



Greek National Commission for Human Rights (GNCHR)

GNCHR Written Contribution for the List of Themes prior to Greece's review of its combined 23rd and 24rd periodic report by the Committee on the Elimination of Racial Discrimination (CERD) in its 114th Session



August 2024



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 twenty institutions (independent Authorities, third level trade unions, NGOs, universities and research institutions)

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I. INTRODUCTORY REMARKS	4
II. SPECIFIC OBSERVATIONS	4
Antiracism legal framework	4
Anti-discrimination legislation	5
Racist hate speech and racist crimes	6
Widespread use of hate speech	7
Case law of criminal Courts	7
Rights of LGBTIQ+ persons	8
The situation of the Roma	9
The issues of pending civil registration and acquisition of Greek citizenship.....	9
Roma Inclusion National Strategy 2021-2030	9
Mixed migratory flows: migrants, asylum seekers and refugees	10
Protection of human rights at borders.....	10
Statistical data on applications for asylum - Access to asylum and asylum procedures (COBs paras. 22 (c) and 23 (f))	14
Gender equality	14
Participation in political and public life.....	15
Violence against women and domestic violence.....	16
Victims of trafficking in human beings (THB)	18
Labor discrimination of migrant workers	19
Right to security of person and protection by the State against violence or bodily harm	20
Freedom of religion	21
Monitoring incidents against religious sites and with possible racist motive based on religion	21
Religion and religious education.....	22
Religious oath	23
Criminalization of blasphemy.....	23
Situation of persons belonging to minorities	23
Education and non-discrimination	24

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I. INTRODUCTORY REMARKS

1. Greece's combined 23rd and 24th periodic report on the implementation of the *International Elimination of Racial Discrimination (ICERD)* of February 2022 (hereinafter Greek State's Report) is scheduled for consideration at the 114th session of the CERD Committee (hereinafter the Committee). The Greek National Commission for Human Rights (GNCHR) had the opportunity to provide to the State in July 2021 its *Observations on Greece's combined 23rd and 24th periodic report* (hereinafter *GNCHR Observations CERD 2021*).

2. The present contribution contains a comprehensive presentation and evaluation of the implementation of the provisions of the ICERD in practice with suggested enquiries to the Committee in order to formulate its List of Themes. It takes into account the *Concluding Observations of the Committee* issued on 3 October 2016 (hereinafter COBs 2016), the Greek State's Report, addressing current challenges faced by the Greek State in implementing the ICERD and the *GNCHR Observations CERD 2021*. It draws on GNCHR previous monitoring and consulting work as well as on evidence-based gathered data from individual experts and NGOs, members of the GNCHR Plenary and the Racist Violence Recording Network (RVRN) operated by the GNCHR (together with UNHCR Greece).¹

II. SPECIFIC OBSERVATIONS

Antiracism legal framework

3. The GNCHR acknowledges Greek authorities' efforts to enhance anti-racism legislation, including establishing the **National Council against Racism and Intolerance (NCRI) under Law 4356/2015 and Law 4478/2017**, which implements the EU Directive 2012/29/EU (Victims' Rights Directive). Article 82A of the Criminal Code was recently updated by Law 5090/2024 (Article 14: *Article 82 A Crime with racist characteristics or against a minor or weak person*) to include also crimes "against a minor or weak person". The GNCHR has already raised the lack of identification of "minors or weak persons" that fall within the ambit of this article. Additionally, the appointment of Special Prosecutors for racist crime, the classification of racist crime case files with the label "RV" for easier identification, the training of judges and prosecutors on handling racist violence, along with the establishment of two divisions and sixty-eight offices against racist violence in the Hellenic Police are significant steps forward. At the same time, to our best knowledge, the training for the authorities involved in the support and protection of the hate crime victims and the investigation of the incidents are not implemented on a regular basis, in order to cover all the involved personnel, while from the 68 offices, only a few are operational.

4. Despite these efforts, the GNCHR identifies several structural issues that hinder the effective implementation of antiracism laws. The recording of racist-related cases is poor, and convictions by national courts remain limited. The actual impact of Article 82A of the Greek Penal Code on criminal cases is still quite limited in cases that are monitored by civil society organisations and independent observatories. Training of Prosecution and Judicial Authorities is required to ensure the effective implementation of Article 82A of the Criminal Code (recognition of bias motivation). Also, still gaps

* The present Observations were adopted by the GNCHR plenary on 18 July 2024. Rapporteurs: Prof. Maria Gavouneli, President, Ellie Varchalama, Second Vice-President and the GNCHR Scientific Staff: Eva Tzavala, Katerina Charokopou, Anastasia Chalkia and Christos Tsevas.

¹ The RVRN was established in 2011 by the GNCHR and the Greek Office of 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.

persist in monitoring the implementation of the relevant legal framework, as it is still not possible to monitor all cases from the investigation stage until the final adjudication of the case. While there are public statistics regarding the reported incidents to the Police, **relevant statistics on the cases that have reached the justice system and their final outcome are not available.**

5. Victims of hate crimes face challenges in accessing psychological, social, and medical support, since there is no effective national system for assessing their special needs as per the Victims' Rights Directive and refer the victims to the needed services. At the same time services for hate crime victims almost do not exist. There is a lack of coordination between law enforcement and healthcare providers in offering support to victims (GNCHR Observations CERD 2021). Interpretation services and nationwide accessibility to the dedicated phone line for reporting racist crimes are also insufficient. Legal and administrative barriers further hinder access to justice, such as the 250 Euros fee required for victims to appeal against initial complaint rejections.

6. We wish to note that the NCRI (National Council against Racism and Intolerance) is the collective, advisory body competent for the designing of policies to prevent and address racism and intolerance, the supervision of the implementation of the relevant legislation, and the monitoring of the implementation of the National Action Plan against Racism and Intolerance. **NCRI remained inactive between May 2023, following the transfer the responsibilities of the Ministry of Justice to the new Ministry of Social Policy and Family and was reactivated in June 2024.** One of the priorities set by the reactivated NCRI is to update the National Action Plan against Racism and Intolerance which expired at the end of 2023. The previous action plan while predicted some of the needed measures for the appropriate investigation of the bias motivation, **still lacked a comprehensive approach** which would engage the competent authorities to adopt policies and measures for filling the existing gaps in terms of preventing and combating racist violence or to face effectively the increased hate speech expressed by representatives of parties in the Greek Parliament and by the media, against targeted communities, including refugees, asylum seekers and migrants.

Suggested enquiries:

7. *Does the Greek State plan to develop comprehensive training programs to better equip relevant officials in investigating, prosecuting and convicting perpetrators of racist crimes.*

8. *How can coordination between law enforcement and healthcare professionals be improved to provide better support to victims.*

9. *What specific measures are considered by the Greek State to address shortcomings in the provision of interpretation services and the limited nationwide accessibility to the dedicated phone line for reporting racist crimes. Has the Greek State developed a comprehensive strategy to ensure the systematic and effective support of hate crime victims. How is the impact of these measures being monitored and evaluated in order to ensure continuous improvement and adaptation to the needs of victims.*

10. *What measures are in place to protect undocumented third-country nationals who are victims or witnesses of racist violence from the risk of arrest and deportation.*

11. *What steps will the State take to proceed with a precise definition of the individuals subject to the provisions of the amendment to Article 82A?*

Anti-discrimination legislation

12. In 2023, gender discrimination cases account for 52% and disability discrimination for 22%, with other discrimination reasons remaining similar to 2022. Racial origin discrimination cases rose to 7% from 2%, and national origin discrimination to 4% from 2%. Positive outcomes were recorded in 67% of valid cases following interventions. Notably, 77% of reports concern the public sector, highlighting the need for more private sector awareness initiatives (The Greek Ombudsman, Special Report, 2023, [Equal treatment](#)). These findings indicate a persistent and varied landscape of discrimination, with significant challenges remaining in both public and private sectors.

13. However, legal arrangements that try to address discrimination such as the Law 4808/2021 for the prohibition of harassment and violence in the workplace and the Law 5089/2024, which legislated the provision for same-sex couples to enter into civil marriages under Greek law are significant steps ahead. With the latter legal arrangement, all rights are automatically acquired, such as adoption, which previously

required the couple to be married in order to exercise them jointly. Also, provisions of Law 4443/2016, which established the principle of equal treatment and prohibited discrimination based on sexual orientation, gender identity, or characteristics in employment and work, are being amended by the above Law. According to the explanatory report of the Law 5089/2024, the principle of equal treatment and the prohibition of discrimination are extended to the areas of social protection, including social security and healthcare, social benefits and tax advantages, education, and access to the provision of goods and services available to the public, including housing, but many steps still need to be taken, including the immediate transposition of the Directives 2022/2381/EU and 2023/970/EU into Greek law.

Suggested enquiry:

14. Taking into account the adoption of new anti-discrimination framework, what specific measures are being taken by the Greek State to ensure the effective enforcement of the amendment of the Law 4443/2016.

Racist hate speech and racist crimes

15. The RVRN [Annual Report 2023](#), presented on April 23, 2024, documents 158 incidents of racist violence between January and December 2023. Among these incidents, 89 targeted migrants, refugees, or asylum seekers, while 61 targeted LGBTQI+ individuals. Nearly half of the victims had experienced violence before, and 15 incidents involved victims targeted for multiple characteristics. Notably, minors were identified as victims in one-third of the incidents, with some minors also acting as perpetrators. The report underscores the link between pervasive hate speech and racist violence, emphasizing that fear, ongoing trauma, and a lack of trust in authorities are major reasons why most victims do not file official complaints. The connection between pervasive hate speech and racist violence was highlighted, while fear, trauma, and distrust in authorities prevent most victims from filing official complaints. Also, the RVRN [Annual Report 2022](#), documented incidents of racist violence against vulnerable groups, including human rights defenders who support individuals and communities with protected characteristics. The findings highlighted the targeting of these defenders, particularly those operating at the borders. The report concluded that such racism and targeting erode the victims' safety and sense of justice. The European Commission against Racism and Intolerance (ECRI) [Report 2022](#) praised Greece's anti-racism plan and LGBTQI+ equality strategy but warned of ongoing discrimination against LGBTQI+ students, police abuse, and forced Roma evictions.

16. The GNCHR supports RVRN view that eliminating discrimination and racism requires effective monitoring of relevant indicators, including trends in racist violence. GNCHR welcomed the 2018 initiative by the Athens Prosecutor's Office to classify racist crime case files with the label "RV" for easier identification and the Hellenic Police's decision to analyze quantitative hate crime trends. Additionally, GNCHR praised the collaboration between Hellenic police and RVRN to enhance understanding of racist crimes through comparative data analysis.

17. However, GNCHR urges Greek Authorities to publish detailed analyses of recorded racist incidents and follow-up procedures to highlight trends and enhance transparency and trust in the national recording mechanism (RVRN, [Annual Report 2020](#)). GNCHR remains concerned about **the lack of a unified national system for monitoring procedural steps from police recording to prosecution and court processes, and victims' access to support services**. Such a system would help authorities understand the legal framework's implementation and improve the protective framework for victims.

18. Despite positive developments, establishing trust in an effective national monitoring system is crucial. The GNCHR also notes that the Hellenic Police against racist violence are understaffed and lack nationwide operation, with inadequate training for police staff. While the National Action Plan against Racism and Intolerance (NAR) includes training for prosecutors and judges, the GNCHR stresses the need for continuous training until indicators show increased use of relevant legal tools.

Suggested enquiries:

19. How effective have been the measures taken by the Athens Prosecutor's Office and Hellenic police in addressing racist crimes. Please provide statistic data.

20. *Has the Greek State evaluated the training and staffing of the Hellenic Police against racist violence and what suggestions are made for improvement.*

21. *What public support services are currently available for victims of racist violence, and how accessible are they.*

Widespread use of hate speech

22. Racist hate speech is increasingly present in public discourse in Greece, involving political dialogue and statements from high-ranking officials and public figures. These statements, while not always direct incitements to violence, raise significant concern due to their propagandistic nature and the status of those expressing them. Xenophobic rhetoric against migrants intensified during the February-March 2020 Greece-Turkey border crisis, leading to attacks on migrants and human rights defenders. Terms like “invader” in public discourse dangerously suggest that attacks on migrants could be seen as “legitimate defense” ([Open Letter from 256 Organizations](#), 06.03.2020). Additionally, the LGBTIQ+ community was targeted by “hate speech” in public discourse, emanating from high-ranking politicians, parliament members, the mass media, and church representatives in the country (RVRN [Annual Report 2023](#)). Following the [GNCHR Observations CERD 2021](#), Greek authorities should adopt specific anti-hate measures in line also with CEDAW Committee’s General Recommendation No. 35. This includes also prosecuting hate propaganda by political figures and officials.

Suggested enquiries:

23. *What steps is the Greek Government taking to ensure that political figures and public officials who propagate hate speech are held accountable under the law.*

24. *What steps is the Greek State taking to protect communities with specific characteristics from hate crimes and violence incited by public and political rhetoric.*

Case law of criminal Courts

25. The GNCHR welcomes the judicial authorities' handling of racist crime, noting the inclusion of three additional court decisions where Article 82A of the Criminal Code, recognizing racist motives as aggravating circumstances, was applied. Along with the dominant case of Golden Dawn, in July 2020, the Mixed Jury Court of Athens convicted the defendant in the “Crypteia” case for attempted arson, incitement to violence and hatred, criminal possession of a weapon, and threats, recognizing the racist motive under Article 82A (RVRN, [Annual Report 2020](#)). Similarly, the Three-Member Lower Criminal Court of Chalkida acknowledged the racist motive in an attack based on gender identity in decision no. 764/2020 (RVRN, [Annual Report 2020](#)), and recently in July 8, 2024 the Misdemeanor Court of Mytilini found 21 of 26 defendants guilty of dangerous bodily harm with racist characteristics in a so-called pogrom against migrants and refugees at Sappho Square in Mytilini in April 2018. The incident took place at Sappho Square in Mytilini, and the first time this three-member court recognized racist motives in imposing sentences

26. In 2024, eleven civil society organizations submitted a [memorandum](#) to the Appeals Prosecutor of Thrace, requesting an appeal against the Three-Member Court of Appeal for Felonies of Thrace's decision. Three-Member Court of Appeal for Felonies of Thrace made a decision regarding the defendants involved in the case of the Evros residents, who, in August 2023, as self-appointed vigilantes, engaged in acts of violence against refugees and migrants, even publishing video footage of their actions. These actions followed the fires.

Suggested enquiries:

27. *How does the Greek State intend to improve the efficiency and timeliness of judicial processes in cases involving hate crimes given the documented excessive delays.*

Rights of LGBTIQ+ persons

28. The GNCHR has welcomed the recent positive legislative steps towards the full and effective implementation of human rights of LGBTIQ+ persons, particularly Law 4356/2015 *on Civil Partnership*, Law 4491/2017 *on Legal Gender Recognition*, and the landmark Law 5089/2024 *on Equality in Civil Marriage and Amendments to Other Provisions of the Civil Code*. Greece is the 14th EU country that recognizes the right to same-sex marriage. The same-sex marriage bill provides the legal basis to further build on.

29. With regard to the adoption of the *civil partnership pact*, the GNCHR has at every occasion called on the competent authorities to revise the concept of marriage for all couples, regardless of gender, with full rights including the elimination of any discrimination relating to the adoption, foster care and/or assisted reproduction due to gender, sexual orientation and gender identity of prospective parents, given the wide variety of family forms as a matter of fact. Pertaining to the *legal gender recognition*, after 7 years of implementation, the GNCHR considers that there is an urgent need to review the process, replacing the court by a simple administrative procedure based on self-identification without court costs and delays (18 months from the date of application is the average time for the current process of legal gender recognition). Additionally, the change of the registered gender and name of the person concerned, should be conducted in a private office without publicity, which remains a request of the LGBTIQ+ community. Nonetheless, the legalisation of the *same-sex marriage* apart from its advantages, it does not recognise the presumption of parentage for children within marriage or civil partnership, it does not identify the right to voluntary notarial recognition of children outside of marriage (such as children conceived through medically assisted reproduction), as it applies to heterosexual married persons, and it does not provide for the possibility to change the registered gender of the transgender parent in the civil records of their children too, in order to avoid differences between the civil records of parent and child.

30. The *National Equality Strategy of LGBTIQ+ persons*, June 2021 following the corresponding *Action Plan on LGBTIQ Equality of the European Commission*, 2020, is another considerable step towards the recognition and institutionalization of LGBTIQ+ rights. The GNCHR contributed to the National Strategy with its *Memo to the Committee for the drafting of the National Equality Strategy of LGBTIQ+*, addressing recommendations to the competent authorities. Regardless the law developments, there has been up to-date no official information about the implementation status of those Ministries which put in place Action Plans linked to the National Strategy.

31. Finally, the GNCHR takes the opportunity to underline that it is essential for Greece to comply with the decisions of the World Health Organization in order to reflect modern understanding of sexual health and gender identity in its relevant legal framework. More specifically, in relation with the definition of gender identity-related health, the term “gender incongruence” should be removed out of the “*Mental and behavioural disorders*” chapter. In this context, the terms “*transsexualism*” and “*gender identity disorder of children*” should be replaced by the terms “*gender incongruence of adolescence and adulthood*” and “*gender incongruence of childhood*” respectively.

Suggested enquiries:

32. ***What concrete steps have been taken in practice towards the simplification and acceleration of the procedure of the legal gender recognition.***

33. ***How do you plan to further enhance the enjoyment of the right to marriage for all couples, regardless of gender, with full rights (eg. marital benefits, allowances, parental leave, child custody and parental care, childbirth, adoption, retirement, inheritance and other tax issues).***

34. ***How it intends to ensure that the National Equality Strategy of LGBTIQ+ persons is being effectively and not partial implemented. Are there actions in place that include a situation analysis and provide for an overview of existing measures, gaps and needs, as well as, for strategic recommendations on how to address them, along with targets and measurable indicators.***

35. ***Provide updated information on any steps taken by the State to ensure:***

i) the full without discriminations access of transgender persons in accordance with their gender expression and identity to health services in examinations/prescriptions/hospitalisation, in line with Law 4491/2017 on legal gender recognition

ii) the coverage in full financial terms of all gender reassignment procedures

- iii) *the amendment of the Code of Medical Ethics in order to include gender expression, gender identity and sex characteristics under the non-discrimination grounds*
- iv) *the compliance with the decisions of the World Health Organisation, incorporating the new International Classification of Diseases ICD-11, following modern developments and move away from stigmatizing practices of psychiatrisation of transgender persons.*

The situation of the Roma

36. The GNCHR has repeatedly expressed its deep concerns with regard to the specific situation of Roma people in Greece and the need for promoting and respecting their rights,² concerns similar with those reported by CERD in its COBs 2016, par. 20-21. At present time, and without underestimating the positive developments in the field, some of the major issues that are still to be addressed in order for the living conditions of Roma to be improved, are the rising of incidents of alleged police violence towards Roma people the last years, the low reporting rates of Roma complaints, the poor implementation of the *Roma Inclusion National Strategy 2021-2030* particularly as regards the relocation of Roma families,³ which is pending since 2016, and the disproportionate deterioration of their situation as a result of the Covid-19 pandemic mainly in the domain of education and health.⁴

The issues of pending civil registration and acquisition of Greek citizenship

37. The GNCHR should reiterate here the need for the State to address the issue of the **pending civil registration of a large number of Greek Roma, which remains unsettled and constitutes an additional obstacle to Roma social inclusion.** Due to the fact that births of Roma women often do not take place in a hospital and therefore are not declared, Roma children do not have a birth certificate and thus no access to the education. Moreover they face the challenge their own children to be children of stateless parents born in Greece.

Roma Inclusion National Strategy 2021-2030

38. The launch of the *Roma Inclusion National Strategy 2021-2030* in line with the *EU Roma Strategic Framework 2020-2030*, although targeted to improve inclusion of Roma people in education, employment, health and housing, lacks of comprehensive and effective implementation, monitoring and evaluation measures up-to-date, also despite the [recommendations](#) addressed by the GNCHR in this regard. At the same time, it neither provides for nor ensures a **substantial participation of the Greek Roma through their representatives**, so to effectively address Roma challenges and needs.

Suggested enquiries:

39. *What steps has the Greek State taken to ensure the implementation of the "Roma Inclusion National Strategy 2021-2030", considering the findings of the evaluation of the previous National Roma Integration Strategies, as well as, the need to develop a set of indicators (Structural indicators, Process indicators, Outcomes or Result indicators).⁵ In this respect what further steps are being applying for the*

² See GNCHR website: [ROMA](#) (nchr.gr).

³ Following the information about the progress of the National Strategy at the 2nd meeting of the *Advisory Committee for the Social Integration of the Roma* on 9.7.2023, of which the GNCHR is also a member.

⁴ 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.

⁵ FRA Monitoring framework for an EU Roma Strategic Framework for Equality, Inclusion and Participation: Objectives and indicators, 2020, European Commission (2018), Communication from the Commission to the European Parliament and the Council – Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020, COM(2018) 785 final, Brussels, 4 December 2018.

establishment of a single coherent system with legal guarantees capable of ensuring the effective participation of Greek Roma communities in social life, and improving transparency and accountability along with the regular collection of statistics and related data.

40. *What further steps does the Greek State envisage in order to ensure the progress of the relocation of Roma families up-to-date.*

41. *Please provide updated information of concrete measures taken to facilitate the acquisition of Greek citizenship for those Roma, who remain unregistered and who, in order to apply for citizenship, have to follow a long-term and expensive judicial procedure towards the issuance of the legal documents required by law pursuant to Article 1 par. 2 of the Greek Citizenship Code.*

42. *What further initiatives has the Greek State taken to ensure that impartial and effective investigations are undertaken with regard to allegations relating to the excessive use of force by law enforcement officers and that the perpetrators are prosecuted and the victims are adequately compensated. How does it intend to ensure that State authorities comply with Committee's previous recommendation to establish and operate a reliable, independent and effective mechanism for the immediate investigation of such complaints.*

43. *What measures has the Greek State taken to provide systematic training and retraining to all law enforcement officers, including continuous training on human rights in the Academies of the Greek Police.*

Mixed migratory flows: migrants, asylum seekers and refugees

44. As the Committee and other human rights bodies have acknowledged, Greece's geographical location at the external EU borders serves the last years as one of the main gateways to Europe for people fleeing persecution or poverty in their home countries. The situation at the Greek-Turkish borders is still volatile, despite the decrease in absolute numbers comparing to the 2015-2016 arrivals. The Greek State is bound by all major regional and international human rights treaties, with the exception of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* and *Protocol No 4 to the European Convention on Human Rights*, which contains the prohibition of collective expulsion of aliens in Article 4. The CERD in its COBs 2016 par. 26 called the Greek State to increase its efforts to ensure the respect of migrants' rights arriving in the same migratory flows as refugee and asylum seekers, highlighting the need for strengthened international and European cooperation. This holistic and human rights based approach is a steady GNCHR recommendation to the Greek State. Recently, initiatives have been taken by Greece to install legal pathways for labor migration from Bangladesh and Egypt to prevent illegal migration routes for migrant workers. On 9 February 2022 a [Memorandum of Understanding](#) was signed between the Governments of Greece and Bangladesh on migration and mobility (see ratifying Law 4959/2022, Government Gazette 144/A/22.7.2022) and on 22 November 2022 an [Agreement](#) between the Governments of Greece and Egypt on the employment of seasonal workers in the agricultural sector (see ratifying Law 5009/2023, Government Gazette 7/A/17.01.2023). The Migration Code was amended by virtue of Law 5038/2023 to facilitate, among others, the hiring of third country nationals for seasonal work; however, these bilateral agreements and law reforms have yet to produce results.

Suggested enquiry:

45. *What is the current status of implementation of the bilateral labor agreements with Bangladesh and Egypt and which measures is the Greek Government considering to speed up their implementation while ensuring, at the same time fair procedures, the prevention of exploitation or abuse and the rights of the migrant workers involved (equality and non-discrimination in particular).*

Protection of human rights at borders

46. The GNCHR periodically monitors and reports on the following key areas: (i) allegations of illegal forced returns and violence at borders, (ii) asylum procedures (iii) deprivation of liberty of asylum seekers and returnees, (iv) reception conditions with particular reference to vulnerable people and unaccompanied children and (v) human rights accountability and an enabling environment for human rights defenders

work. In recent years, and especially after 2020, the GNCHR has prioritized the treatment of refugees and migrants at borders.⁶

47. During the on-site visit carried out in Samos (20-21.1.2020),⁷ the GNCHR concluded that the system had collapsed. The key findings were analytically provided in the [GNHCR Observations 2021](#) (pp. 49-50). Three factors contributed to an asphyxiating situation in the North Aegean Islands at that time: the geographical restriction imposed on asylum seekers as a result of the EU-Turkey Statement, the delays in Dublin family reunification procedures and the restricted capacity of reception and identification centers (RICs). Several individual cases were brought before the European Court of Human Rights that ruled upon infringements of Article 3 ECHR.⁸ In Lesbos, the Moria camp was the largest (informal) refugee camp in Europe, hosting 12.646 asylum seekers in 2020, more than four times its hosting capacity. The suffocating conditions led to an upheaval of violence resulting in the fire in Moria ([GNCHR Statement](#), 2021). This incident remains to date a symbol of failed EU and national reception policies at borders.

48. On the particular issue of reception conditions for vulnerable asylum seekers (COBs 2016 par. 22 (b) and (d), par. 23 (b), (c), (d) and (e)), since 2020 significant progress has been made, especially with regard to unaccompanied minors. From 2020 to 2023, a [voluntary scheme for the relocation from Greece to other EU countries of vulnerable asylum seekers and beneficiaries of international protection](#), including 1.600 unaccompanied minors and families with children with severe medical conditions was running; at the end of March 2023, 5.121 relocations had been made. At the same time, relocation of unaccompanied minors from RICs of the Eastern Aegean Islands to appropriate shelters in mainland Greece took place. By the end of September 2021, all 1.790 unaccompanied minors were relocated. A coordinated effort from different stakeholders (State authorities, international organisations, civil society organisations) resulted in establishing the [National Emergency Response Mechanism](#) in 2021 which successfully runs henceforth, providing a safety net for children in precarious situation. This Mechanism is considered a best practice among EU states and beyond.⁹ Another positive step in line with GNCHR Recommendations adopted in Law 4540/2018 and maintained in Laws 4636/2018 and 4939/2022 is that minors receive special reception conditions after their identification (and not after the lodging of an application for protection like the rest of beneficiaries) and until they reach adulthood irrespective of their migration status. A standing GNCHR Recommendation, not yet addressed by the State, is to include lesbians, homosexuals, transgender, bisexual, queer and intersex (LGBTI) in the group of persons in need of special reception conditions, given the increased risks that these people evidently face.¹⁰ The GNCHR in a recent series of seminars to national authorities ([Rooting for Rights Project 2023-2024](#)) provided tailor-made practical training on the fundamental rights aspects of vulnerable asylum seekers such as minors, persons with disabilities, LGBTI in reception and detention.

49. During the outbreak of Covid-19 in Greece, the GNCHR worked intensively to closely monitor, scrutinize and report on a number of human rights issues linked to measures adopted by the Government to confront the pandemic. In the two relevant GNCHR reports, the Committee can find useful information on the impact of such measures in civil, political and socio-economic rights of all people residing in Greece with particular reference to vulnerable groups, such as refugees and migrants.¹¹ It should be further noted

⁶ GNHCR, Statement: Reviewing asylum and immigration policies and safeguarding human rights at the EU borders, March 2020, GNCHR Statement on the reported practices of push backs, July 2020; GNCHR, Statement on the fire in Moria and the day after, September 2020, GNCHR, Reference Report on the Refugee and Migrant Issue, Part B, September 2020; GNCHR, National Report on the situation of human rights of migrants at borders, July 2021.

⁷ GNCHR, Press Release "In Samos the system has collapsed", February 2020.

⁸ Most recent ones: W.S. v. Greece, application no. 65275/19, judgment of 23.05.2024; O.R. v. Greece, application no. 24650/19, judgment of 23.01.2024; T.K. v. Greece, application no. 16112/20, judgment of 18.01.2024; D.S. v. Greece, application no. 2080/19, judgment of 30.11.2023; E.F. v. Greece, application no. 16127/20, judgment of 05.10.2023.

M.I. v. Greece, application no. 8386/20, judgment of 23.11.2023;

⁹ United Nations Office on Drugs and Crime, CCPCJ32 Side Event: The national emergency response mechanism: A protection mechanism preventing children from falling victim to human trafficking, 24.5.2023; Interreg Europe, Good practices: National Emergency Response Mechanism (NERM) in Greece, 16.11.2023; European Crime Prevention Network, Greece: National Emergency Response Mechanism (NERM), Award (2nd place) 2023.

¹⁰ See Recommendation of the European Parliament at European Parliament, Committee on Women's Rights and Gender Equality, Report on the situation of women refugees and asylum seekers in the EU, 2015/2325 (INI), 10.2.2016; GNCHR, Information relevant to the implementation of the Convention against Torture, 2019, p.31.

¹¹ GNCHR, [Report](#) on the need for protection of human rights with regard to the measures taken in response to the Covid-19 pandemic and recommendations to the State, 10.6.2020; GNCHR, Extraordinary times call for extraordinary

that the measures restricting the movement of residents in RICs were successively being extended¹² although lifted for the rest of the population, raising doubts as to the respect of the proportionality principle. 50. The Committee in its Concluding Observations condemns the automatic detention of migrants arriving on the islands after the conclusion of the EU-Turkey Statement and recommended that the reception and identification centers be converted into “open centers” (COBs 2016 par. 23 (a)). Contrary to the above recommendation, since 2021 “Closed Controlled Access Centers” operate in Kos and Samos and will soon open in Lesbos and Chios. They were funded by the European Commission in order to meet the EU reception standards. According to Article 40 of Law 4939/2022, foreign nationals can be deprived of their liberty for up to 25 days within a RIC or a CCAC, until they have been fully registered and have received an asylum seeker card.

51. In February 2024 a GNCHR delegation carried out a follow-up monitoring visit in Samos (6-7.2.2024)¹³ to assess the situation in the field, given that the asylum and reception laws and policies have been significantly amended since 2020 and in light of the progress made at EU level towards the adoption of a new set of common rules (EU Pact on migration and asylum). The findings of this visit have been analytically presented in a subsequent report (in [Greek](#)). The situation, according to the National Commission, is in some fields borderline exposing the residents in completely unsuitable conditions and in immediate danger. Among others, the GNCHR called the State to: (a) immediately ensure sufficient and stable water supply in the CCAC for all residents given the serious risks to their health from lack of water supply; (b) to ensure decent living conditions for all residents, taking into account special characteristics or vulnerabilities and (c) to address as a matter of priority the provision of adequate and appropriate medical care to them. The GNCHR highlighted that residing in communal areas (e.g. restaurant) or administrative spaces, which by their construction are not intended for use of housing and accommodation, even temporary in no case conforms to the most basic standards.¹⁴ NGO reports have denounced the inadequacy of the operating CCACs (mainly in Samos and Kos).¹⁵ Regional bodies such as the European Ombudsman and the CPT of the Council of Europe¹⁶ likewise expressed worries on the situation of asylum seekers living in CCACs. More particularly, the CPT noted that “when the number of foreign nationals arriving on the islands increases, the systems break down quickly and many persons find themselves being subjected to treatment which could be described as inhuman and degrading”. In January 2023, the European Commission [sent a letter of formal notice to Greece](#) (among other EU States) for incorrect transposition of certain provisions of the Directive 2013/33/EU on Reception Conditions.

52. On the particular issue of allegations of illegal forced removals and protection from refoulement (CoBs 2016 paras. 22 (e) and 23 (c)), there has been widespread reports by international organizations,¹⁷

responses: [Reference Report regarding the impact of the pandemic and the measures taken to address it on human rights](#), May 2021 [in Greek, summary of the recommendations in English].

¹² See also Press release [in Greek]: Organizations in Greece, as well as national and international health organizations, warn: Discrimination does not protect against Covid-19, 17.7.2020.

¹³ GNCHR, Field visit to Samos “The reception conditions in the CCAC of Samos are incompatible with the basic standards”, April 2024 [in Greek].

¹⁴ For the same period see also RSA, Disgraceful living conditions in the ‘state-of-the-art’ Closed Controlled Access Center (CCAC) of Samos, 6.2.2024

¹⁵ Greek Council for Refugees, Absolutely inadequate conditions in the new Closed Controlled Access Center (CCAC) of Kos: The European Court of Human Rights has granted Interim Measures, 14.12.2023; Civil Society Joint Statement, Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre, 31.01.2024; RSA, Disgraceful living conditions in the ‘state-of-the-art’ Closed Controlled Access Centre (CCAC) of Samos, 6.02.2024.

¹⁶ European Ombudsman, Decision in strategic inquiry OI/3/2022/MHZ on how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece, 7 June 2023, par. 48; 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 20 November to 1 December 2023, CPT/Inf (2024) 21, p. 33 et seq.

¹⁷ [IOM Press Release](#) “IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey”, June 2020; [IOM Press Release](#) “More than 5,000 Deaths Recorded on European Migration Routes since 2021”, October 2022; [IOM Press Release](#) “IOM Concerned about Increasing Deaths on Greece-Turkey Border”. February 2022; UN Special Rapporteur on the Human Rights of Migrants, Report on means to address the human rights impact of pushbacks of migrants on land and at sea, May 2021; [UNHCR Press release](#) “UNHCR warns of increasing violence and human rights violations at European borders”, February 2022; [UNHCR Press Release](#) “UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey”, June 2020; [UNHCR Press Release](#) “UNHCR concerned by pushback

civil society¹⁸ and the press¹⁹ on individual or group pushbacks allegedly taking place at the Greek-Turkish land and sea borders - which also constitute the EU's external borders. What is most worrying is the lack of an effective investigation of those cases officially reported to the authorities generating a general climate of impunity.²⁰ No Greek Court had yet ruled upon such a complaint,²¹ and in few cases where official investigations were opened there has been no outcome. The European Court of Human Rights on two occasions²² has condemned Greece due to ineffective investigations about incidents of loss of life at borders resulting in violations of Article 2 ECHR (procedural obligations).

53. In September 2021, the GNCHR established the **Recording Mechanism of Informal Forced Returns** whose objective is to monitor, record and highlight the phenomenon of informal forced returns (IFRs) of third-country nationals from Greece to other countries. It aims to foster and consolidate respect for the principle of non-refoulement, as well as to ensure adequate guarantees and compliance with legal procedures. Moreover, the objectives of the Recording Mechanism include increasing accountability for reported human rights violations during IFRs operations. Through the adoption of a standardised, transparent, and scientific recording methodology, the Recording Mechanism seeks to contribute to enhancing the credibility of reported incidents (see Annual Reports for 2022 [in English] and 2023 [in Greek]). The establishment of the Recording Mechanism was welcomed by the Ministry for Migration and Asylum ([Press Release](#) [in Greek]) and is technically supported by the UNHCR Office in Greece. From its first year of operation, it took credits as a promising practice to enhance accountability ([FRA](#), [European Commission](#)). Testimonies collected by the Recording Mechanism in 2022 and 2023 present a repeatable pattern, through which the organised nature and the operational characteristics of the IFRs become conspicuous. These characteristics fall within two pivots, i.e. gradualness (a gradual, step-by-step implementation procedure) and geographical diversification (the geographical specificities of the regions, where the IFRs are being carried out, have an impact on the modus operandi of the actors involved).²³

54. On 14 June 2023, the Adriana fishing vessel sank in international waters, 47 km off the coast of Pylos (Greece). Some 600 people who were on board died or went missing. This was one of the deadliest incidents ever in the Mediterranean Sea. The GNCHR issued a relevant [Statement](#) calling among other recommendations for the effective investigation of the circumstances of the shipwreck. One year later, a criminal complaint brought by survivors against those responsible [is pending](#) before the Maritime Court. The Greek Ombudsman initiated its own [investigation](#) into the incident, after the Hellenic Coast Guard refused to open a disciplinary investigation.

Suggested enquiries:

55. *How Greece is planning to address significant shortcomings in the living conditions of those residing in the CCACs in order to meet with international standards and previous CERD recommendations on ensuring that everyone in RICs, CCACs or other reception facilities have access to medical care, interpreters, adequate food and social support.*

56. *What measures has Greece taken to comply with the European Court of Human Rights jurisprudence on ineffective investigations on violations of human rights at borders. Please provide*

reports, calls for protection of refugees and asylum-seekers", August 2020; [UNHCR Press Release](#) "UNHCR warns asylum under attack at Europe's borders, urges end to pushbacks and violence against refugees", January 2021.

¹⁸ [Amnesty International, Report 2022/2023](#), p. 177; Amnesty International, Greece: Violence, lies and pushbacks – Refugees and migrants still denied safety and asylum at Europe's borders, 23.06.2021; Greek Council for Refugees, "At Europe's Borders: Between Impunity and Criminalization", March 2023; Medecins Sans Frontiers, [In plain sight: the human cost of migration policies and violent practices at Greek sea borders](#), 2.11.2023; Medecins sans Frontiers, Pushbacks, detention and violence towards migrants on Lesbos, 25.5.2023

¹⁹ The New York Times, "They Just Left Us": Greece is Accused of Setting Migrants Adrift at Sea', July 2021; BBC, "Greek Coastguard threw migrants overboard to their death, witness say", June 2024.

²⁰ European Union Agency for Fundamental Right, Guidance on investigating alleged ill-treatment at borders, 30.7.2024; UN Human Rights Council, Press release: Greece: UN experts call for safe, impartial border policies and practices, 23.8.2023

²¹ GNCHR, [National report](#) on the situation of human rights of migrants at borders, July 2021, p. 21.

²² [Safi and others v. Greece](#), application no. 5418/15, judgment of 07.07.2022 and [Alkhatib and others v. Greece](#), application no. 3566/16, judgment of 16.01.2024.

²³ [Written submission](#) to the European Court of Human Rights (Third Section) made by the Greek National Commission for Human Rights as a third party, in relation to Applications nos. 15067/21 - G.R.J. v. Greece, and 15783/21 - A.E. v. Greece, 28.4.2024).

concrete examples of successful investigations and/or disciplinary measures in relation to cases of ill-treatment of migrants at borders. What further actions has Greece taken to prevent pushbacks due to racial discrimination, racism and xenophobia.

Statistical data on applications for asylum - Access to asylum and asylum procedures (COBs paras. 22 (c) and 23 (f))

57. The State regularly publishes statistical data on international protection and migration (Ministry for Migration and Asylum [website](#)). In recent years, there has been a decrease of the “backlog” of pending applications due to Covid-19 which resulted in reduced flows –and thus fewer new applications – together with long periods of closure of administrative services to the public and the use of remote technologies. The statistics on asylum applications offered by the State (SR paras. 119-128 – see also more recent official [statistics on international protection](#), June 2024) reflect the situation in the field, where there has been significant delays in registration and examination of international protection application. In December 2023, 29.885 applications were pending; compared to December 2022 where the same figure was 17.249, we note an important increase (73%) in the number of pending applications. Based on evidence collected by the GNCHR in ad hoc visits to RICs and Regional Asylum Offices, there are some cases that still in 2024 are pending for months or even a year. The accelerated special border procedure which was instituted first by Law 4675/2016 and reiterated in all subsequent legislations for those that fell within the ambit of the EU - Türkiye Statement in practice fell short of procedural safeguards. The safe third country concept which was at first introduced for Syrians entering Greece through Turkey, was further expanded in 2021 (by virtue of the Joint Ministerial Decision nr. 42799/2021) to also cover Syrians, Afghanis, Pakistanis, Bangladeshis and Somalis applicants. Taken into account the de facto suspension of returns to Turkey since March 2020, the GNCHR expressed the opinion that tens of thousands of asylum seekers risked to be exposed to a situation of legal uncertainty since 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, without any tangible prospect of reactivation of returns.²⁴ In practice, directions were provided by the Greek Asylum Service, and following a relevant request by the EU Commission to the Greek authorities, to reject the application of the safe third country concept to these nationalities entering Greece from Turkey and to judge their applications for international protection on the merits. A request by the Greek Council of State to the Court of Justice of the European Union for preliminary ruling is currently [pending](#) on the interpretation of the safe third country concept.

Gender equality

58. In addition to the adoption of Law 3896/2010 and Law 4443/2016, which both introduced the prohibition of all forms of direct or indirect discrimination in employment and occupation and for those reasons both welcomed by the GNCHR, the National Commission has also particularly welcomed the adoption of Law 4604/2019 on the “*Promotion of substantive gender equality, prevention and combating of gender-based violence*”. It expanded the *principle of non-discrimination* based on gender, sexual orientation or gender identity to all private or public law relations of physical persons, placed “*gender mainstreaming*” in all policies touching upon private and public life and defined -for the first time- “*gendered discrimination*”.²⁵ However, by virtue of Law 4604/2019 some grounds of discrimination, such as race, colour, national or ethnic origin, are ranked as more serious than others, namely disability, chronic illness, age, sexual orientation and gender identity, which are not applied on all sectors. It also fell short of containing an explicit prohibition based on sex characteristics in line with the provisions of previous Laws 4443/2016 and 4491/2017. The definitions of “*direct*” and “*indirect discrimination*” stipulated in Law 3896/2010 were replaced with a new vague and uncertain wording that raises questions as to its

²⁴ See [GNCHR's Observations on the national report to CERD](#), p. 37; For more information on suspension of EU - Türkiye Statement visit 2023 [Update AIDA Country Report: Greece](#), pp. 157-158.

²⁵ Article 2 par. 9 defines gendered discrimination as physical, psychological or verbal conduct, through which persons are degraded, inter alia, on the grounds of gender identity.

compatibility with EU law.²⁶ Another recent essential development is the Law 5089/2024 *on Equality in Civil Marriage and Amendments to Other Provisions of the Civil Code*, according to which the principle of equal treatment thoroughly applies to the sectors of social protection, including social security and health care, social benefits and access to goods and services provided to the public including housing. In this context, the Individual Labor Law Code must also be adjusted, where necessary.

59. Taking into account the above mentioned, a general observation constantly highlighted by the GNCHR, is that although Greece has managed to adopt a comprehensive legislative framework on substantive gender equality and to design policies and practices in this direction, there is a significant lack of an effective compliance with rules and commitments undertaken by Greek society and a failure to impose sanctions and penalties by the competent State authorities, which results in a general sense of impunity. The GNCHR has in its [Observations on the Greek National Gender Equality Action Plan 2021-2025](#) [in Greek] drawn the attention of the Greek State to the above mentioned conclusions, already underlined in all its parallel Reports to international bodies.

Suggested enquiries:

60. *What measures has the Greek State taken to ensure gender budgeting so to advance gender equality and women's rights, by promoting at the same time accountability, transparency and gender responsive participation in the budget process.*

61. *Given the absence of efficient coordination among national competent services, what further steps is the Greek State planning to take as to ensure the horizontal and cross-sectoral coordination of the authorities and to strengthen the continuous consultation and exchange of information, experience and opinions with civil society towards the substantive gender equality.*

Participation in political and public life

62. The GNCHR appreciates that gradually quotas on participation of women in political and public life raised through the launch of a series of laws with a view to achieve a balanced gender representation at all levels, including political life, administrative boards of listed companies, administrations of sports clubs, etc, however, the GNCHR remains skeptical about the effective implementation of the legislative framework in practice.²⁷ The same notes also the [UN WG on discrimination against women and girls](#) in its Report of June 2020 after its visit in Greece in April 2019. The lack of available and reliable data and of strong monitoring capacity is another key challenge that impedes progress.²⁸ According to the statistics of the Observatory of the General Secretariat for Demography and Family Policy and Gender Equality (hereinafter GSDFPGE), women's empowerment in Greece both in the public and private sector is disappointing.²⁹ Alongside, Greece ranks under the last countries in the EU on the [Gender Equality Index](#), with the lowest scores in relation to women in power. In 2023 its score in the domain of power reached 30.4%, with the EU average being 59.1, while in 2022 it was 28.8%, with the EU average being 57.2%. **Notably the GNCHR deplores the fact that women remain under-represented in all major political offices** (the Cabinet, the Parliament and the Municipal and Regional Councils), despite the applicable 1/3 gender quota referring to the total number of candidates for election and not the elected ones. In the private sector, only 9% of board members of the largest publicly listed companies are women, despite that the investing in economic empowerment of women could yield higher development returns.

Suggested enquiries:

²⁶ See Article 2: "Definitions" of Directive 2006/54/EU.

²⁷ [GNCHR Oral Statement on the implementation of the Convention on the Elimination of All forms of Discrimination against Women \(CEDAW\)](#), November 2020.

²⁸ UN Human Rights Council, Visit to Greece: [Report](#) of the Working Group on discrimination against women and girls, A/HRC/44/51/Add.1, April 2019. The WG 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.

²⁹ See [Observatory of the General Secretariat for Gender Equality 19th e-bulletin - Female Unemployment](#), 2019-04-01.

63. *What concrete steps has the Greek State taken so far to effectively monitor and assess the implementation of the substantive gender equality. If not, how do you consider to assess the effectiveness of the existing legislative framework.*

64. *Is the Greek State planning to take additional measures in order to ensure gender balance in political life, applying the 1/3 gender quota referring to the total number of candidates for election also to the elected ones.*

65. *What targeted actions does the Greek State plan in order to remove bias and stereotypes that dominate Greek public opinion and Greek media regarding the role of women in the economic life of the country as a key channel for changing attitudes and challenging stereotypes.*

66. *Will the Greek State take steps, and if so, how will it include such actions in the Corporate Social Responsibility Agenda of the companies that implements relevant programmes and measures.*

Violence against women and domestic violence

67. The GNCHR has welcomed the ratification of the ILO *Violence and Harassment Convention* 190 by Law 4808/2021 and of the *Istanbul Convention on preventing and combating violence against women and domestic violence* by Law 4531/2018. Nonetheless, the National Commissions notes in its [Observations](#) of June 2021 [in Greek], that a disadvantage of Law 4808/2021 is that it assigns three (3) co-responsible Independent Authorities – the Labor Inspectorate (SEPE), the Ombudsman and the National Transparency Authority for victim's complaints. **Overlapping of roles may deteriorate the situation of victims** of violence and harassment instead of strengthen it,³⁰ while it improves legal uncertainty and impedes the developing of a safe and confidential referral pathway for safeguarding victims and survivors. Similarly, the GNCHR draws the attention of the competent State authorities to the need for coordination of all the authorities involved with respect to the **prevention of discrimination against women of vulnerable groups**.³¹ Furthermore, the National Commission shares the concerns of the [UN WG on discrimination against women and girls](#) regarding the non-prosecution of perpetrators despite the significant number of domestic violence reported cases.³² The continuous regulations, namely three amendments in the Criminal Code and the Criminal Procedure Code from June 2019 up-to-date (Law 4619/2019 and 4620/2019, Law 4855/2021 and Law 5090/2024), rather than addressing the risks, increase legal uncertainty. It should be noted that the new Law 5090/2024 "*Amendments in the Criminal Code and the Code of Criminal Procedure to speed up and improve the quality of the criminal trial - Modernization of the legislative framework to prevent and combat domestic violence*", which aims at speeding up the criminal proceedings, limiting impunity by suppressing "*small and medium*" crime, is strengthening the crime-preventive function of the the sentence and protecting victims minors and women, who face increasing domestic violence behaviors, yet it has shortcomings. The GNCHR raises serious concerns about indirect criminalization of parental alienation with regard to Article 118 of Law 5090/2024, which amended Article 4 of Law 3500/2006 by adding also the psychological violence to the physical against minors, as an indication of poor parental care, which could end-up at total or partial removal of parental care. Such a legislative provision considerably complicates objective attribution in practice and causes legal uncertainty.

68. Although Istanbul Convention applies since a considerable time period in the Greek legal system, namely since 2018, the GNCHR expresses its concerns about the failure of the competent State authorities to essentially implement their obligations arising from this landmark legal binding instrument. The low rates of crime reporting, the significant low number of compensation claims by victims to-date and the zero rate of compensation until today, lead to the conclusion that an essential implementation is hardly in practice. The same concerns were shared by the [UN WG on discrimination against women and girls](#) during its visit in Athens in April 2019. Additionally, the GNCHR deplors the lack of measures, such as the introduction into schools of educational material on the elimination of gender stereotypes, of available sex-

³⁰ 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.

³¹ UN Human Rights Council, Visit to Greece: [Report](#) of the Working Group on discrimination against women and girls, A/HRC/44/51/Add.1, April 2019.

³² UN Human Rights Council, Visit to Greece: [Report](#) of the Working Group on discrimination against women and girls, A/HRC/44/51/Add.1, April 2019.

disaggregated data in relation to all forms of gender-based violence and crimes against women and of systematic training of professionals, all progress impeding challenges.

69. The tragic incident of the femicide of 28-year-old woman, Kyriaki Griva, outside the police station in Agioi Anargyroi in Athens, where six police officers and employees, including the station commander, the duty officer, their supervisor along with the supervisor's driver, the officer on guard and the Direct Action officer who interacted with the victim shortly before her murder, did not provide help to the victim shortly before her murder, is another evidence of the institutional deficits in practice. The 39-year-old assailant faces charges of intentional homicide, illegal weapon possession, and drug possession and is scheduled for a court appearance today.

70. In relation to domestic violence, two particular trends are identified, the growing number of known femicides (2020:8, 2021: 23, 2022:24, 2023:15, 2024/7:9) on the one hand and the incompetence of the State to deal with on the other.

71. Moreover, remarkable is the **increase, in Greece, of incidents of sexual harassment, abuse and exploitation in power relations**, including the workplace, politics, sport, arts and educational settings.³³

72. Worth mentioning is also that there is no official record of femicide in Greece. To this end, the GNCHR underlines the need of the punishment of perpetrators and the timely and appropriate protection of victims of violence and/or harassment, accompanied by appropriate implementation measures.³⁴ The lack of available sex-disaggregated data in relation to all forms of gender-based violence and crimes against women remains also key challenge.³⁵

73. Overall, despite the significant legislative developments, the GNCHR remains concerned that implementation lags behind,³⁶ especially 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 women.³⁷

Suggested enquiries:

74. *What measures has the Greek State taken to protect victims of all forms of sexual violence and to ensure the effective judicial protection of their rights and the victims' access to fair justice through transparent, confidential and without delays procedures.*

75. *What further steps has the Greek State taken to implement effectively safeguards against ill-treatment in psychiatric establishments, ensuring in particular that the significant monitoring gap concerning the private sector institutions is remedied.*

76. *Please 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.*

77. *What measures did the Greek State taken to strengthen 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. Has the Greek State addressed the need of systematic and regular collection of detailed, reliable and comparable data, as well as, the need for implementing and strengthening awareness-raising and information activities aimed at preventing and protecting the rights of victims.*

³³ League for Women Rights, Press Release, 15.1.2021.

³⁴ 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.

³⁵ GNCHR, Information on CEDAW, 2020, UN Human Rights Council, Visit to Greece: [Report](#) of the Working Group on discrimination against women and girls, A/HRC/44/51/Add.1, April 2019.

³⁶ UN Human Rights Council, Visit to Greece: [Report](#) of the Working Group on discrimination against women and girls, A/HRC/44/51/Add.1, April 2019.

³⁷ 1st Annual [Report](#) on Violence Against Women, General Secretariat for Demography and Family Policy and Gender Equality (GSDFPGE), November 2020, 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 Working Group on discrimination against women and girls, A/HRC/44/51/Add.1, April 2019.

Victims of trafficking in human beings (THB)

78. The GNCHR, having closely monitored the work of the National Referral Mechanism for Victims of Trafficking in Human Beings (NRM) since its establishment,³⁸ it acknowledges the significant efforts of the NRM and its coordinated action and partnership building, among all actors involved in combating trafficking in persons, as well as, the training programs and campaigns provided on a large scale in this framework. It also brings in additional professionals and stakeholders into the screening and identification process of mixed migratory/refugee flows (migration services, labor inspectors, health providers, local administration authorities). In this regard, the GNCHR, stresses the importance of coordinated proactive actions, notably training initiatives for organizations and services who deal with cases of labor exploitation, so that they can be aware of the various forms of severe labor exploitation and their causes in order to be ready to react appropriately and to give priority to the rights of migrants victims of severe labor exploitation.

79. According to the Circular 7/2022 of the Deputy Prosecutor of the Supreme Court of Greece (*Areios Pagos*) on the Characterization of victims of human trafficking,³⁹ based on a letter by the National Rapporteur on Combating Human Trafficking that most of the prosecutors' orders classifying persons as victims of human trafficking are rejected despite the positive opinion of the competent services of the Greek police, while the few positive ones are issued with limited time validity. The Deputy Prosecutor underlines that "(... in the relatively few cases of human trafficking that concern the competent public prosecutors all over Greece, it is not enough for the prosecutor to focus on the accused, but also to deal specifically with the victim, so that if there is guilt, the perpetrator of the modern form of slavery can be fairly convicted)".

80. Based on the recent NRM Annual Report 2023,⁴⁰ certain graphs show the number of cases, as reported during the five-year NRM operation, i.e. from 2019 to 2023, showing the increasing trend of the last two years (2021: 157, 2022: 358, 2023: 533 new cases), while the biological sex (highest number: women and boys), the age (highest number: 18-25) and the nationality of the victims (African countries for adults and other EU countries for child victims)⁴¹ can indicate the vulnerability nexus with the relevant factors and consequences on the protection of victims under non-discrimination.

81. If the previous two considerations (Circular of the Prosecutor- NRM report) are to be read together, there is a need to face the protection gaps, focus the measures, the practice and the obligations of the relevant authorities on the victims' identification and protection, link the different factors of the victims, such as gender, nationality, vulnerability.⁴² Given the mentioned above, the GNCHR reiterates its concern that the crime of human trafficking remains severely underreported and can relate to factors of the protection under ICERD, while the overlapping and uncoordinated actions can be a harmful practice for the victims.

82. The GNCHR takes into consideration the changes on the Penal Code and the amendment of the Article 323A by the Law 4855/2021 (Government Gazette Issue A 215/12.11.2021) on the sentence framework and Article 228 on witnesses victims of human trafficking given that the relevant human rights safeguards are ensured in practice.

83. The GNCHR welcomes the 2021 initiative of the Ministry of Justice, proceeded to the establishment of a Working Group for the protection of THB victims,⁴³ and wishes to underline its intention to be informed, cooperate and participate as a member in the Working Group given the pillars of protection of victims and enjoyment of their rights.

³⁸ GNCHR, [Information relevant to the implementation of the Convention of the Rights of the Child – Submission to the UN Committee on the Rights of the Child](#), January 2020, p. 64.

³⁹ Deputy Prosecutor of the Supreme Court of Greece (*Areios Pagos*), [Circular 7/2022 on the Characterization of victims of human trafficking](#), No. 4573/23 May 2022, p. 1 [in Greek].

⁴⁰ Office of the National Rapporteur for Combating Trafficking in Persons/ National Centre for Social Solidarity, [NRM Annual Report 2023](#), May 2024, p. 5.

⁴¹ *Ibid.*, Part A: Victims of human trafficking who continued to receive services in 2023, pp. 8-9

⁴² *Ibid.*, p. 32. See also the reference according to which the most common means of coercing adult victims is the use of threat or use of violence, while a great number of cases refers to exploitation of vulnerability (p. 33).

⁴³ Hellenic Ministry of Justice, [Establishment of a Working Group for the protection of THB victims](#), No. 24918/2 July 2021 [in Greek].

84. The GNCHR welcomes the establishment of the *General Secretariat of Vulnerable Persons and Institutional Protection* (GSVIP) in the framework of the Ministry of Migration and Asylum with the P.D. 77/2023 (Government Gazette Issue A 130/27.6.2023),⁴⁴ which obtained the competences of the Special Secretariat for the Protection of Unaccompanied Minors. Even though it is a useful step for the protection of third country nationals, there are no competences clearly set yet and respective policies implemented as far as it concerns the human trafficking victims, even though there are references in the Annual Report 2023, such as the following: “*The growing phenomenon of human trafficking is at the forefront of our expanded strategic planning. A special department within the Secretariat is expected to be created for this purpose and we are developing a new national action plan to combat exploitation and trafficking in human beings, emphasising the synergies of organised civil society and the state. With these new and expanded competences we will be able to take care not only of victims of trafficking, but also of single-parent families, of victims of torture, of LGBTI applicants for international protection who experience multiple stigmatization*” and “*in view of the creation of a department for victims of violence and trafficking in human beings*”.⁴⁵ Thus, it seems that there is a preparatory work towards envisaging the future steps, but the delay from the part of the State is unclear and risks the protection of THB victims and especially third country nationals.

Suggested enquiry:

85. What are the measures taken by the State to face the shortcomings and delays in equipping relevant parts of the authorities with appropriate functional safeguards, increase the effectiveness of authorities, including judicial authorities, to identify and protect THB victims and support their coordination with the main focus to the protection of the victims.

Labor discrimination of migrant workers

86. The GNCHR, since its establishment, has dealt with the complex phenomenon of trafficking in human beings and the **lack of an essential implementation of the regulatory framework on trafficking in human beings and/or forced labor of the rights of victims in practice**. In this regard, the GNCHR while systematically monitoring the compliance of the Greek State with the decisions of the European Court of Human Rights and the adaptation of Greek legislation to the international, European and national law provisions regarding human rights protection, submitted two Communications on the level of compliance of the Greek State with the ECtHR judgment, *Chowdury and others v. Greece* (known as the “Manolada-case”).⁴⁶ The GNCHR with its first Communication carried out a focused approach to assess the full compliance of the Greek State with the ECtHR judgment, in order to process and formulate suitable policy advice to the competent State bodies.⁴⁷ Through its second Communication,⁴⁸ the GNCHR attempted a further focused approach to the phenomenon of trafficking for the purpose of labour exploitation, assessing the implementation in practice of the regulatory and operational measures on matters pertaining to the prevention of human trafficking and forced labour, the promotion and protection of the rights of victims, as well as, the effective prosecution of human trafficking and severe labour exploitation cases. 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 framework.

⁴⁴ MoMA, [General Secretariat for Vulnerable Persons & Institutional Protection](#). See also the [Organization Chart of the Ministry](#).

⁴⁵ GSVPIP, Annual Report 2023, pp. 12, 59 (par. 8.1.).

⁴⁶ 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.

⁴⁷ GNCHR [Chowdury and Others v. Greece. Recommendations for the full compliance of the Greek State](#), 27 August 2018. GRETA, [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece, Second Evaluation Round](#), GRETA(2023)03, 23 March 2023.

⁴⁸ 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.

87. It is necessary to point out here that the pandemic of Covid-19 and the measures taken to respond to the outbreak of the crisis highlighted the challenges reported with regard to the case *Chowdury and others v. Greece*. Despite the fact that emergency measures were taken in order to protect the rights of all people without discrimination, yet they did not tackle the chronic problems faced by migrant workers in the agriculture sector. Thus, 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 labor.

88. In view of the legislative proposal with regard to the “*Establishment of procedures for deportation and return of third-country nationals, issues of residence permissions and procedures for granting international protection and other provisions*”⁴⁹ within the competence of the Ministry of Migration and Asylum and the Ministry of Citizen Protection, the GNCHR reiterated its consistent recommendations and drew, among others, the attention of the State to the need for effective implementation of the regulatory and institutional framework trafficking in human beings and/or forced labor in order to eliminate the phenomenon in question. In particular, following a fire in a camp in Manolada that broke out on June 27, 2021, the constant problem of labor exploitation - with particularly abusive working conditions - of workers, mainly foreign land workers, came to the fore. As stated by the reports on the situation in the area, the incidents of arbitrariness continue, since most of the land workers remain without legal documents, while working in inhumane conditions.

89. The GNCHR, taking under serious consideration the recent developments in the event of land workers, especially after the outbreak of the pandemic Covid-19, encourages the competent State authorities to improve their labor working conditions in practice and address phenomena, notably the uncontrolled working environment, worse remuneration, residence settlement conditions as well as lack of provision for basic health and safety⁵⁰.

Suggested enquiry:

90. *What are the measures taken by the State to fulfil its obligations from European and international conventions and relevant judgments of the ECtHR given the lack of an essential implementation of the regulatory framework on trafficking in human beings and/or forced labor and the enjoyment of the rights of victims in practice.*

Right to security of person and protection by the State against violence or bodily harm

91. The GNCHR has been actively focusing on enhancing the legal framework for the protection of torture victims. Research indicates that refugees who have experienced torture or inhuman treatment in their countries of origin face severe physical and mental health challenges, exacerbated by the lack of medical care and rehabilitation. This underscores the critical need for asylum procedures that promptly identify vulnerable refugees, including torture victims, to ensure they have full access to healthcare and justice. Especially, the torture victim certification program, operated by *Metadrasi*, has suspended its operations for financial reasons since October 2023 (written communication with the GNCHR 10.07.2024 & Recording Mechanism of Informal Forced Returns, [Annual Report 2023](#)).

92. On March 4, 2020, the GNCHR conducted a public hearing with various stakeholders to identify gaps in the national legislation relative to EU directives and international standards, and to address obstacles in identifying and rehabilitating torture victims. The GNCHR [Report](#) highlighted issues with the transposition of Article 25 of Directive 2013/33/EU into Greek law, which mandates the identification and rehabilitation of torture victims but has been incorrectly implemented. The GNCHR differentiated between identification and certification of torture victims. Identification is aimed at providing healthcare, while certification is intended for judicial use, governed by the Istanbul Protocol's principles. Misinterpretation of

⁴⁹ GNCHR, [Observations of Draft Law of Ministry of Migration and Asylum “Reform of deportation and return procedures of third-country nationals, issues of residence permissions and procedures for granting international protection and other provisions](#), July 2021.

⁵⁰ Hellenic Statistical Authority, [Press Release – Survey on the Labour Market Situation of Migrants and their Immediate Descendants](#), 24 November 2022, p.8 and table 7.

these terms in national legislation led the GNCHR to propose clarifications to ensure proper legal and procedural distinctions.

93. Additionally, at the [GNCHR Observations 2021](#) concerns were raised about the lack of appropriate training among authorities responsible for identifying torture victims, which affects the victims' rights and their international protection requests. Proposals were made to amend national laws to align with EU standards and to train staff effectively to recognize and refer torture victims for rehabilitation without delay. The GNCHR also stresses the need for a permanent funding mechanism to support these identification and rehabilitation processes and hinted at future legislative drafts concerning the certification of torture occurring within Greece. Despite these initiatives, the GNCHR notes that the necessary amendments to the national legislation had not yet been made, pointing to ongoing legal uncertainties and deficiencies.

Suggested enquiries:

94. *What specific steps are being taken by the Greek State to revise and strengthen the legal framework to enhance the protection and rehabilitation of torture victims in line with EU directives and international standards.*

95. *Given the suspension of Metadrasi torture victim certification program due to financial constraints, what measures is the Greek State considering to ensure continuous support and funding for this essential service.*

Freedom of religion

Monitoring incidents against religious sites

96. Based on the non-discrimination principle on the grounds of religion, there are several instances that the GNCHR has underlined the importance of the non-discrimination principle on the grounds of religion.⁵¹ Other actors has also stressed several relevant issues⁵².

97. Monitoring incidents against religious sites (State report, 2021, paras. 234-235) needs to include the statistics of the substantial state actions taken against these incidents and perpetrators and any proactive and preventive actions, investigations and their outcome and the support of the survivors. The effective investigation aspect is a general obligation of the State under the right to life and the prohibition of torture, cruel, inhuman or degrading treatment or punishment, especially in the light of the elimination of all forms of racial discrimination. The maintenance of the religious peace and avoidance of religious nature controversies need to be proved and analyzed.

98. According to the 2023 RVRN Annual Report, there are attacks due to religion. Among the 158 recorded incidents, 89 involved migrants, refugees, or asylum-seekers being targeted due to their national origin, religion, or colour, with some cases involving additional factors like sexual orientation, gender identity, and/or disability (intersectional targeting). In 2023, the Network recorded one incident of vandalism against a Holocaust-related monument in Thessaloniki. The desecrated monument was dedicated to the city's Jewish community and the memory of Holocaust victims and served as a reminder of the annihilation of Thessaloniki's Jewish population. The RVRN, based on the Police's data, finds that there was a possible racist motive based on religion in 4 incidents, while it recommends to the Ministry of Infrastructure and Transportation a commitment to upholding human rights, diversity, multiculturalism, and freedom of religion, as well as actively combating discrimination and intolerance.

99. According to the 2022 RVRN Annual Report, the Network documented two cases of sites being targeted based on religious affiliation. Specifically, the vandalism against a monument dedicated to the Holocaust in Thessaloniki and the bombing of a mosque in the center of Athens were recorded. The marble inscription of the monument was defaced with a fascist symbol. The authorities are urged to investigate the

⁵¹ GNCHR, [Press release on World Human Rights Day 2023: 75 years since the Universal Declaration of Human Rights](#), GNCHR celebrates 25 years since its founding, 10.12.2023. GNCHR, [Statement on incidents of racist violence and hate speech](#), 10.10.2023. GNCHR, [Racist Violence Reporting Network: Serious concern over escalating targeting of refugees and migrants](#), 25.9.2023. GNCHR, [Press release on World Human Rights Day 2022: Dignity, Freedom and Justice](#), 9.12.2022. GNCHR, [5th Seminar: "Freedom of Religion and Prevailing Religion"](#), 11.12.2019.

⁵² U.S. Department of State, Office of International Religious Freedom, 2023 Report on International Religious Freedom, Greece.

incident with consideration of the possibility of a racist motive. The RVRN, based on the Police's data, finds that there was a possible racist motive based on religion in 9 incidents, while it recommends to the Ministry of Education and Religious Affairs the promotion of an intercultural and inter-religion dialogue to address stereotypes and prejudice.

100. In 2021, the Network recorded two anti-Semitic attacks when unknown individuals vandalized graves in the Jewish cemetery of Ioannina. It is recalled that this area had been attacked previously in 2009, while the recorded incidents of 2021 took place during a major Jewish holiday. The Network is aware of the many faces of anti-Semitism in Greece, which, as in other countries, is not limited to desecrations and vandalisms by groups, but also penetrates large parts of the population and is reflected in everyday speech. In two other incidents in which the perpetrators were foreigners, they mainly targeted their compatriots due to their sexual orientation or religious identity. There are incidents of verbal violence by groups of citizens, infused with racist motives and attacks on human rights defenders. For example, in the city of Larissa, where attacks were carried out against the participants in the awareness raising event for refugee children "The Walk", while in the Municipality of Meteora, the municipal authorities decided not to allow the event to take place in the city for "religious reasons". The RVRN, based on the Police's data, finds that there was a possible racist motive based on religion in 18 incidents.

101. The GNCHR urges the State to promote a concrete national policy combatting the Antisemitism, Islamophobia, and religious intolerance in practice with specific and not vague references and actions (State Report, par. 239).

Suggested enquiries:

102. *What concrete measures does the State take to ensure the effective investigation of the aforementioned incidents and protection of victims under the relevant obligations deriving from the Convention.*

103. *How the racist motive based on religion is incorporated in policies and especially taken into account in protection measures taken by the authorities.*

104. *How has the State been equipped and prepared in order to combat the Antisemitism, Islamophobia, and religious intolerance in practice.*

Religion and religious education

105. The GNCHR takes into consideration the judgments No. 1534/2023 and 1536/2023 of 7.9.2023 of the Greek Council of State on the subject of the exemption of students of primary and secondary education from participation to the compulsory religious education course. The Court considered that for this exemption there is no reasonable doubt as to the submission of an application in which it will be mentioned that "*reasons of religious conscience do not allow the participation (of me or my child) in the course of religious studies*" is compatible with the EU General Data Protection Regulation (GDPR). Besides, the ECtHR at its latest judgment on the case *Papageorgiou and others v. Greece*⁵³ reiterated that it always emphasizes that religious beliefs are a matter of personal conscience. By adopting an alternative approach, the GNCHR considers that, in a pluralistic and democratic school, which respects religious diversity, a course with catechetical content, which teaches in a compulsory manner the Orthodox Christian tradition⁵⁴ does not meet the needs of the students. The GNCHR underlines that religious education should include an introduction to the history and the main principles of each religion, so as to comply with constitutional and international law requirements and modern European cultural reality.⁵⁵

Suggested enquiry:

⁵³ ECtHR, *Papageorgiou and others v. Greece* [App nos 4762/18, 6140/18], 31 January 2020, par. 84. See also the GNCHR comments on the Hellenic Data Protection Authority's decision regarding the religious education on the GNCHR, [Observations on Greece's combined 23rd and 24th periodic report to the CERD](#), July 2021, p. 68.

⁵⁴ According to Article 1(1a) of Law 1566/1985 regarding the Structure and function of the primary and secondary education.

⁵⁵ GNCHR, [Written Information in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination \(ICERD\) in Greece](#), July 2016, p. 60; GNCHR, [Statement on the occasion of the implementation of the Curricula of the Religious classes in schools](#), 10 October 2016.

106. What concrete measures does the State take to ensure the negative aspect of the freedom of religion and the content of the religious education course in order to incorporate the non-discrimination, pluralism and diversity principles and to ensure freedom of religion for all students without discrimination.

Religious oath

107. The GNCHR welcomes as a positive development for the enjoyment of freedom of religion the adoption of Law 4620/2019 introducing the new Code of Criminal Procedure (Government Gazette 96/A/11.6.2019), by which the religious oath has been fully replaced by a political oath, so that the negative religious freedom is protected.⁵⁶ However, there is a need to monitor the practice of different public services and the specific arrangements followed by the administration.

Suggested enquiry:

108. How is it verified by the State that all public services follow specific arrangements to ensure the negative aspect of the freedom of religion.

Criminalization of blasphemy

109. The GNCHR welcomes the adoption of Law 4619/2019 abolishing the provisions criminalizing blasphemy (COBs 2016 paras. 18-19).

Situation of persons belonging to minorities

110. The GNCHR welcomes as a positive development for the effective enjoyment of the rights of the Muslim minority in Thrace and their social inclusion the adoption of Law 4511/2018 amending Article 5 of Law 1920/1991 with regard to the Muftis in Thrace, providing that members of the Muslim minority in Thrace have the option between civil law and Islamic law (Sharia) in matters of family and/or inheritance law, as well as Presidential Decree 52/2019 on procedural rules on cases falling under the jurisdiction of the Muftis. The GNCHR acknowledges that this amendment, by granting minority members in Thrace the right to opt-out, and resort to domestic civil law, respecting, at the same time, their right to opt-in for the application of Sharia law, upon the condition of mutual agreement between the parties, grants the right to each party to seek justice before domestic courts, and in accordance with Greek substantive and procedural law.

111. However, applying Islamic law within the framework of a European legal order seems to result in contradictions between individual rights and principles of equality, on the one hand, and religious freedom on the other. Building on GNCHR's work,⁵⁷ the GNCHR aligns itself with the Recommendations of the Council of Europe Parliamentary Assembly, which calls on the Greek Authorities to monitor whether this legislative change will be sufficient to satisfy the requirements of the Convention.⁵⁸

112. Groups of persons within the minority need to enjoy their full rights as well and the State has an obligation to protect such rights from such a perspective.

⁵⁶ For more information on the GNCHR's Positions see GNCHR, [Decision](#) on the Replacement of Religious Oath by Civil Oath, 29 May 2008; GNCHR, [Observations](#) on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR), 5 December 2013, p. 25-26; GNCHR, [Written Information in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination \(ICERD\) in Greece](#), July 2016, p. 61 [in Greek].

⁵⁷ See also the GNCHR, [Observations on Greece's combined 23rd and 24th periodic report to the CERD](#), July 2021, p. 54.

⁵⁸ Council of Europe, Parliamentary Assembly, [Resolution 1704\(2010\)](#), Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (eastern Greece), Text adopted by the Assembly on 27 January 2010 (6th Sitting), par. 18.5.

113. The GNCHR welcomes any steps taken by the State in order for the execution of *Bekir-Ousta group* judgments⁵⁹ to be completed and any necessary acceleration, also given the previous observations on encouraging the State party to implement the relevant decisions of the ECtHR (COBs 2016, par. 11).

114. The State has not ratified the Framework Convention for the Protection of National Minorities of the Council of Europe and does not participate in the mechanism of the Advisory Committee.

Suggested enquiries:

115. *Based on recent legislative updates, is there a monitoring of the enjoyment of the rights of the persons belonging to the Muslim minority.*

116. *What are the steps and an intended timetable for the execution of the relevant judgments of the ECtHR.*

Education and non-discrimination

117. Following the findings of the GNCHR, **children in Greece, although the constitution and the law guarantee the principle of non discrimination, still face, in practice, discriminations with regard to their fundamental right to education.**⁶⁰ In this context, the GNCHR reiterates its concerns about vulnerable categories of children including Roma children, children with disabilities and chronic diseases, refugee/migrant children, LGBTIQ+ children and their equal access to quality education on an equivalent basis with other children. This can include adaptations or services which will help overcome discrimination in getting an education. From this point of view, the National Commission recalls its recommendations on the negative effects of the austerity measures on social services over the past years,⁶¹ the adverse impact of Covid-19 pandemic that followed on the education and well-being of children and also the consistently low expenditure on education in our country, which ranks in the last places among EU countries.⁶²

^{118.} More particularly, as regards **Roma children**, according to the latest Fundamental Rights Agency Survey 2021, 32% of Roma children aged 3-5 participated in pre-school education, while 16% aged 20-24 have completed upper secondary education, both percentages increased compared to 2016, where they were 21% and 8% respectively. Nevertheless, the GNCHR in line with the CRC COBs 2022 calls upon the competent authorities to ensure equal access of all Roma children to education and school attendance as a key for progress in the social inclusion of Roma. A comprehensive review about the results of the Roma Strategy 2021-2030 (with 213 mainstream and targeted actions) in this regard deems necessary.

^{119.} Furthermore, **students with disabilities and chronic diseases**, despite the positive developments towards an inclusive education, still attend school units of special education, while their access to early intervention and pre-school services is also very limited.⁶³ According to recent data of the *National Confederation of Disabled People* of Greece (NCDP),⁶⁴ during the 2019-2020 school year students with disabilities and/or special educational needs in mainstream and special schools at primary and secondary level of education, amount 101.683 students, which consists the 7% of the total students' population of the

⁵⁹ Department for the Execution of Judgments of the European Court of Human Rights, [Greece - Main issues before the Committee of Ministers – Ongoing Supervision, Freedom of association](#). The judgments are based on the “authorities’ refusal to register associations or dissolution of associations from the Muslim Minority in Thrace on the ground they were representing a danger for public order”. See also Committee of Ministers, H46-14 Bekir-Ousta and Others group v. Greece (Application No. 35151/05), 1501st meeting, 11-13 June 2024, CM/Del/Dec(2024)1501/H46-14, 14 June 2024.

⁶⁰ [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 (December 2021), [GNCHR Submission to UNCRC](#), January 2020.

⁶¹ [GNCHR Factsheet](#) on the “Impact of Economic Reform Policies and Austerity Measures on Human Rights” (2010-2018), January 2018.

⁶² As a percentage of GDP, in the EU, the lowest ratios were reported, among others, in Greece (3.8 % of GDP vs. 4.7% in the EU) and as a share of total expenditure, the lowest shares of ‘education’ expenditure in total expenditure were observed, among others, for Greece (7.2 % vs. 9.5% in the EU). See Eurostat 2024, Government expenditure on education.

⁶³ Written contribution by ESAMEA, the National Confederation of Disabled People (NCDP), 21.10.2019. See: <https://www.esamea.gr>

⁶⁴ [10th Bulletin of the NCDP Observatory](#): Information on the education of students with disabilities and/or special educational needs, 5.7.2021.

country. The GNCHR has contributed to and welcomed the first *National Action Plan for the Rights of Persons with Disabilities* including measures and actions for the transition to inclusive education, as an explicit guarantee for children with disabilities. However, the President of the NCDP underlines that issues such as the full participation of persons with disabilities at political, economic and social level, an inclusive education and a substantial access to physical and digital environment, are still pending. Separate actions by Ministries, Regions and Municipalities need to be part of a coherent policy designed and implemented taking also into account possible multiple crises and uncertainties.⁶⁵

^{120.} In the context of **education of LGBTIQ+ children**, the GNCHR remains concerned over the absence of a holistic approach and the need to improve a safe environment free from violence, harassment, social exclusion or other forms of discrimination and degrading treatment related to sexual orientation and gender identity. Although, there is a number of initiatives in this regard, **indeed a comprehensive sexuality education (CSE) is not part of the school curricula, while school books do not even refer to Rainbow Families**. Sex education is taught in practice by non-specialized school personnel and is reduced to sexual health, contraception, impact and harms of pornography, physical and digital harassment and abuse.⁶⁶ The Deputy Ombudsman for Children's Rights repeatedly highlights that focus should be put on the need to introduce a mandatory class of comprehensive sexual education from primary school, which actually is not in place yet.

121. Although **refugee children** have a right to education according to the Convention on the Rights of the Child (CRC) and the Refugee Convention, there are no official data published regularly by the Ministry for Education. Based on the GNCHR's monitoring, asylum seeking children hosted in reception and identification centers in the Eastern Aegean Islands have in practice insufficient to no access to formal education. Fragmented measures, such as Reception School Annexes for Refugee Education (RSARE) and children in schools with Educational Priority Zones **do not facilitate integration into the public education system and the Greek society. Every minor beneficiary of international protection has the obligation to join the primary and secondary education of the public education system with the conditions that apply to Greek citizens**. In case of violation of this obligation, sanctions are imposed either to the adult members of the minor's family or to the minor himself. For minor applicants, if they do not comply and do not enroll or attend the respective school courses, because they do not wish to join the education system, the material reception conditions will be reduced. On the other hand, for the adult members of the minor's family, administrative sanctions will be imposed, similarly to the Greek citizens. According to the UNHCR, the verification that the above conditions are met is difficult, leaving a wide margin of appreciation to the Administration while it is not compatible with Article 20 of Directive 2013/33/EU, where the reasons for reducing material reception conditions are specifically stated. Irrespective of the above, in the application of "sanctions" against minors, the best interests of the child must be taken into account in accordance with Article 24 of the *EU Charter of Fundamental Rights*.

Suggested enquiries:

122. *What measures are being taken to comply with the ECtHR judgments against Greece regarding the segregation of Roma children in schools, to combat antigypsyism and to secure access to inclusive education for all pupils.*⁶⁷

123. *What concrete steps have been taken by the Greek State to effectively address issues of registration and school enrolment of children of Roma community in compliance with CRC COBs 2022 par. 38 (a). Are there available data from every region.*

124. *What further initiatives does the Greek State plan to accelerate integration and ensure reasonable accommodation of students with disabilities and chronic diseases in mainstream inclusive schools.*

125. *Please provide updated information of concrete steps taken to ensure that LGBTIQ+ children are protected from discriminations based on sex, gender identity, sexual orientation or relationship status and that schools are safe spaces for all children.*

⁶⁵ Press Release NCDP: "The expectations of the Greek disability movement are not bending", 19.1.2024.

⁶⁶ See in the website of the Institute of Educational Policy the relevant printed material under the Title: *Discovering my body - sex education, "The course of adolescent relationships from yesterday until today"*, and the website of the Organisation Intersex Greece and especially the Campaign for Comprehensive and Inclusive Sex Education Moving Forward (ProHorao) co-signature text by Rainbow School.

⁶⁷ ECtHR, *Sampanis and Others v. Greece*, No. 32526/05, 5 June 2008.



126. How does the Greek State ensure in practice that the "Lab Workshops" in schools are implemented by specialised personnel in line with educational material based on the elimination of gender stereotypes, in order for the pupils to develop respectful social and sexual relationships.⁶⁸

127. What measures has the Greek State taken to safeguard that all children residing in accommodation centers in mainland Greece attend school classes and what further measures has it taken to address the shortages in teaching staff, problems with transport, lack of access to e-classes (e.g. tele-education during the pandemic) and the negative positions by local communities and their own families.⁶⁹

128. How does the Greek State intend to ensure full compliance with CRC COBs 2022 par. 10 and prioritize budgetary allocations in order to ensure the implementation of the rights of the child at all levels, including social services for families and children.

⁶⁸ See also [Observations](#) by the GNCHR on State's draft reply to the list of issues prior to the submission of the combined Eighth and Ninth Periodic Report under the Convention on the Elimination of Discrimination against Women (CEDAW), April 2023 European Commission, European network of legal experts in gender equality and non-discrimination, Country report gender equality: Greece 2020. Panagiota Petroglou Reporting period 1 January 2019 – 31 December 2019.

⁶⁹ Greek Ombudsman, Findings on educational integration of children living in facilities and RICs under the Ministry for Migration and Asylum (in Greek), March 2021. See also Refugee Support Aegean, [Excluded and segregated – The vanishing education of refugee children in Greece](#), April 2021.