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**Parallel Report on Greece's compliance  
with the International Covenant on Civil and Political Rights**

26 August 2021

This report was prepared for submission to the **United Nations' Human Rights Committee (HRCttee)** for the adoption of the **List of Issues Prior to Reporting for Greece** during [its 133rd session in October - November 2021](#). The text below follows [HRCttee's November 2015 concluding observations](#) and refers to its paragraphs.

**Greek Helsinki Monitor (GHM)**, founded in 1993, monitors, publishes, lobbies, and litigates on human and minority rights and anti-discrimination issues in Greece and, from time to time, in other European countries.

**Minority Rights Group - Greece (MRG-G)**, founded in 1992, focuses on studies of minorities, in Greece and in the Balkans.

The **Humanist Union of Greece (HUG)**, founded in 2010, aims to promote secularism and a humanist view of cultural, social and ethical values and to work for social and cultural progress.

The **Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE)** is a network founded in 2001; its members include 50 Roma communities and 5 Greek NGOs that have been working on Roma rights.

They have previously submitted reports to the **HRCttee in January 2015** ahead of the **Country Report Task Force** in March-April 2015, [in September 2015](#) ahead of Greece's review in October-November 2015, and subsequently [a report for the follow-up in April 2017](#). They had also previously submitted a report to the **HRCttee in February 2005** ahead of Greece's review by the **HRCtee** in March 2005, and subsequently [a report for the follow-up in June 2012 with an addendum dated April 2012](#).

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## Views of the Committee

1. The Committee's recommendation (paragraphs 5-6) to establish a mechanism with the mandate: (a) to study the Committee's findings as set out in its Views; and (b) to propose measures to be taken by the State party to give full effect to the Views, including providing victims with an effective remedy for the violation of their rights has been ignored. Worse, the Views that were once published in Greek on the **Legal Council of State** website, alongside ECtHR judgments, are no longer available on any state website. Moreover, compensation to successful authors was never awarded. **The Committee is therefore requested to ask Greece whether it established such a mechanism, as well as whether the Views are available on some state website and if so on which one, and finally, whether compensation recommended by the Views has been granted.**

## Gender equality

2. Concerning gender equality (paragraphs 7-8), there is a higher than before mandatory 40% quota for women candidates in all levels of elections. However, this quota does not apply to those elected, hence women remain vastly underrepresented in the elected bodies. According to the government's [Observatory of the General Secretariat for Gender Equality](#) "*women's participation rates in the country's decision-making centers, as presented for the municipalities, regions and the European Parliament, are extremely low*". Indeed, data provided by them (for 2019 unless otherwise mentioned) show that women are 8% among regional governors, 20% among regional councilors (2014 data), 6% among mayors, 18% among municipal councilors (2014 data), 24% among MEPs (as opposed to 32% in 2009 and 28% in 2014), and ([Parliament data](#)) 22% among MPs. **The Committee should ask Greece about its current quota for women candidates and whether it is extended even among those elected (as many Greek political parties do for their central committees for example).**

## Protection of persons with disabilities from discrimination

3. Concerning the protection of persons with disabilities from discrimination (paragraphs 9-10), [in the specific October 2019 recommendations of the Committee on the Rights of Persons with Disabilities](#) it was pointed out very accurately that there was a "*lack of effective implementation of the existing standards on equality and non-discrimination, including provision of specific measures and individualized support, particularly in the areas of education for children with disabilities and protection of refugees, asylum seekers and migrants with disabilities.*" Then the CRPD issued a series of related recommendations: while several legislative measures were taken, their effective implementation has been poor. **The Committee should ask Greece for a detailed and properly documented report on how they implemented [the specific October 2019 recommendations of the CRPD.](#)**
4. The NGOs would like to request the **Committee** to take up the problem of effective denial of the right to vote of persons with disabilities. In May 2019, the **Office for Democratic Institutions and Human Rights** (ODIHR) published a [Needs Assessment Mission Report](#) (NAM), ahead of that year's double parliamentary elections. In the meeting with the **ODIHR** mission, **GHM** stressed the problem of effective exclusion of persons with disabilities in the electoral process. The **GHM** concerns were comprehensively reflected in the **NAM** report. We reproduce here the relevant excerpts:

*"There are few measures in place to facilitate the independent participation of voters with disabilities. Several ODIHR NAM interlocutors described an overall lack of progress in remedying the exclusion of persons with disabilities in the electoral process, including inadequate physical infrastructure of public buildings and a lack of autonomous voting opportunities, contrary to prior ODIHR recommendations and the country's commitments under the Convention on the Rights of Persons with Disabilities. (...) The law does not provide for persons with disabilities to request assistance in voting from a person of their choice, but obliges polling station committees (PSC) chairpersons to provide assistance by entering the voting booth or bringing election materials outside the polling station if the person cannot enter. There is no provision for homebound voting,*

*effectively disenfranchising voters with reduced mobility or in hospitals who cannot travel to polling stations. Likewise, no practices are in place to facilitate autonomous voting for persons with visual impairments, although voter information is available on the MoI website in accessible formats. Several ODIHR NAM interlocutors described an overall lack of progress in remedying the exclusion of persons with disabilities in the electoral process, including inadequate physical infrastructure of public buildings and a lack of autonomous voting opportunities, contrary to prior ODIHR recommendations and the country's CRPD commitments."*

5. [In the final report after the double elections, in December 2019, ODIHR recommended](#) that *"The authorities should undertake efforts, in consultation with disabled persons' organizations, to facilitate the autonomous participation of all voters. Additional efforts should be undertaken and legal amendments introduced to ensure that polling station premises and layout can be independently accessed by voters with disabilities, and voters can select assistance providers of their choice... The law should be amended to remove restrictions on voting rights on the basis of intellectual or psychosocial disability."* The NGOs reporting here have campaigned for the implementation of those changes but none of the competent authorities, not even the **Ombudsman** who has a specific mandate under **ICRPD**, have taken any action two years later. **The Committee is therefore requested to ask Greece how it has implemented the ODIHR recommendations so as to secure effective and unrestrained voting rights of persons with disabilities and comply with the ICRPD provision that persons with disabilities are assisted in the voting places by persons of their choice and not by state appointed officials. Moreover, Greece should be asked if they have adopted an action plan so that the whole pre-election campaign and election day activities and the related broadcasts and material are friendly for the persons with disabilities.**
6. The **Committee's** as well the **CRPD's** recommendations *"The State party should take immediate measures to abolish the use of enclosed restraint beds and systematic sedation in psychiatric and related institutions. The State party should also establish an independent monitoring and reporting system and ensure that abuses are effectively investigated, those responsible are prosecuted and redress is provided to the victims and their families"* have not been implemented. **The Committee should therefore ask Greece if they repealed all laws allowing for the involuntary deprivation of liberty on the basis of impairment, ended the use of forced treatment, restraints and coercive methods, and provided effective remedies for persons with disabilities deprived of their liberty on the basis of impairment and if so provide an assessment of related legislated or measures taken.**

### **Hate speech and hate crimes**

7. The **Committee's** concerns on hate speech and hate crimes remain valid today (paragraphs 11-14). A very characteristic example of –in the words of the **Committee**– *"the prevalence in society of stereotypes and prejudice against lesbian, gay, bisexual and transgender persons"* and of *"the lack of an adequate official response"* is a statement by the **Metropolitan of Piraeus Seraphim**, a top civil servant, published on [the official website of his Diocese](#), a state agency, on 10 August 2021 in which he considered Greece's worst ever forest fires a divine punishment for the institutionalization of LGBT rights in Greece and for the inclusion, for the first time ever, of an open gay Deputy Minister in the government. There was absolutely no reaction by the Deputy Minister or the government in general. Just as several previous extreme homophobic and antisemitic statements by that Metropolitan, always published on that website, were not met with any reaction let alone sanctions by the government. In fact, **GHM** has filed several complaints for such statements and they were all archived, usually because he was merely expressing the Church's position or his own opinion.
8. The **Committee's** conclusion that *"the new [anti-racism] Law 4285/2014 and the provisions introduced in the Penal Code may hinder investigations into and prosecutions of those responsible for racist hate crimes involving public insults and defamation against groups,"* had been shared earlier in 2015 by [ECRI](#) and the following year by [CERD](#). However, the ensuing recommendation that *"the State party should review its legislation with a view to ensuring that all advocacy of national, racial or religious*

*hatred is prohibited by law, and that all cases of racially motivated violence are systematically investigated, that perpetrators are prosecuted and punished and that appropriate compensation is awarded to the victims*” was ignored by Greece that should be asked to provide a documented reply as to how it implemented it.

9. Following these recommendations by ECRI and the UN HRCttee in 2015, GHM launched “**Racist Crimes Watch**” in the framework of which there has been a systematic filing of complaints for racist crimes. Through mid-2021, more than 800 complaints were filed by GHM, all published on the specialized <https://racistcrimeswatch.wordpress.com> website. There are probably another 200 cases for hate speech and hate crimes filed by others, usually victims or more rarely other civil society actors: in a state with an efficient rule of law the ex officio cases should have made up the large majority of cases, which is obviously not the case. **Greece should be urged to produce disaggregated statistics as to the source of all such complaints, whether they were filed by victims alone, by victims through NGOs, by NGOs alone, or ex officio by Prosecutors or Police. Most important Greece should be asked to produce disaggregated statistics on the outcome (archiving or referral to trial with verdict and exact sentencing with clarification if it concerns judgments by first instance courts that are usually appealed against or final judgments by appeals courts) of those complaints whose investigation was concluded.**
10. In fact, in 2015 ECRI had concluded that “*relevant criminal laws are not always applied and the situation is made worse by the non-condemnation of hate speech and the absence of self-regulatory measures amongst political parties or the media.*” This continues to be the case: [in an August 2021 submission to ECRI](#), GHM has documented extensively and with detailed examples that the vast majority of the complaints it filed are still at the hands of prosecutors; that several led to archiving and a few to referrals to trials. In view of the word limitation for the present report, the [Submission to the European Commission against Racism and Intolerance \(ECRI\) on Greece](#) is submitted to HRCttee as **Appendix 1** to the present report: **the Committee is urged to take it into consideration and ask Greece to explain the continued prevalence of non-condemnation of hate speech as well as the frequent non-inclusion of racist motivation in the investigation of apparent race crimes.**

#### **Excessive use of force by law enforcement officials**

11. The **Committee’s** concerns (paragraphs 15-16) “*about reports suggesting the excessive use of force by law enforcement officials at the time of arrest and against persons in police custody ... about reports of police violence against Roma, migrants and refugees and the lack of effective investigation into such cases... and about the reported reluctance of prosecutors to take legal action against alleged perpetrators and that only a few cases result in criminal investigations and sanctions*” remain pertinent to this day as very little has changed and the **Committee’s** ensuing recommendations were ignored by Greece.
12. This is reflected also in [the UN CAT’s 2019 recommendations to Greece](#) which were also ignored. CAT was “*concerned at reports of excessive use of force by law enforcement officers acting to disperse demonstrators during the period under review... at reports about the ill-treatment of persons in police custody... at the fact that the State party has not furnished complete information on the number of complaints of torture or ill-treatment, including excessive use of force, or on the corresponding investigations and prosecutions.*”
13. Significantly, CAT also noted “*that no specific information was provided by the State party regarding the execution of the judgement[s] in Makaratzis v. Greece and other cases of torture or ill-treatment examined by the European Court of Human Rights.*” Coincidentally, the **Council of Europe Committee of Ministers (CM)** that supervises the execution of the judgements in *Makaratzis and others v. Greece* is scheduled to examine it in [its 14-16 September 2021 session](#). GHM has been the representative of the applicants in nine of the sixteen cases under examination by the CM and submitted on 20 July 2021 a “**Communication on the execution of the general measures in Makaratzis group of cases**” that the

CM [uploaded on its website on 4 August 2021](#) most significantly without any reply by Greece which is telling. Again in view of the word limitation for the present report, the NGOs submit that communication as **Appendix 2** to the present report.

14. **The Committee is urged to ask Greece:**

- **why it has not abolished the statute of limitation for the offence of torture and other forms of ill-treatment;**
- **why it has lowered the maximum penalty for the basic offence of torture –without aggravating circumstances– and has not raised it back to the maximum possible length (henceforth of 15 years of imprisonment) despite CAT’s recommendation;**
- **why it has not adopted the recommendations by the Ombudsman and the government-appointed “Alivizatos Committee” to amend the legislation and the administrative procedures to secure that they perpetrators of torture or other forms of ill-treatment will be adequately punished;**
- **why it has not complied with CPT’s recommendation to act to prevent any form of pushbacks taking place across the Evros River border or the Aegean Sea by law enforcement officials and military personnel and effectively protect all foreign nationals arriving at the border or present in the territory of Greece who wish to request international protection against the risk of refoulement, including possible chain refoulement;**
- **whether all foreign nationals have effective access to an asylum procedure which involves an individual assessment of the risk of ill-treatment, on the basis of an objective and independent analysis of the human rights situation in the countries concerned;**
- **whether there are clear instructions given to Greek police, Greek coast guard and border guards to ensure that irregular migrants who are entering Greek territory are not pushed back, are individually identified and registered, and placed in a position to effectively make use of the legal remedies against their forced return; and**
- **whether allegations of unlawful deportations from Evros or the islands or pushbacks at sea are the object of thorough and transparent investigations by the Greek authorities as EU Commissioner Johansson recommended and provide detailed information about such criminal and administrative investigations.**

15. The Committee is requested to recall that in its [Report on follow-up to the concluding observations of the Human Rights Committee](#) (8 October–2 November 2018) “*required information ... on the progress of investigations made into the cases of Thanasis Panayotopoulos, Yannis Bekos, Vasilis Loukas and similar ones.*” In both NGO reports submitted as appendices, extensive reference is made to this emblematic case of torture of Roma and ensuing impunity that is now examined by the ECtHR, that obviously judged it admissible. **The Committee is requested to once again require information on this case.**

### **Discrimination against Roma**

16. Once again, the Committee’s concerns (paragraphs 17-18) “*regarding the de facto discrimination against, including reports of continuing de facto segregation of Roma children in the education system, widespread unemployment and insufficient access to housing*” and “*forced evictions of Roma from their homes*” are equally valid today as very little progress has been made since. **The Committee is requested to ask Greece to document in details how it implemented its recommendations to take immediate steps to eradicate the segregation of Roma children in its education system, and to strictly limit the use of forced evictions through the adoption of feasible alternatives to eviction, including alternative housing for those families who are evicted; as well as how many Roma families previously living in destitute settlements have been relocated to adequate housing.**

## Domestic violence and trafficking and forced labour

17. The **Committee**'s concerns (paragraphs 19-22) "*about the fact that, despite the adoption of specific legislation, there are continuing reports of domestic violence against women in the State party;*" "*about the paucity of investigations and prosecutions as well as lenient sentences imposed on perpetrators;*" "*about the frequent use of mediation in cases of domestic violence*"; "*about the lack of a sufficient number of shelters for victims of domestic violence*"; "*about cases of trafficking in persons, including children, for purposes of labour and sexual exploitation*"; "*about the insufficient number of cases of trafficking identified and investigated, the low number of prison sentences imposed on perpetrators and the insufficient support given to victims*" and "*about reported cases of migrants working in slavery-like conditions in the agricultural sector*" remain relevant to this day.
18. Following the submission to UN CEDAW by the present NGOs of [a Report in October 2020](#) and of [an Addendum in November 2020](#), as well some other NGO submissions, CEDAW included in [its November 2020 List of Issues Prior to Reporting for Greece](#) (LOIPR) the following exhaustive list of issues on gender violence and trafficking that the **Committee** is requested to include in its own **LOIPR**:

9. With reference to the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please provide information on provisions defining all forms of gender-based violence against women, including physical, psychological, sexual and economic violence, as criminal offences in the Criminal Code. Please provide information on measures taken to ensure that police officers and prosecutors refrain from turning away alleged victims of gender-based violence. Please also inform the Committee on measures envisaged to revise police practices that may deter women from seeking protection from the authorities in cases where they have been subjected to or are at risk of gender-based violence. Please describe strategies to identify instances of hate speech and incitement to gender-based violence against women belonging to minorities and migrant, refugee or asylum-seeking women, and provide information on the number of prosecutions and convictions of perpetrators of hate speech and incitement to gender-based violence against women during the reporting period. Please inform on specific protective measures adopted to prevent and respond to sexual and gender-based violence against refugee, asylum-seeking and migrant women and girls, especially those held in reception and identification centres at "hotspots", other reception centres and other immigration detention facilities. Please indicate the proportion of women aged 15 to 49 years subjected to physical or sexual violence by an intimate partner in the past three years (disaggregated by urban or rural area, ethnicity, five-year age group and employment status). Please describe national strategies or programmes implemented during the reporting period to prevent gender-based violence against women and girls in the public and private spheres, partnerships with civil society actors to monitor and evaluate the implementation of such strategies or programmes, and the progress achieved. Please also provide information on the steps taken to ensure the meaningful participation of women's rights organizations, in particular those working on behalf of disadvantaged and marginalized groups of women, in the implementation and monitoring of the Law related to gender-based violence against women. Please describe measures adopted by the State party to address the numerous reports by women of excessive use of force, including torture and ill-treatment, by law enforcement officials.

10. Please report on the number of shelters and crisis centres throughout the State party and the human, technical and financial resources allocated to them. Please provide information on measures aimed at increasing the accessibility of shelters for women with disabilities and on the legal and psychosocial counselling available to them. Please also inform the Committee about efforts undertaken to establish a unified mechanism for the systematic collection of statistical data on the incidence of gender-based violence against women in the State party.

11. With reference to the Committee's general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee's previous concluding observations (paras. 22 and 23), and information from alternative sources, indicating difficulties in the State party's identification of victims of trafficking, including children, please provide information about the current legislation, public policies and action plans to combat trafficking in persons. Please inform on the progress made in the investigation into the whereabouts of over 500 girls and boys, mostly Albanian Roma, forced to beg in the streets, who had been rounded up by the police in Athens prior to the 2004 Olympic Games and had disappeared from Agia Varvara, a State-run care home. Please provide information on the 2019 revised Criminal Code and on the introduction of mitigating circumstances for cases of trafficking and on the possibility for an alleged perpetrator of plea bargaining. Please also report on: (a) existing mechanisms and the human, technical and financial resources allocated to identifying women and girls who are victims of trafficking and exploitation during the reporting period; (b) the number of detected women and girls who are victims of trafficking, disaggregated by age, country of origin, minority status and migrant, refugee or asylum-seeking status; (c) the number of investigations, prosecutions and sentences imposed on perpetrators of trafficking in women and girls during the reporting period; and (d) the type of redress and reparations provided to women and girls who are victims of trafficking, including psychosocial support, crisis and housing shelters, compensation and restitution.

12. Please indicate the measures taken to prevent trafficking in women and girls for purposes of sexual and labour exploitation, particularly migrant and refugee women, and about legislative and policy measures to facilitate women's access to formal employment. Please describe efforts undertaken to cooperate with countries of origin of trafficking in women and girls in identifying and combating the root causes of trafficking, including low socioeconomic status, poverty and armed conflict. Please also inform the Committee about the introduction of gender-sensitive safeguards in migration and asylum procedures. Please report on programmes available to enable women to leave prostitution regardless of their country of origin, age, minority status or other grounds.

### **Free legal aid and administration of justice**

19. The **Committee's** concerns (paragraphs 23-24) related to the effective (and not just theoretical) access to free legal aid the right to a fair trial without undue delay, were amplified in two reports in 2020 by the **CPT**. [In April 2020 CPT reported:](#)

98. Moreover, the right of access to a lawyer generally remained theoretical and illusory for those who do not have the financial means to pay for the services of a lawyer. This is mainly due to the fact that legal aid is not available at the stage of police investigation or when criminal suspects are questioned by the police, and that there are no duty solicitor schemes. Many detained persons alleged that their lawyer did not come to the police station and that they only met him/her during the hearing before the examining magistrate, when bail or remand in custody was determined.

Further, the delegation received again complaints that *ex officio* lawyers explicitly advised their clients not to complain officially about any alleged ill-treatment. Consequently, it is not surprising that alleged ill-treatment by the police generally remained unreported and that very few official complaints have been lodged.

**The CPT reiterates its recommendation that the Greek authorities take steps to extend the existing legal aid system to the police investigation stage or when the suspect is questioned by the police, irrespective of whether the person concerned has formally been declared "accused", and that duty solicitor schemes be put in place. Further, *ex officio* lawyers should be reminded, through the Bar Associations, of the importance of their role in preventing and, if necessary, reporting ill-treatment by the police.**

20. Then, [in November 2020 CPT recommended](#):

**22. (...) The CPT calls upon the Greek authorities to take the necessary steps 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. As regards the right of access to a lawyer, this should include the right to have access to legal advice as well as, when foreign nationals are not in a position to pay for a lawyer themselves, the right to benefit from access to free legal aid.**

21. **GHM** has monitored the access to asylum procedures in 2021 in Greek islands and has recorded a chaotic situation with the rights of notification of custody, access to a lawyer and access to a doctor and from the very outset of their deprivation of liberty. Here are some examples:

- Mr. S.K. and Ms. L.H. and their child O.K., as well as Mr. M.S. and Ms. A.S. arrived on Lesbos on 7 June 2021, along with six other asylum seekers. [GHM announced their arrival with the intent to apply for asylum](#), a procedure that has been successful in avoiding summary unlawful deportations of new arrivals. Then another NGO assigned a lawyer on the island to handle the cases of these 5 persons including the filing of their asylum applications. A month later, that lawyer discontinued her work with that NGO and informed them that another lawyer from the same NGO would handle their cases, which however that NGO failed to do. So, when on 19 July 2021 Mr. S.K. and Ms. L.H. and their child O.K. received the rejection decision, they had to ask the authorities for free legal aid. On 28 July, the three of them were asked to go to the asylum office at 6:30 am (!!!) for the appeal against that decision and the meeting with the ex officio lawyer, which they did at 1 pm (!!!). At that time, they met the lawyer via zoom who collected information for their cases but refused to give her name and contact phone or email! The three sent an email to the asylum office asking for that information which also refused to provide it. A related complaint to the **Ombudsman** was filed on 30 July 2021 by **GHM** that represents them who assigned file number 302716/43424/2021 but has not taken any action one month later, allowing these persons to be represented by a “phantom” lawyer. **GHM** has been told that this is a recurrent phenomenon for ex officio lawyers to asylum seekers. [For the sake of completeness, the other family of Mr. M.S. and Ms. A.S. still awaits a decision on their asylum application].
- Ms. S.B., Ms. A.D., Ms. S.I., and Ms. N.B arrived on Chios on 4 July 2021, along with five other asylum seekers (many more from that group were unlawfully summarily deported from the island). [GHM announced their arrival with the intent to apply for asylum](#). Then, two NGOs assigned local lawyers to take up the cases of nine asylum seekers who had been settled in a Hot Spot but, on 7 July 2021, were denied access to the asylum seekers and sent [a complaint letter to the authorities on 9 July 2021 which they also made public](#) denouncing a de facto detention incommunicado of those asylum seekers, whose mobile phones had been confiscated. They also filed it as a complaint to the **Ombudsman** who assigned file number 302716/43424/2021 and on 28 July asked the Director of the Hot Spot to provide the legal basis for those blatant violations. By the end of August, no reply was sent to the **Ombudsman**, let alone to the NGOs.
- Nine asylum seekers arrived in Kos on 13 July 2021 (along with seventeen other asylum seekers). [GHM announced the arrival of the nine with the intent to apply for asylum](#). Then, three NGOs assigned local lawyers to take up the cases of the twenty six asylum seekers who had been settled in a closed Pre-Departure Center (effectively a prison with the persons therein having no right to get out) but, on 15 July 2021, they realized that the asylum procedure had started without effective access to the lawyers to be followed by summary rejections from 20 July 2021 onwards and sent [a complaint letter to the authorities and the Ombudsman on 21 July 2021 which they also made public](#). The letter has not been replied nor has the **Ombudsman** taken any action. Worse, most of those asylum seekers had to file the appeals themselves (!) and requests to have state-appointed lawyers were rejected, as

were requests to access their files. So their appeals will be examined (and probably rejected) summarily on 31 August 2021.

22. **The Committee is therefore requested to ask Greece to explain the failure to provide effective legal aid in all these cases of persons in detention and/or asylum seekers (treated as persons in detention) as documented by CPT and NGOs.**
23. Concerning the right to a fair trial without undue delay, **GHM** can report that in 2021 three complaints for aggravated defamation and false complaint against a publication and an individual and a complaint of that individual against the **GHM Spokesperson** have become time-barred before either a referral to trial or effective their archiving as unfounded. This is just a small example of how a large number of cases become time-barred before they have a chance to be properly evaluated by a court or rejected on their merits by a prosecutor, which is a denial of the right to a fair trial. **The Committee is requested to ask Greece to provide statistical data on how many such cases have become time-barred as well as what is the average length of proceedings for criminal and civil cases.**

### **Procedural guarantees in detention**

24. **The Committee's** concerns (paragraphs 25-26) *“that the right to legal counsel from the very outset of deprivation of liberty is not systematically accorded as a matter of course in legal proceedings and that ex officio counsel may play a passive role during interrogations”* continued to be valid as developed above from **GHM** work as well as and most importantly **CPT** extensive monitoring. Whereas the former is the exclusive responsibility of the state, the passivity of ex officio lawyers is also the responsibility of their **Bar Associations**. **Greece should therefore be asked how it has dealt with the CPT and NGO persistent credible claims that legal aid is not available at the stage of police investigation or when criminal suspects are questioned by the police, that there are no duty solicitor schemes, that detainees' lawyers do not come to police stations but are met only during the hearing before the examining magistrate, when bail or remand in custody was determined. Greece should also be asked whether the Bar Associations have taken any action following the very serious allegations by CPT on ex officio lawyers' passivity.**

### **Reception and detention of migrants and asylum seekers**

25. **The Committee's** concerns (paragraphs 27-28) *“about reported cases of persons detained for longer periods than six months, about the maximum length of immigration detention raised from 12 to 18 months without regard for their individual circumstances, and about conditions of detention for migrants and asylum seekers that are inadequate, particularly in facilities, which are reported to be chronically overcrowded, with unsanitary conditions and inadequate access to food and health care”* are more pertinent today with the large number of detained migrants and asylum seekers.
26. The following [4 August 2021 press release](#) by **Equal Rights Beyond Borders** is telling, especially as **Greek authorities** have to this day refused to implement the **Ombudsman's** legal opinion and release the illegally detained individuals.

## **GREEK OMBUDSMAN CALLS FOR RELEASE OF 19 PERSONS WHO ARE UNLAWFULLY DETAINED IN THE PRE-REMOVAL DETENTION CENTRE ON KOS**

### **PRESS RELEASE**

**Kos, 04/08/2021**

**The island of Kos hosts the last Pre-Removal Detention Centre on the Aegean Islands. Almost all persons arriving on Kos will be detained. Many for more than one year. Most of the persons – at the moment – are detained to “prepare their removal”. However, a removal will**

**not take place – Turkey did not take back anyone for 17 months. The Greek Ombudsman now confirmed in 19 cases that this detention is without any legal basis and hence unlawful. The Greek government is now asked to reassess the detention orders and the persons concerned must be released.**

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In July, Equal Rights Beyond Borders submitted a complaint to the Greek Ombudsman on behalf of 19 people detained in the Kos Pre-Removal Detention Centre. All 19 people had received final rejections to their asylum applications and were being held in the detention centre “pending their removal” to Turkey. However, “readmissions” to Turkey have been suspended since March 2020—for over one year now—and despite requests from the Greek government for Turkey to resume them, the situation has no sign of changing. For months now, our office on Kos has witnessed the authorities detain people over and over again on the grounds that they will be returned to Turkey, holding them essentially indefinitely. However, the law on this is clear: as soon as there is no reasonable prospect of removal, authorities must lift a person’s detention immediately.

On 30 July the Greek Ombudsman issued an opinion requesting that the authorities “reconsider the decision of administrative detention” in all 19 cases. The Ombudsman’s opinion stressed that as long as there is no reasonable prospect that they will be deported, their detention is unlawful. The opinion also pointed out that our clients had been detained for long periods of time – most for more than six months – during a global pandemic and had been issued generic detention orders that failed to examine our clients’ individual needs and circumstances. Indeed, many of the people included in our submission have serious vulnerabilities, including being survivors of sexual and gender-based violence, victims of trafficking, and having medical conditions that place them at higher risk for complications from Covid-19.

An opinion concerning such a large group of people in detention is unprecedented on the Greek islands. That it had to be taken is more than only questionable as such. The detention was evidentially unlawful. Anyway, persons have been detained in inhumane conditions needlessly and unlawfully for months now. For the past year it has been clear that Greece could not return people to Turkey; all 19 people should have been released a long time ago.

*“The decision shows what was clear for long: the detention of hundreds of persons is evidentially unlawful. The persons concerned have to be released immediately. And so have many others not included in the complaint. The administration now knows that their practice is illegal. Illegal practices have to be stopped”,* says Athina Ntavasili, who was part of the team drafting the complaint.

This means that the majority of persons on Kos is detained unlawfully. Equal Rights Beyond Borders is aware of many more people detained on Kos in “preparation for their return” who were not included in our submission.

Not only the 19 persons included in the decision of the Greek Ombudsman have to be released immediately – the detention scheme is unlawful and to be stopped.

27. In paragraph 21 above, **GHM** reported about nine asylum seekers who arrived in Kos on 13 July 2021. **GHM** represents in addition one of the 19 persons concerned by the aforementioned **Ombudsman’s** legal advice. The information supplied by them indicates that this camp, in effect a “prison,” offers inhuman living conditions for all detainees. For example, **GHM** has on file a video showing in one little container room 4 people sleeping on the floor on four mattresses without any space between them, while the water tap does not work, the toilet is filthy, the food is inadequate and only one meal per day. Reportedly, these are the living conditions in most if not all containers. In the same facility, [on 20 August 2021, authorities added 37 Iraqi Kurds](#), including 4 children below the age of 10 and 6 women, one with crutches, who applied for asylum via **GHM**, after having left them for 14 hours on a deserted

islet in mid-Aegean Sea. **The Committee is urged to ask Greece to provide statistics of migrants and asylum seekers disaggregated by detention place, sex, age, and length of detention; explain why so many persons are detained for such long periods despite the Ombudsman's legal opinion; and address evidence on the poor living conditions therein.**

### **Expulsion of asylum seekers and undocumented immigrants**

28. The **Committee's** concerns (paragraphs 33-34) "*about reports of the continuing practice of informal returns, known as "push-backs", from Greece to Turkey at land and sea borders... without sufficient guarantees of respect for the principle of non-refoulement*" and "*about reports of allegations of ill-treatment in the context of the expulsion of immigrants and in pre-removal centres*" are even more pertinent today as hundreds of such "push-backs" have occurred mainly since March 2020 involving more than 10,000 persons. The **Committee's** ensuing recommendations that "*all persons seeking international protection have access to fair and personalized assessment procedures, protection against refoulement without discrimination and an independent mechanism with the authority to suspend negative decisions;*" that "*migrants wishing to enter its territory [should] have access to safe entry points where their asylum claims can be evaluated;*" "*that informal returns do not occur and that immigrants are not subjected to ill-treatment during their deportation and expulsion or while in pre-removal centres;*" and "*that ill-treatment of refugees and migrants is effectively reported, undertake, as a matter of priority, prompt, effective and independent investigations into all claims of irregular returns and ill-treatment of migrants, punish the perpetrators, where appropriate, and provide compensation to victims*" have been totally ignored.
29. The **Committee** is requested to consult the "**Communication on the execution of the general measures in Makaratzis group of cases**" (**Appendix 2**) that the **CM** [uploaded on its website on 4 August 2021](#) most significantly without any reply by **Greece** which is telling on the extensive documentation on "push-backs" and the effective refusal of the judicial system to seriously investigate the otherwise very well-documented by the **EU Commissioner Ylva Johansson**, the **Ombudsman**, the **CPT** and **NGOs** hundreds of "push-backs." **The Committee should therefore ask Greece how it implemented the Committee's recommendations, and specially the one on safe entry points where their asylum claims can be evaluated, and how it responded to the EU Commission's, CPT's, the Ombudsman's, and NGOs' allegations and calls for thorough independent investigations, as well as provide statistics of related criminal and administrative investigations.**

### **Freedom of association**

30. The **Committee** is requested to recall that in its 2015 review (paragraphs 39-40), **Greece** "*expressed [its] intention to proceed with the registration of associations of groups claiming minority group status, in accordance with European Court of Human Rights decisions of 2008 and 2015.*" Nevertheless, "*the Committee expressed concern about the pace of implementation of those decisions*" and added that "*The State party should expedite its measures to register associations of distinct communities, including those claiming minority group status.*" Six years later, these associations have not been registered, despite repeated **Decisions** and **Interim Resolutions** by the **Committee of Ministers of the Council of Europe** available in the special pages on [Bekir-Ousta and others v. Greece](#) (three Turkish minority associations) and on [House of Macedonian Civilization and others v. Greece](#) (one Macedonian minority association). The (non)execution of the *Bekir-Ousta* group of cases is to be examined by the **CM** in [its 14-16 September 2021 session](#). In fact, **GHM** and **MRG-G** that have been working on minority issues for some 30 years have repeatedly claimed that **Greece** was never sincere when, to appease international organisations, it claimed that it had the "*intention to proceed with the registration of associations of groups claiming minority group status.*"
31. In any case, the very recent (29 June 2021) **Supreme Court** judgment on the **Turkish Union of Xanthi** made it expressly clear that such registration is not possible as in **Greece** there are no ethnic minorities and those claiming such identity are in fact promoting the state agenda of the Turkey. In [Judgment](#)

[840/2021](#), the **Supreme Court** rejected the right to individual self-identification claiming that all those with Greek citizenship can only be called “Greeks” while “Turks” can be called only those with Turkish citizenship! In essence, Greece is a 100% ethnically clean country... Additionally, claims to an ethnic Turkish minority identity are serving the state agenda of Turkey... “*The nationals, repatriated or not, having the same or a different religion, speaking the same or a different language, who acquired Greek citizenship in any way (by birth, legalization, marriage, naturalization, etc.) are called Greeks and only Greeks, and the term “Turk” or “Turkish”, in the established sense in the Greek language, which, according to the Constitution of Greece, is the official language of the State, does not refer to a Greek citizen, who simply adheres to another religion from the prevailing religion in Greece and speaks a non-Greek language, but mainly a foreign national (Turkish citizen). It also follows from the appellant’s above-mentioned purpose that its operation seeks to promote, directly within the borders of the Greek Territory, the state agenda of a foreign state (Turkey).*”

32. This judgment sets a legal precedent for any future judgments concerning ethnic minority associations, be they Turkish or Macedonian. Naturally, the appeals of *Bekir-Ousta and Others* and *Emin and Others* scheduled to be heard by the same **Court of Cassation** on 1 October 2021 with the corresponding judgments probably issued in mid-2022 are not expected to lead to a different outcome as the judgment on the appeal of *Tourkiki Enosi Xanthis* will be treated as legal precedent.
33. Additionally, the registration of a new Turkish minority association, the *Cultural Association of Turkish Women in the Prefecture of Xanthi*, was rejected by the **Supreme Court Judgment 1614/2017** dated 29 June 2017. The **Supreme Court** considered the association’s title “misleading” as its members are not and cannot be proven to be “Turks” and cannot claim a “*Turkish national (εθνική) identity*” which would indicate the presence of a “*structured national (εθνική) Turkish minority*” in **Xanthi**: that would also be contrary to “*the Treaty of Lausanne of 1923 that recognizes only the existence of Muslim Greek citizens in Western Thrace (religious minority) and not a national (εθνική) Turkish minority.*” The association’s application to the **ECtHR** is pending.
34. Moreover, the very recent (29 June 2021) **Supreme Court** judgment on the **Turkish Union of Xanthi** means that any judgment of any Greek court on the *House of Macedonian Civilization and others* will have the same negative result as in the past.
35. It is to be recalled that in 2017, the registration of the *House of Macedonian Civilization* was rejected by the Greek courts (**Small Claims Court of Florina Judgment 16/2017**) for the third time (despite the two **ECtHR** judgments [Sidiropoulos and others v. Greece](#) in 1998 and [House of Macedonian Civilization and others v. Greece](#) in 2015) expressly because, according to that domestic court in 2017, there is “*no Macedonian nation, no Macedonian culture, no Macedonian language, and no Macedonian minority.*” Moreover, the domestic court argued that the **ECtHR** judgments do not penetrate the Greek legal order and hence cannot annul the domestic court judgments.
36. Additionally, on 26 January 2021, with Judgment 117/2021, the **Thessaloniki Court of Appeals** rejected the appeal by the Macedonian minority association *Brotherhood of the Serres Natives: Cyril and Methodius* against its dissolution (“natives” –“dopioi” in Greek - is a term used to designate Macedonian speakers in Greece).
37. Finally, the Macedonian minority association *Macedonian Mother-Tongue Promotion Movement “Krste Misirkov”*, submitted a registration application to the “**Cultural Institutions Registry**” of the **Ministry of Culture and Sports**, and [this petition was examined and accepted by the Ministry, on 10 May 2021](#). Uprouar by extreme right and nationalist politicians and associations led the Ministry to [reverse its decision within three days, on 13 May 2021](#), cancelling that registration.
38. **The Committee is therefore requested to ask Greece to explain why it did not proceed with the registration of associations of groups claiming minority group status, as it had pledged to the Committee in 2015 and why on the contrary new Turkish or Macedonian minority associations**

**have been refused registration or dissolved soon after registration or removed from state registries soon after their inclusion in them.**

### **Freedom of opinion and expression**

39. The **Committee**'s concerns (paragraphs 41-42) "*that, during demonstrations in the State party, peaceful demonstrators and journalists were reportedly threatened, intimidated and harassed by members of extremist groups such as Golden Dawn*" and "*about incidents of human rights violations committed by the security forces or the police against the demonstrators*" and "*the lack of comprehensive information on investigations and prosecutions of those responsible*" continue to be pertinent. In view of the word limitation for the present report, the **Committee** is referred to a related lengthy section in the "**Communication on the execution of the general measures in Makaratzis group of cases**" (Attachment 2). The **Committee** is requested to ask Greece to provide documented and credible information on the allegations therein by CPT and several NGOs.

### **Recognition of minorities and statistics**

40. As explained above under the heading of freedom of association, **Greece**'s claim to the **Committee** in 2015, as summarized by the **Committee** (paragraphs 43-44), that "*the lack of official recognition of minorities... does [not] hinder the right of individuals to freely self-identify*" was misleading. In **Greece**, now with the seal of the **Supreme Court**, no-one can self-identify as anything else but a **Greek**, and self-identification as something else, for example as **Macedonian** or **Turk**, is equivalent to service as an agent of the respective neighboring countries of **North Macedonia** and **Turkey**. Moreover, all efforts to create associations that preserve and promote cultural diversity and/or minority cultures are hindered by the state, again contrary to **Greece**'s claim to the **Committee** in 2015.

41. **The Committee** is therefore requested to ask Greece how all those refusals to register minority associations is compatible with its obligation to implement the **Committee**'s 2015 recommendation that "*the State party should ensure that all persons are effectively protected against any form of discrimination and can fully enjoy their rights under the Covenant, including under article 27.*"

42. As for the **Committee**'s "*concern about the lack of statistical data demonstrating the ethnic and cultural composition of the State party and the use of mother tongues and languages that are commonly spoken*" it is to be noted that there are no such credible statistics, because related questions are not included in the census. This allows **Greece** to offer arbitrary global figures for various groups, usually inconsistent from one report to another.

43. **Greek MFA** stated that "*the Muslim minority in Thrace numbers approximately 120,000 members*" on [2 August 2021](#); but that "*the most recent general census (1991) recorded about 98,000 people [sic] in a population of 338,000 inhabitants of Thrace*" in [June 1999](#). Hence the **US Department of State**'s reference in [a 2006 report on Greece](#) "*The Government did not keep statistics on religious groups; the census did not ask for religious affiliation. Officials estimated the size of the Thrace Muslim community at 98,000, although unofficial estimates ranged up to 140,000.*" Fifteen years later, [in the 2021 report](#), the **US Department of State** records the artificial inflation of that figure by **Greek authorities** when they talk to **US authorities**: "*approximately 140,000 Muslims live in Thrace, according to government sources using 2011 data.*"

44. **Greece**'s official [Action Plan for Roma Inclusion 2017-2021](#) mentions that a census has counted 104,210 Roma, a vast underestimation due to obvious deficiencies including the absence of major Roma communities from the census. However, in **Greece**'s "[Observations of the Hellenic Government on the merits of the collective complaint 49/2008](#)," submitted on 19 December 2008 to the **European Committee of Social Rights**, the **Greek government** stated that "*the Greek gypsy population is estimated between 250,000-300,000*" which is also **GHM-MRG-G-SOKADRE**'s estimate.

45. The Committee is therefore requested to ask Greece to provide verifiable statistical data demonstrating the ethnic and cultural composition of the State party and the use of mother tongues and languages that are commonly spoken.

#### Harassment and persecution of human rights defenders

46. Another topic that the Committee is urged to include in its evaluation of Greece is the recent and on-going widespread harassment and persecution of human rights defenders.

47. The Prosecutor of the Naval Court of Piraeus not only does not properly investigate complaints about hundreds of well documented pushbacks but also claims that they are evidently and intentionally false aiming at discrediting the Hellenic Coast Guard. For two of them, he has fined GHM's Panayote Dimitras with the costs of a first instance trial of 200 euros imposed on the person convicted in that trial, without even summoning Panayote Dimitras to explain himself about the claim that he was aware that his allegations were false: in essence he convicted Panayote Dimitras "in absentia" evidently aiming with such chilling decisions to dissuade Panayote Dimitras to continue his work.

48. This is not a unique case but part of a pattern to harass and persecute human rights defenders that evidently expose the widespread illegalities of the Government. The following is telling:



#### **Greece: Ongoing crackdown on migrants' rights defenders as pushbacks of people on the move continue**

##### **Statement**

*Geneva, 28 January 2021* - The World Organisation Against Torture (OMCT) is deeply concerned about the criminalisation of human rights defenders and humanitarian organisations providing assistance and defending the rights of migrants and asylum seekers on Lesbos island and urges the Greek authorities to immediately put an end to the outlawing of solidarity with people on the move.

On September 28, 2020, the Lesbos Police Directorate issued a [press release](#) indicating that 33 human rights defenders from four international NGOs working on migrants' rights in Lesbos were to face charges including "espionage", "violation of state secrets", "creation of and participation in a criminal organisation" and "violations of the migration law", for allegedly "having provided confidential information to refugee flows from Turkey via closed groups and internet applications under the guise of humanitarian action". The press release further pointed out that the Greek intelligence service as well as the Greek counter-terrorism unit of the Hellenic police were involved in the investigations. Moreover, the text stated that the NGO members did carry out those illegal activities, thereby violating their presumption of innocence.

The OMCT underlines that the names of the 33 human rights defenders were not mentioned in the press release. Furthermore, at the time of publication of this statement, none of the individuals concerned have received any official communication regarding the ongoing investigation against them.

Nonetheless, the criminal file and the names of the allegedly investigated NGOs were leaked to several Greek media outlets following the publication of the Lesbos Police's press release. This triggered a smear campaign against the NGOs Mare Liberium, Sea Watch and Josoor International Solidarity, as well as against the project Alarm Phone and the association FFM e.V, whose names

appeared in the leaked information. Moreover, several newspapers **inaccurately reported** that the 33 human rights defenders had been arrested.

*“The persecution of rights defenders and organisations on charges of “facilitation of irregular migration” and even “espionage” attacks the essence of the right to defend rights in Greece”, said Gerald Staberock, OMCT Secretary General. “Our intelligence and counter-terrorism services must protect our security and rights. When ‘they protect us from defending rights’ it is not only cynical but outright dangerous for democracy”.*

Greek authorities publicly stigmatise the work of those defending migrants’ rights by equating their work with human smuggling. In a press conference held on December 8, 2020, the Greek Minister for Migration and Asylum, Mr. Notis Mitarachi, **accused** the NGO Aegean Boat Report of facilitating the illegal crossing of migrants from Turkey into Greece. The unfounded accusations levelled against the NGO were **categorically rejected** by Aegean Boat Report. In an **interview** with the newspaper The Times in December 2020, Mr. Mitarachi further claimed that Al-Kahir Foundation and Aegean Boat Report are funding human traffickers to help migrants reach Greece.

Non-governmental organisations that work on migrants’ rights play an **essential role** to defend the human rights of people on the move in a context of systematic violations of international human rights standards by the Greek authorities, including illegal **pushbacks and collective expulsions of migrants**, as recently **denounced** by the UN Committee Against Torture (UNCAT).

The Greek state has consistently failed to submit the information concerning the alleged intimidation and harassment of human rights defenders and humanitarian workers and volunteers that was **required** by the UNCAT.

We strongly condemn this crackdown on civil society actors in Greece and call on the authorities to put an end to the ongoing criminalisation of NGOs and volunteers working in the country in the field of humanitarian assistance to migrants and asylum-seekers, and to guarantee in all circumstances that they are able to carry out their legitimate human rights and humanitarian activities without fear of reprisals.

49. The **Committee** is requested to take into account that almost a year later none of these 33 **NGO** activists has been summoned in the framework of the related investigation, which was probably meant as a chilling effect and a threat on the activists. On the contrary, on 19 July 2021, the same authorities made a similar announcement alleging felony crimes committed by 4 **NGO** activists of 4 **NGOs** and 6 asylum seekers from Syria and Afghanistan. **The alleged crimes were:**

“In terms of their methodology of action (modus operandi), the stakeholders, acting in a humanitarian manner, through closed groups and applications on the internet, but also by using a specific application of telephone connections, provided migration flows from Turkey, but also received from information and confidential information relating to:

- the gathering places on the Turkish coast and the time of start of specific migration flows to the islands of the Northeast Aegean (Lesvos, Chios and Samos),

- the coordinates (longitude and latitude) of specific migration flows and their direction at a specific time and place,

- the number of foreign nationals aboard third country boats, as well as the prevailing situation during the voyage of the boats, their final destination (sunbathing area),

- photographic material from third-country nationals aboard boats both during the voyage of the boats and after landing in areas of the islands of the Northeast Aegean,
- details of the operational work of the vessels of the Hellenic Coast Guard,
- the locations of military installations and photographs of military vehicles,
- details of the accommodation structures of foreigners in the islands of the Northeast Aegean.

In addition, after using this information, they provided instructions to foreign nationals of third countries upon arrival in Greek territory, concerning their transition either to inaccessible areas of the islands to hide or to areas and structures of health support, systematically complicating the work of competent Greek authorities.”

50. In effect, such public police actions aim at creating a chilling effect on human rights activists and humanitarian workers and at criminalizing solidarity and human rights work. What police authorities described in these allegations of felony crimes is in effect the work carried out by civil society that has recorded or sometimes prevented scores of unlawful pushbacks or deportations, which are the real felony crimes.

51. On 3 September 2019, in its conclusions and recommendations on Greece, [UN CAT](#) had stated:

#### **Human rights defenders and humanitarian workers and volunteers**

48. The Committee is seriously concerned about consistent reports of intimidation and harassment of human rights defenders and humanitarian workers and volunteers. In that connection, it regrets that only scant information has been provided by the State party regarding the cases raised by the Committee, including the prosecution and later acquittal of three Spanish firefighters, Manuel Blanco, José Enrique Rodríguez and Julio Latorre, and two Danish volunteers, Salam Aldin and Mohammed el-Abbassi, who were accused of trying to help migrants enter Greece via the island of Lesbos, and the arrest and pending trial of foreign NGO volunteers Sarah Mardini and Sean Biner on people-smuggling, espionage and money-laundering charges (art. 16).

49. **The Committee urges the State party to:**

**(a) Ensure that human rights defenders and humanitarian workers and volunteers are protected against threats and intimidation, and to allow them the necessary latitude to carry out their activities;**

**(b) Ensure that human rights defenders and humanitarian workers and volunteers are not prosecuted for engaging in aid work, including by participating in maritime search-and-rescue activities. The State party should refrain from detaining and persecuting humanitarian workers and volunteers as a means of intimidating them or discouraging them from delivering vital emergency assistance to refugees and migrants.**

52. One year later, Greece failed to properly address, in the follow-up report, the related UN CAT concerns which led the latter to give Greece a double failing grade:

#### **Human rights defenders and humanitarian workers and volunteers (para. 49 (a) of the Committee’s concluding observations)**

The Committee also regrets that the information submitted by the State party in its follow-up replies does not address the specific concerns mentioned in its concluding observations, mainly

regarding the alleged intimidation and harassment of human rights defenders and humanitarian workers and volunteers (1/D).

53. On 1 April 2021, **Panayote Dimitras** was summoned as a suspect for having allegedly filed “*false complaints*” and was given access to the related court brief that had been launched on 2 April 2020. The charge specified that the alleged false complaint was the complaints on alleged racist crimes **Panayote Dimitras** had filed as **GHM Spokesperson** that had been archived by the **Athens First Instance Prosecutor** with the approval of the **Athens Appeals Prosecutor**. The **Prosecutor** had also ordered an investigation into the lawfulness of the operation of **GHM** and the existence of similar organizations in the other European countries. It should be mentioned that in the court brief there was not even one (1) archiving decision, let alone all of them for whose “false” character **Panayote Dimitras** was accused as suspect. Moreover, according to **Article 580 of the Code of Criminal Procedure**, when a complaint is archived and the Prosecutor believes it was an intentionally false complaint, s/he fines the plaintiff with the court expenses: as explained above, this is what the **Prosecutor of the Naval Court** did in two such cases, when he fined **Panayote Dimitras** with the costs of a first instance trial of 200 euros imposed on the person convicted in that trial. In none of the archiving decisions by the **Athens Prosecutor of First Instance** such a fine was imposed; on the contrary, in almost all of them it was explicitly said that there was no ground to impose such fines! **This fact makes very obvious that the complaint against Panayote Dimitras and GHM was launched by the special Athens Prosecutor for Racist Crimes just to intimidate and deter the NGO that has submitted some 80% of the complaints for racist crimes since 2014, with ca. 40 of those cases having been referred to trials while another ca. 60 having led to the pressing of charges against unknown perpetrators. That special Athens Prosecutor for Racist Crimes has also archived hundreds of complaints with the justification that racist speech was an expression of personal opinions and/or the alleged racist acts could not at present incite racial hatred.**

54. **The Committee is therefore requested to ask Greece to provide explanation about these specific judicial harassment and prosecution cases of human rights defenders.**

#### **Dissemination**

55. The **Committee** had asked that “*The State party should widely disseminate the Covenant, its second periodic report and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.*” **Greece** did not engage in any of such actions: it did not even publish these documents on any state website. **The Committee may therefore enquire as to what related actions Greece may have engaged in.**