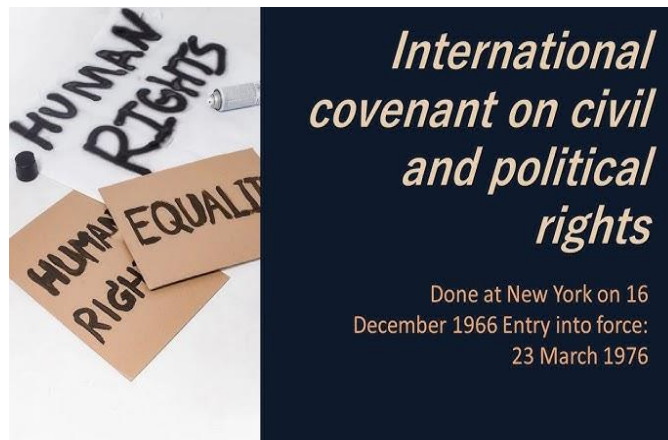




GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS (GNCHR)

**Submission to the United Nations Human Rights Committee by the GNCHR in
view of the third periodic report of Greece on the implementation of the
ICCPR**



September 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 with Law 2667/1998 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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**SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE BY THE GNCHR IN VIEW OF THE
THIRD PERIODIC REPORT OF GREECE ON THE IMPLEMENTATION OF THE ICCPR***

INTRODUCTORY REMARKS

1. The [Greek National Commission for Human Rights \(GNCHR\)](#), Greece's A status National Human Rights Institution (NHRI), welcomes the opportunity to make this submission to the Human Rights Committee (the Committee). In this Report, the GNCHR refers back to its 2023 Submission on the LoIs, monitoring the implementation course of Greece's obligations in light of new developments and evidence. The GNCHR appreciates the fact that the Greek State has taken note of previous National Commission's observations, as it follows from the citation of the GNCHR's reports in the State's reply. The GNCHR acknowledges the advancements since the last periodic review, pointing out however the absence of a proactive approach to human rights protection.

SPECIFIC OBSERVATIONS

i) State of emergency (art. 4, LoIs para. 2)

2. The GNCHR reiterates its appreciation for the overall management of the Covid-19 pandemic crisis by the competent authorities and the measures taken to reduce the spread of the pandemic. The National Commission committed to its mandate to record the challenges posed by the crisis and to assess the impact of restrictive policy measures on human rights in order to inform the public and advise the Government, would like, taking into account the CCPR LoIs 2023 (para. 2), to draw the attention of the Committee to three particular issues, where the restrictive measures proved to be insufficient or had disproportionate impact on fundamental rights, especially of persons belonging to vulnerable groups.

3. **DOMESTIC VIOLENCE:** incidents of domestic violence were multiplied during the prolonged COVID-19 quarantine, as recorded by calls to the Greek SOS 15900 hotline and according to the data provided by the [3rd \(2022\)](#) and [4th \(2023\)](#) Annual Report on Violence against Women of the General Secretariat for Equality and Human Rights. Accordingly, in 2021 the number of femicides (23) tripled following the same data. The National Commission underlines that domestic violence is not a private matter but a violation of human rights, so the necessity of restrictive measures should be regularly assessed.

4. **CHILDREN RIGHTS:** children were also disproportionately affected due to the long period (37 weeks) of closed schools according to data published by [UNESCO](#). In particular, Roma children, children with disabilities, refugee or asylum-seeking children and of children living in poverty, were most affected given that the majority of them had no access to distance-learning, where and when this was implemented. The GNCHR emphasizes that the best interest and well-being of the child should be the highest priority in case of crises and the measure of the school closure must be the last resort, calling upon the Greek authorities to plan and promote less drastic solutions in similar circumstances.

* The present Observations were adopted by the GNCHR plenary on 16.09.2024. Rapporteurs: Prof. Maria Gavouneli, President and the GNCHR Scientific Staff: Eva Tzavala, Katerina Charokopou, Anastasia Chalkia, Christos Tsevas.

5. **POLICE VIOLENCE:** the number of complaints of **police violence and police arbitrariness and violations of the right to freedom of expression and to peaceful assembly** during public protests and demonstrations increased in the lockdown period, with the Greek Government having banned protest gatherings of more than 100 persons and restricted social gatherings to a maximum of nine to 12 persons.¹ The GNCHR, acknowledging the role of law enforcement Authorities to supervise the implementation of emergency measures as vital for the protection of citizens' life and health during the lockdown, draws the attention of the Committee to the findings of its Covid-19 Reference [Report](#) on unjustified and disproportionate violence by the police at that time in particular occasions, which may infringe with the enjoyment of rights under CCPR Articles 12, 19 and 21. A few illustrative cases were recorded by [Amnesty International](#) in 2021: **a)** the peaceful demonstrations on 17.11.2020 in Athens, to commemorate the 1973 Polytechnic Student Uprising against the military junta, despite the prohibition of the right to peaceful assembly between 15 to 18 November 2020,² **b)** the peaceful protests and small symbolic actions on 25.11.2020 on the International Day for the Elimination of Violence Against Women, of women's rights activists wearing masks and complying with physical distancing rules in Syntagma square, in Athens, **c)** a large demonstration against police violence and arbitrariness on 9.3.2021,³ as a result of an unprovoked beating of a citizen in the square of Nea Smyrni during a COVID-19 document check the day before,⁴ and **d)** a large student rally on 10.2.2021 in Athens, against controversial educational reforms, including the creation of a police force inside University campuses.

6. Allegations of witnesses and victims for unjustified violence, video footage recorded by surveillance and other cameras and media articles speak about serious injuries, harassing behavior, arbitrariness and other forms of police abuse.⁵ The [2020 Racist Violence Recording Network \(hereafter RVRN\) Report](#) highlights also racially motivated violence by police, during the period of the restrictions on the circulation. Worth mentioning is the recent decision of the Three-member Criminal Court of Athens (4.7.2023) that unanimously found two of the three police officers guilty of the crimes of torture and complicity in torture in one of the incidents in Nea Smyrni Square. The first police officer and main defendant was sentenced to two years in prison with a suspended sentence, the second to one year suspended, while for both a reduced sentence due to former honorable life. Taking into account the above mentioned, the GNCHR reiterates here its points of view from its [Report \[Summary in English\]](#), that even in times of crisis the Police is obliged to use its currently extensive powers in a manner that is fully compliant with its mandate, which is no other than to serve and protect citizens while respecting their fundamental freedoms and human rights. Disciplinary investigations into alleged incidents of police misconduct carried out by the Hellenic Police Force Internal Affairs Directorate should be prompt, timely, transparent

¹ United States Department of State, Bureau of Democracy, Human Rights and Labor, [Country Reports on Human Rights Practices for 2021](#).

² The [Report of Amnesty International](#), Greece: freedom of assembly at risk and unlawful use of force in the era of Covid-19 (2021) speaks of police which dispersed peaceful protests in Athens by using chemical irritants, stun grenades and water cannons, GNCHR [Statement](#) on the Prohibition of Public Assemblies, 17 November 2020.

³ On March 9, 2021, the GNCHR concerned about the incidents sent a Letter to the Greek Ombudsman as the National Mechanism for the Investigation of Arbitrary Incidents.

⁴ [Report of Amnesty International](#), Greece: freedom of assembly at risk and unlawful use of force in the era of Covid-19 (2021).

⁵ Ombudsman [Special Report on the National Mechanism for the Investigation of Arbitrary Incidents](#) 2022

and decisive. The GNCHR, taking under serious consideration the views of the HRC in its *Statement on derogations from the Covenant in connection with the COVID-19 pandemic* of 30 April 2020, lays particular emphasis on the importance of proper, initial and periodic training and retraining of law enforcement officers on human rights.

ii) Non-discrimination (arts. 2, 19–20 and 26, COBs paras. 9-14, Lols para. 4)

7. 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 exemplifies the legal safeguards in place to protect individuals and communities from acts motivated by racism, xenophobia, homophobia, and transphobia. Additionally, **Article 82A of the Criminal Code was recently amended by Law 5090/2024 (Article 14: Article 82A Crime with racist characteristics or against a minor or weak person)**. 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 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. 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.

8. The RVRN [Annual Report 2023](#) documents 158 incidents of racist violence in 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.

9. 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. The Prosecutor of Thrace requested an appeal against the Three-Member Court of Appeal decision.

10. 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 as it has already been pointed out since 2020** (RVRN, [Annual Report 2020](#)) 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.

iii) Unaccompanied minors (arts. 6, 7, 9, 10 and 24, COBs paras. 31-32, Lols para. 5)

11. The situation of unaccompanied minors in Greece **has been improved in recent years**, given the coordinated actions of Greece and other EU Member States with the support of UN and EU Agencies and organisations (EUAA, UNHCR, UNICEF, IOM). In fact, the Greek Government has prioritised this issue in 2019 by establishing a Special Secretariat for the Protection of Unaccompanied Minors in the Ministry of Migration and Asylum. The Special Secretariat was entrusted with the responsibility to develop and implement a National Strategy promoting an integrated and holistic approach to child care and protection. Currently, the General Secretariat of Vulnerable Persons and Institutional Protection (GSVPIP) was established to succeed the Special Secretariat, broadening its mandate to all vulnerable third country nationals, including unaccompanied minors. On the specific issue of human trafficking, positive steps have been taken, such as creating a special department within the GSVPIP and developing a national action plan (see [2023 Annual Report](#), pp. 12, 59 (par. 8.1.)). However, there is a lack of clarity with respect to relevant competences and no policies have already put in place for victims.

12. The GNCHR notes that, despite significant progress, concerns highlighted in its [Observations](#) on the State's draft reply to the list of issues prior to Greece's third periodic report on the implementation of the ICCPR still persist, particularly in relation to reception conditions. Protective custody was legally abolished in 2020 but **some minors are still briefly detained**. Additionally, the **increasing use of private security in asylum centers** raised concerns as noted by the UN [Press Release](#) in 2022. While **vulnerability assessments** are conducted upon arrival in reception centers, there are gaps in medical and psychosocial assessments along with poor referrals to hospitals and a lack of clear information on assessment outcomes.⁶ Civil society reports⁷ reveal that asylum-seeking

⁶ AIDA Country report on Greece, last updated: 30/05/2022. See in particular the Chapter on Asylum Procedure/[Identification of vulnerability](#)

⁷ See: Fenix, [A child's best interests? Rights Violations in the Absence of Presumption of Minority](#), 13.10.2022, Intervention by the Greek Ombudsman to the Minister of Asylum and Migration, the Minister of Health and other competent authorities on 19.12.2022 on Clarifying questions regarding the age assessment procedure (protocol nr:322116/293545/294342/310174/305748/313397/299347/298582/298581/295828/296494/297335/311261/312884/314081/316713/300268/299970/325195/296821/69118/2022). There are reported

children are often **wrongly registered as adults, forcing them to navigate the system without proper recognition** and the Greek authorities sometimes disregard clear legal standards on age assessment, violating children's rights. The GNCHR recommends that all unaccompanied minors' asylum claims be processed fairly under regular procedures, with adequate support and guardianship. Although recent steps have been taken to implement a guardianship system, it has not yet been fully realized, and sustainable funding is crucial for its success.⁸

13. Voluntary relocation scheme facilitated the relocation of vulnerable asylum seekers and beneficiaries of international protection from Greece to other EU countries. From 2020 to 2023 [voluntary scheme for the relocation from Greece to other EU countries of vulnerable asylum seekers and beneficiaries of international protection](#), transferred vulnerable asylum seekers, including 1,600 unaccompanied minors and families with severe medical conditions, from Greece to other EU countries. At the same time, relocation of unaccompanied minors from RICs of the Eastern Aegean Islands to appropriate shelters in mainland Greece took place. Additionally, by September 2021, all 1,790 unaccompanied minors had been relocated from the Eastern Aegean Islands to shelters on the mainland. The [National Emergency Response Mechanism](#), established in 2021, provides critical support for children in precarious situations and is recognized as a best practice in the EU. Minors are granted special reception conditions upon identification, regardless of migration status, as per laws passed in 2018 (Law 4540/2018, Law 4636/2018) and 2022 (Law 4939/2022). The GNCHR reiterates its standard recommendation **on the need for a coherent and efficient coordination of relevant actions**. Recently, GNCHR provided tailored training to national authorities on the rights of vulnerable asylum seekers, including LGBTI individuals ([Rooting for Rights Project 2023-2024](#)).

iv) Violence against women and children (arts. 2-3, 6-8 and 26) (arts. 2-3, 6-8 and 26, COBs paras. 7-8, Lols paras. 6-7)

14. The GNCHR has underlined in its [Observations 2021](#) [in Greek] on the draft law on shared custody (Art. 5 of Law 4800/2021) and in line with the CRC GC No. 14 that the concept of the child's best interests is complex and its content must be determined on a case-by-case basis. Nevertheless, the Law states as criteria for assessing the child's best interests, the ability and intention of the parents to respect each other, the quality of parenting behavior and parental interaction, the compliance of parents with their legal obligations, all criteria that do not assess the child's best interests in the decision-making process in general, but they mainly concern the question of assignment of custody.

15. The GNCHR remains deeply concerned also with regard to the criteria that should be evaluated by the judge in cases of domestic violence. Law 4800/2021 requires an irrevocable court decision against the abusive parent in order to deprive him of parental

incidents in Lesvos and Samos of no appointment of a guardian, no special procedural guarantees offered to unaccompanied minors, no exclusion from the border procedure in case of lack of adequate support and no postponement of the interview for referral purposes to age assessment procedures. Especially in Samos, due to a lack of necessary medical personnel the age assessment procedures delayed over a year resulting to the reaching of maturity of minors. Hearing of 9th February 2022 before the GNCHR in accordance with art. 18 par 4 of Law 4780/2021, [HumanRights360 on the National Strategy for the protection of unaccompanied minors](#), 3.2.2022.

⁸The GNCHR before the Parliamentary Committee on Public Administration – Draft Law on Unaccompanied Minors, 27.7.2022 [[video](#) in Greek], See also [Comments of the Greek Council for Refugees](#) in draft law “National Guardianship System of unaccompanied minors and framework for unaccompanied minors”, 4.7.2022.

care (Art. 13 of Law 4800/2021), which means in practice a period from 4 years up to a decade, given the long-lasting court procedures in Greece. This provision cannot in practice effectively serve childrens' protection, since it does not place their best interest under primary consideration. Furthermore, the GNCHR would like to draw, once again, the attention of the State authorities on the need to design and implement efficient measures in order to substantially prevent any mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of Istanbul Convention (Article 48 on the prohibition of mandatory alternative dispute resolution processes or sentencing).⁹ The GNCHR calls upon the authorities to provide for a framework that allows the administrative and judicial authorities to assess and determine the child's best interests, and at the same time to ensure that the training of judges addresses sufficiently the principles enshrined in the relevant international legal framework, especially the CRC and the Istanbul Convention.

16. With regard to domestic violence against women, the GNCHR regrets that, although various policy measures and a comprehensive legal framework for the protection and promotion of women's human rights are in place, the implementation continues to lag behind. In this field two particular trends are identified, the growing number of known femicides (in 2020: 8 femicides, in 2021: 23, in 2022: 24, in 2023:15 and until July 2024: 10) on the one hand and the failing of the State to deal with on the other. In this respect, 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.¹⁰ 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 supressing "*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.

17. In relation to the existing network of the support services for the treatment of women victims of violence, the GNCHR, calls upon the competent State authorities to ensure unobstructed access of all victims of violence against women to the shelters, including the undocumented migrant women, women with disabilities and LBTIQ+ women. The GNCHR underlines also the need to coordinate the systematic provision of other general and special

⁹ See also [GREVIO's Report on Denmark](#), para 184, p.48: "*In GREVIO's view, the practice of insisting on joint meetings between the abusive and non-abusive parent to reach an agreement on child custody/residence/visitation could be considered as de facto mandatory mediation because parents who do not attend may face serious repercussions (such as being considered unfit for parenting).*"

¹⁰ 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.

support services to women victims, such as health structures, telephone hotlines, psychological, social and legal support. In addition, the National Commission, appreciates the firm collection of data in relation to domestic and sexual violence against women by the General Secretariat for Demography and Family Policy and Gender Equality (GSDFPGE) and the Hellenic Police, however the systematic collection of comprehensive, robust and disaggregated data on all forms of violence against women, remains a key challenge.

v) Right to life, prohibition of torture and other cruel, inhuman or degrading treatment and excessive use of force (arts. 6-7, COBs paras. 15-16, Lols paras. 8-9)

18. The GNCHR has particularly focused on monitoring the legal framework for the protection of the rights of individuals of victims of torture. Research studies which examine relevant issues have widely confirmed that experiences from the country of origin, such as torture or related acts of inhuman treatment, induce significant problems for the physical and mental health of a refugee, especially when the physical and/or mental injuries caused do not receive medical care and rehabilitation. **The phenomena in question indicate the urgent need for asylum procedures, which will focus on the immediate identification of vulnerable refugees, including victims of torture**, so that it can be ensured that full and unhindered access to health care services and justice are provided promptly. Given the many components of this issue, on 4.3.2020 a public hearing among the competent public and private entities was held at the premises of the GNCHR, in order to identify any gaps and deviations in national legislation in the light of the EU framework, international conventions, and guidelines, and to detect the obstacles which genuinely exist during the implementation of the procedures for the identification and rehabilitation of victims of torture. Following the above-mentioned hearing and based on a respective investigation conducted for the matter at hand, the GNCHR expressed its particular concern and significantly, due to the incorrect transposition of Article 25 of the Directive 2013/33/EU into the Greek legal order, whose material objective consists of the obligation of identifying and rehabilitating victims of torture and the volume of its current applicability. Specifically, the GNCHR pointed out¹¹ that in addition to the "identification" process stemming from the intention of the EU legislator (Directives 2011/95/EU and 2013/33/EU), the "certification"¹² of victims of torture is a different concept. Namely, the "identification" process aims at the detection of the victims of torture so that they can be provided with health care services while the "certification" process pursues the objective of the submission of certificates for judicial use.¹³ It is to be stated that the "certification" of victims of torture process is governed by a different framework and specifically, it must be carried out in the light of the Istanbul Protocol following the purposes, principles, guarantees and procedures set out in its provisions. In this regard and given the incorrect use of the wording of "certification" in the national legislation which transports the Article 25 of the Directive 2013/33/EU, the GNCHR submitted a concrete and extensive proposal to the national competent bodies so that it can be institutionalized the distinction and the different purposes of the concepts of

¹¹ GNCHR, [Protection of Victims of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 15 December 2020 [in Greek].

¹² The notion of "certification" is not mentioned in the corresponding provision of Article 25 (1) of the Directive 2013/33/EU. On the contrary, from the provisions of Articles 2 (e) and (f) and 15 (b) [Chapter V "Identification of a Person as a Beneficiary of Subsidiary Protection"] of the Directive 2011/95/EU, the obligation of "identification" of victims of torture is clearly deducted.

¹³ See in this regard Istanbul Protocol, "Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", New York and Geneva, 2004 (p. 1-2).

"identification" and "certification" of the victims of torture. Beyond the above-mentioned legal uncertainty, **the GNCHR has stated that the competent authorities for the identification of victims of torture have not had the appropriate knowledge to perform their duties.** It is well perceived that this fact due to its gravity has a serious impact on the core of the right to the identification of victims of torture, which may adversely affect their request for international protection.¹⁴ To that end, the GNCHR submitted a specific proposal on 23th September 2020,¹⁵ concerning the necessity of the amendment of the respective national provisions, so that the Greek legal order can be in alignment with the material scope of the Directives 2011/95/EU and 2013/33/EU. In the same vein, the GNCHR has also proposed specific additions to the national legislation, so that the staff working in the relevant field can be properly trained and thus, promptly identify cases of torture victims, which will be referred to rehabilitation immediately and without undue delay. As for the entities which will be involved in the above procedures, the immediate need to establish a permanent mechanism of uninterrupted funding so as to carry out the processes of identification and rehabilitation of victims of torture has also been stated. Also, regarding the procedures of the "certification" of victims for tortures which take place in Greece, the GNCHR reserved to be placed in the future in the context of the process concerning the drafting of the respective national legislation. To conclude, **the GNCHR observed that the current national legislation with the abovementioned deficiencies has not been amended yet.**

19. The GNCHR has raised significant concerns regarding **the state of police conduct in Greece**, particularly in relation to arbitrary actions and the ongoing issue of impunity. Despite efforts to improve accountability within law enforcement, the [GNCHR contribution to the State of the Rule of Law in Europe Reports from National Human Rights Institutions - Greece 2023](#) highlights that these issues remain deeply entrenched. This situation is further corroborated by recent findings from [Amnesty International Submission to the UN CAT](#) which documented instances of excessive force used by the police during peaceful demonstrations. The gravity of these concerns is underscored by the unprecedented judicial recognition of police violence as torture as mentioned at Part I.

20. While acknowledging the significant efforts made by the State in recent years to address **prison overcrowding**, the GNCHR shares the UN CAT's concerns regarding high occupancy rates and poor living conditions in Greek prisons. The GNCHR that the Greek prison system has long suffered from structural deficiencies, including overcrowding. In its contribution to the [State of the Rule of Law in Europe Reports from National Human Rights Institutions- Greece 2023](#), the GNCHR expressed concern that the new Penitentiary Code

¹⁴ The judgment no.206/2019 of the Administrative Appeal Court of Piraeus is of the utmost relevance, as it was held, among other things, that the expert report of a certain NGO submitted by the applicant, according to which its expert group concluded that the findings, physical and mental, of the applicant are diagnostic and could not be caused by any other cause other than the described torture, does not call into question the Commission's assessment, since, "*...after the entry into force of the law 4540/2018 (Government Gazette 91/22-5-2018 A), and in accordance with Article 23 thereof, victims of torture are certified by a medical assessment from a public hospital, military hospital or appropriately trained doctors of public health service providers, including forensic experts, and the applicant does not provide any evidence that he has addressed any of the above-mentioned institutions, without result for any reason (lack of suitable infrastructure, workload), so as to have recourse to the experts of the above-mentioned NGOs...*", see in this regard the judgment of Administrative Appeal Court of Piraeus no.201/2019.

¹⁵ GNCHR, Protection of Victims of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 15 December 2020.

(Law 4985/2022) fails to address long-standing critical issues in Greek prisons, as highlighted by the ECtHR's jurisprudence and the European Committee for the Prevention of Torture's latest report on Greece. Additionally, the recent amendment to the Greek Penal Code (Law 5090/2024) may exacerbate existing challenges in the country's correctional facilities unless other measures are taken proactively. Similarly, the most recent [Special Report](#) (2020-2021) by the Greek Ombudsman, acting as the National Mechanism for the Prevention of Torture and Ill-Treatment, highlights the ongoing issues in Greece's detention facilities. Published in August 2022, the report finds that despite efforts to adapt to pandemic-related restrictions, the conditions in detention facilities remain unsatisfactory. Persistent problems such as overcrowding, inadequate staffing, poor facility conditions, and limited opportunities for recreation, education, and training for inmates are once again emphasized. The report also notes that the urgent measures taken to prevent the spread of COVID-19 further exacerbated these issues by restricting detainees' rights and services, while the lack of decongestion measures hindered the effectiveness of health protection efforts. Additionally, the [CPT Report on the 2022 ad hoc visit to Greece](#) found the Korydallos Psychiatric Hospital to function more like a prison, with overcrowded and dilapidated conditions, inadequate treatment focused solely on medication, and poor staffing, including no resident psychiatrist. Concerns were raised about the lack of a restraint policy and the investigation of deaths. The CPT also visited a transgender unit at Korydallos Women's Remand Prison, noting improved conditions but highlighting the need for a clear policy framework for transgender inmates. A follow-up visit to Special Wing C in Korydallos Men's Prison revealed severely overcrowded, unhygienic, and degrading living conditions.

21. According to the [GNCHR Submission to the UN CAT](#) for Greece's eighth periodic examination, serious concerns persist regarding the lack of guarantees for independence, impartiality, and objective medical expertise in **involuntary placement procedures**, as highlighted also [CPT's findings](#). Involuntary placement procedures do not offer guarantees of independence and impartiality as well as of objective medical expertise. Other worrying findings are: i) the statutory time limitations of the provisional placement are not respected, ii) there is no distinction in Greek law between the procedure for involuntary placement in a psychiatric institution and the procedure for involuntary psychiatric treatment, iii) voluntary patients are not required to sign a form on relevant admission issues, iv) there isn't a complaint procedure in every psychiatric establishment, v) there is a significant monitoring gap, which needs to be remedied urgently, vi) the time involuntary patients benefit from facilitated contact with the outside world is quite limited and vii) compulsory placements of criminally irresponsible patients have not been subject to systematic court review, resulting to little progress towards release. Also, there is no nationally published official data for hospitalisation. With Greece ranking 14th among the 27 EU countries, according to [Eurostat](#) (2022), with approximately 440 beds per 100,000 people—below the EU average of 516 beds per 100,000—the recent **Law 5129/2024** “Completion of psychiatric reform” which mandates the unification of all mental health structures and addiction treatment agencies under the supervision of two specialized bodies, is expected to result in administrative over-centralization.

22. Another issue is related to the psychiatric **institutions concerns the lack of official data regarding the number of persons with psychosocial disabilities deprived of liberty**. By failing to provide aggregated data on persons deprived of their liberty in psychiatric hospitals and other institutions for individuals with intellectual and psychological disabilities, the State produces significant concerns about transparency and accountability.

Moreover, this failure may result in **the invisibility of vulnerable populations within these institutions**. This invisibility hinders efforts to address the specific needs and rights of individuals with intellectual and psychological disabilities who are deprived of their liberty.

vi) Right to Liberty and security of person and treatment of persons deprived of their liberty (arts. 6-7 and 9-10, LoIs paras.12)

23. During the last years (2019-2024), there have been many reforms to the Criminal Code and the Code of Criminal Procedures many of them in compliance with ECtHR judgments. Also, in 2022, the Penitentiary Code was amended by [Law 4985/2022](#) on “Reform and modernization of the Penitentiary Code - Amendments to Law 2776/1999 and other provisions”. The new Penitentiary Code introduced for first time in the Greek legal framework the effective remedy that allows individuals in pre-trial detention and those serving sentences to file complaints regarding their detention conditions and access to medical care. In particular, article 6a of the Law 4985/2022 now provides for a domestic remedy for persons in prison who are held in conditions of detention which violate the provisions of Article 3 of the European Convention on Human Rights. In [Circular 3/2023](#), the Deputy Prosecutor of the Supreme Court emphasizes the importance of applying the new Article 8 of Law 4985/2022 in line with ECHR rulings. He revisits the issue with [Circular 05/2024](#) on May 2, 2024, highlighting that by the end of 2023, Greece faced 139 convictions by the ECHR for violating Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment. Additionally, 567 prisoner cases were settled through friendly agreements, with Greece ranking fifth among Council of Europe countries for pending cases, mainly related to detention conditions. He also cites data from the General Secretariat for Anti-Criminal Policy of the Ministry of Citizen Protection, according to which, from the law's implementation on 27/10/2022 until 15/4/2024, 197 appeals on detention conditions were filed, with only four accepted. Notably, no appeals were submitted in 15 of the 34 correctional facilities, including Korydallos. The Deputy Prosecutor underscores that prosecutorial judgment must remain independent and impartial, unaffected by solidarity with correctional authorities, and stresses that treating prisoners with basic courtesy, as the weaker party, supports effective implementation of the law. Indeed, the fact that only four out of 197 appeals have been accepted, combined with the absence of any appeals in nearly 44% of correctional facilities, including Korydallos -the largest and one of the most overcrowded correctional facility- and in light of the recent findings by the [CPT](#) may suggest that the implementation of the law requires significant improvement to ensure compliance with both national and international standards. Besides from the draft law consultation phase, the National Commission, in its [Note](#) before the Greek Parliament, has already pointed out that since the conditions in Greek prisons have been repeatedly deemed equivalent to inhuman and degrading treatment by the ECtHR, as confirmed by the decisions of the CoE and the reports of the CAT, there are serious reservations regarding the effectiveness of the relevant legislative provision. In addition, according to the [GNCHR contribution to the State of the Rule of Law in Europe Reports from National Human Rights Institutions- Greece 2023](#), penitentiary facilities - despite the recent reforms in the Penal Code to facilitate the exit from the system - remain overcrowded and prison conditions are below international human rights standards. The National Commission highlights also the necessity of removing obstacles faced by prisoners wishing to complain about their detention conditions and emphasizes the need to

strengthen their procedural rights, particularly their rights to access information, to legal representation, and to free legal aid. This is crucial given the unknown (not officially published) proportion of prisoners with mental health disorders and the **significant number of foreign prisoners (56.8%, 31.1.2023)**, who are often unable to effectively utilize the available legal remedies.

24. In February 2024, with the enactment of the latest amendment to the Codes titled “Interventions in the Penal Code and the Code of Penal Procedure for the Acceleration and Quality Improvement of Penal Trials - Modernization of the Legislative Framework for the Prevention and Combat of Domestic Violence” (Law 5090/2024) important amendments were introduced. The National Commission, in particular, **emphasizes** that the maximum duration of temporary imprisonment was significantly increased, and corresponding adjustments were made to other prison sentences. Additionally, the framework for serving and suspending sentences was made stricter. This is expected to lead to an increase in the number of prisoners in Greek correctional facilities. In particular, according to the provisions of the new Penal Code, for offenses where the imposed sentences are up to one year, a suspension will be granted. For sentences from one to two years, they will be converted into monetary penalties or community service in municipalities and public institutions. However, if the imposed sentence ranges from two to three years, the convicted individuals will be sent to prison, where they will serve part of the sentence (from one to six months), and the remainder will be suspended. In other words, if someone is sentenced to more than three years of imprisonment, the court will order the full sentence to be served in a correctional facility, unless the court justifiably concludes that serving part of the sentence is sufficient to prevent the commission of further offenses. On the other hand, the maximum term of imprisonment for felonies has been increased from 15 to 20 years. As a result, sentences can now reach up to 20 years, while the maximum limit for imprisonment in cases involving multiple felonies has been raised from 20 to 25 years. Additionally, the maximum sentence for temporary imprisonment has been increased from 15 to 20 years for all felonies. The sentence for multiple misdemeanors has also been increased from 8 to 10 years. With the increase in the maximum imprisonment term to 20 years, the time required for conditional release has also been extended, leading to a longer period of incarceration. Regarding minors, the National Commission is deeply concerned about the rising number of cases in which they may face imprisonment, given that detention conditions in Greece and the principles of the International Convention on the Rights of the Child mandate that imprisonment should be a last resort. Additionally, the GNCHR expresses concern about the increase in the maximum detention period for minors from 8 to 10 years.

vii) Elimination of slavery and servitude and trafficking in persons (arts. 2, 7-8, 24 and 26, COBs paras. 21-22, Lols paras. 13)

25. **The GNCHR, having closely monitored the work of the National Referral Mechanism for Victims of Trafficking in Human Beings (NRM) since its establishment,¹⁶ 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

¹⁶ 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.

framework. 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.

26. 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,¹⁷ 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*".¹⁸ Based on the recent NRM Annual Report 2023¹⁹, 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). 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 on 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.²⁰ 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 the ICCPR, while the overlapping and uncoordinated actions can be a harmful practice for the victims.

27. 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),²¹ 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*

¹⁷ 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).

¹⁸ *Ibid.*, pp. 10-11, 14.

¹⁹ Office of the National Rapporteur for Combating Trafficking in Persons/ National Centre for Social Solidarity, [NRM Annual Report 2023](#), May 2024, p. 5.

²⁰ *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).

²¹ MoMA, [General Secretariat for Vulnerable Persons & Institutional Protection](#). See also the [Organization Chart](#) of the Ministry.

*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”.*²² 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. Thus, there is a need for measures to be 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.

28. Further, 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 constantly monitoring the implementation of regulatory and operational measures on matters pertaining to the prevention and combating of human trafficking and forced Labour, has put particular emphasis on the compliance of Greece with the ECtHR judgment on the case of Chowdury and others v. Greece (known as the "Manolada case"),²³ a landmark case establishing, among others, the definition of forced labour under art. 4 ECHR. 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.

viii) Access to justice, independence of the judiciary and right to a fair trial (art. 14, CoBs paras. 23-24, Lols 14-15)

29. The existing legislative framework stipulates legal aid for cases of private law and penal law (Law 3226/2004). The main horizontal prerequisite for granting legal aid is the low income of the citizens, including EU citizens, third country nationals or stateless persons, as long as they have legal residence or habitual residence in Greece. It is not only confined to judicial expenses (fiscal stamps), but it also expands to provision for legal attendance (a lawyer). The availability of legal aid depends on proven need and it is granted following a petition. Nevertheless, the GNCHR identifies several structural issues that hinder its effective implementation in practice. In recent years, Bar Associations all over Greece strongly protest the continued undue delay in legal aid compensations for years,²⁴ resulting in Greek lawyers abstaining from legal aid cases. The GNCHR calls upon the Ministry of Justice to take immediately the appropriate measures to tackle with the chronic problems in this regard.

²² GSVPIP, [Annual Report 2023](#), pp. 12, 59 (para. 8.1.).

²³ 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. GNCHR [Chowdury and Others v. Greece. Recommendations for the full compliance of the Greek State](#), 27 August 2018. 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.

²⁴ See [Press Release](#) of Plenary of Bar Associations of Greece, "Violent reactions of lawyers due to delays in compensations for Legal Aid", 9.5.2024.

30. Concerning criminal cases, the legal aid system has been recently amended by Law 4596/2019. Legal Aid is provided at the request of the beneficiary, the procedure is carried out duty-free, and it is not mandatory to perform with a lawyer. For the assumption of the application is sufficient probability, while acceptance or rejection of the application must be justified. A new application may be submitted in the event of a change in the facts. The GNCHR reiterates its regret that the procedure remains inapplicable in most cases not only at the legislative level but also at the implementation level.²⁵ The GNCHR recommends to the competent authorities that measures should be taken in order to ensure the effective access of crime victims to justice. Coordination between authorities and professionals will contribute to better support for victims.

ix) Treatment of aliens, including migrants, refugees and asylum seekers (arts. 6-7, 9, 12-13 and 24, COBs paras. 33-34, Lols 16-19)

31. The GNCHR refers to its 2021 [Submission](#) (paras. 75-78) on the LoI on the issue of the expulsion of asylum seekers and undocumented migrants and to the 2023 [Observations](#) (paras. 55-62) on State's draft reply to the LoI on treatment of aliens, including migrants, refugees and asylum seekers

Recording and investigating incidents of pushbacks

32. The GNCHR consistent to its role as a "human rights watchdog", issued several Statements calling the Greek State to take all measures in order to ensure the respect of the *non-refoulement* principle and the timely and thorough investigation of all complaints on informal, violent pushbacks in Evros.²⁶

33. 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.

34. In 2020, the GNCHR, worried about multiple reports on violent pushbacks decided to shift its attention into formulating concrete proposals to the State. Following a hearing of relevant stakeholders, the GNCHR issued a Statement²⁷ whereby it responded to above allegations by proposing to the Greek authorities the establishment of an official independent mechanism for recording and reporting informal forced returns (IFR).

35. In 2021, the GNCHR, decided to establish a [Recording Mechanism of Incidents of Informal Forced Returns](#) (hereafter Recording Mechanism). In early 2023, the GNCHR presented the Recording Mechanism and its first results ([Interim Report](#)). In June 2024, the [Annual Report 2023](#) of the Recording Mechanism was published. According to the Report, the testimonies recorded in 2023 confirm the findings of the recordings of 2022, with regard

²⁵ See GNCHR Written Contribution for the List of Themes prior to Greece's review of its combined 23rd and 24th periodic report by the Committee on the Elimination of Racial Discrimination (CERD) in its 114th Session, 2024. See also [Observatory for Legal Aid in Greece](#), Hellenic League for Human Rights.

²⁶ GNCHR's [Statement](#) on complaints regarding illegal pushbacks in Evros, 22.7.2017 (in Greek). GNCHR's [Statement](#) on complaints regarding informal pushbacks at the region of Evros, 29.11.2018.

²⁷ GNCHR, [Statement](#) on the reported practices of push backs, 9.7.2020.

to the implementation method and the organized nature of IFR incidents. The Recording Mechanism recommends to the Greek Authorities, among others, to investigate in an independent and efficient manner, all complaints lodged by persons alleging to have been subjected to IFR incidents and other incidents of serious human rights violations at the borders. From January to December 2023, the Recording Mechanism has recorded testimonies about 45 IFR incidents. According to testimonies the total number of the alleged victims, is estimated to a minimum of 1.438 persons, including at least 158 women, 190 children and 41 persons having special needs, such as persons with medical conditions, elderly people, persons with disabilities. This initiative is supported (technically) by the UNCHR and was welcomed by the IOM, the FRA and the FRO of Frontex.

36. The GNCHR received a request for the first time by the ECtHR, to submit a written intervention²⁸ as regards the case of *G.R.J. v. Greece* (15067/21) and *A.E. v. Greece* (15783/21). The case was heard by the Court, on Tuesday 4 June 2024. The case is related to two applications against the Greek Authorities, lodged by persons requesting international protection, on reported incidents of IFRs for the period 2019 - 2020.

37. Regarding the particular “three-tiered system” of the Greek State in order to address IFRs complaints, the GNCHR notes with concern that albeit their existence and operation, none of these venues²⁹ has led to an effective redress of victims for alleged violations during IFRs incidents. In addition, internal oversight mechanisms operating in the Hellenic Police, Hellenic Coast Guard and Frontex have similarly not yet resulted in an effective investigation and punishment of staff members involved in such incidents. With respect to the newly established Special Fundamental Rights Compliance Committee, the GNCHR has expressed to the competent General Secretary³⁰ its serious reservations as to the content and the limits of its institutional participation; pursuant to art. 50 para. 2 of Law 4960/2022, the GNCHR appoints a member in this Committee. In relation to both the Fundamental Rights Officer at the Greek Ministry of Migration and Asylum and the Special Fundamental Rights Compliance Committee, the GNCHR noted that they do not fulfill the criteria for the establishment of an independent and effective monitoring body for human rights, as those defined by the UNHCR, OCHR and ENNHRI.³¹ In this respect, the GNCHR advises the Greek State to take into account FRA’s recent guidance when establishing or nominating a national independent authority to act as monitoring body for fundamental rights compliance at borders.³²

38. In 2023³³ the GNCHR published a statement on the shipwreck southwest of Pylos. A main argument of the statement is that safe and legal routes should finally be established for the access of refugees and migrants to the EU territory, as for years, all the competent

²⁸ GNCHR, [Written intervention by the GNCHR in the ECHR as regards the case of G.R.J. v. Greece and A.E. v. Greece](#), 6.6.2024.

²⁹ According to input received by the Greek Council of Refugees, the Greek judicial system, where penal procedures have been initiated, even though cases have been brought before the attendance of prosecutors, either remained passive (up today there is no known penal procedure reaching beyond preliminary stage against state agents for the incidents at least of the last years), either followed a deficient and inadequate investigation, dismissing the allegations at a preliminary stage. Information received by the GCR, August 2022.

³⁰ GNCHR, [Letter to the SG of Migration Policy, Reception and Asylum](#), 11.4.2023 (in Greek)

³¹ UNHCR, OHCHR Europe, ENNHRI, [Ten points to guide the establishment of an independent and effective national border mechanism in Greece](#), 14 September 2021.

³² Fundamental Rights Agency, [Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders](#), 14.10.2022.

³³ GNCHR, [Statement for the shipwreck southwest of Pylos](#), 15.6.2023 (in Greek)

international organizations have proposed as the only way to protect human life. 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.

Safe third country

39. The GNCHR has expressed its disagreement with the characterisation of Turkey as a safe third country (STC) as early as 2016.³⁴ The issuance of the Joint Ministerial Decision nr. 458568/15.12.2021 and its renewal, in December 2022, in which Turkey is designated as a STC for nationals from Syria, Afghanistan, Somalia, Pakistan, Bangladesh exposes asylum seekers, whose applications are being rejected, in precarious conditions or/and in detention, in a state of legal uncertainty and without an effective access to procedures.³⁵

40. What is more, to date, the application of the concept of the STC by the Greek authorities in the context of the EU-Turkey Statement has led to systematic rejection of international protection applications on the basis of pre-defined, similar and repeated decisions (template decision), raising serious doubts as to the individual assessment of applications, as required by national, EU and international law. Taken the above into consideration, the GNCHR welcomes the decision nr. 177/2023 of the Council of State to postpone the final judgment on a pending case against the JMD designating Turkey as a STC for certain categories of asylum seekers and make a request for a preliminary ruling to the CJEU in relation to the influence on the legality of the above national list exerted by the fact that for a long period of time (which in this particular case exceeds twenty months) Turkey refuses the readmission of applicants for international protection and it does not appear that the possibility of this country's attitude changing in the near future has been explored.³⁶ The preliminary questions were discussed before the CJEU on 14 March 2024.³⁷

x) Freedom of conscience and religious belief (arts. 2, 18 and 26, LoIs paras. 20-21)

Conscientious objection to compulsory military service (Arts. 14 and 18, COBs paras. 37-38, LoIs para. 20)

41. The GNCHR refers to its 2021 Submission on the LoI on the issue of the conscientious objection to compulsory military service (GNCHR, [Submission](#), para. 90) and to the 2023 Observations on State's draft reply to the LoI (GNCHR, [Observations](#), paras. 63-67).

42. In December 2021, the Human Rights Committee published its Views concerning the *Petromelidis v. Greece* case, the first such case of a conscientious objector from Greece examined by the Committee, finding violations of arts 9(1), 12(2), 14(7) and 18(1) of

³⁴ GNCHR, [Report](#) on the EU-Turkey Agreement of the 18th of March 2016 regarding the refugee/migration issue in Europe in light of Greek Law No. 4375/2016, 25.4.2016.

³⁵ GNCHR, [Comments](#) on Draft Law 4825/2021 of the Ministry for Migration and Asylum, July 2021 (in Greek).

³⁶ The Council of State, [Decision of the Council of State](#), plenary session, nr. 177/2023 (in Greek).

³⁷ RSA/GCR, [Joint Press Release, Hearing before the Court of Justice of the European Union on Thursday 14 March on the preliminary questions of the Greek Council of State regarding Turkey as a "safe third country"](#), 13.3.2024.

ICCPR.³⁸ Greece has failed, so far, to comply with the Views. No review of the legislation, according to UN and GNCHR recommendations, could result in similar violations in the future, including as for arbitrary detention (art. 9(1) of ICCPR), and the repeated punishment of conscientious objectors in violation of the *ne bis in idem* principle (art. 14(7) of ICCPR). Law 4609/2019 amended the legislation concerning *inter alia* conscientious objectors. Despite the positive change in the composition of the five-member committee responsible for examining applications by citizens to be granted conscientious objector status as referred in par. 184 of the State's draft reply, national legislation still fails to be in line with international human rights law and standards, as it has been highlighted by the UN Special Rapporteur on freedom of religion or belief,³⁹ the UN Human Rights Committee which requested for the legislation to be reviewed,⁴⁰ the OHCHR⁴¹ and others.⁴²

43. Despite some recent amendments in relevant legislation,⁴³ the alternative civilian service remains punitive and discriminatory in terms of length, cost and location of service.⁴⁴ Given that the duration of full alternative service is 15 months, the different treatment between the duration of the military service and the alternative service creates a disproportionate burden of the additional months which is not reasoned based on the personal characteristic of the conscientious objection.

44. The GNCHR takes into consideration the judgment [No. 2262/2023](#) of 11.12.2023 of the Greek Council of State on the subject of the conscientious objectors. The Court considered that the determination of the time of alternative service by the Minister of National Defense starting from the same time of the regular service to twice the military service, is interpreted in accordance with the Constitution, and is, in principle, constitutionally permissible. The GNCHR urges the Greek Government to undertake concrete measures to ensure that the alternative service is not punitive or discriminatory in terms of its nature, cost or duration, as well as to end repetitive punishment in violation of the *ne bis in idem* principle and to take effective steps to place the assessment of applications for conscientious objectors *status* under the full control of civilian Authorities.

³⁸ Human Rights Committee, Views adopted by the Committee under the Optional Protocol, concerning communication No. 3065/2017, Advance unedited version, CCPR/C/132/D/3065/2017, 6 December 2021, para. 10. GNCHR, [Press Release](#), 16.12.2021.

³⁹ In July 2019, the Special Rapporteur on freedom of religion or belief issued a Communication to the Greek authorities, "concerning the recently adopted law (4609/2019), which regrettably fails to recognize the status of conscientious objectors (COs) to military service in accordance with international human rights standards". Mandate of the Special Rapporteur on freedom of religion or belief, [OL GRC 3/2019](#), 11.7.2019.

⁴⁰ See *Petromelidis v. Greece*, para. 11.

⁴¹ OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, 24 May 2019, [A/HRC/41/23](#), paras. 7, 24, 29, 34, 36 (note 47), 38 (note 49), 41, 46-47.

⁴² For more information see GNCHR, [Input](#) to the OHCHR quadrennial analytical report 2022 on conscientious objection to military service, 21.3.2022.

⁴³ Law 4609/2019 regarding arrangements for Armed Forces Personnel, the Army, including conscientious objectors (COs) to military service.

⁴⁴ GNCHR, [Submission](#) to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, 1 February 2017, p. 10. GNCHR, [Letter on the Draft Law of the Ministry of National Defense "Support for the personnel of the Armed Forces, rationalization of the legislation of the Armed Forces, organization of the National Guard and other provisions"](#), 2023 (in Greek).

Religion and religious education (Art. 18, Lols para.21)

45. 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*⁴⁵ reiterated that it always emphasizes that religious beliefs are a matter of personal conscience. With the judgment No. [1478/2022](#) of 7.7.2022, the Greek Council of State annulled a joint ministerial decision, partly regulating the exemption of students from the religion course, because prior to its issuance, the provision of the opinion of the Personal Data Protection Authority was not followed. The State is called upon to regulate the issue of establishing an equal course of related content for students who are exempted from the compulsory course of religious studies, in accordance with the interpretation of the constitutional and supra-legislative provisions of the ECHR. Thus, the dialogue on the equal course is still open. 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 tradition⁴⁶ 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.⁴⁷ There is a need for the State to take concrete measures 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.

xi) Right to freedom of expression, peaceful assembly and freedom of association (arts. 2, 17 and 19–22, COBs paras. 39-42, Lols paras. 22-26)

46. The GNCHR refers to the 2023 Observations on State’s draft reply to the LoI (GNCHR, [Observations](#), paras. 69-74) and the analysis on the execution of *Bekir-Ousta group* judgments in the present document.

47. With regard to the requirements for the registration of NGOs involved in the protection of refugees, the GNCHR notes that by virtue of Laws 4636/2019 and 4686/2020, these became stricter, involving also the registration of their members and employees (physical members) for anti-laundering purposes,⁴⁸ as well as a two-year financial audit of the NGOs.⁴⁹

⁴⁵ ECtHR, *Papageorgiou and others v. Greece* [App nos 4762/18, 6140/18], 31 January 2020, para. 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.

⁴⁶ According to Article 1(1a) of Law 1566/1985 regarding the Structure and function of the primary and secondary education.

⁴⁷ 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.

⁴⁸ ENNHRI/GNCHR, [National Report on the situation of human rights of migrants at borders – Greece](#), July 2021, p.59 et seq.

Law 4939/2022 which codified existing legislation on reception, international protection of third country citizens and stateless persons and temporary protection in the event of a mass influx of displaced foreigners reiterated the same provisions. The registration of members, employees and partners of NGOs and their certification is a requirement for their activity within the Greek territory as well as for their cooperation with public bodies.

48. The legality of these requirements has been questioned by international and European bodies.⁵⁰ Most recently, the UN Special Rapporteur on the situation of human rights defenders (HRDs) after her visit in Greece in June 2022 stated that “the imposition of a registration requirement on a specific segment of civil society, and the disproportionate requirements within the registration process itself, are in violation of Greece’s obligations under international human rights law and are discriminatory”.⁵¹ The GNCHR recommends that the Greek state takes into account UN Human Rights Council Resolution 22/6, whereby States shall ensure that procedures governing the registration of civil society organizations are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration and are in conformity with international human rights law. More particularly, UN Special Procedures have stated, inter alia, that the freedom of assembly and association of NGOs is interfered with by such stringent and sometimes contradictory rules and practices on registration in different Registers.⁵²

49. Similarly, by virtue of Law 4808/2021, an obligation of registration of trade into the General Workers’ Trade Union Registry as prerequisite for the access to and exercise of trade union rights constitutes an interference, which is, in the GNCHR’s view not sufficiently justified, especially taking into consideration the suspension of trade unions’ and workers’ representatives rights in case of non-registration. Furthermore, given that the registration of a trade union became a condition for the acquisition of a legal personality, the trade union’s existence itself is jeopardized. Moreover, the internal autonomy of trade unions and their action are at stake through said state intervention. By introducing state control in internal autonomy and action of trade unions, the core of trade union freedom is affected, because the exercise of the trade union action depends on its compliance with the preconditions of art. 83 of Law 4808 whose non adherence is controlled by the State.⁵³ On 8 November 2022,

⁴⁹ [Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#); the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the human rights of migrants REFERENCE: OL GRC 1/2021 31 March 2021.

⁵⁰ Expert Council on NGO Law of the Conference of INGOs, Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration, 2.7.2020, CONF/EXP(2020)4; Council of Europe Commissioner for Human rights, Letter to Minister for Citizens’ Protection of Greece, Minister of Migration and Asylum of Greece and Minister of Shipping and Island Policy of Greece , urging Greek authorities to put an end to pushback operations and to ensure that independent and effective investigations are carried out into all allegations of pushbacks, 3 May 2021, CommHR/DM/sf 019-2021; UN Special Rapporteur on freedom of assembly and association, UN Special Rapporteur on human rights defenders & UN Special Rapporteur on the human rights of migrants, OL GRC 1/2021, 31 March 2021.

⁵¹ UN Special Rapporteur on the situation of human rights defenders, Preliminary observations and recommendations (Statement), 22 June 2022.

⁵² [Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#); the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the human rights of migrants REFERENCE: OL GRC 1/2021 31 March 2021. Refugee Support Aegean, [Human Rights Defenders](#), 20.12.2021.

⁵³ GNCHR, [Observations](#) on the 5th National Report on the implementation of the Revised European Social Charter (reference period 01/01/2017 – 31/12/2020), December 2022, pp. 25 et seq.

the Council of State found that the provisions of Law 4808/2021 were contrary to art. 8 of the EU Fundamental Rights Charter and the General Data Protection Regulation.

50. Concerning attacks against HRDs, the RVRN recorded during January-December 2023, 158 incidents of racist violence through interviews with victims, including HRDs. The RVRN had observed the extension of this targeting also through defamation campaigns or by criminalizing human rights defenders' actions—a trend also recognized by international and European bodies.⁵⁴ A long-standing recommendation of both the GNCHR and the RVRN is to adopt a legislative provision for the protection of HRDs. What is more, all complaints on racist attacks against HRDs must be effectively investigated by the police and judicial authorities in an expeditious way. Lengthy judicial proceedings add to the prevailing climate of impunity in Greece towards organized groups or individual perpetrators of hate crimes.

51. The UN Committee against Torture has expressed serious concerns about consistent reports of intimidation and harassment of HRDs and humanitarian workers and volunteers, recommending that the Greek state refrains from detaining and persecuting humanitarian workers and volunteers as a means of intimidating them or discouraging them from delivering vital emergency assistance to refugees and migrants.⁵⁵ As recently put by the UN Special Rapporteur on HRDs who visited Greece in 2022, “at the tip of the spear are prosecutions, where acts of solidarity are reinterpreted as criminal activity, specifically the crime of people smuggling... The negative impact of such cases is multiplied by smear campaigns perpetuating this false image of defenders”.⁵⁶ The GNCHR has constantly worked on the issues of the HRDs active in the refugee/migration field and has issued specific recommendations, such as to demonstrate zero tolerance for harassment, attacks, hate speech and any other targeting of HRDs by official state bodies, to ensure an enabling environment through the institutional framework for the operation of civil society organizations, to refrain from bringing criminal charges against organizations or other categories of HRDs for providing humanitarian aid to citizens of third countries or for exercising their functions, to ensure the unhindered exercise of the journalistic function and to take measures to protect and compensate victims of “strategic lawsuits against public participation (SLAPPs)”.⁵⁷

52. As far as the restrictions to the right to freedom of assembly are concerned, in follow-up to Committee's COB's in 2015, based on findings of Reporters Without Borders⁵⁸ the GNCHR notes that incidents of human rights violations committed by the security forces of the police against demonstrators still occur while there is a strong connection of freedom of expression, rule of law and the role of journalists.

⁵⁴ Indicatively: Report of the [UN Special Rapporteur, Mary Lawlor, on the situation of human rights defenders, Preliminary observations and recommendations](#), Athens, 22 June 2022.

⁵⁵ Committee against Torture, Concluding observations on the seventh periodic report of Greece, 3 September 2019, CAT/C/GRC/CP/7, paras. 48-49.

⁵⁶ UN Special Rapporteur on human rights defenders, ‘[Greece: Migration policy having “suffocating effect” on human rights defenders says UN expert](#)’, 22 June 2022.

⁵⁷ GNCHR, [Statement for human rights defenders active in the refugee/migration field](#), 22 April 2024 (in Greek).

⁵⁸ RSF, [Report on Greece: Dangerous cocktail for press freedom, 2021](#), RSF, [Greece with updates](#) and RSF, [RSF and its partners warn EU not to ignore the deterioration of Greece's rule of law](#), 2.8.2024.

xii) Rights of minorities (art. 27, COBs paras. 43-44, LoIs para. 27)

53. The GNCHR refers to its 2021 Submission on the issue of the rights of minorities (GNCHR, [Submission](#), paras. 110-112).

54. 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.

55. 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, given the steps and an intended timetable for the execution of the relevant judgments of the ECtHR.

56. 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.

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.