent Authorities, universities, third level trade unions, NGOs, political parties and the Administration).

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SUBMISSION TO THE UNITED NATIONS COMMITTEE AGAINST TORTURE ON THE LIST OF ISSUES PRIOR TO REPORTING FOR THE EIGHTH PERIODIC EXAMINATION OF GREECE UNDER THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT*

I. INTRODUCTION

1. The [Greek National Commission for Human Rights \(GNCHR\)](#) welcomes the opportunity to provide the United Nations Committee against Torture (the Committee) with information to inform its preparation of the List of Issues Prior to Reporting (LOIPR) for Greece, due to be examined by the Committee in its 73^d session. In this Report, the GNCHR suggests a number of questions for the Committee to address to Greece, due to be adopted by the Committee ahead of its Eighth periodic review of Greece, following the GNCHR's engagement with the Committee during Greece's Seventh periodic review in 2019¹. The GNCHR acknowledges the positive developments since the last periodic review, highlighting however the need for a more proactive approach to human rights protection.

Role and remit of the GNCHR

2. The GNCHR was established by Law 2667/1998 and, according to its founding legislation which was amended by [Law 4780/2021](#), is the National Human Rights Institution (NHRI) for Greece and the independent advisory body to the Greek State in accordance with the UN Paris Principles. The GNCHR was first granted *A status* by the Sub-Committee on Accreditation (SCA) of the International Coordinating Committee (ICC) of NHRIs, in 2001 and has since consistently maintained its *A status*, which was confirmed in March 2017. The GNCHR has a broad mandate, in accordance with the Paris Principles, to promote and protect human rights. This mandate covers the whole range of human rights, including social, economic and cultural rights, as they are enshrined in the Constitution, in international and European treaties and other normative texts as well as in soft law instruments such as declarations and guidelines. The GNCHR ensures pluralism both through its large and diverse membership as well as through its cooperation with a broad range of social forces involved in the promotion and protection of human rights in the Country. The GNCHR is currently comprised of 43 members, and an equal number of alternates, designated by diverse bodies, the activities of which cover the whole spectrum of human rights, such as: Non-Governmental Organisations (NGOs), third-level trade union organisations, independent authorities, universities, bar associations, political parties, Parliament and the Administration.

Content and sources of the Report

Content of the Report

3. The present Report contains suggested inquiries to the Committee on selected human rights areas protected within the scope of the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention). Bearing in mind that, in order to have an impact, the recommendations need to be clear and understandable to all

* The present submission was adopted by the GNCHR on 25 February 2022. Rapporteurs: Prof. Maria Gavouneli, GNCHR President and Ellie Varcahalama, GNCHR Second Vice-President. The GNCHR extends its gratitude to Alexandros Konstantinou, GNCHR Member and Member of the Greek Council for Refugees (GCR) Legal Unit, Antonia Pavli, Researcher at Observatory on Disability Issues of the National Confederation of Disabled People (NCDP), Ilias Giannopoulos, GNCHR Member and Legal advisor of the Panhellenic Confederation of Greek Rom (ELLAN PASSE) for their valuable contribution to the elaboration of the present report.

¹ GNCHR, Information relevant to the implementation of the Convention against Torture. [Submission](#) to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019.

relevant actors, including the State party, stakeholders and the public, the GNCHR has prioritised clear, specific and measurable recommendations. Furthermore, the GNCHR highlights that, by prioritising such recommendations, it will be easier to monitor the follow up process.

4. The Report follows essentially the main fields of interest of the Committee with regard to the situation in Greece as concerns the implementation of the Convention, returning to a number of themes outlined in the previous Concluding Observations (COBs) of the Committee and focusing where necessary on matters which are the most pressing or where the Committee is most interested, judging by the Principal subjects of concern and recommendations as outlined in the Follow up procedure². Noting the concerns raised and statements issued by UN Treaty Bodies with regard to the protection of rights during the COVID-19 pandemic, this submission will also, where relevant, touch on the impact the State's response to the pandemic has had on the enjoyment of the rights enshrined in the Covenant.

5. Moreover, the overall report has also been reviewed with specific consideration to relevant Sustainable Development Goals (SDGs), which are underpinned by international human rights standards and instruments and, where relevant, the GNCHR has made an effort to link the recommendations to specific SDGs. Thereby, the recommendations serve a dual purpose of strengthening the implementation of human rights and contributing to sustainable development in Greece. For the purpose of brevity, these references are footnoted throughout the report.

Sources of the Report

6. The content of the Report draws upon several sources of relevant information concerning the human rights situation in Greece and, most importantly, upon the diverse GNCHR work. In particular, the proposed recommendations are based on:

- treaty body recommendations and recommendations from special procedures,
- recommendations from other international human rights mechanisms, such as the Council of Europe,
- recommendations from GNCHR annual, as well as thematic Reports,
- information gathered at consultations with NGOs, experts and members of the community³ and
- evidence-based data, including desk research.

7. Due to space constraints, this Report does not reflect the full range of GNCHR's priorities or areas of concern. The GNCHR remains at the disposal of the Committee and its Secretariat to

² UN CAT, [Follow up issues](#), Greece; Information received from Greece on follow-up to the concluding observations on its seventh periodic report, 24 August 2020, [CAT/C/GRC/FCO/7](#); UN CAT, [Follow-up letter](#) sent to the State party: Request for further clarification, 25 October 2020.

³ Indeed, the GNCHR's Submission draws on the data available in the relevant Reports of the Members of the [Racist Violence Recording Network \(RVRN\)](#) and RVRN itself, which was established, in 2011, at the initiative of the GNCHR and the Office of the UN High Commissioner for Refugees in Greece (UNHCR) and consists today of fifty-one (51) Non-Governmental organisations (NGOs) and Civil Society Organisations (CSOs), which acknowledge and jointly pursue combating racist violence, as well as all racially motivated acts on the grounds of race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, sex characteristics and disability. The RVRN remains, without a doubt, the most effective mechanism for the avoidance of underreporting of hate crime in the country to date. Indeed, the RVRN's methodology and most of its observations are now considered as common ground and data published by the RVRN constitutes a reference point for national and international human rights institutions. In order to achieve on this and avoid a resurgence of racism, we need to rely more and more on the established procedures and practices of the Greek State.

further discuss the material presented in this submission and/or provide any clarification, further information or other assistance needed.

II. PRINCIPAL MATTERS OF CONCERN AND RECOMMENDATIONS

The key issues this report focuses on are:

Normative and institutional framework

8. With regard to the Country's international obligations, the GNCHR acknowledges with satisfaction that Greece has ratified nearly all of the core international human rights treaties. In this regard, it is worth mentioning that the GNCHR welcomed in principle the ratification of the ILO Violence and Harassment Convention 190, by Law 4808/2021 for the protection of the employment, acknowledging that it can contribute to the prevention of sexual and psychological violence at all levels and areas of activity, the punishment of perpetrators and, above all, the timely and appropriate protection of victims of violence and/or harassment, provided that it will not remain inactive and that is accompanied by appropriate implementation measures⁴. However, the GNCHR deplored the way the Greek legislator chose to ratify the ILO C190, as the bill submitted to Parliament (now voted Law 4808/2021) raised serious issues regarding the Convention's effective implementation. In addition, the GNCHR placed particular emphasis on the confusion caused by the bill with regard to the limits of the relative competences of the finally three (3) co-responsible Independent Authorities – the Labor Inspectorate (SEPE), the Ombudsman and the National Transparency Authority – stressing that ambiguity and duplication of responsibilities are to the detriment of victims of violence and harassment, as well as of CSOs assisting them. To this end, the GNCHR recommended the clarification and complete rewording of the relevant provisions, a recommendation which was not accepted in the final text⁵.

Suggested question:

9. **How is the substantial implementation of the ratified international and regional human rights instruments assessed in practice and how are the progress made and the effectiveness of the relevant measures and actions measured in fact.**

COVID-19 impact on human rights

10. The GNCHR has pointed out that the pandemic has caused an unprecedented health, economic, social and humanitarian crisis⁶, exacerbating pre-existing systemic inequalities, discrimination and marginalisation, while disproportionately affecting the most vulnerable social groups, including Roma, refugees, asylum-seekers and migrants, detainees, persons with disabilities and chronic diseases and LGBTQI+ people. The GNCHR has advocated with a strong voice for the imperative need to mitigate the adverse impact of both the financial and

⁴GNCHR, [Summary](#) in English language of the Observations on the Bill of the Ministry of Labor and Social Affairs regarding the protection of the employment, 10 June 2021, p. 2 [see the full text of the [GNCHR Observations](#) in Greek].

⁵ GNCHR, [Observations](#) on the Bill of the Ministry of Labor and Social Affairs regarding the protection of the employment, 14 June 2021, p. 19-20.

⁶ GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 8; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 3

the COVID-19 pandemic crisis and accelerate the social and economic recovery⁷, promoting the necessary "investment" in social rights and in their delivery, consistent with the use of maximum available resources⁸. The GNCHR strongly believes that human rights are key in shaping the pandemic response and they need to be at the centre of national strategies to combat COVID-19⁹. Nonetheless, the GNCHR notes with disappointment that, despite its repeated recommendations for the need to effectively monitor and assess the impact of both austerity measures and restrictive containment measures taken to tackle the COVID-19 pandemic, the cumulative impact of these measures has never been assessed¹⁰.

Suggested question:

11. What concrete steps have been taken to effectively monitor and assess the cumulative impact of both the austerity measures and restrictive containment measures taken to tackle the COVID-19 pandemic.

Incorporation of the Convention into domestic law – Definition and criminalisation of torture (Arts. 1 and 4, COBs par. 10-13)

12. The GNCHR recalls its previously formulated concerns, according to which the definition of torture, as mentioned in Article 137A of the reformed Criminal Code finally voted by the Greek parliament in 6 June 2019, remains considerably narrower than the one contained in the Convention¹¹. Despite the Government's effort to comply with the dispositions of the Convention¹², the non-compliance of the definition of torture in the Greek criminal law with

⁷ GNCHR, [Factsheet](#) on the Impact of Economic Reform Policies and Austerity Measures on Human Rights (2019), which summarises all relevant GNCHR statements, recommendations, reports and interventions. In this regard see also ECSR, [Statement](#) on COVID-19 and social rights, adopted on 24 March 2021, p. 2.

⁸ Addressing these issues will also support SDG Targets focused on reducing inequalities and the promotion of peace justice and strong institutions and, in particular, SDG targets 10.2 aiming at empowering and promoting by 2030 the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status; 10.3 aiming at ensuring equal opportunity and reducing inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard; 16.7 aiming at ensuring responsive, inclusive, participatory and representative decision making at all levels and 16.b on promoting and enforcing non-discriminatory laws and policies for sustainable development.

⁹ GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 10; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 3.

¹⁰ GNCHR, [Factsheet](#) on the Impact of Economic Reform Policies and Austerity Measures on Human Rights, 2019; GNCHR, [Observations](#) on the Draft Law of the Ministry of Labor and Social Affairs on the Protection of Labor - Establishment of an Independent Authority "Labor Inspection"- Ratification of the ILO Convention C190 on Violence and Harassment - Ratification of the ILO Convention C187 on the Promotional Framework for Occupational Safety and Health – Incorporation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 14 June 2021, p. 16-18; GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 7, 61-62; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 12.

¹¹ GNCHR, Information relevant to the implementation of the Convention against Torture. [Submission](#) to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p. 9-10.

¹² Indeed, in the explanatory report with regard to Article 2 of the draft law "Amendment of the Criminal Code, the Code of Criminal Procedure and relevant dispositions" (voted Law 4637/2019), "a second paragraph is added to Article 137A, so that our Country can fully adopt the definition of the International Convention against

the international human rights law standards and, in particular, with Article 1(1) of the Convention is an issue which has been raised by a number of international human rights bodies¹³ and other actors¹⁴.

Suggested question:

13. Provide updated information on any steps taken by the State to ensure that the definition of torture, as presented under Article 137A of the Criminal Code, is fully aligned with the standards contained in the Convention.

Fundamental legal safeguards for all detained persons in practice, including irregular migrants and refugees (Arts. 2, 11 and 16, COBs par. 14-15, 38-39)

○ *in police custody*

14. The GNCHR reiterates its concerns with regard to the procedural safeguards against ill-treatment that persons in police custody must enjoy, namely the rights to a medical doctor of their own choice, the right to be informed of their rights and be promptly presented to a judge, the right to be registered from the very outset of detention or the right to inform their relatives and their effective implementation in practice¹⁵. In particular, the GNCHR has serious reasons to consider that most of the issues with regard to the safeguards against ill-treatment in police custody have not been addressed by the competent State authorities, aligning itself with the consistent findings of the European Committee's for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Indeed, the CPT concluded, in 2020, that the Greek authorities have not taken sufficient measures since its 2015 and 2016 visits to its recommendations aimed at strengthening formal safeguards against ill-treatment in practice¹⁶, reiterating that the CPT's standards as regards procedural safeguards against ill-treatment are still not effectively implemented in Greece, as they do not for the most part apply in practice from the very outset of a person's deprivation of liberty (i.e. during the first hours of police custody, and particularly during the initial questioning by security police officers)¹⁷.

Torture". See Hellenic Parliament, Legislative Work, [Explanatory report](#) of the draft law "Amendment of the Criminal Code, the Code of Criminal Procedure and relevant dispositions", October 2019, p. 1.

¹³ CAT, Concluding observations on the combined fifth and sixth periodic reports of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 9; ECtHR, *Zontul v. Greece* [appl. no 12294/07], 17.1.2012; CPT, [Greece Report 2015](#) to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, p. 6; [Letter](#) of CoE Commissioner for Human Rights, 18 April 2017 and [Response](#) of Greek government, 28 April 2017.

¹⁴ The Greek Ombudsman, National Preventive Mechanism against Torture and Ill-treatment, [Annual Special Report 2019](#), p. 20-22; Amnesty International, *Greece: Briefing to Committee Against Torture*, October 2011, N. Sitaropoulos, [The incompatibility of the definition of torture in Greece with International Law](#), Verfblog, 19 January 2017.

¹⁵ GNCHR, Information relevant to the implementation of the Convention against Torture. [Submission](#) to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p. 11-12, 17-18.

¹⁶ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, [CPT/Inf \(2020\) 15](#), 9 April 2020, par. 93.

¹⁷ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, [CPT/Inf \(2020\) 15](#), 9 April 2020, par. 93-101. See also Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 April 2015, [CPT/Inf \(2016\) 4](#), 1 March 2016, par. 45; CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of

15. In fact, the right of access to a lawyer generally remains "theoretical and illusory" for those who do not have the financial means to pay for the services of a lawyer¹⁸, as the GNCHR has repeatedly stressed, highlighting the inadequacy of legal aid as it was structured and applied in Greece, especially for certain vulnerable groups, such as the Roma, since according to the GNCHR findings access to free legal assistance for the Roma community is often impossible due to the lack of valid records of Roma settlements in Greece and absence of accurate estimates of their population size¹⁹. In addition, the right of access to a doctor remains ineffective in practice for most persons deprived of their liberty by the police, while the principle of medical confidentiality for persons detained by the police is not always respected²⁰. This is a finding also highlighted by the National Preventive Mechanism (NPM) under OPCAT, the Greek Ombudsman, who confirms the ongoing systemic failures and weaknesses, such as understaffing in healthcare and social services with severe impact on detention conditions²¹. Indeed, the Greek Ombudsman has often observed and recorded in its reports the inadequacy of health care provided to prisoners, as well as the total lack of doctor or psychiatrist in some Detention Facilities. Last but not least, as for information on rights, according to the CPT's findings, there are allegations from detainees that they had not been informed of their rights or that they were unable to understand the information provided, while several foreign nationals claimed that they had signed documents in the Greek language without knowing their content²².

Suggested questions:

16. Provide updated information of concrete steps taken for the clarification of the legislative provisions on the rights of notification of custody and access to a lawyer and the extension of their application to criminal suspects as from the very outset of deprivation of liberty, as well as for their effective implementation in practice. Furthermore, provide further information on measures take to extend the existing legal aid system to the police investigation stage or when the suspect is questioned.

17. What concrete steps have been take for the application in practice of the procedural safeguards of swift and effective access to a doctor, of strict respect of medical confidentiality, as well as prompt access to services of an interpreter and adequate information about the detainees' rights, both orally and in writing.

Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 20013, [CPT/Inf \(2014\) 26](#), 16 October 2014, par. 27-32.

¹⁸ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, [CPT/Inf \(2020\) 15](#), 9 April 2020, par. 98.

¹⁹ GNCHR, [Observations](#) on the Draft Law of the Ministry of Justice, Transparency and Human Rights on "Providing Legal Assistance to Individuals" [in Greek] (2016).

²⁰ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, [CPT/Inf \(2020\) 15](#), 9 April 2020, par. 99.

²¹ The Greek Ombudsman, National Preventive Mechanism against Torture and Ill-treatment, [Annual Special Report 2019](#), p. 12.

²² CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, [CPT/Inf \(2020\) 15](#), 9 April 2020, par. 100.

○ *in psychiatric establishments*

18. The GNCHR has noted with great concern that very often, according to the CPT's findings, following its 2018 country visit in Greece²³, involuntary placement procedures do not offer guarantees of independence and impartiality as well as of objective medical expertise²⁴. These concerns are confirmed by the latest COBs on the seventh periodic report of Greece of the Committee against Torture (CAT)²⁵. In particular, it is deeply worrying that the statutory time limitations of the provisional placement are not respected, there is no distinction in Greek law between the procedure for involuntary placement in a psychiatric institution and the procedure for involuntary psychiatric treatment, voluntary patients are not required to sign a form on relevant admission issues, there isn't a complaint procedure in every psychiatric establishment, there is a significant monitoring gap, which needs to be remedied urgently, the time involuntary patients benefit from facilitated contact with the outside world is quite limited and compulsory placements of criminally irresponsible patients have not been subject to systematic court review, resulting to little progress towards release²⁶.

19. The GNCHR deplors that the medico-legal scheme of involuntary hospitalisation for persons with psychosocial disabilities still exists in Greece. Although in 2019, the Ministry of Health launched a draft law regarding involuntary hospitalisation for consultation²⁷, which according to the competent State authorities' response to the CPT²⁸ had integrated many of the CPT's recommendations, was never introduced to Parliament. Both the UN Committees against Torture and on the Rights of Persons with Disabilities on their latest Concluding Observations, dated 2019, have recommended the Greek state to reform relevant legislation in order to ensure that involuntary psychiatric hospitalisation is strictly necessary and proportionate and is applied as a measure of last resort and under the effective supervision and independent monitoring of judicial organs²⁹ or to repeal all laws allowing for the involuntary deprivation of liberty of persons based on their impairment³⁰. However, none of the above has occurred³¹. On the contrary, the Ministerial Decision Γ3α,β/Γ.Π.οικ.65047 on "Terms and conditions of involuntary hospitalisation in private psychiatric clinics", released

²³ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018, 19 February 2019, [CPT/Inf \(2019\) 4](#), par. 43-45.

²⁴ GNCHR, [Information](#) relevant to the implementation of the Convention against Torture. Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p. 12 et seq.

²⁵ CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 38-39.

²⁶ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018, 19 February 2019, [CPT/Inf \(2019\) 4](#), par. 48-54. Addressing these concerns with regard to ill-treatment in psychiatric establishments would also support delivery of SDG targets 16.1 aiming at significantly reducing all forms of violence and related death rates everywhere and 16.6 on developing effective, accountable and transparent institutions at all levels.

²⁷ Ministry of Health, [Draft law on Involuntary psychiatric placement](#), 8-22.5.2019.

²⁸ Response of the Greek Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Greece from 10 to 19 April 2018, [CPT/Inf \(2019\) 5](#), 19.2.2019, p. 3.

²⁹ CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 38-39.

³⁰ CRPD, Concluding observations on the initial report of Greece, 29 October 2019, [CRPD/C/GRC/CO/1](#), par. 21-22.

³¹ National Confederation of Disabled People (NCDP), Contribution to the GNCHR's Submission, received: 22 February 2022.

in October 2020, foresees the involuntary hospitalisation of persons with mental disabilities to private psychiatric clinics, "promoting" this way or "enhancing" the involuntary hospitalisation instead of abolishing it. Moreover, at the National Action Plan on the Rights of Persons with Disabilities³², which was released in December 2020, there is an action that concerns the modification of the existing legal framework for the involuntary hospitalisation for people with psychosocial disabilities, due to take place within 2021³³. However, nothing happened during 2021. Lastly, another issue is related to the psychiatric institutions concerns the lack of official data regarding the number of persons with psychosocial disabilities deprived of liberty.

Suggested questions:

20. What steps are being taken to implement effectively safeguards against ill-treatment in psychiatric establishments, ensuring in particular, among others, that the significant monitoring gap concerning the private sector institutions is remedied.

21. Provide updated information on steps taken to repeal all provisions that authorise involuntary hospitalisation in conformity with CRPD Articles 12, 14, 15, 17, 19, and 25 and recommendations. Furthermore, how do you ensure that involuntary psychiatric hospitalisation is strictly necessary and proportionate and is applied as a measure of last resort and under the effective supervision and independent monitoring of judicial organs.

22. What measures are being taken to ensure collection of disaggregated data on persons with disabilities, victims of ill-treatment, and placed within detention settings, to develop policies, programs, and campaigns to raise awareness and provide equal opportunities of protection and access to services.

23. What measures are being adopted to ensure that all health care and services provided to persons with disabilities, including all mental health care and services, are based on the free and informed consent of the person concerned (and not substituted by third party decision-makers such as family members or guardians).

o of foreign nationals deprived of their liberty under aliens legislation

24. The GNCHR recalls its repeatedly formulated recommendation, according to which, in the same way as other categories of detained persons, irregular migrants apprehended by the police in virtue of the applicable aliens' legislation should, from the very outset of their deprivation of liberty, enjoy three basic rights that are fundamental safeguards against ill-treatment, namely the rights of notification of custody, access to a lawyer and access to a doctor, confirming with regret that in practice things are quite different³⁴. In particular, the GNCHR shares the concerns of the CPT's delegation, from its most recent visit to Greece, according to which no noticeable developments have occurred since its previous visits to Greece, as far as the implementation in practice of these three basic rights³⁵. The CPT concluded, once again, that these fundamental safeguards against ill-treatment, for the most part, do not apply in practice from the very outset of a foreign national's deprivation of liberty

³² National Action Plan on the Rights of Persons with Disabilities, December 2020.

³³ National Action Plan on the Rights of Persons with Disabilities, December 2020, Goal 13: Quality Public Health for All, p. 37.

³⁴ GNCHR, Information relevant to the implementation of the Convention against Torture. Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p. 14-17, 18.

³⁵ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, CPT/Inf (2020) 35, par. 21.

and, more generally, remain ineffective, despite the existence of clear rules, making however clear that the suspension of the right to apply for asylum after 1 March 2020 does not in any way remove the legal right to benefit from these fundamental safeguards³⁶.

25. Though the Greek law (Art. 46(7) of Law 4375/2016) provides for access to free legal assistance for the review of detention, in practice no free legal aid system has been set up in order for asylum seekers to challenge their detention. Free legal assistance for detained asylum seekers provided by NGOs cannot sufficiently address the needs and in any event cannot exempt the Greek authorities from their obligation to provide free legal assistance and representation to asylum seekers in detention³⁷, as foreseen by the recast Reception Conditions Directive³⁸. As observed by the United Nations Special Rapporteur on the human rights of migrants, "legal aid in immigration detention facilities provided by non-governmental organizations (NGOs) is scarce due to funding shortages"³⁹. This, according to the AIDA Country report on Greece, continued to be the case in 2020, where only two to three NGOs were providing free legal assistance to detainees with limited resources and less than 10 lawyers in total focusing on detention countrywide⁴⁰.

26. As far as the procedural safeguards against ill-treatment of detained asylum seekers, the procedure of automatic judicial review of the decisions ordering or prolonging the detention of an asylum seeker as prescribed by Law 4375/2016 is highly problematic and illustrate the rudimentary and ineffective way in which this judicial review takes place⁴¹. On the other hand, the procedure of "objections against detention" presented before the Administrative Court, which is the only legal remedy provided by national legislation to challenge detention seems to be problematic as well. Over the years the European Court of Human Rights (ECtHR) has found that the objections remedy is not accessible in practice⁴², affected by the lack of interpreters and translation of the administrative decisions in a language they understand, as well as by the lack of free legal assistance for review of detention. In addition, the case law of Administrative Courts in 2020 has failed to take into account potent risks to the well-being of individuals on account of the COVID-19 pandemic. Courts have dismissed alleged risks of exposure to inappropriate detention conditions and of contracting COVID-19 in detention as unsubstantiated⁴³, without any assessment whatsoever of the conditions prevailing in pre-removal centres and their preparedness to prevent the spread of the COVID-19 pandemic. In other cases, courts have entirely disregarded the appellant's submissions relating to COVID-19 risks in detention⁴⁴.

Suggested questions:

³⁶ *Ibidem*.

³⁷ ECRE, AIDA Country [Report](#) Greece 2020, June 2021, p. 227.

³⁸ Article 9(6) recast Reception Conditions Directive.

³⁹ HRC, *Report of the Special Rapporteur on the human rights of migrants on his mission to Greece*, 24 April 2017, par. 49.

⁴⁰ ECRE, AIDA Country [Report](#) Greece 2020, June 2021, p. 227.

⁴¹ HRC, Report of the Special Rapporteur on the human rights of migrants, Addendum: Mission to Greece, 18 April 2013, A/HRC/23/46/Add.4, par. 57. According to the available data regarding detention orders for asylum seekers examined by the Administrative Court of Athens, in 2020, there have been no cases where the *ex officio* review did not approve the detention measure imposed. ECRE, AIDA Country [Report](#) Greece 2020, June 2021, p. 224-225.

⁴² ECtHR, *J.R. and Others v. Greece* [Application No 22696/16], Judgment of 25 January 2018; ECtHR, *O.S.A. v. Greece* [Application No 39065/16], Judgment of 21 March 2019; ECHR, *Kaak v. Greece* [Application No 34215/16], Judgment of 3 October 2019.

⁴³ Administrative Court of Athens, Decisions 358/2020, 359/2020 and 360/2020, 7 April 2020, par. 4; Decision 867/2020, 16 July 2020, par. 5; Administrative Court of Rhodes, Decision AP464/2020, 17 July 2020, par. 4(c).

⁴⁴ Administrative Court of Mytilene, Decision AP117/2020, 5 June 2020, par. 4. For further information see ECRE, AIDA Country [Report](#) Greece 2020, June 2021, p. 225-227.

27. **What further measures have been taken to ensure that all foreign nationals who are deprived of their liberty by the police under aliens' legislation are granted the rights of notification of custody, access to a lawyer and access to a doctor and are placed in a position to effectively exercise these rights as from the very outset of their deprivation of liberty.**

28. **How is it ensured in practice that all detained foreign nationals are systematically and fully informed of their rights, their legal situation (including the grounds for their detention) and the procedure applicable to them as from the very outset of their deprivation of liberty, if necessary, with the assistance of a qualified interpreter.**

29. **To clarify the manner in which respect for procedural guarantees in detention is being monitored.**

Non-refoulement (Arts. 2, 3, 11-13 and 16, COBs par. 16-17)

30. Although the phenomenon is not new⁴⁵, in recent years, and especially in 2020, there has been an increase in incidents reported by national⁴⁶ and international human rights monitoring bodies⁴⁷, civil society⁴⁸ and the press on individual or group pushbacks allegedly taking place at the Greek-Turkish land and sea borders - which also constitute the EU's external borders.

31. The GNCHR, deeply concerned with regard to the multiplication of reported incidents on pushbacks revealing a repeated methodology, issued a Statement⁴⁹ calling the Greek authorities to ensure that all State Authorities comply with the non-refoulement principle without exception by indicating a series of practical means to safeguard migrants rights and bring those responsible to justice. In addition, the GNCHR called Frontex to ensure that its operations at the EU external borders with Turkey comply with the non-refoulement principle and the duty to rescue persons in distress at sea. An alarming development in this field is the

⁴⁵GNCHR, [Proposals](#) for the Reception of Asylum Seekers and their access to asylum procedures, 6 June 2002.

⁴⁶Greek Ombudsman, [Interim Report](#): Alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection, 28 April 2021.

⁴⁷Council of Europe Commissioner for Human Rights, [Letter](#): Greek authorities should investigate allegations of pushbacks and ill-treatment of migrants, ensure an enabling environment for NGOs and improve reception conditions, 3 May 2021; United Nations High Commissioner for Refugees, [Briefing Note](#): UNCHR calls on Greece to investigate pushbacks at sea and land borders with Turkey, 12 June 2020; CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, [CPT/Inf \(2020\) 35](#), par. 53 et seq.; Human Rights Council, Working Group on Arbitrary Detention, Report following its Visit to Greece, 29 July 2020, [A/HRC/45/16/Add.1](#), par. 87; CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 16-17; Human Rights Committee, Report on follow-up to the concluding observations of the Human Rights Committee, 6 November 2018, [CCPR/C/124/2](#), p. 9-10; CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016, [CERD/C/GRC/CO/20-22](#), par. 22-23; Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, [CCPR/C/GRC/CO/2](#), par. 33-34.

⁴⁸Reports, information and complaints submitted by the Hellenic League for Human Rights, the Greek Council for Refugees and Amnesty International which are GNCHR's Members but also from Refugee Support Aegean, Human Rights 360, HIAS and ARSIS. Information also received during an online hearing of relevant stakeholders convened by the GNCHR on 18 June 2020. GNCHR, [Press Release](#): Hearing of public authorities and persons on refugee and migrant issues during the meeting of the Third Sub-Commission of the GNCHR, 19 June 2020.

⁴⁹GNCHR, [Statement](#) on the reported practices of push backs, 7 July 2020.

introduction of a new provision at the Greek law on returns, whereby rescue activities at sea by non-state actors are, under certain conditions, criminalised⁵⁰.

32. The GNCHR deplores that Greek authorities continue to assert that "allegations that law enforcement agents of the existing border services have misbehaved [...] do not correspond at all to reality and the operational activities carried out"⁵¹. However, the Committee, as stated in its follow-up letter sent to the State party requesting for further clarification, remains deeply concerned about additional recent reports⁵² of systematic and coordinated pushbacks of migrants and asylum seekers by Greek border guards at land and sea borders and regrets not having received detailed information on the outcome of the investigations, if any, into such alleged abuses⁵³.

33. Noting that, albeit repeated calls by the GNCHR and other national and international bodies upon the Greek Government to effectively investigate reported incidents of informal forced returns, the Greek Government still denies all allegations of pushbacks at the Greek-Turkish borders, the GNCHR has established a Mechanism for Recording Incidents of Informal Forced Returns (MRIIFR), with the participation of CSOs active in the field and with the assistance of European and international organisations. The main objectives of this initiative are: to monitor, record and raise awareness about the practices of informal forced returns of third country nationals from Greece to other countries; to promote and consolidate respect for the principle of non-refoulement in Greece and safeguard relevant guarantees and legal procedures; to strengthen accountability for alleged human rights violations occurring during informal forced returns of third-country nationals from our country to other countries, and to enhance the credibility of the reported incidents through the adoption of a common, transparent and scientific methodology in the recording.

Suggested question:

34. What concrete measures have been taken to ensure that State authorities comply with the non-refoulement principle without exception, act in conformity with it and carry out rescue at sea operations in a timely manner.

35. How do you plan to further enhance the criminal accountability of alleged perpetrators of acts which put the lives and safety of migrants and asylum seekers at risk, and ensure that victims, witnesses and claimants are protected against ill-treatment or intimidation that may arise as a consequence of their complaints.

Asylum system (Arts. 3, 11 and 16, COBs par. 18-19)

36. The GNCHR puts an emphasis on the quality of the asylum procedures and the capacity of the Asylum Service to meet the demands for access to asylum since the start of the operation of the Asylum Service in 2013, acknowledging that timely and fair access to asylum remains a structural and endemic problem in Greece⁵⁴. In particular, taking into account various

⁵⁰ Article 40 of Law 4825/2021.

⁵¹ Information received from Greece on follow-up to the concluding observations on its seventh periodic report, 24 August 2020, [CAT/C/GRC/FCO/7](#), par. 9

⁵² UNHCR, [Press Release](#): UNHCR's Assistant High Commissioner visit to Greece, 4 September 2020.

⁵³ UN CAT, [Follow-up letter](#) sent to the State party: Request for further clarification, 25 October 2020.

⁵⁴ GNCHR, [Information](#) relevant to the implementation of the Convention against Torture. Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p. 49-54. This is also confirmed by most of the UN human rights monitoring mechanisms, such as CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 18-19; CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016,

parameters, such as, among others, the increased number of arrivals in 2015 and 2016⁵⁵, the use of electronic means (online call via Skype) to facilitate access to registration of asylum claims, the accelerated special border procedure instituted by Greek Law 4675/2016 for those falling within the ambit of the EU-Turkey Statement which in practice fell short of necessary procedural safeguards, the de facto suspension of returns to Turkey for more than a year or, most recently, the expansion of the safe third country concept to other nationalities by a new Joint Ministerial Decision nr. 42799/2021, the GNCHR is of the opinion that tens of thousands of asylum seekers risk to be exposed to a situation of legal uncertainty; their applications for international protection already pending for months before the Greek Asylum Service will be rejected on admissibility grounds and they will be detained with a view to return to Turkey. However, without any tangible prospect of reactivation of returns to Turkey and without any guarantees that in fact, once returned to Turkey they will have access to asylum procedures, their right to asylum as well as other fundamental human rights are threatened⁵⁶.

37. Evaluating the application of new Law 4636/2019 on International Protection⁵⁷, asylum procedures at borders have been accelerated while significant delays in registration of asylum claims and in the examination of asylum applications at first and second degree still persist with regard to regular asylum procedures in mainland Greece. However, speedy asylum procedures ab initio entail fewer guarantees for the applicants. In practice, there is a widespread use of the possibility to service the decision to a third person (i.e. the Director of the Reception and Identification Center (RIC) or the detention center), the information on the content of the decision sometimes is in a language that they do not understand, identification of vulnerabilities may last longer than asylum procedure itself, all appeals against negative first decisions do not have an automatic suspensive effect while there is no free legal aid available for applicants at second degree and other irregularities of the system that can be detrimental to fair asylum procedures.

38. The competence of Independent Appeal Committees is shrunk following different legislative reforms. In 2020, the option to refer a case for humanitarian reasons to another department of the Ministry for Migration and Asylum has been removed (previous art. 67 of L. 4375/2016)⁵⁸. In 2021, asylum procedures were linked to return procedures while depriving Independent Appeal Committees of the competence to examine the grounds for postponement of removal⁵⁹.

[CERD/C/GRC/CO/20-22](#), par. 22-23; Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, [CCPR/C/GRC/CO/2](#), par. 29-30; CESCR, Concluding observations on the second periodic report of Greece, 27 October 2015, [E/C.12/GRC/CO/2](#), par. 11-12; CEDAW, Concluding observations on the seventh periodic report of Greece adopted by the Committee at its fifty fourth session (11 February – 1 March 2013), 26 March 2013, [CEDAW/C/GRC/CO/7](#), par. 34-35.

⁵⁵ According to [UNCHR data](#), 861.632 people arrived in Greece through sea or land in 2015 and 177.234 in 2016.

⁵⁶ GNCHR, [Reference Report](#) on the refugee and migrant issue [in Greek], September 2020, p. 53 et seq.; GNCHR, [Reference Report](#) on the refugee and migrant issue [in English], September 2020, p. 18.

⁵⁷ For further analysis on the GNCHR's positions see GNCHR, [Observations](#) on Draft Law of the Ministry for Citizen's Protection "On international protection: provisions for the recognition and status of third country national or stateless persons as beneficiaries of international protection and other provisions" [in Greek only] and GNCHR, [Observations](#) on Draft Law of Ministry for Migration and Asylum "Improvement of migration legislation, amendments of provisions of Laws 4636/2019, 4375/2016, 4251/2014 and other provisions" [[summary in English](#)]. For the current asylum procedure, visit the official website of the Ministry for Migration and Asylum, [Applying for Asylum](#).

⁵⁸ GNCHR, [Observations](#) on Draft Law of Ministry for Migration and Asylum "Improvement of migration legislation, amendments of provisions of Laws 4636/2019, 4375/2016, 4251/2014 and other provisions" (summary in English), April 2020.

⁵⁹ GNCHR, [Observations](#) on Draft Law of Ministry of Migration and Asylum "Reform of deportation and return procedures of third country nationals, issues of residence permits and procedures for granting international

39. As far as vulnerability identification in the asylum procedure is concerned, the GNCHR notes with concern that, despite the relevant legislative provisions in force, the shortage of medical and psychosocial care can make it extremely complicated and sometimes impossible for people seeking asylum to be (re)assessed during that process. As mentioned in AIDA's Country report, following the medical and psychosocial assessment, the medical psychosocial unit of the Reception and Identification Center (RIC) should inform the competent Regional Asylum Office or Autonomous Asylum Unit (AAU) of the Asylum Service⁶⁰. Accordingly, where vulnerability is not identified before the asylum procedure the initiation of a vulnerability assessment and further referral for vulnerability identification lies to a great extent at the discretion of the caseworker. As mentioned above, due to significant gaps in the provision of reception and identification procedures in 2020, owing to a significant understaffing of the National Organisation of Public Health (EODY) units and other issues, GCR has found that for a considerable number of applicants the asylum procedure was initiated without a proper medical screening and/or a psychosocial assessment having been concluded⁶¹.

40. More specifically, RSA, Pro-Asyl and MSF report a case – among many others - of a particularly vulnerable asylum seeker, survivor of serious and repeated violence which reflects "[t]he gravity of non-compliance of the Greek authorities with [...their] obligations". In this case, "[d]espite having been recognised by the Reception and Identification Service (RIS) as a survivor of torture, rape or other form of violence, [...the] Asylum Service at no point assessed whether the applicant was in need of special procedural guarantees on account of his health condition, and whether or not adequate support could be provided in his case, despite the prior submission of medical documents from the public hospital, documents attesting the person's inability to follow the demanding process of the asylum interview and recount extremely traumatic experiences, as well as documents highlighting the deterioration of his health condition stemming from the interview process. As a result, his case was not exempted from the border procedure as required by the law, even though the competent authorities were fully aware of the state of his health"⁶².

41. The GNCHR would also like to stress that, considering that up to 30% of refugees worldwide are victims of torture, there is a high chance that refugees and asylum seekers upon arriving in Greece to already be victims of torture, with disability and/or chronic diseases to be the consequence of this torture. For this reason, the assessment of disability and/or chronic diseases of migrants, refugees, and asylum seekers upon their arrival into the country is critical⁶³. The Greek general legal framework on Asylum Service and the First Reception Service includes provisions for the protection of migrants, refugees and asylum seekers with disabilities but its implementation is rather inefficient. The GNCHR considers that such a protective legislative framework is of importance but the protection of refugees with disabilities in practice remains a big challenge. This is mainly due to the fact that crucial structures such as the First Reception Service and the Asylum System are of great need of human, economic and material resources. Such deficiencies are further exacerbated in

protection and other provisions within the competence of the Ministry of Migration and Asylum and the Ministry of Citizen Protection (summary in English), July 2021.

⁶⁰ECRE, AIDA Country [Report](#) Greece 2020, June 2021, p. 119-121.

⁶¹ECRE, AIDA Country [Report](#) Greece 2020, June 2021, p. 120.

⁶² MSF, RSA, [Statement](#): Pro Asyl, Border procedures on the Greek islands violate asylum seekers' right to special procedural guarantees, 15th February 2021.

⁶³ National Confederation of Disabled People (NCDP), Contribution to the GNCHR's Submission, received: 22 February 2022.

multiple crisis conditions and the onslaught of mass migration⁶⁴. Furthermore, failing to accommodate refugees with disabilities in specialised structures which can meet their needs and to provide them with effective access to health-care services contributes to the creation of an extremely unfavourable environment for refugees with disabilities. Moreover, another barrier is the lack of individualised training of responsible staff.

42. At last, with regard to the vulnerability identification in the mainland, according to the Greek Council for Refugees (GCR), "there are no public health structures specialised in identifying or assisting torture survivors in their rehabilitation process. As a result, it is for the NGOs running relative specialised programmes, to handle the identification and rehabilitation of victims of torture. This is rather problematic for reasons that concern the sustainability of the system, as NGOs' relevant funding is often interrupted"⁶⁵.

Suggested questions:

43. Which legal safeguards and operational standards exist to ensure access to asylum for all those who express their will to as well as the quality of asylum decisions.

44. Have you planed any further initiatives in order to ensure the administrative and financial independence of the Asylum Service and the Appeals Authority and to upgrade the tools and working spaces of the staff in view of the new challenges posed by the pandemic.

45. How do you intend to further ensure that any measures restricting the freedom of movement of asylum seekers are consistent with your obligations under the convention and other international human rights treaties.

46. How do you intend to further ensure full compliance with procedural safeguards, such as ensuring the provision of interpretation services and legal aid at all stages of the procedure and free at the second degree to all who have requested for it or guarantying the automatic suspensive effect of the appeal, in all cases involving refoulement.

47. What further initiatives are you planning to accelerate identification of torture victims and others in need of international protection among asylum seekers and migrants.

48. What measures have you taken so far regarding the assessment and identification of migrants, refugees, asylum seekers with disabilities, as well as for persons with disabilities who are in refugee-like situations who are victims of torture.

Reception of migrants and asylum seekers

49. The dramatic deterioration of the level of provision of material reception and accommodation conditions for applicants for international protection in Greece constitutes a key concern of most of the UN human rights monitoring bodies⁶⁶. In 2019-2020, the situation

⁶⁴ HRC 31, Written submission by the Greek National Commission for Human Rights Article 11 of the Convention on the Rights of Persons with Disabilities on situations of risk and humanitarian emergencies, A/HRC/31/NI/9, 24.2.2016, par. 10-11.

⁶⁵ ECRE, AIDA Country Report Greece 2020, June 2021, p. 121.

⁶⁶ CRPD, Concluding observations on the initial report of Greece, 29 October 2019, [CRPD/C/GRC/CO/1](#), par. 15-16; CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 20-21; CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016, [CERD/C/GRC/CO/20-22](#), par. 22-23; Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, [CCPR/C/GRC/CO/2](#), par. 27-28; CESCR, Concluding observations on the second periodic report of Greece, 27 October 2015, [E/C.12/GRC/CO/2](#), par. 11-12.

in the islands remained critical, based on GNCHR's findings⁶⁷. Reception conditions prevailing in particular in the hotspot facilities may reach the level of inhuman or degrading treatment, while conditions of overcrowding, though significantly diminished by the end of 2020⁶⁸ compared to the previous year, still leave a significant number of asylum seekers without access to their rights⁶⁹. In this regard, the GNCHR recalls that, in December 2019, in a case supported by the Greek Council for Refugees (GCR), the European Court of Human Rights (ECtHR), under Rule 39 of the Rules of Court, granted interim measures to five unaccompanied teenagers, asylum seekers, who had been living for many months in the Reception and Identification Centre (RIC) and in the "jungle" of Samos. The ECtHR indicated to the Greek authorities their timely transfer to a centre for unaccompanied minors and to ensure that their reception conditions are compatible with Article 3 of the Convention (prohibition of torture and inhuman and degrading treatment) and the applicants' particular status⁷⁰, acknowledging this way that degraded living conditions amount to inhuman and degrading treatment.

50. In this respect, the GNCHR welcomes, as a significant step towards the acknowledgment of the Greek State's responsibility to ensure satisfactory reception conditions for refugees, the first (national) Court decision which recognises the State's tort liability for its failure to provide proper reception conditions to asylum seekers. In particular, the Three-Member Administrative Court of First Instance of Thessaloniki (decision no 454/2022) recognised the obligation of the Greek State to compensate a refugee mother for moral damage, which was caused by severe burns inflicted to one of the family members by a fire that broke out in 2016 in the Temporary Accommodation Structure of Asylum Seekers, in the broader area of Thessaloniki. More specifically, the Court decision acknowledges that the State bears the obligation to provide refugees with satisfactory security conditions for their lives, while making clear that living in a temporary tent, without basic goods and necessary infrastructure, exposes refugees to adverse conditions, violating national and European legislation. According to the reasoning of the court decision, the Greek State must provide applicants for international protection with a decent standard of living, which ensures that basic needs are met and that their fundamental rights are protected⁷¹.

51. Apart from a collapse of the hosting capacity of the reception centers, other worrying findings possibly entailing violations of human rights are the limited access to formal education for migrant children residing in camps⁷², the severely defected provision of health and psychological services to refugee population in the camps – worsened in COVID-19 context⁷³ and incidents of violence, racist attacks, hate speech and xenophobia and a general

⁶⁷ GNCHR, [Press release](#): In Samos, the system has collapsed, 23 January 2020. For more information on the findings of the GNCHR see GNCHR, [National Report](#) on the situation of human rights of migrants at the borders, July 2021.

⁶⁸ As of 31 December 2020, the facilities in Samos and Chios operated at approximately 547% and 236% of their respective accommodation capacities. General Secretariat for Information and Communication, [National Situational Picture](#) Regarding the Islands at Eastern Aegean Sea (31 December 2020), 1 January 2021.

⁶⁹ For more information see GCR, The Greek Council for Refugees holistic approach, [Buletins](#) from September 2020 onwards; ECRE, AIDA Country [Report](#) Greece 2020, June 2021, p. 174.

⁷⁰ GCR, [Press Release](#): The European Court of Human Rights provides interim measures to unaccompanied minors living in the RIC and the "jungle" of Samos island, 30 December 2019.

⁷¹ Arsis-Association for the social support of youth, [Press release](#): Providing safe and dignified living conditions for refugees is the responsibility of the State, 8 Φεβρουαρίου 2022.

⁷² Refugee Support Aegean, [Report](#): Excluded and segregated - The vanishing education of refugee children in Greece, April 2021.

⁷³ Medecins Sans Frontieres, [Report](#): Constructing Crisis at Europe's Borders - The EU plan to intensify its dangerous hotspot approach on Greek islands, June 2021.

climate of insecurity among residents in or outside Reception and Identification Centers⁷⁴. In 2020, following the fire in Moria camp⁷⁵ and in view of the imminent threat to the health of vulnerable population due to the COVID-19 outbreak, there has been a decongestion of the islands in slow pace, with priority given to unaccompanied minors and vulnerable persons⁷⁶. Given the low number of new arrivals in 2021, the overcrowding in the majority of the reception centers ceased; nevertheless, the above challenges to effective human rights protection remain. Pursuant to Law 4636/2019 as amended, new Closed Controlled (multipurposed) Structures will be constructed to replace the existing RICs.

Suggested questions:

52. What additional initiatives and measures have you taken to ensure the significant improvement of reception conditions, especially for vulnerable persons, as well as to create the conditions for greater security in all reception sites, Reception and Identification Centres and reception facilities in the mainland.

53. What effective measures are you taking to strengthen the reception and accommodation centres with medical and paramedical staff as well as administrative personnel and social workers, given the COVID-19 pandemic.

54. What concrete measures are you planning for the protection of vulnerable groups, the safeguarding of the rights of applicants for international protection with disabilities and chronic diseases and the operation of reception and accommodation centres aware of LGBTIQI+ issues.

55. What kind of safeguards exist to secure that asylum seekers residing in the new Closed Controlled Structures will not be detained and what preventive measures have been taken to avoid saturation in the new Structures.

Conditions of detention (Arts. 2, 11-13 and 16, COBs par. 20-21, 36-37)

Immigration detention (Arts. 2, 11-13 and 16, COBs, par. 20-21)

56. Despite the 2015 Committee's COBs to limit the use of detention measure⁷⁷, Law 4636/2019 as amended, reinforced it and expanded it to all asylum seekers (and not just those already in detention), including vulnerable persons and unaccompanied minors⁷⁸. Based on GNCHR's findings, detention has become *de facto* a mainstream measure with detention pilot programs being implemented in Aegean Islands of Lesbos, Kos and Leros⁷⁹. No individual assessment is carried out before the imposition of detention and this measure is implemented without exception, even against vulnerable persons, while alternative to

⁷⁴ GNCHR, [Statement](#): Reviewing asylum and immigration policies and safeguarding human rights at the EU borders, 5 March 2020.

⁷⁵ GNCHR, [Statement](#) on the fire in Moria and the day after, 11 September 2020.

⁷⁶ All unaccompanied minors were transferred from RICs to shelters. In addition, during the pandemic, a [voluntary relocation program](#) of unaccompanied minors and children with vulnerabilities accompanied by their families from Greece to other European States was launched.

⁷⁷ CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 20-21; CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016, [CERD/C/GRC/CO/20-22](#), par. 22-23; Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, [CCPR/C/GRC/CO/2](#), par. 27-28; CEDAW, Concluding observations on the seventh periodic report of Greece adopted by the Committee at its fifty fourth session (11 February – 1 March 2013), 26 March 2013, [CEDAW/C/GRC/CO/7](#), par. 34-35.

⁷⁸ GNCHR, [Observations](#) on Draft Law of Ministry for Migration and Asylum "Improvement of migration legislation, amendments of provisions of Laws 4636/2019, 4375/2016, 4251/2014 and other provisions", 23 April 2020.

⁷⁹ GNCHR, National [Report](#) on the situation of human rights of migrants at borders, July 2021, p. 5-6.

detention measures are not examined or applied in practice. In addition, the possibility of challenging the legality of detention before administrative courts is limited⁸⁰.

57. On the detention conditions, the CPT delegation, following its Country visit in 2020, acknowledging the difficult context and the significant on-going challenges faced by the Greek Authorities in dealing with the high number of foreign nationals arriving in the Country, stressed that the systematic detention of new migrants cannot be the immediate response to this challenge⁸¹.

58. Law 4760/2020 that abolished detention of unaccompanied minors in police departments ("protective custody") is a positive step. However, the GNCHR advocates for the total abolition of the detention measure to vulnerable applicants for international protection, given that it constitutes, as a rule, a disproportionate measure⁸².

59. Since March 2020, all returns to Turkey are suspended due to the COVID-19 pandemic. However, third country nationals are still detained in Pre-removal Detention Centers without any tangible prospect of return, contrary to the well-established rule that pre-removal detention with no prospect of deportation may raise issues of arbitrariness and unlawfulness. In this context, the Greek legislator decided to amend national law to facilitate returns and deportations. The GNCHR extensively commented on Law 4825/2021, when still at a draft stage, which, in its opinion, will exacerbate the phenomenon, with the risk of multiple violations of the rights of third-country nationals to be returned⁸³.

Suggested questions:

60. What have been taken to reduce detention of asylum seekers and third country nationals in asylum and return procedures in order to guarantee that the measure of detention is used only as an exception or as a last resort for reasons expressly provided for by law and for as short as possible. Is it ensured that any decision to restrict/deprive asylum seekers of their personal liberty must be examined by a court for its legality.

61. Are you considering to abolish administrative detention of asylum seekers on the grounds of illegal entry and especially of those belonging to a vulnerable group, such as families with children or unaccompanied minors.

62. Are you considering the application of alternative measures, in line with international and European standards, such as the alternative measures to detention provided by Law 3907/2011, to deal, more particularly, with health risks, such as the recent COVID-19 pandemic.

⁸⁰ CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 21.

⁸¹ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, [CPT/Inf \(2020\) 35](#), par. 13.

⁸² GNCHR, [Observations](#) on the draft law of the Ministry for Migration Policy "Transposition into Greek legislation of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast, L180/96/29.6.2013) and other provisions, Amendment of Law 4251/2014 (A' 80) regarding the transposition into Greek legislation of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, Amendment of asylum procedures and other provisions" [in Greek], 7 May 2018. The GNCHR proposed the abolition of the relevant legislative provision.

⁸³ GNCHR, [Observations](#) on Draft Law of the Ministry of Migration and Asylum "Reform of deportation and return procedures of third country nationals..." (Summary in English), July 2021.

Conditions of detention in police custody and penitentiary facilities (Arts. 11 and 16, COBs par. 36-37)

63. Acknowledging the significant efforts made by the State, over the past years, to address the overcrowding in prisons, the GNCHR shares the Committee's concerns regarding the high occupancy rates and the poor living conditions in prisons and confirms that the Greek prison system suffers for long from structural deficiencies, among which overcrowding. To this end the GNCHR recalls its previously formulated recommendations addressing separately the issues of (i) prolonged period of pre-trial detention, juveniles, (ii) systematic monitoring of detention facilities and (iii) conditions of detention⁸⁴.

64. The GNCHR shares the concerns of the UN Working Group on Arbitrary Detention, which confirmed in its Report to the Human Rights Council following its Country visit, published in July 2020, that severe overcrowding remains an issue in most detention facilities in Greece⁸⁵. Indeed, according to the most recent Council of Europe Annual Penal Statistics, it is still more than ten thousand, a critical threshold affecting the whole prison system in Greece⁸⁶. The GNCHR has addressed this issue in its Observations on the "Strategic plan for the prison system 2018-2020"⁸⁷, in which it proposes the basic principles that must guide the solutions attempting to deal with the deficiencies in detention conditions and the overcrowding of prisons. More recently, in its Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights⁸⁸, the GNCHR expressed serious doubts about the effectiveness of the measures taken to deal with the pandemic among its prison population, fully in line with the positions and recommendations of European and national monitoring mechanisms and other institutions in the Country⁸⁹,

⁸⁴ GNCHR, [Information](#) relevant to the implementation of the Convention against Torture. Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p. 19-31.

⁸⁵ UN Working Group on Arbitrary Detention, Report to the Human Rights Council following its Country visit, 29 July 2020, [A/HRC/45/16/Add.1](#), par. 48.

⁸⁶ Council of Europe, [Annual Penal Statistics](#) SPACE I – Prison Populations Survey 2020, 15 December 2020, p. 34.

⁸⁷ GNCHR, [Observations](#) [in Greek] on the Strategic Plan (Strategic Planning 2018-2020) for the Prison System of the Ministry of Justice, Transparency and Human Rights - General Secretariat for Transparency and Human Rights (2017).

⁸⁸ GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 17-19, 27; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 5.

⁸⁹ See among others CPT, [Statement](#) of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (Covid-19) pandemic, CPT/Inf(2020)13, 20 March 2020; CPT, [Follow-up statement](#) regarding the situation of persons deprived of their liberty in the context of the ongoing Covid-19 pandemic, CPT/Inf (2020) 21, 9 July 2020 ; CPT, [Report](#) to the Greek Government on the 7th periodic visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March 2019 to 9 April, CPT/Inf (2020) 15, 9 April 2020; WHO, [Preventing COVID-19 outbreak in prisons](#): a challenging but essential task for authorities, 23 March 2020; Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), [Advice](#) of the Subcommittee to States parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic, 7 April 2020, CAT/OP/10; Council of Europe, Commissioner for Human Rights, [Statement](#): COVID-19 pandemic: urgent steps are needed to protect the rights of prisoners in Europe, 6 April 2020; European Organisation of Prison and Correctional Services (EuroPris), [Overview](#) of European prison services' responses to the COVID-19 crisis, Period September – November 2020, Fourth edition, 16 November 2020; Greek Ombudsman, [Letter](#) to the competent authorities on the Measures to prevent the spread of COVID-19 and vulnerable population, 27 March 2020 [in Greek]; Amnesty International, [Communication](#) regarding the Urgent need for measures of protection COVID-19 in prisons, 9 April 2020 [in Greek]; Hellenic League for Human Rights, [Letter](#) to the Ministers of Justice and Citizen Protection with

mainly due to their overpopulation. Indeed, according to the latest data (1st February 2022) of the published prison statistics of the General Secretariat of Policy Against Crime of the Ministry of Citizen's Protection, the total number of detainees in all detention facilities in the country amounts to 10.952 people for an estimated availability of 10.175 places, while in 23 of the 34 facilities the prison population exceeds the number of places available, in percentages ranging from 103.13% up to 190.74%⁹⁰. Therefore the pandemic has found prisons in Greece overcrowded with prisoners and staff at high risk, as they live and work in areas where it is particularly difficult to implement the recommendations of experts on physical distancing and isolation, while at the same time this risk is multiplied in closed settings, such as the prison environment, which amplify infections, as pointed out by the World Health Organization⁹¹.

65. According to the annual findings of the Greek Ombudsman operating as National Preventive Mechanism under OPCAT, based on all NPM inspections of Penitentiary Facilities, "[c]onditions in detention facilities continue to be insufficient as they diverge significantly from the European standards and guidelines set by international organizations. As a result, the fundamental principles and objectives of crime policy cannot be effectively met. The main weaknesses are long-standing, including overcrowding in prisons, police station cells and pre-removal detention centers, understaffing, lack or limited access to necessary services for detainees, namely leisure activities, education, employment and training, unsuitable premises and persistence in protocols that are ill-suited for the treatment of mental patients. Furthermore, any identified improvements are piecemeal and, thus, insufficient to contribute to the overall improvement of detention conditions⁹². The NPM's findings are confirmed by the UN Working Group on Arbitrary Detention. Indeed, having visited detention facilities related to the criminal justice system, including police stations and prisons, the UN Working Group concluded in its Report to the Human Rights Council following its Country visit, that living conditions in these settings "do not generally meet international standards, particularly the Nelson Mandela Rules, owing to overcrowding, lack of adequate cleaning and sanitary services, and inadequate or non-existent health services. The lack of satisfactory conditions of detention often affects a detainee's ability to participate in the criminal proceedings and to present an effective defence and appeal"⁹³.

66. In addition, the CPT's delegation found that the living conditions in the prisons visited were, at the time of the 2019 visit, were generally adequate in some wings of Chania, Nigrita and Trikala Prisons. In contrast, in other parts of these prisons and in much of Korydallos Men's and Thessaloniki Prisons far too many prisoners (usually those prisoners with no financial resources or relatives to support them) continue to be held in conditions which represent an affront to their human dignity⁹⁴. According to the same CPT Report, as regards

proposals on taking immediate measures to decongest prisons, 23 March 2020 [in Greek]; Prisoners' Rights Initiative, [Announcement](#) regarding Patras' Prison: Detainees at the mercy of COVID-19, 16 March 2021 [in Greek].

⁹⁰ Ministry of Citizen's Protection, General Secretariat of Policy Against Crime, [Statistics](#) regarding inmates, 1st February 2022 [in Greek].

⁹¹ WHO, [Preventing COVID-19 outbreak in prisons](#): a challenging but essential task for authorities, 23 March 2020.

⁹² Greek Ombudsman, National Preventive Mechanism Against Torture And Ill-Treatment: OPCAT, [Annual Special Report 2019](#), p. 8.

⁹³ UN Working Group on Arbitrary Detention, Report to the Human Rights Council following its Country visit, 29 July 2020, [A/HRC/45/16/Add.1](#), par. 54.

⁹⁴ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, [CPT/Inf \(2020\) 15](#), 9 April 2020, par. 27 et seq.

conditions of detention in police establishments, most police establishments visited were totally unsuitable for holding detained persons for periods of longer than 24 hours⁹⁵.

Suggested questions:

67. What steps have been implemented in order to further ensure the decongestion of penitentiaries in conjunction with examining the possibility of applying alternatives to deprivation of liberty (especially as regards temporary detention, the replacement and suspension of the execution of sentences depriving liberty, the early release etc.). In particular, how are you planning to reduce the occupancy levels of cells.

68. What measures have been taken for the improvement of detention conditions (minimum hygiene conditions, provision of medical services, supply of personal protective equipment etc.). In particular, how are you planning to guarantee minimum standards in respect to material conditions in penitentiary establishments.

69. What further steps are you envisaging, in order to ensure that police stations are only used for holding criminal suspects for short periods, as well as to guarantee that minimum standards in respect to material conditions in police stations are met.

Unaccompanied migrant and asylum seeking children (Arts. 11 and 16, COBs par. 22-23)

70. The GNCHR expresses its serious concerns regarding the extremely important human rights issues affecting unaccompanied migrant and asylum seeking minors and recalls its previously formulated recommendations addressing separately the issues of "reception of unaccompanied minors", "age assessment of minors", "detention of unaccompanied minors" and "legal representation of unaccompanied minors"⁹⁶. The GNCHR acknowledges with satisfaction, however, that the situation of unaccompanied minors in Greece has been improved in recent years, given that the Greek Government has prioritised this issue, by establishing among others a Special Secretariat for the Protection of Unaccompanied Minors in the Ministry of Migration and Asylum aiming at supervising and coordinating different State Authorities involved in child protection matters, by boosting hosting capacities of shelters for unaccompanied minors and by relocating them from the Aegean Islands where the living conditions were not suitable for their age either to mainland Greece or to other European countries.

71. The GNCHR had already identified the following gaps in child protection in refugee situations: the most alarming: unsafe housing problems (insufficient places in hostels, unsafe "safe zones" in the RICs, maintenance of the "protective custody" measure in Police Departments, homelessness), insufficient to no access to formal education, absence of a state guardianship system, excessive delays in access to asylum, insufficient to no legal support during asylum procedures, problems in the age assessment process, reports of phenomena of exploitation and violence against minors and cases of disappearances of children from the RICs and the Accommodation Facilities for unaccompanied minors⁹⁷.

⁹⁵ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, [CPT/Inf \(2020\) 15](#), 9 April 2020, par. 102 et seq.

⁹⁶ GNCHR, [Information](#) relevant to the implementation of the Convention against Torture. Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p. 39-45.

⁹⁷ GNCHR, [Reference Report](#) on the refugee and migrant issue [in Greek], September 2020, p. 82 et seq.; GNCHR, [Reference Report](#) on the refugee and migrant issue [in English], September 2020, p. 20-21. Addressing these concerns regarding the detention of unaccompanied minors would also support delivery of SDG targets 16.1 aiming at significantly reducing all forms of violence and related death rates everywhere; ; 5.2 on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual

72. As regards the detention of unaccompanied and separated children, it is to be noted that, in July 2020, the UN Working Group on Arbitrary Detention confirmed, in its Report to the Human Rights Council following its Country visit, "the existing substantial burden on shelter facilities, which resulted in many unaccompanied children being held in protective custody, in unacceptable conditions, in facilities that were not appropriate for the detention of children, such as police stations and pre-removal facilities on the mainland. Although officials appeared to be providing the best support available in the circumstances, the Working Group noted that some children were held for prolonged periods, of more than two months, in conditions similar to those of criminal detention, especially in police stations. These children were held with adults, in dark cells, with no access to recreational or educational activities, and no information on what would happen to them, which appeared contrary to article 37 (c) of the Convention on the Rights of the Child. There is no maximum time limit on the period for which a child may be held in protective custody"⁹⁸. The findings of the UN Working Group on Arbitrary Detention were also confirmed by the CPT, since in its 2020 Report it stated that "children continued to be routinely detained and, moreover, that detention occurs in totally unsuitable conditions", repeating that, "as a matter of principle, unaccompanied children should not be held in a closed immigration detention facility, but they should always be provided with special care and accommodated in an open (or semi-open) establishment specialised for juveniles (e.g. a social welfare/educational institution for juveniles)"⁹⁹.

73. While recognising that the State party has taken initial steps towards the gradual abolition of this practice, the Committee, as stated in its follow-up letter sent to the State party requesting for further clarification, remains deeply concerned at the fact that unaccompanied migrant and asylum-seeking children continue to be placed in police custody, pre-removal centres, and in identification centres as "a temporary precautionary measure"¹⁰⁰. Moreover, the GNCHR remains skeptical about the duration of the detention of unaccompanied children in extraordinary circumstances¹⁰¹. Unaccompanied asylum seeking children can still be detained "for the safe referral to appropriate accommodation facilities" for a period not exceeding 25 days¹⁰². However, and before the amendment of Law 4636/2019 by Law 4686/2020, according to Article 48(2), in case of exceptional circumstances, such as the significant increase in arrivals of unaccompanied minors, detention may be prolonged for a further 20 days. This provision was abolished by Article 61 Law 4686/2020. The GNCHR acknowledges with satisfaction that, during 2020, there has been significant progress in the Greek legislation despite the fact that they continued to be detained (either in administrative detention or in "protective custody").

74. For all the above reasons, the GNCHR welcomed the initiative of a national tracing and protection mechanism for unaccompanied children in precarious conditions launched by the Special Secretariat in 2021 together with the UNHCR Office in Greece, as a positive step which will substantially contribute to combatting homelessness and preventing children go

and other types of exploitation and 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children.

⁹⁸ UN Working Group on Arbitrary Detention, Report to the Human Rights Council following its Country visit, 29 July 2020, [A/HRC/45/16/Add.1](#), par. 68.

⁹⁹ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, [CPT/Inf \(2020\) 35](#), par. 45-46.

¹⁰⁰ UN CAT, [Follow-up letter](#) sent to the State party: Request for further clarification, 25 October 2020.

¹⁰¹ GNCHR, [Written Responses](#) to the List of issues in relation to the combined fourth to sixth periodic reports of Greece to the UN Committee on the Rights of the Child, p. 20; ECRE, [AIDA Country Report Greece 2020](#), June 2021, p. 217-218.

¹⁰² ECRE, [AIDA Country Report Greece 2020](#), June 2021, p. 217-218.

missing¹⁰³. On the particular topic of guardianship, where there is still a lack of an effective system impeding unaccompanied minors from enjoying a whole variety of human rights enshrined in law, the GNCHR reiterates its consistent Recommendation, in line with the relevant Recommendations of UN treaty bodies¹⁰⁴, to proceed to the appointment as soon as possible of a guardian for each unaccompanied minor, who will exercise genuine care and supervision of the minor¹⁰⁵. As a last remark, issues of child protection, especially of migrant children, are complex *inter alia* since coordination and cooperation of many state bodies are required, while EU institutions, other international organisations and civil society organisations (CSOs) are also involved. To this end, the GNCHR urges the Greek State to fully comply with the recent decision issued by ECSR on the protection of migrant children's rights in Greece¹⁰⁶.

Suggested question:

75. How it intends to ensure that there are no gaps on child protection and representation in practice, including the implement of the long standing GNCHR recommendation regarding the appointment of a guardian for every child, as soon as possible, or else from the identification, as provided by law.

Sexual and gender-based violence against women (Arts. 2, 11 and 16, COBs par. 24-25)

Domestic violence

76. The Human Rights Committee recommended in its Concluding Observations in 2015 that the State should adopt a comprehensive strategy to prevent and address gender-based violence in all its forms and manifestations¹⁰⁷, while in its recent List of Issues prior to submission of the third periodic report of Greece, dated 2 December 2021, it requested the Greek State to provide further information on Law No. 4800/2021, describe how it protects women from violence and provide reports of significant violence, including domestic violence, against women, particularly during the COVID-19 pandemic¹⁰⁸. The GNCHR acknowledges as positive steps in this direction the recent initiatives aiming at combating violence against women¹⁰⁹. However, implementation lags behind¹¹⁰. In particular, the GNCHR remains

¹⁰³ UNHCR, [Joint press release](#): Greece launches national tracing and protection mechanism for unaccompanied children in precarious conditions, 6 April 2021.

¹⁰⁴ CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 22-23; CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016, [CERD/C/GRC/CO/20-22](#), par. 22-23; Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, [CCPR/C/GRC/CO/2](#), par. 31-32; CESCR, Concluding observations on the second periodic report of Greece, 27 October 2015, [E/C.12/GRC/CO/2](#), par. 11-12; CEDAW, Concluding observations on the seventh periodic report of Greece adopted by the Committee at its fifty fourth session (11 February – 1 March 2013), 26 March 2013, [CEDAW/C/GRC/CO/7](#), par. 34-35

¹⁰⁵ GNCHR, [Written Responses](#) to the List of issues in relation to the combined fourth to sixth periodic reports of Greece to the UN Committee on the Rights of the Child, p. 20.

¹⁰⁶ GNCHR, [Written Responses](#) to the List of issues in relation to the combined fourth to sixth periodic reports of Greece to the UN Committee on the Rights of the Child, p. 20-21; ECSR, [Decision](#) on the merits of 26th January 2021, Complaint no. 173/2018, ICJ and ECRE v. Greece.

¹⁰⁷ Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, [CCPR/C/GRC/CO/2](#), par. 19.

¹⁰⁸ Human Rights Committee, List of issues prior to submission of the third periodic report of Greece, 2 December 2021, [CCPR/C/GRC/QPR/3](#), par. 6-7.

¹⁰⁹ And among them as the most significant: i) the ratification of the ILO *Violence and Harassment Convention* 190, by Law 4808/2021 for the protection of the employment, ii) the ratification of the *Istanbul Convention on preventing and combating violence against women and domestic violence* by Law 4531/2018, iii) the redefinition of *gender* by Law 4604/2019, iv) the legal redefinition of the concept of rape on the basis of non-consent by Law

concerned with regard to those women facing intersectional forms of discrimination or those in more vulnerable situations, such as minority, migrant and refugee women, women with disabilities, as well as older women and lesbian, transgender and intersex women¹¹¹. Above all, the GNCHR, addressing the issue of discrimination against women in a cross-cutting manner in various areas of its work¹¹², underlines the need to effectively implement in practice the new rules¹¹³.

77. At the same time, the GNCHR shares the concerns of the UN Working Group on Discrimination Against Women and Girls (WGDWG) regarding the non-prosecution of perpetrators despite the significant number of domestic violence reported cases, insisting on the urgent need to raise awareness about domestic violence, given that patriarchal attitudes and deeply rooted stereotypes regarding the role and responsibilities of women and men, as well as discriminatory practices, persist¹¹⁴. Likewise, measures, such as the introduction into schools of educational material on the elimination of gender stereotypes and the training of professionals in the field, have not yet been launched¹¹⁵. In addition, the UN Working Group's experts are concerned that there is uneven coordination of support services for victims of the various forms of gender-based violence, as well as programmes for perpetrators and that shelters and emergency accommodations remain insufficient¹¹⁶. While, lack of available sex-disaggregated data in relation to all forms of gender-based violence and crimes against women remains a key challenge¹¹⁷, the GNCHR appreciates the role and capacity of the Observatory established by the General Secretariat for Demography and Family Policy and

4604/2019 (Art. 336 of new Penal Code) and v) the Annual [Report](#) 2020 on police response to domestic violence incidents issued by the Domestic Violence Services of the Hellenic Police.

¹¹⁰UN Human Rights Council, Visit to Greece: Report of the WGDWG, [A/HRC/44/51/Add.1](#), April 2019.

¹¹¹ 1st Annual [Report](#) on Violence Against Women, General Secretariat for Demography and Family Policy and Gender Equality (GSDFPGE), November 2020; UN Human Rights Council, Visit to Greece: Report of the WGDWG, [A/HRC/44/51/Add.1](#), April 2019. See also GNCHR, [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020, 12 June 2020, p. 8; GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 16; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 6.

¹¹² Which also supports delivery of SDG Goal 5 on Achieving gender equality and empowering all women and girls and, in particular, SDG target 5.2 aiming at eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, as well as SDG targets 10.3 on ensuring equal opportunity and reducing inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard and 16.1 aiming at significantly reducing all forms of violence and related death rates everywhere.

¹¹³ For instance, the GNCHR has on several occasions stressed that the law ratifying the Istanbul Convention remains inactive, since crucial penal provisions were not included in the Criminal Code, while the issuance of joint ministerial decisions determining the maximum amount of compensation is still pending. See GNCHR, [Observations](#) on the Bill of the Ministry of Labor and Social Affairs regarding the protection of the employment [in Greek], 14 June 2021, p. 19 (for a concise English version of the report see [Summary of Observations](#)); GNCHR, Stakeholder Report to the Universal Periodic Review (UPR) of Greece UN Human Rights Council, 39th session, 25 March 2021, p. 3; League for Women Rights, [Statement](#), International Women's Day: today we are not celebrating, we are vigilant and we demand, 8 March 2021.

¹¹⁴ UN Human Rights Council, Visit to Greece: Report of the WGDWG, [A/HRC/44/51/Add.1](#), April 2019, par. 58.

¹¹⁵ See also European Commission, European network of legal experts in gender equality and non-discrimination, [Country report gender equality: Greece 2020](#).

¹¹⁶UN Human Rights Council, Visit to Greece: Report of the WGDWG, [A/HRC/44/51/Add.1](#), April 2019, par. 62.

¹¹⁷ GNCHR, [Information](#) relevant to the implementation of the Convention on the Elimination of all forms of Discrimination against Women – CEDAW, 21 October 2020, p. 3; UN Human Rights Council, Visit to Greece: Report of the WGDWG, [A/HRC/44/51/Add.1](#), April 2019, par. 59.

Gender Equality (GSDFPGE)¹¹⁸, as a positive development. In this regard, the GNCHR shares the concerns of the Committee on the Elimination of Discrimination against Women (CEDAW), in its List of issues and questions prior to the submission Greece's report¹¹⁹ about the lack of systematic and disaggregated data on all forms of violence against women. This was also recently confirmed by CEDAW, in its List of issues and questions prior to the submission Greece's report¹²⁰.

Violence against women in times of crisis

78. The COVID-19 pandemic has shown that violence and domestic violence against women thrives during the lockdown period. The UN and the Council of Europe described violence against women, during the first period of the COVID-19 pandemic, as a "shadow pandemic"¹²¹. The GNCHR is monitoring closely the Greek Government's series of measures in response to the COVID-19 pandemic, given that they affect directly the enjoyment of human rights in Greece¹²². The GNCHR deplores on many occasions that the measures adopted took the form of Acts of Legislative Content (expedited legislative process), whose implementation was further specified through Joint Ministerial Decisions and Circulars, establishing in many cases an atypical "emergency law"¹²³, that particularly affected the enjoyment of women's fundamental rights notably their freedom of movement. The General Secretariat for Demography and Family Policy and Gender Equality (GSDFPGE) itself highlighted that gender-based violence was one of the most tragic consequences of social distancing¹²⁴. Significant increases in allegations of domestic violence were recorded during the "quarantine" and compulsory confinement at home due to the first wave of the pandemic in March 2020 in Greece. In accordance to official figures, the number of complaints on SOS line has almost quadrupled during the first phase of the pandemic.

79. As stressed above, the GNCHR puts special emphasis on the impact of the emergency measures on domestic violence in case of vulnerable categories of women, including migrants and refugees, Roma people, women with disabilities and LGBTIQ+ who are under threat as victims of multiple discrimination.

Sexual abuse incidents in the context of exploitation in power relations

80. Remarkable is the recent increase, in Greece, of incidents of sexual harassment, abuse and exploitation in power relations, including the workplace, politics, sport, arts and educational

¹¹⁸ The GSDFPGE is part of the National Mechanism for Gender Equality at central national level together with: 1) the Research Centre on Gender Equality (KETHI), 2) the Gender Equality Units of all ministries and 3) the Ombudsman (Equality Section). See Article 4(1) of law 4604/2019.

¹¹⁹ CEDAW, List of issues and questions prior to the submission of the eighth periodic report of Greece, 17 November 2020, [CEDAW/C/GRC/QPR/8](#), par. 9-10.

¹²⁰ CEDAW, List of issues and questions prior to the submission of the eighth periodic report of Greece, 17 November 2020, [CEDAW/C/GRC/QPR/8](#), par. 9-10.

¹²¹ Council of Europe, GREVIO, CEAN, [News 2020](#): Violence against women and girls before, during and after COVID-19: the shadow pandemic that must be addressed, 18 May 2020.

¹²² GNCHR [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020, 12 June 2020, GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

¹²³ ENNHRI, State of the rule of law in Europe: [Reports](#) from National Human Rights Institutions, June 2021, p. 283.

¹²⁴ 1st Annual [Report](#) on Violence Against Women, General Secretariat for Demography and Family Policy and Gender Equality (GSDFPGE), November 2020.

settings. The GNCHR has welcomed the courage of the gold medalist in sailing Sofia Bekatorou to publicly denounce the incident of sexual abuse she suffered at a young age, in the context of exploitation in a power relation and hierarchy in the workplace¹²⁵. This seems to have been the beginning of the "break of silence" of victims of sexual violence in public sphere. The GNCHR is monitoring these specific issues closely and with great sensitivity and attaches the utmost importance to the incidents and the protection of the rights of victims. Moreover, the GNCHR emphasises that access to justice for victims of sexual violence, the effective investigation of violations of sexual life and freedom and the fair administration of justice are among the most fundamental aspects of the protection of fundamental rights. The GNCHR, watching some of the reactions to the sharing of the traumatic experience of the victims on mass and social media, finds extremely worrying the high risk of secondary and repeat victimization, intimidation and retaliation of all the victims of sexual violence, especially when the perpetrator cannot be prosecuted or punished.

Suggested questions:

- 81. What further initiatives have you taken to increase prevention efforts with a focus on the diversity of women in Greece and their specific needs, especially the needs of those who are in vulnerable situations, such as migrant and refugee women, women with disabilities, older women, lesbian and transgender women and intersex persons. In particular, what measures is it considering in order to encourage women to report incidents of domestic and sexual violence and ensure that they have access to immediate means of redress and protection and that perpetrators are prosecuted and punished.**
- 82. How do you ensure ensure that migrants, refugees, asylum seekers with disabilities and persons with disabilities who are in refugee-like situations, including unaccompanied children and women with disabilities, are protected from sexual violence, other forms of violence and abuse.**
- 83. What initiatives are you planning for awareness-raising of the general public, as well as of judges, prosecutors, police officers, health-service providers, journalists and teaching staff.**
- 84. What steps are you implementing to ensure that the level of assistance, services, including shelters and access to justice, to victims of domestic violence is sufficient in particular for women in vulnerable situations, including access to adequate shelters and long-term support.**
- 85. What further initiatives are you envisaging to enhance the capacity of the competent State Authorities to provide disaggregated statistics on complaints, prosecutions and sentences regarding violence against women.**
- 86. How are you planning on further strengthening the institutional framework with regard to the protection of victims of all forms of sexual violence. In particular, what further initiatives have you take to ensure through legal and other measures: i) the timely intervention to protect victims of all forms of sexual violence, the effective judicial protection of their rights and the victims' access to fair justice through effective, transparent and confidential and without delay procedures; ii) the strengthening of all services dealing with cases of sexual harassment and abuse, such as health structures, police, psychological, social and legal support services, telephone hotlines and accommodation to women under threat; iii) the systematic and regular collection of detailed, reliable and comparable data and iv) the full implementation of**

¹²⁵ GNCHR, [Statement](#) on sexual abuse incidents in the context of exploitation in power relations in the light of the recent complaints in sport, 20 January 2021.

the ratified Istanbul Convention (Law 4531/2018), the recently ratified ILO *Violence and Harassment Convention* 190 and definitely the Directive 2012/29/EU on Victims' Rights.

Excessive use of force (Arts. 11 and 16, COBs par. 26-27) and prompt, thorough and impartial investigations (Arts. 12-13, COBs par. 28-29)

87. The GNCHR remains concerned about the frequency, volume and character of reported cases of law enforcement arbitrary conduct and closely monitors recent allegations of unjustified violence by the Greek Police. Ill-treatment and excessive use of force by law enforcement officials, especially with the high number of foreign nationals arriving in the Country, are also confirmed by the latest CAT's COBs¹²⁶, the European Commission's against Racism and Intolerance (ECRI) relevant Statement and Report¹²⁷, as well as CPT's latest findings¹²⁸. Taking into account the above mentioned, the GNCHR has repeatedly called on the Greek State¹²⁹ and all competent bodies, such as the National Mechanism for the Investigation of Arbitrary Incidents¹³⁰, to proceed promptly and decisively to the impartial and thorough investigation of any relevant allegation of unjustified use of force by the Police¹³¹. This said, the GNCHR acknowledges as a positive step to this direction the enhancement of the relevant legislative framework and the granting to the Ombudsman of wider powers by Law 4662/2020.

88. In this regard, the Greek Ombudsman, operating as the National Mechanism for the Investigation of Arbitrary Incidents, received a total of two hundred sixty-three (263) cases¹³² in 2020 for acts or omissions of uniformed personnel of the Hellenic Police (ELAS), the Hellenic Coast Guard (LS -ELAKT), the Fire Brigade, and prison employees that the law defines as arbitrary acts of their capacity. The vast majority of these cases concerned complaints about alleged arbitrary incidents conducted by Police officers (248 cases)¹³³. As

¹²⁶ CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 26-27

¹²⁷ ECRI, [Statement](#) of the European Commission Against Racism and Intolerance (ECRI) on Racist Police Abuse, Including Racial Profiling, and Systemic Racism, Adopted by ECRI at its 82nd plenary meeting (30 June – 2 July 2020); ECRI, [Annual Report](#) of ECRI's activities covering the period from 1 January to 31 December 2020, March 2021, par. 23.

¹²⁸ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, [CPT/Inf \(2020\) 35](#), par. 20-25.

¹²⁹ GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 20 et seq.; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 9-10; GNCHR [Statement](#) on the occasion of the recent allegations of unjustified use of force by the Greek Police and the announcement of the Minister of Citizen Protection regarding the use of cameras by Police, 15 January 2020; GNCHR, [Information](#) relevant to the implementation of the Convention against Torture. Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p. 32 et seq. and 46 et seq.

¹³⁰ GNCHR Letter to the National Mechanism for the Investigation of Arbitrary Incidents regarding the investigation of complaints of unjustified violence by the Hellenic Police on March 7, 2021 at Nea Smirni square, 9 March 2021.

¹³¹ Addressing this concern would also support delivery of SDG target 16.6 on developing effective, accountable and transparent institutions at all levels.

¹³² Of the two hundred and sixty-three (263) cases brought to the National Mechanism in 2020, two hundred and fifty-three (253) were considered to be within its competence.

¹³³ The Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents, [Special Report 2020](#), June 2021, p. 21-22.

the National Mechanism itself observes, "a substantial increase in personal freedom cases (which represent 25% in the total number of cases) compared to the previous year" is one of the key findings of the annual report, while in general, it is noted that the thematic categories of physical integrity or health, the protection of life and the prohibition of torture and other serious violations of human dignity (137A PC) account for the majority of complaints about arbitrary incidents in 2020 (54%), but also in previous years¹³⁴.

89. With regard to ill-treatment in police custody, the GNCHR notes with great concern that allegations of ill-treatment and excessive use of force by law enforcement officials persist. Indeed, in the course of the 2019 visit, the CPT's delegation once again received a high number of credible allegations of physical ill-treatment of criminal suspects who were – or had recently been – deprived of their liberty by the Hellenic Police. In particular, the delegation interviewed many foreign national detainees as well as some persons from the Roma community, who complained that they had been subjected to excessive use of force upon apprehension, primarily by officers from the motor cycle police units, security police or special crime prevention and repression groups in the Athens and Thessaloniki areas. In addition, a number of foreign nationals alleged that they had been subjected to physical and psychological ill-treatment during or in the context of police interviews. The alleged ill-treatment mainly consisted of slaps, punches and kicks as well as truncheon blows to the body and head. The delegation also received some allegations of ill-treatment of a particularly severe nature involving blows with a stick to the soles of the feet (falaka) and the application of a plastic bag over the head in the context of police interviews¹³⁵.

90. As regards allegations for ill-treatment in penitentiary facilities, the problem, according to findings of the CPT's delegation during her previous visit, is not necessarily ill-treatment of inmates by staff, but inter-prisoner violence and intimidation, leading even to hospitalisation of inmates due to severe injuries inflicted by other inmates. The CPT's delegation found that Greek prisons remain unsafe for prisoners, as well as for staff, with increasingly high levels of inter-prisoner violence and intimidation evident in all the prisons visited. A phenomenon which "is directly linked to the continued shortages of staff, resulting in control being ceded to groups of particular prisoners, often formed along ethnic lines, within the accommodation wings. Although the Greek authorities have recognised that the problem exists and have taken some tentative steps to increase staffing levels, these measures unfortunately remain far too little to date. The state of the prisons should be seen as in a crisis"¹³⁶. The GNCHR shares the CPT's serious concerns that despite the gravity of the situation little or no action appears to have been taken to investigate the underlying causes of the violence or to put in place a strategy to prevent similar episodes of violence breaking out.

91. As far as ill-treatment of foreign nationals deprived of their liberty under aliens legislation is concerned, the GNCHR notes with disappointment and great concern that the CPT's delegation acknowledged, during its last visit in 2020, significant on-going challenges that the Greek authorities are facing with the high number of foreign nationals arriving in the Country. In particular, the CPT's delegation received, once more, a number of allegations by migrants that they had been subjected to slaps to the head and kicks and truncheon blows to the body by members of the Hellenic Police and Coast Guard. In a few cases, those allegations

¹³⁴ The Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents, [Special Report 2020](#), June 2021, p. 23.

¹³⁵ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, [CPT/Inf \(2020\) 15](#), 9 April 2020, par. 78.

¹³⁶ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, [CPT/Inf \(2020\) 15](#), 9 April 2020, par. 18.

were supported by medical evidence. In addition, several allegations of abusive language were received at the Filakio pre-departure centre concerning certain police officers addressing the migrants through the bars of the cells as "animals"¹³⁷.

92. In addition, the GNCHR, closely monitoring the increase of incidents of police violence abuse and brutality with regard to Roma population, remains deeply concerned. The latest incident, during which seven police officers shot dead an 18-year-old Roma man and injured a 16-year-old Roma teenager after a car chase in Perama, western Attica, on 22 October 2021, raises questions regarding police brutality, bigotry and racial discrimination¹³⁸. The GNCHR monitors the development of the case closely and with particular interest, expressing the certainty that the national prosecutorial and judicial Authorities will carry out their mission with objectivity and determination, guarantying the effective investigation of possible racist motives. To this end, the GNCHR draws once again the attention of the competent State authorities to the need to ensure the effective implementation of Article 82 of the Criminal Code for crimes with racist characteristics as a general aggravating circumstance not only during the hearings but also at the pre-trial stage, according to the relevant Circulars of the competent Authorities, as the Racist Violence Recording Network (RVRN) systematically recommends¹³⁹.

93. Besides, the GNCHR was notified by ELLAN PASSE of incidents of police impunity and violence abuse which took place, according to witnesses testimonies, during a Police operation in a Roma camp in Zevgolatio in Corinth in 7 July 2021¹⁴⁰. Furthermore, according to media reports, a 44-year-old Roma man was attacked and beaten to death, in 13 February 2022, in the suburb of Menidi, west Athens. Among the two suspects arrested and taken to prosecutor is a police officer off duty at the moment of the incident. An announcement by the Greek Police confirmed that his body showed signs of extensive injuries consistent with a violent physical assault¹⁴¹. Indeed, the frequency of the cases, which makes the phenomenon seem systemic, the court delays and the judicial leniency in some cases result in a regime of substantial impunity. In addition, the GNCHR remains further concerned with the rise of incidents of alleged police violence towards Roma people during the pandemic. In this regard, the GNCHR, in its latest Report on the impact of the pandemic on human rights, taking into account the Police extensive powers for monitoring the compliance with COVID-19 emergency measures in connection with allegations for unjustified use of force and violence by police officers (recent incidents in Aspropyrgos, Larissa, Agia Sofia in Thessaloniki)¹⁴²,

¹³⁷ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, [CPT/Inf \(2020\) 35](#), par. 20.

¹³⁸ For more information see Panhellenic Confederation of Greek Rom (ELLAN PASSE), [Press Release](#): Ten open and relentless questions regarding the murder of the 18-year-old Roma [in Greek], 24 October 2021; Panhellenic Confederation of Greek Rom (ELLAN PASSE), [Press Release](#): Proposals from ELLAN PASSE to combat crime and antigypsyism and achieving social cohesion and peace [in Greek], 2 November 2021.

¹³⁹ RVRN, [Annual Report 2020](#), April 2021, p. 58; RVRN, [Annual Report 2019](#), June 2020, p. 35.

¹⁴⁰ Panhellenic Confederation of Greek Rom (ELLAN PASSE), Letter to the Minister of Citizen Protection dated 9 July 2021, in which ELLAN PASSE convicted the incidents and called upon the authorities to end police impunity and combat antigypsyism.

¹⁴¹ Panhellenic Confederation of Greek Rom (ELLAN PASSE), [Press Release](#): Explosion of racist violence against the Roma with the responsibility of the Greek Police, 15 February 2022.

¹⁴² Panhellenic Confederation of Greek Rom (ELLAN PASSE), Contribution to the GNCHR Report regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, May 2021.

drew once again the attention of the competent authorities to the need to avoid police violence and arbitrariness against Roma citizens¹⁴³.

94. The GNCHR's concerns were recently confirmed by the European Parliament, which on 23 November 2021, a year after Parliament condemned structural anti-gypsyism, took stock of developments in a debate with the Council and the Commission, highlighting that "excessive force, police brutality and misconduct against Romani people continue to be reported across the EU"¹⁴⁴, in line with the 2020 findings of the European Union Agency for Fundamental Rights (FRA)¹⁴⁵.

95. Concerning policing during the pandemic, the GNCHR acknowledges the role of law enforcement Authorities as vital for the protection of citizens' life and health and accepts, to some extent, that in many cases it may be necessary to grant the Police extensive powers for the monitoring of compliance with emergency measures. The serious impact of the pandemic on people's lives intensifies this need. At the same time, the GNCHR recognises that Greek Police, which has been entrusted with the supervision of the implementation of strict restrictive measures, is, from the beginning, at the forefront of tackling the pandemic and understands its enhanced role as regards the management of health risk. Nevertheless, following the allegations for unjustified violence, the GNCHR stresses that the pandemic does not exonerate the Police from its obligation to use its currently extensive powers in a manner that is fully compliant with its mandate, which is no other than to serve and protect citizens while respecting their fundamental freedoms and human rights. The GNCHR highlights at this point, as it has now been proven, two years after the outbreak of the pandemic, that abusive police practices and undue reliance on strict repression measures have not only led to serious infringements, but in fact have undermined any effort to combat the virus. The GNCHR lays particular emphasis on the importance of proper, initial and periodic training and retraining of law enforcement officers on human rights and welcomes the Prime Minister's announcement for a comprehensive upgrade of police studies¹⁴⁶.

96. In this regard, the GNCHR highlights that it is crucial to conduct a public debate on drastic amendment of the organisation, functioning and order of the Greek Police, based on a fundamentally different model of policing, which meets the real needs for the citizens' safety and ensures a peaceful daily life. The GNCHR takes this opportunity to recall the Prime Minister's announcement, dated 12 March 2021, which highlighted four (4) key issues related to the excessive use of force by police officers, including the strengthening of the Ombudsman by creating an autonomous structure with a Deputy Ombudsman, specialised staff and exclusive responsibility to assist in dealing with police violence. The GNCHR, following its previous recommendations, monitors the implementation of the relevant announcement¹⁴⁷.

Suggested questions:

¹⁴³ GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 13, GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021. In this regard see also GNCHR, [Written Responses](#) to the List of issues in relation to the combined fourth to sixth periodic reports of Greece to the UN Committee on the Rights of the Child, p. 45-46.

¹⁴⁴ European Parliament, [Briefing](#): Police violence against Romani people in the EU, 18 November 2021.

¹⁴⁵ FRA, Roma and Travellers in six Countries. Roma and Travellers [Survey](#), September 2020.

¹⁴⁶ GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 42 et seq.; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 9-10.

¹⁴⁷ Which also supports delivery of SDG Goal 16 and, in particular, SDG targets 16.3 aiming at promoting the rule of law at the national and international levels and ensuring equal access to justice for all and 16.6 regarding the development of effective, accountable and transparent institutions at all levels.

97. **What further initiatives are you taking to ensure that impartial and effective investigations are undertaken into all allegations relating to the excessive use of force by law enforcement officers and that the perpetrators are prosecuted and the victims are adequately compensated and how is it implementing the Committee's previous recommendation to establish and operate a reliable, independent and effective mechanism for the immediate investigation of relevant complaints.**

98. **With regard to the alleged incidents of police violence against Roma people, and in particular the shooting of the 18-year-old Roma man in Perama, what further initiatives have you taken to ensure the effective implementation of Article 82 of the Criminal Code for crimes with racist characteristics as a general aggravating circumstance not only during the hearings but also at the pre-trial stage, according to the relevant Circulars of the competent Authorities.**

99. **What measures have you taken to increase the efforts to systematically provide training to all law enforcement officers on the use of force, including continuous training on human rights in the Schools and Academies of the Greek Police, as well as introduction of the course of effectively addressing manifestations of racism and xenophobia in the general training and retraining of law enforcement officers.**

100. **With regard to Ill-treatment in police custody and prison establishments, what concrete measures have you implemented or planning on implementing in order to actively promote a clear and firm message of zero tolerance of ill-treatment of persons deprived of their liberty.**

101. **What further steps have you take for the effective the prevention of inter-prisoner violence and intimidation.**

Victims of torture and survivors

102. Another issue the GNCHR would also like to stress is the special care that our society needs to provide to torture survivors. In particular, given the urgent need to establish asylum procedures, which will focus on the rapid identification of vulnerable refugee groups, including victims of torture, in order to ensure their full and unhindered access to health care, rehabilitation services and justice, the GNCHR published, in 2020, a Report regarding the protection of asylum seekers/victims of torture and other cruel, inhuman or degrading treatment or punishment¹⁴⁸, where after making a first mapping of the most important issues regarding the recognition of victims of torture, the GNCHR proceeded to specific recommendations. To this end, the GNCHR organised a relevant hearing of bodies and persons on the "Certification of Victims of Torture", in order to identify gaps and/or discrepancies in national legislation with regard to the Country's international obligations, to discuss the action already undertaken and to map the existing needs and obstacles during the implementation of the procedures for the identification and rehabilitation of victims of torture. During the hearing, emphasis was put on issues related to gaps and the implementation of current legislation, the education and "training" of professionals dealing with victims of torture, the need to establish a group of experts regarding the Identification and Certification of victims, the operation of reception centers, the rehabilitation of the victims, the financing of the competent bodies which are active in the relevant field, as well as the process of the "certification" of the victims of torture.

103. In particular, in its 2020 Report on the protection of asylum seekers/victims of torture, the GNCHR: (i) expressed its particular concern not only with regard to the incorrect

¹⁴⁸ GNCHR, [Report](#) on the protection of asylum seekers/victims of torture and other cruel, inhuman or degrading treatment or punishment, 23 September 2020 [in Greek].

transposition of Article 25 of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) into domestic law, but mainly with regard to the consequent non-application of the Directive's dispositions related to the recognition of the victims of torture; (ii) insisted on the need to amend Article 61 of Law 4636/2019, in order, on the one hand, to reflect the full scope of the requirements of Article 25 of Directive 2013/33/ EU, on the other hand, to point out that the "identification" process of victims of torture is a different concept compared to the "certification" of victims of torture, since the latter aims at the submission of certificates for judicial use. To this end, the "certification" of victims of torture must be carried out in the light of the principles of the Istanbul Protocol, namely by a full scientific team, which will be independent of any public or private body for reasons of impartiality and objectivity, following the purposes, principles, guarantees, and procedures set out in the above-mentioned Protocol; (iii) recommended the amendment of Articles 61 and 77a of Law 4636/2019, in order for the staff working in the relevant field to be properly trained, so as to refer the victims of torture for rehabilitation and without undue delay and (iv) put emphasis on the immediate need to establish a permanent mechanism of uninterrupted financing, so that the services supporting victims of torture can function smoothly¹⁴⁹.

104. Currently, the GNCHR stresses that there are no public health structures specialised in identifying or assisting torture survivors in their rehabilitation process. As a result, it is for the NGOs running relative specialised programmes to handle the identification and rehabilitation of victims of torture. This is rather problematic for reasons related to the sustainability of the system, given the fact that NGOs' relevant funding is often interrupted. In particular, in Athens, torture survivors may be referred for identification purposes to MetAdrasi in the context of the program "VicTorious: Identification and Certification of Victims of Torture", thus fulfilling a need created by the suspension of activities the Medical Rehabilitation Center for Torture Victims (MRCT)¹⁵⁰. However, those referrals take place mostly by other NGOs¹⁵¹.

105. With regard to the vulnerability assessment procedure in the context of the asylum procedure, the Greek law provides for the possibility for the competent authorities to refer the victim, upon condition that he/she consents to it, for a medical and/or psychosocial diagnosis where there are signs or claims, which might indicate past persecution or serious harm. These examinations shall be free of charge and shall be conducted by specialised scientific personnel of the respective specialisation and their results shall be submitted to the competent authorities as soon as possible. Otherwise, the applicants concerned must be informed that they may be subjected to such examinations at their own initiative and expense. Specifically, for persons who have been subjected to torture, rape, or other serious acts of violence, a contested provision was introduced in 2018, according to which, such persons should be certified by a medical certificate issued by a public hospital or by an adequately trained doctor of a public sector health care service provider. The provision has been maintained by Law 4636/2019 on international protection. The main critiques against this provision are that doctors in public hospitals and health care providers are not adequately trained to identify possible victims of torture and that the law foresees solely a medical procedure. According to the Istanbul Protocol, a multidisciplinary approach is required – a

¹⁴⁹ GNCHR, [Report](#) on the protection of asylum seekers/victims of torture and other cruel, inhuman or degrading treatment or punishment, 23 September 2020 [in Greek], p. 9-10; GNCHR, [Reference Report](#) on the refugee and migrant issue [in Greek], September 2020, p. 73 et seq.; GNCHR, [Reference Report](#) on the refugee and migrant issue [in English], September 2020, p. 8.

¹⁵⁰ METAdrasi, [VicTorious](#): the METAdrasi program for the identification of victims of torture is being upgraded, 3 March 2021.

¹⁵¹ ECRE, AIDA Country [Report](#) Greece 2020, June 2021, p. 121.

team of a doctor, a psychologist, and a lawyer – for the identification of victims of torture. Moreover, stakeholders have expressed fears that certificates from other entities than public hospitals and public health care providers would not be admissible in the asylum procedure and judicial review before courts.

106. Few such cases of best practice, where Asylum Service officers referred applicants for such reports, were recorded by GCR in 2020. However, several cases have been reported to GCR where the Asylum Service officer did not take into account the medical reports provided. As reported by several civil society organisations, certain categories such as victims of torture are systematically not identified as such, where certification does not take place. Certification of victims of torture is impossible in the country in practice, given that public health authorities do not have the processes and capacity in place to carry out certification. The authors have contacted public health institutions on the islands on various occasions to inquire whether they certify victims of torture in accordance with the Istanbul Protocol, victims of rape of other serious form of violence, as well as whether hospital staff is appropriately trained for such a certification and whether the victims are able to receive the necessary care for their rehabilitation¹⁵².

107. At last, it is to be noted that, except for the "guaranteed minimum income", there are no other effective allowances in practice. There is no provision of state social support for vulnerable cases of beneficiaries such as victims of torture. The only psychosocial and legal support addressed to the identification and rehabilitation of torture victims in Greece is offered by three NGOs, GCR, Day Centre Babel and MSF, which means that the continuity of the program depends on funding¹⁵³.

Intersex persons

108. With regard to persons with variations of sex development (intersex persons) and despite the fact that no relative query has been formulated by the Committee in its latest COBs, the GNCHR is concerned about reports of unnecessary and sometimes irreversible surgical procedures performed on intersex children. The GNCHR is also concerned that these procedures, which are purported to cause physical and psychological suffering, have not as yet been the object of any inquiry, sanction or reparation¹⁵⁴. Further, the GNCHR, bearing in mind Resolution 2191 (2017) of the Parliamentary Assembly of the Council of Europe on Promoting human rights of and eliminating discrimination against intersex people¹⁵⁵, which calls on Council of Europe member States *inter alia* to prohibit medically unnecessary sex "normalising" surgery, sterilisation and other treatments practiced on intersex children without their informed consent and to ensure that intersex people have effective access to health care throughout their lives, deplores that the Greek competent State authorities have not yet responded to all the above and mainly, there is no ban on genital surgery which falls within the category of genital mutilation, even regarding intersex infants. On the contrary, several cases have been recorded where parents are consulted or urged to have an abortion based on the sole fact that, during prenatal examination, the baby was found to be intersex.

Suggested questions:

109. **Please describe how Article 61 of Law 4636/2019, which concerns the assessment of the victims of torture and violence, has been implemented so far.**

¹⁵² ECRE, AIDA Country Report Greece 2020, June 2021, p. 131-132.

¹⁵³ ECRE, AIDA Country Report Greece 2020, June 2021, p. 251.

¹⁵⁴ Intersex Greece, [Suggestions – requests](#) for the recognition and protection of intersex people in Greece, par. 2.

¹⁵⁵ PACE, Promoting human rights of and eliminating discrimination against intersex people, Resolution 2191 (2017), adopted on 12 October 2017.

110. **What further initiatives are you planning to ensure that the vulnerability assessments of people entering Greece are sped up and conducted in an effective and accurate manner.**

111. **What measures have been implemented to improve living conditions of victims of torture.**

112. **What measures have you adopted to ensure the rehabilitation of the torture survivors who are migrants, refugees and asylum seekers with disabilities, and persons with disabilities in refugee-like situations.**

113. **Please specify how immediate and unhindered access to medical and psychosocial support services is ensured for the asylum seekers with disabilities, refugees with disabilities, and persons with disabilities who are in refugee-like situations, including unaccompanied children and women with disabilities.**

114. **Describe any further initiatives taken in order to ensure prohibition of non-medically necessary and irreversible sex "normalisation" surgeries, such as sterilisation (preventive gonadectomy), or cosmetic surgeries and other treatments or interventions applied to intersex children before they reach an age appropriate to provide their free, stable and up-to-date consent.**

Social care settings for persons with disabilities (Arts. 11 and 16, COBs par. 40-41)

115. The GNCHR itself with the assessment of the National Confederation of Disabled People (NCDP), according to which life in social care settings is still characterised by inhumane living conditions and events of abuse and neglect¹⁵⁶. The death of a 25-year-old inmate at the Rehabilitation Center for Children with Disabilities in Thessaloniki "O Agios Dimitrios"¹⁵⁷, in December 2021, after a brutal beating by another inmate, comes sadly to confirm the critical and inhuman conditions that persons with disabilities face in the existing social care settings. Insufficient staff, lack of adequate training on the staff that already works on these settings, and a limited number of programs that are implemented within the social care settings and which do not promote and respect the personality of persons with disabilities living in them are some of the causes resulting to these tragic events. While both the Committee on the Rights of Persons with Disabilities¹⁵⁸ and the Committee against Torture¹⁵⁹ have stressed at their Concluding Observations the need to implement safeguards against and mechanisms for monitoring ill-treatment in institutions and facilities where persons with disabilities are held, the abovementioned tragic event shows the deficiencies which still exist in the social care settings for persons with disabilities and put their lives in danger.

Suggested questions:

116. **What steps are being implemented to ensure that the deaths of people inside institutions and mental health facilities are subject to an independent investigation that is effective and open to public scrutiny.**

117. **What steps are being taken to close institutions for persons with psychosocial and intellectual disabilities and to eliminate all forms of discrimination and barriers**

¹⁵⁶ National Confederation of Disabled People (NCDP), Contribution to the GNCHR's Submission, received: 22 February 2022.

¹⁵⁷ National Confederation of Disabled People (NCDP), [Press Release](#): Lasting crime in the Country's institutions, 3 December 2021.

¹⁵⁸ CRPD, Concluding observations on the initial report of Greece, 29 October 2019, [CRPD/C/GRC/CO/1](#), par. 25.

¹⁵⁹ CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 40-41.

that prevent them from living independently in their communities, including by providing access to a range of voluntary supports and by ensuring that mainstream services are accessible and available to persons with disabilities (and in line with Article 19 of the CRPD).

Training (Art. 10, COBs par. 44-45)

118. The training of all professionals involved in the human rights protection field, such as law enforcement personnel, border guard staff, penitentiary staff, staff of detention centres, as well as members of the judiciary and prosecutor, constitutes a topic on top of the GNCHR agenda. Notwithstanding the measures taken for the suppression of arbitrary cases involving the security forces, the GNCHR would like to highlight that the effective response to the phenomenon of torture and ill-treatment by law enforcement personnel includes the correct - initial and periodic - education and training of security forces mainly on human rights, but also on inquiry methods, especially for the Police. The GNCHR has proposed to the Ministry of Internal Affairs, on its own initiative, to carry out and establish a programme for the education of police officers on human rights and is willing to assist and cooperate with the Ministry in order to facilitate any educational initiative in this regard. In addition, the GNCHR has pointed out that, with regard to the penitentiary establishments' staff it is crucial to improve the quality of the management staff, the guardian and other staff serving in the penitentiary facilities so that they can deal with the various problems and situations arising in daily basis in prisons¹⁶⁰.

Suggested questions:

119. **What further initiatives have you taken to ensure that all public officials, in particular law enforcement officials, prison staff and medical personnel employed in prisons and psychiatric institutions, are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture.**

120. **What steps have been taken to ensure that a permanent system of basic education and further training for prison staff is set up, depending on the job and the needs arising, harmonised with the new trends and guidelines of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which include a new understanding of the role of penitentiary establishments' staff. Furthermore, with over half of the prison population made up of foreign nationals such training must include promoting learning in the areas of diversity and inter-personal skills.**

121. **What steps have been taken to ensure that public sector staff, especially in asylum services and health facilities receives specialised training and sensitisation to to identify cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol).**

122. **How do you assess the effectiveness and impact of educational and training programmes provided to public officials, especially law enforcement officers, prison staff and medical personnel with regard to the Convention and human rights protection in general.**

¹⁶⁰ GNCHR, [Observations](#) [in Greek] on the Strategic Plan (Strategic Planning 2018-2020) for the Prison System of the Ministry of Justice, Transparency and Human Rights - General Secretariat for Transparency and Human Rights (2017).

Hate crime (Art. 16, COBs par. 46-47)

Normative and institutional framework

123. The GNCHR welcomes and fully encourages the initiatives of the Greek Authorities to improve the antiracism legislation¹⁶¹, acknowledging that significant steps have been made in this direction¹⁶². A landmark decision is the conviction against Neo-Nazi Golden Dawn Party by national court on 7th October 2020. The impact of the verdict against Golden Dawn expresses in practice the protection provided by law to each individual, as well as to each member of a community, who is targeted by individuals or groups with racist, xenophobic, homophobic or transphobic motives¹⁶³.

124. Nonetheless, the GNCHR points out with concern that many structural problems and shortcomings have been identified to date regarding the unhindered and proper implementation of the legislative framework, such as Law 4478/2017. At the same time, convictions by national courts in such remain limited. In particular, the GNCHR stresses that the actual impact of the new Article 81A (racist crime) on pending criminal cases has been quite limited, mainly as a result of the absence of a specific transitional provision which would explicitly provide for the replacement of the Article previously in force (Article 79(3d) by Article 81A¹⁶⁴. At the same time, Law 927/1979 (widely known as the "anti-racist law") has been rarely implemented. Moreover, the GNCHR highlights the need for speeding up the identification procedure of undocumented third-country nationals who are victims of racist violence or material witnesses to respective incidents, in order to minimise restrictions of freedom imposed to them¹⁶⁵.

¹⁶¹ Eg. the establishment and operation of the National Council against Racism and Intolerance (Law 4356/2015), Law 4478/2017 transposing the EU Directive 2012/29/EU on the Protection of Victims of Crime, the amendment of Article 81A of the Criminal Code (now 82A), the appointment of Special Prosecutors for Racist Crime, the classification of the case files related to racist crimes with the label "RV" to facilitate their identification, the training of judges and prosecutors on racist violence, as well as the establishment of two (2) Divisions and sixty-eight (68) Offices Against Racist Violence in the Hellenic Police.

¹⁶² Addressing these issues will also support SDG Goals focused on Quality education (Goal 4), Reducing inequalities (Goal 10) and Promotion of peace, justice and strong institutions (Goal 16). In particular, it will support delivery of SDG targets 4.7 aiming at ensuring by 2030 that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development; 10.3 on ensuring equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard; 16.1 aiming at significantly reducing all forms of violence and related death rates everywhere and 16.2 on ending abuse, exploitations, trafficking and all forms of violence against and torture of children.

¹⁶³For more information see RVRN, [Communication](#) from the Racist Violence Recording Network, pursuant to Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe for the supervision of the execution of judgments and the terms of friendly settlements, relating to the case of Sakir v. Greece (Application No. 48475/09), 18 December 2020, p. 5 and RVRN, [Annual Report 2020](#), April 2021, p. 7.

¹⁶⁴ RVRN, [Communication](#) from the Racist Violence Recording Network, pursuant to Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe for the supervision of the execution of judgments and the terms of friendly settlements, relating to the case of Sakir v. Greece (Application No. 48475/09), 18 December 2020, p. 3. See, for instance, Court decision 398/15.4.2014 of the Athens' Mixed Juror Court and Court decision 286/6.5.2019 by the Athens' Mixed Juror Court of Appeal (case of the murder of Pakistani citizen S.L.).

¹⁶⁵RVRN, Universal Periodic Review Stakeholder Submission, Submission to the UN UPR, Thirty-Ninth Session of the Working Group on the UPR, Human Rights Council, 25 March 2021, par. 30; RVRN, [Communication](#) from the Racist Violence Recording Network, pursuant to Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe for the supervision of the execution of judgments and the terms of friendly settlements, relating to the case of Sakir v. Greece (Application No. 48475/09), 18 December 2020, p. 13

125. In addition, the GNCHR reiterates with emphasis that the targeted initiatives for eliminating discrimination and racism are strongly connected with the effective monitoring of the relevant indicators, including the trends of racist violence. To this end, it is urgent to publicise the quantitative and qualitative analysis of the recorded incidents of racist violence, as well as the follow up procedures in order to enhance the transparency of procedures and the trust in an effective national mechanism for recording incidents of racist violence¹⁶⁶. The GNCHR remains concerned about the absence of a unified national system for monitoring the procedural steps from the time of the recording by the Police until the relevant procedures at the prosecutors' level and the Courts, but also the access of the victims to supporting services¹⁶⁷. The GNCHR's concerns are confirmed by CAT in its latest COBs¹⁶⁸.

126. The GNCHR has welcomed the establishment by the Greek Ministry of Justice of the National Council against Racism and Intolerance (NCRI), in which both the GNCHR and the Racist Violence Recording Network (RVRN)¹⁶⁹ are represented, although it remains understaffed. The NCRI should operate on a steadier and more frequent basis, conduct decisive interventions aimed at the supervision of the implementation of legislation against racism and intolerance, especially in cases of its violation with the involvement of public officials. With regard to the National Action Plan against Racism and Intolerance, it includes a certain number of policy components for preventing discrimination and racism and combating racist violence, as well as an evaluation system which allows the implementation of the adopted actions to be monitored on an annual basis. Despite the positive above-mentioned developments, the GNCHR has pointed out that there are still key issues related to the promotion of the equal access to basic rights, the effective implementation of the anti-racist legal framework, as well as the establishment of a comprehensive referral system for the support and protection of the victims, which remain to be addressed¹⁷⁰.

Suggested questions:

127. **What steps are you implementing to ensure proper investigation and justice for hate crime victims and, in particular, how do you ensure:**

- **effective implementation of the relevant antiracist normative framework;**
- **effective monitoring of hate crimes and, in particular, what measures have you taken for the establishment of a unified national system for monitoring the processing of hate crime incidents from the level of the recording by the Police until the level of the prosecutors and the courts, as well as for the publication of qualitative and quantitative trends regarding incidents of racist violence, based also on the findings of the Racist Violence Recording Network (RVRN).**

¹⁶⁶ RVRN, Universal Periodic Review Stakeholder Submission, Submission to the UN UPR, Thirty-Ninth Session of the Working Group on the UPR, Human Rights Council, 25 March 2021, par. 14. See for more details RVRN, [Annual Report 2020](#), April 2021, p. 54, 55, 57; RVRN, [Annual Report 2019](#), June 2020, p. 32-34; RVRN, [Annual Report 2018](#), April 2019, p. 30.

¹⁶⁷ RVRN, Universal Periodic Review Stakeholder Submission, Submission to the UN UPR, Thirty-Ninth Session of the Working Group on the UPR, Human Rights Council, 25 March 2021, par. 15. See also RVRN, [Annual Report 2020](#), April 2021, p. 55.

¹⁶⁸ CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 46-47.

¹⁶⁹ The Racist Violence Recording Network (RVRN) is a coalition of fifty-one agencies which provide medical, social and legal aid and/or come in direct contact with the victims of racist violence aiming to monitor racist violence incidents and provide support to the hate crime victims. The RVRN was established in 2011 at the initiative of the GNCHR and the Office of the UN High Commissioner for Refugees in Greece (UNHCR).

¹⁷⁰ GNCHR, [Contribution](#) to the National Action Plan against Racism, January 2020; RVRN, [Letter](#) to the President of the National Council against Racism and Intolerance, General Secretary of Justice and Human Rights of the Ministry of Justice and to the Members of the National Council against Racism and Intolerance, 15 December 2020.

128. **What specific awareness-raising measures have you taken, including regular mandatory pre-service and in-service training, especially among the police, prosecutors, judiciary and lawyers, on the legal framework governing anti-discrimination and on the investigation of complaints of hate crimes.**

129. **What further initiatives are you planning to improve the operation of the National Council against Racism and Intolerance (NCRI).**

130. **What measures are taking to ensure effective protection of hate crime victims and, in particular:**

- **what specific measures have you taken for the establishment of referral system for ensuring access to the supportive services for victims of racist violence;**
- **how do you ensure effective dissemination of information on the prohibition of expulsion or return of third country nationals who are either victims or key witnesses of racist crimes or hate speech and express their intention of filing a complaint or reporting an incident to the competent police authorities;**
- **what steps are you taking to ensure speeding up of the identification procedure of undocumented third-country nationals who are victims of racist violence or material witnesses, in order to minimise the detention period.**

Widespread use of hate speech

131. The GNCHR expresses its deep concern about the recent frequent use of xenophobic rhetoric against migrants, lesbian, gay, bisexual and transgender groups in the official political discourse, including by public figures, encouraging or legitimising racist violence and, thereby, undermining the significant efforts by Greece to improve the Authorities' response to hate crimes¹⁷¹. As the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during his mission to Greece pointed out, hate speech was present in the media, on the Internet and social media platforms. It usually went largely unchecked and unpunished, as effective self-regulatory mechanisms seemed to be lacking¹⁷².

Suggested questions:

132. **What further initiatives are you taking to prevent, combat and punish racist hate speech.**

133. **What steps are you undertaking to ensure that racist rhetoric in public speech, which normalises and encourages relevant reactions, is effectively restrained.**

134. **How are ensuring the safety of targeted groups and human rights defenders.**

Human rights defenders and humanitarian workers and volunteers (Art. 16, COBs par. 48-49)

135. The GNCHR assesses that the overall environment for human rights defenders and civil society in the Country is continuously worrying. Risks of repression of CSOs supporting refugees and migrants in Greece have been exacerbated by successive legislative reforms in

¹⁷¹ RVRN, Universal Periodic Review Stakeholder Submission, Submission to the UN UPR, Thirty-Ninth Session of the Working Group on the UPR, Human Rights Council, 25 March 2021, par. 34; GNCHR, Observations on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD) of the International Convention on the Elimination of All Forms of Racial Discrimination, July 2021, p. 19.

¹⁷² UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Greece, 4 May 2016, [A/HRC/32/50/Add.1](#), par. 44-45.

2020, introducing disproportionate and ambiguous requirements for registration on Registries managed by the Ministry of Migration and Asylum. In particular, with regards to Non-Governmental Organisations (NGOs) active in Greece in the field of asylum, migration and social inclusion, there is an obligation, since 2016, to be registered in a special "Registry of Greek and Foreign NGOs", operating under the Ministry for Migration and Asylum. However, by virtue of Laws no. 4636/2020 and 4686/2020, the requirements for registration and verification of these NGOs became stricter, involving also the registration of their members and employees (physical members) for anti-laundering purposes.

136. According to an Opinion by the Expert Council on NGO Law which reviewed the legislation in place, the above requirements "give rise to problems of compliance with the rights in Articles 8 and 11 of the ECHR", because of a lack of legitimacy, proportionality and legal certainty¹⁷³. These provisions will have a significant chilling effect on the work of the civil society, which "may produce a worrying humanitarian situation, given the significant needs of this very vulnerable population and already existing gaps in the significant needs of government and others, and the continued violence and judicial harassment such NGOs face, including criminalisation of t aspects of their work"¹⁷⁴. Furthermore, on March 31st, 2021, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the human rights of migrants voiced concerns on the "significant and detrimental impact on the operation of all civil society organizations working with migrants and refugees in Greece", with particular focus on the complexity and high costs of registration imposed by Greek legislation, contrary to the right to freedom of association. The three Special Rapporteurs urged Greece to "undertake a review of Law on NGOs and the JMD to ensure that they are in accordance with Greece's international human rights obligations"¹⁷⁵.

137. In reference to the positions taken by the Expert Council on NGO Law and the UN Special Rapporteurs, on May 3, 2021, the Council of Europe Commissioner for Human Rights stated that she "share[d] these concerns, and call[ed] on the Greek authorities to build on the recommendations issued by these bodies in order to actively create and maintain an enabling legal framework and a political and public environment conducive to the existence and functioning of civil society organisations"¹⁷⁶. The Greek authorities replied to the Council of Europe that the "objective of the Registry is not to set barriers to the NGOs and in no case the registration procedure is intended to be excessive or cumbersome", confirming that "the objective is to set the same rules for all NGOs operating in Greece... as well as to verify that they offer high quality services to the beneficiaries"¹⁷⁷.

¹⁷³ Council of Europe, Expert Council on NGO Law of the Conference of INGOs, Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration, 2 July 2020, [CONF/EXP\(2020\)4](#), par. 105.

¹⁷⁴ Council of Europe, Expert Council on NGO Law of the Conference of INGOs, Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration, 2 July 2020, [CONF/EXP\(2020\)4](#), par. 8.

¹⁷⁵ Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the human rights of migrants, 31 March 2021, [OL.GRC 1/2021](#), p. 1.

¹⁷⁶ Council of Europe Commissioner for Human rights, Letter to Minister for Citizens' Protection of Greece, Minister of Migration and Asylum of Greece and Minister of Shipping and Island Policy of Greece, urging Greek authorities to put an end to pushback operations and to ensure that independent and effective investigations are carried out into all allegations of pushbacks, 3 May 2021, [CommHR/DM/sf 019-2021](#), p. 2.

¹⁷⁷ Minister of Citizen Protection, Minister of Migration and Asylum, Minister of Maritime Affairs and Insular Policy Athens, Reply to the Council of Europe Commissioner for Human Rights, 11 May 2021, [Ref \(conf\): 130](#), p. 2-3.

138. As far as the implementation of the NGO registry so far is concerned, in an information note released in May 2021, the Ministry of Migration and Asylum referred to 36 registered organisations and 78 rejected applications. Another 97 applications are pending. Taking into account that the negative decisions are more than double the number of positive decisions on registration applications, the assessment of registration applications in practice gives rise to grounds for believing that the criteria are not applied transparently, fairly, consistently and lawfully¹⁷⁸.

139. The GNCHR remains deeply concerned about the tensions manifested in 2020 against human rights defenders, particularly affecting organisations and activists working with refugees and migrants and with the LGBTIQ+ community. The increasing incidence of attacks, according to the 2020 RVRN Annual Report published in April 2021, highlight a worrying trend which points to an increasingly hostile environment for humanitarian organisations, and CSOs in general, active in the promotion and protection of human rights¹⁷⁹. The growing racist rhetoric in the public sphere often aims to discredit the work and services offered by these organisations, while the lack of special protection for human rights defenders - which RVRN has already pointed out in its previous annual reports¹⁸⁰ - deteriorates the conditions in which organisations are called upon to operate and makes the implementation of a legal provision for special protection of human rights defenders even more urgent on the other hand.

140. The continuously worrying environment for human rights defenders and civil society in the Country is confirmed by a recent press release issued by the Special Rapporteur on the situation of human rights defenders, in which the UN expert urged judicial authorities in Greece against criminalising the work of migrant rescuers in the Mediterranean Sea. According to the Special Rapporteur, a guilty verdict in a court case against two human rights defenders could translate into "death sentences" for countless more migrants¹⁸¹. The case concerns two search and rescue volunteers, Sarah Mardini and Seán Binder, who currently face criminal charges related to their lifesaving humanitarian work off the Greek island of Lesbos. The two were held in pre-trial detention for 107 days in 2018 while authorities investigated the "misdemeanours" and possible felony charges: facilitation of illegal entry, money laundering and fraud. The investigation continues and the two have not been formally indicted with any felonies. If convicted on all misdemeanour and felony charges, they could face up to 25 years in prison. The Special Rapporteur's call was endorsed by the Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on the human rights of migrants¹⁸².

141. The GNCHR monitors very closely the situation regarding civil society space and the protection of human rights defenders, while maintaining a very close relation with NGOs and CSOs. Not only prominent NGOs and CSOs form part of the GNCHR Plenary, but the GNCHR also maintains within its premises the Racist Violence Recording Network (RVRN), which was established by the GNCHR and the Greek Office of UNHCR and consists today of 51 NGOs and CSOs, which acknowledge and jointly pursue combating racist violence, as well as all racially

¹⁷⁸ Ministry of Migration and Asylum, [Information note](#): State of play, 12 May 2021 [in Greek].

¹⁷⁹ RVRN, [Annual Report 2019](#), p. 19, 33-34; RVRN, [Annual Report 2020](#), p. 26 et seq. and 57-58. In this regard see also RVRN, [Communication](#) pursuant to Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe for the supervision of the execution of judgments and the terms of friendly settlements, relating to the case of Sakir v. Greece (Application No. 48475/09), 18.12.2020.

¹⁸⁰ RVRN, [Annual Report 2019](#), June 2020, p. 6-7; RVRN, [Annual Report 2018](#), April 2019, p. 18; RVRN, [Annual Report 2017](#), March 2018, p. 4-5, 13 et seq.

¹⁸¹ UN, Special Rapporteur on the situation of human rights defenders, [Press release](#). Greece: Guilty verdict for migrant rights defenders could mean more deaths at sea – UN expert, 18 November 2021.

¹⁸² UN, Special Rapporteur on the situation of human rights defenders, [Press release](#). Greece: Guilty verdict for migrant rights defenders could mean more deaths at sea – UN expert, 18 November 2021.

motivated acts on the grounds of race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, sex characteristics and disability. At the same time, the GNCHR has already approved in principle the adoption of a bill on "Recognition and Protection of Human Rights Defenders", brought before the GNCHR Plenary by the Greek Transgender Support Association (SYD), which is a GNCHR member¹⁸³. The bill aims at ensuring that human rights defenders are free from attacks, reprisals and unreasonable restrictions, in order to work in a safe and supportive environment.

Suggested question:

142. What concrete measures are you taking to ensure the protection of human rights defenders, as well as the safety of humanitarian workers and members of civil society.

143. What further initiatives have you taken for the adoption of a legal framework regarding the protection of human rights defenders.

Trafficking in persons (Arts. 2 and 16, COBs par. 50-51)

144. The GNCHR, while acknowledging the significant efforts of the National Referral Mechanism for Victims and Potential Victims of Trafficking in Human Beings and its coordinated action and partnership building¹⁸⁴, expresses its deep concern that there are certain gaps in practice, regarding the slowness of the screening procedures to identify potential victims (see also relevant CAT's Observations¹⁸⁵) and assistance available to victims of trafficking and exploitation¹⁸⁶. In addition, as regards the obligation of establishing and reinforcing effective policies and action plans to prevent trafficking in human beings and/or forced labour, the first evaluation by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) was rather disappointing, pointing out serious pathologies in the implementation of the relevant legal framework and thereby in the implementation of the obligations contained in the Council of Europe Convention on Action against Trafficking in Human Beings and the Committee of the Parties¹⁸⁷.

145. The GNCHR while systematically monitoring the compliance of the Greek State with the decisions of the European Court of Human Rights (ECtHR) and the adaptation of Greek

¹⁸³ ENNHRI, State of the rule of law in Europe: [Reports](#) from National Human Rights Institutions, June 2021, p. 268.

¹⁸⁴ Such as the Strategy to tackle Trafficking in Human Beings (THB) 2021-2025, launched by the Ministry of Citizen Protection and presented in an online press conference, on July 29 2021, in the presence of the National Rapporteur for Combating Trafficking in Human Beings, Iraklis Moskof. See Ministry of Citizen Protection, [Press Release](#). The Ministry's of Citizen Protection Strategy to tackle Trafficking in Human Beings 2021-2025, 29 July 2021; The Ministry's of Citizen Protection [Strategy](#) to tackle Trafficking in Human Beings 2021-2025, 29 July 2021.

¹⁸⁵ CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 50-51.

¹⁸⁶ CEDAW, Concluding observations on the seventh periodic report of Greece adopted by the Committee at its fifty fourth session (11 February – 1 March 2013), 26 March 2013, [CEDAW/C/GRC/CO/7](#), par. 22-23.

¹⁸⁷ In fact, in light of the ECtHR judgment in the *Chowdury and Others v. Greece* case, the GRETA Experts, taking into account the dimensions of the refugee/migration crisis, had stressed the need for the initiatives and preventive actions to be realised mainly through social and economic protection measures, mostly of the most vulnerable groups such as asylum seekers, migrants or unaccompanied minors. Council of Europe, GRETA, [Report](#) concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece, First evaluation round, Adopted on 7 July 2017, Published on 18 October 2017, GRETA(2017)27, par. 113 et seq. In this regard see also Council of Europe, Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, [Recommendation CP\(2018\)3](#) on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece, adopted at the 22nd meeting of the Committee of the Parties, on 9 February 2018, Addendum: List of GRETA's proposals concerning the implementation of the Convention by Greece, par. 14.

legislation to the international, European and national human rights standards, submitted to the Committee of Ministers two Communications on the level of compliance of the Greek State with the ECtHR judgment in *Chowdury and others v. Greece* (the "Manolada-case")¹⁸⁸. In particular, the GNCHR carried out an initial focused approach for the full compliance of the Greek State with the ECtHR judgment¹⁸⁹ and follow-up on that¹⁹⁰. Moreover, the GNCHR drew attention to the particular link between human trafficking and forced labour as well as to the connection between trafficking in human beings for the purpose of labour exploitation and undeclared employment in the agricultural sector in Greece, and called upon the Greek competent authorities to reconsider the relevant legislative and institutional framework¹⁹¹, in multiple occasions¹⁹².

146. During the pandemic, the living and working conditions in the agriculture holdings, the overcrowding and the complete lack of basic human standards exacerbated the increased risk of labor exploitation and forced labor¹⁹³. The lack of available and reliable data and strong monitoring capacity remains a key challenge that impedes progress, as recently confirmed by the CEDAW, in its List of issues and questions prior to the submission Greece's report¹⁹⁴.

Suggested questions:

147. What concrete steps are you taking for the implementation of the relevant legal and policy framework, with a view to effectively prevent and combat trafficking in human beings, accelerate the identification procedure and referral of victims, provide them with all the necessary support, especially secure shelters and counseling services, and prosecute traffickers.

148. What measures have you undertaken to improve the labor working conditions in practice and address phenomena, notably the uncontrolled working environment,

¹⁸⁸ GNCHR [Chowdury and Others v. Greece. Recommendations for the full compliance of the Greek State](#), 27 August 2018, [Communication](#) on the assessment of the level of compliance of the Greek State with GNCHR's recommendations on ECtHR judgment *Chowdury and Others v. Greece* (Manolada-case) 5 June 2020.

¹⁸⁹ GNCHR [Chowdury and Others v. Greece. Recommendations for the full compliance of the Greek State](#), 27 August 2018.

¹⁹⁰ GNCHR [Communication](#) on the assessment of the level of compliance of the Greek State with GNCHR's recommendations on ECtHR judgment *Chowdury and Others v. Greece* (Manolada-case) 5 June 2020.

¹⁹¹ Addressing these concerns will also support delivery of SDG targets 5.2 aiming at eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; 8.7 on the need to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms and 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children.

¹⁹² GNCHR, [Observations](#) on Draft Law of Ministry for Migration and Asylum "Improvement of migration legislation, amendments of provisions of Laws 4636/2019, 4375/2016, 4251/2014 and other provisions", April 2020. GNCHR, [Observations](#) on the Draft Law of the Ministry for Migration and Asylum "Reform of deportation and return procedures of third-country nationals, issues of residence permits and procedures for granting international protection and other provisions [in Greek]", 8 July 2021, p. 28. In August 2021, the GNCHR reiterated its proposal for an holistic reform of employment status in the agricultural sector during the discussion at the Parliament on Draft Law 4825/2021 which abolished 13A of L. 4251/2014. July 2021.

¹⁹³ GNCHR [Recommendations](#) for the full compliance of the Greek State to the ECtHR, *Chowdury and others v. Greece*, 27 August 2018; GNCHR [Information](#) relevant to the implementation of the Convention against Torture. Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, 7 June 2019; GNCHR [Communication](#) on the assessment of the level of compliance of the Greek Government with GNCHR's recommendations on ECtHR judgment *Chowdury and Others v. Greece* (Manolada-case). Communication under Rule 9(2) on the execution of the judgment in *Chowdury v. Greece* (21884/15), 5 June 2020.

¹⁹⁴ CEDAW, List of issues and questions prior to the submission of the eighth periodic report of Greece, 17 November 2020, [CEDAW/C/GRC/QPR/8](#), par. 11-12.



worse remuneration, residence settlement conditions as well as lack of provision for basic health and safety.

Dissemination of information relating to the Convention and the Committee's Concluding Observations (COBs par. 53)

149. The GNCHR stresses the importance of raising levels of awareness about the Convention and its Optional Protocol, among public officials and State agents, but also among the population at large¹⁹⁵. Nonetheless, there has been very little public awareness of the Convention, its Optional Protocol and the Committee's Concluding Observations, in appropriate languages, among judges, public officials, police and law enforcement officers, legal advisers and the public at large. Greece does not have a national strategy for human rights education and no plans have been developed to deliver any of the three phases of the World Programme for Human Rights Education.

Suggested questions:

150. **What measures have been undertaken to widely disseminate the Convention and its Optional Protocol, as well as information about the Committee's previous COBs, in appropriate languages, through official websites, the media and NGOs.**

¹⁹⁵ Which also supports delivery of SDG Goal 16 and, in particular, SDG target 16.10 aiming at ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements.