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MINORITY RIGHTS GROUP - GREECE (MRG-G)
HUMANIST UNION OF GREECE (HUG)
COORDINATED ORGANIZATIONS AND COMMUNITIES
FOR ROMA HUMAN RIGHTS IN GREECE (SOKADRE)**

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

16 September 2024

The text below follows the [United Nations' Human Rights Committee \(HRCttee\) List of issues prior to submission of the third periodic report of Greece](#) ("LOI" - 2 December 2021) and refers to its paragraphs. It also refers to paragraphs of the [Third periodic report submitted by Greece under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022](#) ("State Report" - 20 April 2023). References are also made to the [Parallel Report on Greece's compliance with the International Covenant on Civil and Political Rights](#) submitted on 26 August 2021 ("NGO Report") by **Greek Helsinki Monitor, Minority Rights Group - Greece, Humanist Union of Greece and the Coordinated Organizations and Communities for Roma Human Rights in Greece** to the [HRCttee's 133rd session in October - November 2021](#).

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

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

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

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

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

General information

1. In reply to the par. 1 of **LOI**, the **State Report** in par. 4 informs that no measures were taken to provide victims with an effective remedy for the violation of their rights in the cases *Kouididis v. Greece*, *Kalamiotis v. Greece*, *Katsaris v. Greece*. The **State** insists that it does not have an obligation to provide compensation to the victims of violations found in the **Committee's Views**. Concerning the case "*I Elpida*" – *The Cultural Association of Greek Gypsies from Halandri and Suburbs v. Greece* the **State** refrained from executing the eviction and demolition orders. Moreover, the **Views** that were once published in Greek on the **Legal Council of State** website, alongside **ECtHR** judgments, are no longer available on any state website. Finally, the **State Report** in par. 2 claims that "*The provisions of the Covenant are routinely invoked before domestic courts and referred to in relevant judgments, in particular Articles 9, 11, 14, 17, 19, and 26 ICCPR*" without however providing any examples as the **Committee** requested that would have substantiated such claim, which lawyers and NGOs working in related litigation consider unsubstantiated.

2. The Committee is therefore requested to insist that compensation is awarded to Kouididis, Kalamiotis and Katsaris, that the Views' publication on a state website is restored, and that examples of judgments invoking the Covenant are submitted.

Non-discrimination (arts. 2, 19–20 and 26)

3. In par. 4 of **LOI**, the **Committee** sought information on the implementation of paragraph 14 of its previous **Concluding Observations** recommending that "*The State party should review its legislation with a view to ensuring that all advocacy of national, racial or religious hatred is prohibited by law, and that all cases of racially motivated violence are systematically investigated, that the perpetrators are prosecuted and punished, and that appropriate compensation is awarded to the victims.*" This should be read in conjunction with the preceding paragraph 13 stating that "*the Committee is concerned that the new Law 4285/2014 and the provisions introduced in the Penal Code may hinder investigations and prosecutions of racist hate crimes involving public insults and defamation against groups.*"

4. In the **State Report** in par. 4, the relevant provision of the anti-racism law is listed and is unchanged as the **Committee's** recommendation was ignored: "*Law 4285/2014, which amended Law 927/1979, punishes, inter alia, public incitement to acts or activities which may result in discrimination, hatred or violence against individuals or groups of individuals defined by reference to race, color, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability, in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons.*" The law does not punish advocacy of racist hatred, which is hate speech, but only incitement to racist discrimination, hatred or violence and that only if it is carried out "*in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons.*" Having litigated hundreds of such cases, we know that most prosecutors and judges are implementing this provision in ways that lead to non-prosecutions or acquittals even when they accept that there is hate speech which they argue is not a crime according to that law but a mere expression of personal opinions, or even that there is incitement but not in a manner that endangers public order or threatens the victims. We have extensively documented this, inter alia also recalling **ECRI's** and **CERD's** related recommendation, in paragraphs 5-29 of **Appendix 1** to our previous **NGO Report** uploaded in August 2021 by the **Committee** as [INT_CCPR_ICS_GRC_46538_E](#) and we kindly refer the **Committee** to that.

5. In addition, on 20 January 2023, the **European Commission** published an [Infringements package](#) that included "**Combating racism and xenophobia: Commission sends letters of formal notice to ESTONIA, POLAND and FINLAND and urges GREECE and HUNGARY**

to correctly transpose EU law criminalising hate speech and hate crimes”. It was stated therein inter alia that “On [9 June 2021](#), the Commission sent a letter of formal notice to Greece, asking for an appropriate level of criminalisation of hate speech. The Commission also sent a letter of formal notice to Hungary on [2 December 2021](#), calling it to criminalise public condoning, denial or gross trivialisation of international crimes and to ensure the required level of criminalisation of racist and xenophobic hate crimes in general. Greece and Hungary's replies did not sufficiently address the Commission's concerns. Therefore, the Commission has decided to send Greece and Hungary reasoned opinions. Greece and Hungary now have two months to reply to the Commission's reasoned opinions. If the replies are not satisfactory, the Commission may decide to bring this matter before the Court of Justice of the European Union.” In the notice to **Greece**, the **Commission** did not consider appropriate that “The Greek legal system criminalises hate speech only when public incitement to violence or hatred endangers public order or poses a threat to life, freedom or physical integrity of persons.”

6. Concerning the “statistical data on criminal investigations opened, prosecutions conducted and convictions secured during the reporting period on racially motivated crimes, including on the basis of article 81A of the Criminal Code” requested by the **Committee**, in the **State Report** in par. 35-40, statistics about “allegedly racially motivated incidents reported to the police authorities” are provided but without any data on prosecutions and convictions. Such data were made available only in a table in a 25 October 2023 [response to a parliamentary question](#) that opposition party **SYRIZA** kindly agreed to submit on 4 October 2023 upon our request, which is reproduced below in a screenshot with our translations of the texts in Greek. In the nine-year period 10/9/2014-30/9/2023, following the introduction of Law 4285/2014, which amended Law 927/1979, there were 1280 criminal cases for racist hatred and racist violence. Some 1,000 of them were submitted mainly to the **Athens Prosecutor** by **Greek Helsinki Monitor**, and some 100 of them were transferred from the **Athens Prosecutor** to other **Prosecutors** because of local competence. This means that some 85% of these cases were submitted by **GHM** and very few were in fact launched ex officio by prosecutors or police. Most importantly, there were only 93 convictions and 84 acquittals while some 165 trials were pending. It should be added that, as also documented in the **Appendix 1** to our previous [NGO Report](#), several convictions at first instance were overturned on appeal; this has occurred in more trial since August 2021.

ΥΠΟΘΕΣΕΙΣ ΡΑΤΣΙΣΤΙΚΗΣ ΒΙΑΣ ΑΠΟ 10-9-2014 ΕΩΣ 30-9-2023									
CASES OF RACIST VIOLENCE FROM 10-9-2014 TO 30-9-2023									
						ΑΠΟΦΑΣΕΙΣ DECISIONS			
	Σύνολο εισερχομένων μηνύσεων Total incoming complaints	Ρητορική μίσους Hate speech	Ρατσιστική βία Racist violence	Αρχειοθετήθηκαν Filed to the archives	Προκαταρκτική εξέταση (επεξεργασία) Preliminary examination (in process)	Καταδικαστικές Convictions	Αθωωτικές Acquittals	Άλλες * Other *	Προς εκδίκαση Trials pending
ΕΙΣΑΓΓΕΛΙΕΣ ΕΦΕΤΩΝ Appeals Prosecutors	17	4	13	0	0	4	3	4	6
ΕΙΣΑΓΓΕΛΙΕΣ ΠΡΩΤΟΔΙΚΩΝ First Instance Prosecutors	1263	543	720	650	121	89	81	163	159

*παύει υφ' όρων, ανάκληση της έγκλησης, διαβιβάζει λόγω αρμοδιότητας κτλ. *conditional quashing, recall of complaint, transfer to other jurisdiction because of local competence, etc.

7. The Committee is urged to reiterate its recommendation, in an enriched form, that the State party should review its legislation with a view to ensuring that all advocacy of national, racial or religious hatred, in the form of public insults, defamation and incitement is prohibited by law, irrespective of whether it endangers public order or poses a threat to life, freedom or physical integrity of persons and that all cases of racist speech and racially

motivated violence are systematically investigated ex officio, that perpetrators are prosecuted and punished, and that appropriate compensation is awarded to the victims.

8. In the **State Report** in par. 48, reference is made to the **National Council against Racism and Intolerance (NCRI)**, which adopted, in December 2020, the first [National Action Plan against Racism and Intolerance](#), for the period 2020–2023. However, the **NCRI** became inactive and in April 2024 was moved from the **Ministry of Justice** to the **Ministry for Social Cohesion and Family** where it was announced [that it was “reactivated” in a meeting on 26 June 2024](#) without any related developments since then.

Violence against women and children (arts. 2–3, 6–8 and 26)

9. Our organizations are very satisfied with the following related concluding observations and recommendations by **CEDAW** [published on 20 February 2024](#), after inter alia detailed reporting by our organizations, and urge the **Committee** to include their content in its review of the **State Party** and its ensuing concluding observations and recommendations:

Gender-based violence against women

23. The Committee remains concerned at the prevalence of gender-based violence against women and girls, including sexual violence, in the State party. It also notes with concern:

(a) That the Penal Code does not specifically criminalize femicide;

(b) The high incidence of domestic violence in the State party, owing to discriminatory social norms legitimizing such violence, the low prosecution and conviction rates in cases of domestic violence and marital rape, and underreporting due to victims’ fear of stigmatization or reprisals, their economic dependence on abusive partners, legal illiteracy, and lack of trust in the law enforcement authorities;

(c) The lack of information on the effective enforcement and monitoring of protection orders, in particular restraining and separation orders, for in cases of domestic violence, which exposes women survivors of such violence to a risk of revictimization;

(d) The lack of adequate victim support services for women seeking to escape violent relationships and the insufficient number of adequate shelters across the State party.

24. **In line with its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and with Sustainable Development Goal 5.2 on the elimination of all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party:**

(a) **Amend the Penal Code to specifically criminalize femicide;**

(b) **Encourage reporting of domestic violence against women and girls by raising awareness among women and men, including through educational and media campaigns with the active participation of women’s organizations, on the criminal nature of gender-based violence against women, challenge its social legitimization and destigmatize and protect women from reprisals for reporting incidents of gender-based violence;**

(c) **Ensure, through mandatory and continuous capacity-building for judges, prosecutors, police officers and other law enforcement officials, that gender-based violence, including sexual violence against women, is effectively investigated and prosecuted, that perpetrators are adequately punished and that protection orders are effectively enforced and monitored, with sanctions in case of non-compliance;**

(d) **Adequately fund victim support services, by strengthening the 20 State-run shelters, subsidizing shelters run by non-governmental organizations, and expanding the network of specialized, inclusive and accessible shelters for women and girls who are victims of gender-based violence, taking into account their specific needs, and provide women and**

girls who cannot safely return to their homes with psychosocial counselling, financial support, education, professional training, income-generating activities, affordable housing and, if necessary to ensure their safety, a changed identity.

10. In a 12 April 2024 [response to a parliamentary question](#) on the implementation of the CEDAW recommendations that opposition party SYRIZA kindly agreed to submit on 19 March 2023 upon our request, the **Ministry of Justice** stated that the term femicide is useful to be used in society but rejected the CEDAW recommendation to introduce it as a crime.

11. CEDAW moreover raised the issue of absence of data:

Data collection and analysis

49. The Committee is concerned about the absence of data collection in many areas relevant to the implementation of the Convention.

50. **The Committee recommends that the State party promote and build capacity for the collection of statistical data, including on the prevalence of gender-based violence against women, the prevalence of trafficking in women and girls, girls' and women's access to education and socioeconomic status, disaggregated by age and socioeconomic background, for the design and implementation of tailored gender-responsive legislation, policies, programmes and budgets.**

12. This is related to the **Committee's** par. 7(c) of LOI: *"The number of investigations conducted into, prosecutions pursued, convictions secured and punishments imposed on perpetrators of acts of violence against women and children, including refugees, asylum seekers and migrants, as well as reparations awarded during the reporting period."* Again, as in the case of statistics for criminal investigation and prosecution of racist crimes, statistics about *"offences related to domestic violence"* recorded by **Hellenic Police** are provided in the **State Report** in par. 96 but without any data on prosecutions, convictions and reparations.

13. The Committee is urged to recommend to the State to implement the related CEDAW recommendations with a specific emphasis on the need to criminalize femicides. The Committee is also requested to ask the State for data on violence against women and children that would go beyond the initial number of complaints and, if not provided, include such a recommendation to the State.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment and excessive use of force (arts. 6–7)

14. In paragraphs 11-12 of our previous [NGO Report](#), we recalled the **Committee's** related recommendation in 2015, and quoted the related and very similar in content **CAT** recommendation of 2019, about the *"the excessive use of force by law enforcement officials at the time of arrest and against persons in police custody ... about reports of police violence against Roma, migrants and refugees and the lack of effective investigation into such cases"* which remains pertinent to this day as very little has changed and the **Committee's** and **CAT's** recommendations were effectively ignored by the **State**.

15. In the following paragraph 13, we made reference to the execution of judgements on torture or ill-treatment examined by the **Council of Europe Committee of Ministers** (CM) and submitted as appendix our recent at the time related communication to the **CM** that was [uploaded](#) on the **Committee's** webpage. The execution of these judgments is still pending before the **CM**, whose

most recent review was on 7 December 2023, in the group “*Sidiropoulos and Papakostas v. Greece*”. The **State** [submitted](#) that it “*deem[ed] that the requested general measures have been adopted*” and “*consequently, the authorities request[ed] that the supervision of the execution of the judgments at issue be terminated.*” The **CM** [rejected](#) the request of the authorities and “*encouraged them again also to take due account of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)’s recommendations, notably those concerning the implementation of procedural safeguards preventing ill-treatment in order to prevent similar substantive violations of Article 3 by all law enforcement agents (police and coast guards) and to keep the Committee regularly updated on the action followed in this domain; (...) invited the authorities to also address the need, highlighted by the Mechanism, for the police to conduct more frequently and where appropriate Sworn Administrative Investigations instead of simple inquiries; strongly invited them also to continue supporting and reinforcing the Mechanism [i.e. the Ombudsman] notably by taking measures to provide it with staff necessary in order to further improve its effectiveness as well as to give effect to the Mechanism’s recommendations in order to enhance disciplinary investigations; invited the authorities to explore possible avenues of further action to ensure that criminal investigations are sufficiently thorough and conducted in a fully Convention-compliant manner, including through large scale trainings and awareness raising of prosecutors and judges, drawing also on the Council of Europe expertise and training courses such as the relevant HELP (Human Rights Education for Legal Professionals) courses; invited them to keep the Committee regularly updated about action in this domain; strongly invited the authorities to provide updated statistical and qualitative information about criminal investigations into ill-treatment by law enforcement officers and their outcomes to help facilitate an overall assessment of the impact of the measures taken to date; invited the authorities to submit a consolidated action plan/report setting out up to date information on all of the above issues by 1 March 2025.*”

16. During the December 2023 examination, the **CM** had two comprehensive and complementary NGO communications: [Communication from an NGO \(Greek Helsinki Monitor\) \(18/10/2023\) in the case of Sidiropoulos and Papakostas v. Greece](#) and [Communication from an NGO \(Pro Bono Publico\) \(16/10/2023\) in the case of Sidiropoulos and Papakostas v. Greece](#). We strongly request the **Committee** to consult the two NGO submissions. **GHM**’s communication dealt with **CAT**’s **LOI** on appropriate penalties and abolition of prescription; the **Greek Ombudsman**’s reports on the execution of the **ECtHR** judgments and its review of administrative investigations; statistical data (which “*are telling about the continuing prevailing impunity. In 2021-2022, there was only one case of criminal charges brought under the torture article 137A CC for which it appears (although it is not clear) that there was an acquittal, while in two of the five cases where charges were brought for other violence, there were two convictions to up to 6 months imprisonment, probably suspended. Most crucially, no data was provided on the number of criminal complaints filed, most of which are filed without any charges being pressed.*”); and the case of torture of Roma and ensuing impunity pending before the **ECtHR**, which is the one mentioned in the [Report on follow-up to the concluding observations of the Human Rights Committee](#) (8 October–2 November 2018) where the **Committee** “*required information ... on the progress of investigations made into the cases of Thanasis Panayotopoulos, Yannis Bekos, Vasilis Loukas and similar ones.*” **ProBonoPublico**’s communication dealt with “*the use by police of firearms while in pursuit of the vehicles, leading to the death of 20-year-old Nikos Sampanis and 16-year-old Kostas Fragkoulis, which, in concurrence with other instances lead to serious concerns on substantive and procedural matters, but also on the Roma origin of the persons involved; ... on the large-scale police operations in impoverished and segregated Roma settlements; ... and the failure to investigate the potential racist motives in criminal and administrative proceedings.*”

17. In view of that special interest for the aforementioned case of *Panayotopoulos et al*, we would like to inform the **Committee** that, while the **ECtHR** has not published a judgment, we were

informed last week by the lawyer of *Panayotopoulos* that, for a lawsuit for damages he had filed on 18 June 2018, the **Athens First Instance Administrative Court** published its judgment 3131/2024 on 11 March 2024, finding “*excessive police violence and inadequate investigation of his complaint*” [submitted by **GHM**] that “*violated the national legislation and the substantive and procedural aspects of Article 3 ECHR causing damage to his personality and moral damage*” awarding him 5,000 euros. This means that the victim will get some remedy in the form of the judgment and the related compensation, but the police officers who committed the acts of violence and the police officers, prosecutors and judges who carried out the inadequate investigations so as to reject the criminal complaint and even punished the plaintiff Roma with fines for having filed an allegedly intentional false complaint are not affected.

18. The Committee is again urged to recommend the abolition of the statute of limitation for the offence of torture and other forms of ill-treatment; the raising back the maximum penalty for the basic offence of torture –without aggravating circumstances– to the maximum possible length (henceforth 15 years of imprisonment) following also CAT’s recommendation; and adoption of all recommendations by the Ombudsman and the government-appointed “Alivizatos Committee” to amend the legislation and the administrative procedures to secure that perpetrators of torture or other forms of ill-treatment will be adequately punished. Additionally, the Committee is strongly requested to ask the authorities to sanction, in the legally appropriate ways, all those police and judicial investigating officers who had committed the excessive police violence and then carried out the inadequate investigations of the complaint of Thanasis Panayotopoulos, Yannis Bekos, Vasilis Loukas seeking to guarantee the impunity of the perpetrators.

Right to liberty and security of person and treatment of persons deprived of their liberty (arts. 6–7 and 9–10)

19. Two recently published and complementary reports provide updated information on conditions in reception and detention centers for migrants and asylum seekers.

20. On 5 September 2024, the NGO **Refugee Support Aegean** published a documented report with the title “[Greece: Persisting severe reception deficiencies in understaffed camps](#)” with an analysis of official statistics. They indicate that 18% of camps’ residents (of whom 26% are children and 34% are women) are living there without receiving material reception conditions such as food or financial assistance; moreover, the mandatory financial assistance to all asylum seekers residing within the country’s reception system is given to only 43%; only 29 doctors are employed across all camps, averaging just one doctor per 635 people among the 18,412 residents, adding that 13 of the 32 camps, including some housing hundreds or even thousands of residents, such as Samos (2,255 residents), Kos (1,263 residents) and Katsikas (789 residents), have no doctors at all; most camps have either one or no psychologist, midwife, or social worker, while there are only 92 nurses across all structures, averaging just one nurse for every 200 residents, and only 69 interpreters available across all structures, with 20 out of 32 structures having one or no interpreter.

21. [On 12 July 2024](#), “*In a report on its ad hoc visit to Greece, which took place from 21 November to 1 December 2023, published today together with the response of the Greek authorities, the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) once again urges the Greek authorities to improve the conditions in the country’s immigration detention facilities, and especially the newly-built and EU-funded centres on the Aegean islands, while ensuring that foreign nationals are treated both with dignity and humanity.*”

22. In [CPT’s summary](#) it was stated “*The main objective of the November 2023 visit to Greece was to examine the treatment of foreign nationals deprived of their liberty under immigration legislation in pre-removal detention centres, in police and border guard stations and in the newly built Closed Controlled Access Centres on the Aegean Islands of Lesbos, Kos and Samos. During the visit, the CPT again received several credible and consistent allegations of deliberate physical ill-treatment of*

detained foreign nationals by police officers in certain police stations in Athens and in the pre-removal detention centres of Amygdaleza, Corinth and Tavros (Petrou Ralli). Several persons also indicated that they were allegedly ill-treated by coast guard officials when intercepted at sea. Allegations mainly concerned blows with batons and the butt of a rifle, kicks, punches and slaps, as well as verbal abuse and racist insults. The Greek authorities must take more vigorous steps to end ill-treatment of foreign nationals deprived of their liberty. Further, foreign nationals continue to be held in poor conditions of detention. This is the case for several police stations which are inappropriate for stays exceeding 24 hours. In particular, Greek authorities should take Drapetsona Police Station out of service and end the detention of children at Athens Airport Special holding facility. The conditions in parts of these two facilities could be considered as amounting to inhuman and degrading treatment. The living conditions and treatment of foreign nationals held in pre-removal detention centres should be reviewed. For example, at the centre in Corinth, persons were being held in a state of forced idleness for periods of up to 18 months, in very poor material conditions, with the accommodation areas being poorly maintained, lacking hygiene and being infested with cockroaches and bed bugs. As a result of the catastrophic healthcare situation at this centre, an open tuberculosis infection had started spreading among large parts of the detained population. The CPT is also critical of the new EU-funded Closed Controlled Access Centres on the Aegean Islands. At the time of the visit, these centres did not meet the basic reception and protection needs of applicants for international protection. A great number of persons remained there deprived of their liberty way beyond the time limits provided by law and without benefiting from the legal safeguards related to detention, including access to a lawyer and interpreters. The living conditions for many of the persons met by the CPT could only be described as inhuman and degrading, especially at the centres of Kos and Samos. For instance, in some accommodation areas, up to eight persons were accommodated in 10 m² rooms many of whom had to sleep on the floor without even a mattress. Several containers or tent-accommodation were unfit for human habitation, with no functioning sanitary facilities, no electricity and no heating. Many foreign nationals did not even have winter clothing and shoes. All persons detained in a Closed Controlled Access Centre must be offered decent living conditions. Further, the CPT considers that the excessive security and unnecessary barbed wire fencing make these centres unsuitable for accommodating children and persons in a situation of vulnerability. Large numbers of persons with special needs and vulnerabilities were being held without a proper assessment or medical screening upon arrival. The CPT delegation even received a few allegations from these persons that they were subjected to sexual violence or harassment by other foreign nationals. Steps should be taken to swiftly identify persons in a situation of vulnerability and improve access to healthcare and the quality of care. This will require significantly reinforcing the understaffed healthcare teams and preventing violence amongst persons accommodated in the Closed Controlled Access Centres. The Greek authorities should also end the detention of unaccompanied and separated children in these centres.”

23. The Committee is requested to make to the State recommendations similar to [the thorough recommendations by CPT](#) to end ill-treatment of foreign nationals deprived of their liberty and ensure that an effective investigation is carried out into all allegations of ill-treatment and to prevent that such foreign nationals are subjected to the practice of informal punishments; to ensure that detention of foreign nationals under immigration legislation is applied only as a measure of last resort in practice; to provide all foreign nationals deprived of their liberty under immigration legislation with access to qualified interpretation services and not require them to sign official documents in a language they do not understand, which is widely used practice; to establish a system of duty lawyers to ensure the right to access to a lawyer is rendered more effective in practice; to allow such detainees to keep, or at least have regular and frequent access to, their own mobile phones.

24. Important recommendations concern detention in police stations. Authorities should be asked to ensure that: foreign nationals deprived of their liberty under immigration legislation are held in police establishments or special holding facilities for periods not exceeding a few days; each detained person is provided with a mattress, a blanket, and bedding – all clean – and a means of rest, such as a plinth or a bed; all cells are maintained in a decent state of

repair and cleanliness; all cells offer sufficient access to natural light and adequate artificial lighting, which requires structural changes in several police establishments; all cells offer heating in winter; all sanitary facilities are kept in an adequate state of repair and hygiene; all persons held for longer than 24 hours are provided with a basic sanitary kit, free of charge, and access to hot water for the purpose of washing; all persons detained for periods exceeding 24 hours are offered access to outdoor exercise every day, which requires structural changes in several police establishments.

Elimination of slavery and servitude and trafficking in persons (arts. 2, 7–8, 24 and 26)

25. Again, our organizations are very satisfied with the following related concluding observations and recommendations by CEDAW [published on 20 February 2024](#), after inter alia detailed reporting by our organizations, and urge the **Committee** to include their content in its review of the **State Party** and its ensuing concluding observations and recommendations, adding a request for detailed statistical data on the number of complaints of trafficking in persons received and the number of investigations conducted and their outcome, including the sentences handed down to the perpetrators, both at first instance and after the appeals trial, as often first instance sentences are overturned on appeal:

Trafficking and exploitation of prostitution

25. The Committee commends the State party on its efforts to strengthen its legal and policy framework to combat trafficking in women and girls, including the operationalization of the National Referral Mechanism for the Protection of Human Trafficking Victims (NRM) in 2019. It also notes that the amendments to the Criminal Code, in force since 1 July 2019 (Law 4619/2019), provide an extended definition of “exploitation”, which also covers the subjection of a person to servitude or servitude-like practices, regardless of the victim’s consent. However, the Committee notes with concern that art. 323A of the Penal Code does not fully align with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), particularly regarding the issue of consent. It also notes with concern:

- (a) That the State party remains a country of origin and destination for trafficking in women and girls for purposes of sexual and labour exploitation;
- (b) That refugee, asylum-seeking and migrant women and girls are at a higher risk of trafficking for purposes of sexual or labour exploitation due to the lack of adequate protocols for victim identification;
- (c) The high number of girls exploited in prostitution in the State party;
- (d) The lack of adequately funded, inclusive, and accessible shelters for victims of trafficking, including women with disabilities;
- (e) The significant number of Roma girls that are being forced to marry and subsequently forced to beg or commit crimes.

26. With reference to its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party amend Article 323A of the Penal Code to fully align it with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), in particular as regards the requirement of consent. The Committee is of the view that harmonizing Article 323A with the Protocol's requirements on consent will not only strengthen the legal framework within the State party but also contribute to the global effort to combat trafficking in persons in a manner consistent with established international norms and obligations. It further recommends that the State party:

(a) Provide capacity-building for judges, prosecutors, police officers and other law enforcement officials, border police, health-care providers and other first responders in order to ensure the early identification of victims of trafficking and their referral to appropriate protection and rehabilitation services. Ensure the implementation of the instructions for the police on early identification of trafficking victims, and conduct a comprehensive and systematic assessment of the process of early identification of victims of trafficking, in particular women and girls, and their referral to appropriate services and protection, in particular in refugee camps, and ensure refugees with adequate information on their rights and allow civil society organizations and other relevant organisations to be present during the identification procedure;

(b) Promptly investigate, prosecute and adequately sentence those responsible for trafficking, and ensure that cases of trafficking are dealt with in an acceptable timeframe and reduce the burden of lengthy proceedings. Please also take concrete steps to expedite the victim certification process irrespective of victim cooperation in law enforcement efforts and ensure that victims are provided with information and granted an appropriate reflection and recovery period;

(c) Significantly increase the number and funding of inclusive and accessible shelters for victims of trafficking, including women with disabilities, in both urban and rural areas and ensure that they have access to free legal aid, interpretation, adequate medical assistance, psychosocial counselling, financial support, education, professional training and access to income-generating opportunities;

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 6–7, 9, 12–13 and 24)

26. In par. 16 of LOI, the **Committee** refers to “large number of reports received on pushbacks... indicating that this practice has been established as the *de facto* border policy, including with regard to pregnant women, victims of torture and children, with acts of violence committed against aliens during and after pushbacks, including arbitrary arrest, inhumane detention and violence, which in some cases have led to death” and asks the **State** to “provide information on measures taken to investigate cases of pushbacks and the alleged violations committed during and after their occurrence, and steps taken to ensure that perpetrators are brought to justice and victims are adequately compensated.” The **State Report** in paras. 158-159 informs that “[these] reports do not correspond to the real situation, since they refer to conduct which has never been a part of the operational practices implemented by the Hellenic Police and the Hellenic Coast Guard, nor reflect the applied procedures and practices, which consist in the referral of those concerned, including asylum seekers, to the competent national authorities” and that “alleged acts of violence committed against foreigners in the context of alleged “pushbacks” fall out of the operational practice of both the Hellenic Police and the Hellenic Coast Guard.” In para. 163, it informs that “the National Transparency Authority is competent to investigate allegations of incidents involving human rights violations at the borders; its investigations have so far not resulted in the substantiation of any alleged violations. In parallel, the Ombudsman has also reviewed cases related to border protection and fundamental rights. Finally, such claims may be submitted to the competent judicial – prosecutorial authorities.” without providing any results for the **Ombudsman’s** and the judicial authorities’ investigations.

27. However, in the aforementioned **CPT report** published on 12 July 2024, there is a section in paras. 152-163 entitled “**Informal forcible removals at borders – “pushbacks”**”. It is initially recalled that “In the reports on the 2018 and 2020 visits, [See, in particular, the CPT’s 2020 visit report ([CPT/Inf \(2020\) 35](#)), paragraphs 53 to 60] the CPT addressed the issue of informal enforced return operations of foreign nationals from Greece to Türkiye both along the Evros land border area and at sea, without consideration of their individual circumstances, vulnerabilities, protection

needs or risk of ill-treatment when returned (informally referred to as “pushbacks” or “driftbacks”). The Committee gathered sufficient evidence to conclude that pushbacks took place. Some persons had indicated that they had been pushed back multiple times.” It is then added: “During the 2023 visit, the CPT delegation again received many consistent and credible allegations of informal, often violent, forcible removals of foreign nationals across the Evros river or at sea to Türkiye. Such removals occurred without consideration of their individual circumstances, vulnerabilities, protection needs or risk of ill-treatment when returned (“pushbacks”). The allegations, as recently as mid-October to early November 2023, were obtained through detailed interviews with persons detained throughout Greece in various CCACs, PRDCs and other police and border guard establishments and related to alleged pushback operations that took place prior to their subsequent re-entry into Greek territory. Many allegations obtained in different locations from various unrelated individuals, including unaccompanied and separated children, corroborated the detailed descriptions and stories received elsewhere and concord with those documented by several other organisations, including UNHCR.”

28. **CPT** concluded that *“Moreover, the evidence to date seems to highlight that no effective investigations have been carried out into allegations of violent forcible removals from Greece to Türkiye”*. It added: *“the CPT understands that the National Transparency Authority had received over 200 documented complaints of pushbacks by June 2022. Apparently some 88 of these complaints referred specifically to incidents involving the Hellenic Coast Guard and they had been transferred to the Naval Court Prosecutor for investigation. However, there is no information on how such cases are progressing or whether the investigations are being carried out in accordance with the criteria set out by the European Court of Human Rights and its case-law, and the standards promoted by the CPT. In the past, the CPT has raised questions over the effectiveness of investigations into alleged ill-treatment by law enforcement officials. **The CPT would like to be informed of the outcome of the completed investigations undertaken by the National Transparency Authority to date and to be informed about how many complaints in total it has received relating to pushback operations. It would also like to receive information about the number of cases being examined by the Naval Court Prosecutor and the outcome of these investigations. Likewise, it would appreciate being informed whether any alleged cases of pushbacks across the land or sea borders have resulted in law enforcement officials or other individuals being charged or prosecuted.**”* In its [response to CPT](#), the State did not provide CPT any information on the outcome of these investigations. The over 200 documented complaints of pushbacks were submitted to the **National Transparency Authority** by GHM, which was also the one submitting the 88 complaints transferred to the **Naval Court Prosecutor** for investigation, both [in June 2022](#). In a parliamentary question that opposition party **New Left** kindly agreed to [submit on 31 July 2024](#) upon our request, the competent **Ministries** were asked to inform **Parliament** about the outcome of the investigations in these 288 complaints, as well as if there have been any pressing of criminal charges or referrals to trials for pushbacks of law enforcement officers or others. The **Minister of Maritime Affairs and Insular Policy** replied that no criminal or disciplinary charges have been pressed against any coast guard officers for pushbacks. The **Minister of Justice** replied that the **National Transparency Authority** by law can be asked for information only via procedures to review independent authorities in **Parliament**, which of course was in contradiction to the sweeping reply given in para. 163 of the State Report that *“its investigations have so far not resulted in the substantiation of any alleged violations”* Moreover, as the **Naval Court** depends on the **Ministry of Defense**, it was up to that **Ministry** to reply for the investigations of the **Naval Court Prosecutor** which it has failed to do until mid-September. However, the **Minister of Justice** submitted the replies of 19 local **Prosecutors** from which it emerged that there has been a mere handful of pressing of criminal charges, all of which though were filed to the archives of unknown perpetrators.

29. The **Committee** is requested to note that in an unprecedented move the **ECtHR** communicated to the **State** in the same day of 2 December 2021 [32 applications for alleged pushbacks](#). **GHM** made [a third-party submission on 22 July 2022](#) providing a comprehensive and extensively documented report on the developments and/or outcomes of related domestic investigations, with a critical analysis of their main findings and conclusions, so as to demonstrate that there are no effective remedies to deal with allegations of violation of Articles 2 (very large number of lives were endangered or even lost) and 3 (there was near systemic widespread inhuman and degrading treatment) of the **ECHR** that could have been exhausted. The **Committee** is urged to consult that submission.

30. In addition, the **National Commission for Human Rights** has launched a **Recording Mechanism of Informal Forced Returns (IFR) Incidents** which published its [Annual Report 2023](#) in which it has recorded testimonies about 45 IFR incidents, reportedly occurring between January 2022 and December 2023, through personal interviews with 37 alleged victims. In addition, the **Ombudsman** [reported](#) that in 2023 it was investigating 50 alleged pushbacks

31. Finally, the **Committee** is strongly requested to read the telling **GHM** interviews with 30 victims published in [Expulsions and pushbacks with drownings, tortures, rapes, robberies: victims' testimonies to GHM](#): most are included in criminal investigations pending before prosecutors.

32. The **Committee** is strongly requested to insistently ask the **State** to provide the data **CPT** asked for but was not provided on the 200 documented complaints of pushbacks investigated by the **National Transparency Authority** and the 88 complaints investigated by the **Naval Court Prosecutor**. Moreover, the **State** should be asked about any investigations carried out for the some 100 alleged pushbacks recorded and publicly reported by the **State's** two main **Independent Authorities**, the **National Commission for Human Rights** and the **Ombudsman**.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

33. On 28 June 2022, the **UN Committee for the Rights of the Child** [recommended to Greece](#) inter alia:

Freedom of religion

23. While welcoming the amendments prohibiting schools from holding records about children's religion, and providing for the possibility of exemption from religious classes for non-Orthodox students, the **Committee** reiterates its previous recommendation that the **State** party ensure and promote respect of the right of the child to freedom of thought, conscience and religion, and recommends that the **State** party: (...)

(b) Ensure that all students, regardless of their or their parents' religion or belief, can be exempted from religious classes, including by reviewing the **Ministerial Decision of 22 January 2018**;

(c) Review **Law No. 344/1976** to repeal the requirement to register parents' religion on birth registration certificates.

34. On 22 August 2022, The **Data Privacy Authority** published its [Opinion 2/2022](#) in which it is stated that "*for these reasons, the Authority has the opinion, which it also expressed in its decisions no. 32/2020 and 28/2019, that in accordance with the current Greek Constitution and the ECHR, the form of exercising the right to exemption from the Religious Education course, is a declaration*

by the parents or students concerned, including Orthodox Christians who may so wish, in which it will simply be stated that ‘Reasons of conscience do not allow the participation (of me or my child) in the religious education course’.” In its reasoning, the **Data Privacy Authority** invoked the practice in **Italy** where schools offer a confessional (Catholic) religious education course and “*the right of exemption applies to all, Catholics and non-Catholics, and is exercised through a written declaration on attendance or non-attendance, with a yes or a no in the relevant column.*”

35. The **State** failed to effectively implement the **ECtHR** judgment in the case *Papageorgiou and Others v. Greece* and to follow opinions or recommendations from **Greece’s Data Protection Authority** (DPA) and the **CRC**. The **State** insists that reasons of religious conscience and not simply of conscience must be invoked for the exemption from religious education. On 2 September 2022, the **Greek Government** [published](#) its latest related ministerial decision numbered 106646/ΓΔ4. Although it was mentioned therein that it had taken into account the latest **DPA** opinion numbered 2/2022, it had in effect ignored its legal recommendations to comply with **GDPR** and the **Court’s** judgment, without providing any explanatory reasoning. Indeed, in the decision it is stated: “*Students who are not Orthodox Christians (i.e. of other religions, heterodox, non-religious, atheists, agnostics), may, if they wish, be exempted from the obligation to attend the Religious Education Course, by submitting a relevant application to the Director of the school unit, in which the following will be mentioned: ‘Reasons of religious conscience do not allow (me or my child) to participate in the Religious Education course.’*” This inter alia violates the [Papageorgiou v. Greece judgment](#), as it obliges people who make applications to be exempted from religious education to disclose their religion. First, because the decision grants the possibility of exemption to those who are not Orthodox Christian: hence, the applicants implicitly disclose their non-Orthodox Christian religious beliefs when making use of that procedure. Secondly, the decision demands that the applicants invoke “religious conscience” in order to be exempted: hence, especially when combined with the previous sentence, the applicants thus explicitly disclose their non-Orthodox Christian religious beliefs.

36. Moreover, parents’ religion continues to be registered in birth registration certificates.

37. The Committee is therefore urged to express grave concern in response to the State’s irrevocable decision to ignore the judgments of both the ECtHR and of its own courts, as well the Committee’s and the CRC’s recommendations, and ask the State to comply with these judgments and recommendations, by providing the right to exemption to all Christian Orthodox and non-Christian Orthodox students, requiring those who so wish to invoke merely “reasons of conscience” in order to be exempted from religious education classes (and perhaps other school activities with similar content), in the very way this has been worded in the DPA’s opinion. The State should also be asked to abolish the registration of parents’ religion on birth registration certificates.

Right to freedom of expression, peaceful assembly and freedom of association (arts. 2, 17 and 19–22)

38. We request that the **Committee** reviews the information in the section on “**Harassment and persecution of human rights defenders**” in paras. 46-54 of our [NGO Report](#).

39. Since then, the **UN Special Rapporteur on the Situation of Human Rights Defenders** carried out an official country visit to Greece in June 2022 and presented her [report](#) on 15 March 2023 at the **UN Human Rights Council** concluding that “*Human rights defenders promoting and protecting the rights of migrants, asylum-seekers and refugees, including human rights lawyers, humanitarian workers, volunteers and journalists, have been subjected to smear campaigns, a changing regulatory environment, threats and attacks and the misuse of criminal law against them*


to a shocking degree.” We urge the Committee to thoroughly review her report and adopt similar recommendations.

40. During her presentation [she said inter alia](#) “One example is the treatment of Panayote Dimitras, a human rights defendant from Greek Helsinki Monitor, who I met while in Greece. Since my visit, Panayote has been placed under criminal investigation for facilitating “illegal immigration” and been barred from continuing human rights work. His supposed crime, informing Greek authorities on the presence of persons within Greek territory seeking to exercise their right to asylum. This and other cases must be a cause of shame for the state.” One day before that presentation, she published the [Op-ed “Why are human rights defenders in Greece at risk and what can be done about it?”](#) A week earlier, the UN Special Rapporteur on the situation of human rights defenders and the UN Special Rapporteur on the human rights of migrants published “[Greece: criminal investigations opened against human rights defenders Panayote Dimitras, Tommy Olsen, Madi Williamson and Ruhi Akhtar \(joint communication\)](#)” with the following introductory update “Since the sending of the communication, several restrictive measures have been imposed on Panayote Dimitras as the investigation against him continues. These include a travel ban, a duty to report to the police twice a month, a €10,000 bail, and a prohibition on his work with the Greek Helsinki Monitor or any related activities.”

41. On 25 May 2023, the SR HRD, [commented](#) on her Facebook account on an interview of the Greek Prime Minister to CNN, as usually denying that the State carries out pushbacks: “Not only have pushbacks become systematic in Greece, but HRDs documenting them & seeking accountability have come under intense pressure from the Government & been criminalised. There has been no let up since my country visit in 2022. My conclusions then: <https://srdefenders.org/greece-migration-policy-having-suffocating-effect-on-human-rights-defenders-says-un-expert-press-release/>”

42. On 12 June 2023, the SR HRD tweeted the following thread:

12/6/23, 8:06 μ.μ. Thread by @MaryLawlorhrds on Thread Reader App – Thread Reader App

 **Mary Lawlor UN Special Rapporteur HRDs**
[@MaryLawlorhrds](#)
2h · 3 tweets · 2 min read [Read on Twitter](#)

[Subscribe](#)

[Bookmark](#) [Save as PDF](#)

1/3 [@PDimitras](#) is under a criminal investigation connected to his human rights work in [#Greece](#). In January, he was banned from travel & from continuing his human rights activities. The authorities should formally notify him of the status of these restrictions [@GreeceInGeneva](#)

2/3 Media reports also suggest that Panayote is being investigated by the anti-money laundering authority. Panayote himself has received no notification of any such investigation, frustrating his access to remedy. Leaks of such investigations are commonly used to smear [#HRDs](#).

3/3 An appeal hearing in a separate case brought against Panayote & his colleague at the Greek Helsinki Monitor is set for 16 June. I will be following the outcome of the case, which is connected to the defenders' work against hate speech.

Since then, the ban to continue his work was lifted. **However, the ban to travel abroad was maintained despite repeated formal requests to have it lifted, inter alia so that Panayote Dimitras can attend the upcoming UN Human Rights Committee and UN CERD reviews on Greece.** On the abusive freezing of Panayote Dimitras’ account and the criminal investigation for alleged misuse of 178.666,80 euros donated to GHM in 2010-2015 by private donors, which though were used for the NGOs expenses, the Committee is referred to the comprehensive Observatory for the Protection of Human Rights Defenders [statement](#) “Greece: Continued judicial harassment of migrants’ rights defender Panayote Dimitras” dated 14 August 2024.

43. Concerning the 16 June 2023 appeal hearing mentioned by the **SR HRD**, it led to the acquittal of **GHM's Panayote Dimitras** and **Andrea Gilbert** who at first instance had been convicted on 15 February 2022 to a twelve-month prison sentence suspended for three years on the charge of "*false accusation*" in their complaint against a **Bishop** for a public statement that was anti-Semitic even according to the **Central Board of Jewish Communities in Greece** (see the **Observatory's** 11 March 2022 [urgent appeal](#) "**Greece: Sentencing of GHM members Panayote Dimitras and Andrea Gilbert**" and 16 June 2023 [urgent intervention](#) "**Greece: International experts to observe appeal hearing of two human rights defenders criminalised by the authorities**).") A second trial of **Panayote Dimitras** for "*false accusation*" and "*aggravated defamation*" in his complaint against a **Mayor** who had made racist anti-refugee comments led to an acquittal on 17 April 2024 (see the **Observatory's** [statement](#)). The **Mayor's** related lawsuit seeking 25,000 euros for moral damages is pending before the courts. On the contrary, on 20 October 2023, an **Athens Multi-Member First Instance Court** with Judgment 3577/2023 ruled that a complaint against the **leader of a Greek far right party affiliated to Marine Le Pen's** who had called asylum seekers entering Greece "*illegal plunderers*" libelous and awarded him 3,000 euros for moral damage (he had asked for 120,000 euros). **Panayote Dimitras'** appeal before the **Athens Three-Member Appeal Court** is to be heard on 24 October 2024. All three criminal complaints against the **Bishop**, the **Mayor** and the **far right politician** for their racist statements had been previously filed to the archives.

44. In the [European Parliament resolution of 7 February 2024 on the rule of law and media freedom in Greece](#) it is mentioned inter alia "*The European Parliament, ... Q. whereas Panayote Dimitras, a human rights activist and founder and head of the Greek Helsinki Monitor (GHM), is being prosecuted for illegal trafficking even though it appears that he was acting lawfully to provide humanitarian assistance to asylum seekers; whereas in December 2022, he was handed down a fine and prohibited from being involved with the GHM; whereas the Council of Europe Commissioner for Human Rights and the UN High Commissioner for Human Rights voiced concerns about the case; whereas the Anti-Money Laundering Authority ordered the freezing of all of Dimitras's assets in May 2023; whereas Dimitras stated on 31 May 2023 that he had only received EU funding designated for combating hate speech and that the funds were only used for that purpose; whereas the recent acquittal of 16 aid workers and volunteers demonstrates that criminal charges against those providing humanitarian assistance to asylum seekers have no legal basis; ... 18. Is concerned by the attacks against civil society and, in particular, smear campaigns and judicial harassment by Greek authorities targeting human rights activists; is alarmed by the recent trials against humanitarian workers and people who provide humanitarian assistance to migrants and refugees; calls on the Greek authorities to drop all charges immediately and ensure that humanitarian workers and volunteers can provide assistance safely and freely;*" The **Government's** response signed by the **Minister of Justice** and tabled in **Parliament** by the **Prime Minister** included the false claim that **Panayote Dimitras** was arrested in **Kos**; on 25 April 2024 he filed a [complaint](#) against both for breach of duty, aggravated defamation, as well as violation of Article 18 ECHR. The **Supreme Court's** response included the false claim that **Panayote Dimitras** had telephone conversations with the traffickers while the asylum seekers were still in **Turkey** before they started their journey to **Greece**: on 9 April 2024 he submitted the rebuttal [Comments on "Minutes and Decision of the Administrative Plenary of the Supreme Court 2/2024" and Request for Action](#) in which also all abusive and unlawful actions against him were documented asking the **Supreme Court** leadership who had signed the response to examine all these alleged violations of the guarantees of fair trial so that the provisions of the rule of law can be applied and to establish the violations of the guarantees of fair trial so that his criminal prosecution be terminated and the freezing of his bank account be lifted, as well as impose criminal and disciplinary sanctions on those who had violated the guarantees of a fair trial, and indeed repeatedly, with the aim, not of course to deliver justice, but to smear him and obstruct his work as a human rights defender. The **Supreme Court** snubbed the submission.

45. The Committee is therefore requested to ask the State to drop all charges against, and end the criminalization of, human rights defenders and assure that they can carry out their work safely and freely.

Right of minorities (art. 27)

46. We request the **Committee** to take into consideration the extensive material in the section on freedom of association in paras. 30-38 of our previous [NGO Report](#). The information below is complementary as an update with recent developments.

47. The **State Report** in par. 273 informs that the **Supreme Court** rejected in 2021-2022 the appeals of the Turkish minority associations “**Tourkiki Enosi Xanthis and Others**”, “**Bekir-Ousta and Others**” and “**Emin and others**”, that the applicants have not lodged a new application before the **ECtHR** and that the execution of the abovementioned judgments is examined by the **Committee of Ministers of the Council of Europe (CM)**. [In the CM’s dedicated website on these cases](#), it is published: “*In view of the judgments rendered by the Court of Cassation in 2021 and 2022, which cannot be appealed, at its 1468th meeting (June 2023) (DH), the Committee urged the authorities to consider without further delay all possible avenues in order to implement fully and effectively the European Court’s judgments and prevent recurrence of similar violations. The Committee in particular reiterated its call on the authorities to consider amending the system concerning the registration of associations, in line with the European Court’s case-law and the 2014 Venice Commission and OSCE Joint Guidelines on Freedom of Association, which favour the registration of associations without any prior control of their legality when domestic law provides for clauses allowing the monitoring of their activity a posteriori.*”

48. [In September 2017](#), the **CM** also “*noted with deep regret that the registration of another association in the Thrace region was rejected in 2017 by a final judgment of the Court of Cassation on grounds already criticised by the European Court in its 2008 judgments concerning the present case.*” That association was the *Cultural Association of Turkish Women in the Prefecture of Xanthi*, The **Supreme Court** considered the association’s title “*misleading*” as its members are not and cannot be proven to be “*Turks*” and cannot claim a “*Turkish national (εθνική) identity*” which would indicate the presence of a “*structured national (εθνική) Turkish minority*” in **Xanthi**: that would also be contrary to “*the Treaty of Lausanne of 1923 that recognizes only the existence of Muslim Greek citizens in Western Thrace (religious minority) and not a national (εθνική) Turkish minority.*” That association’s application to the **ECtHR** is pending.

49. Very recently, on 30 May 2024, the **First Instance Court of Rodopi**, [with its judgment 94/2024](#), decided to dissolve, another Turkish minority NGO, the “**Western Thrace Fenerbahçe Culture and Sports Association.**” Its dissolution was asked because, by allegedly “*being established by usurping the concept of “Western Thrace” contained in the name and charter of the association, [it] deliberately falsifies the history and anthropogeography of the region, and it is noted that, aware of the historical context, it aims to create and expand a different cultural and geographical community in Komotini, located in the border region with a geopolitically sensitive location that is actually only Greek, for secret separatist purposes.*”

50. The **State Report** makes no reference to a similar problem with Macedonian minority associations. It is to be recalled that in 2017, the registration of the *House of Macedonian Civilization* was rejected by the Greek courts (**Small Claims Court of Florina Judgment 16/2017**) for the third time (despite the two **ECtHR** judgments [Sidiropoulos and others v. Greece](#) in 1998 and [House of Macedonian Civilization and others v. Greece](#) in 2015) expressly because, according to that domestic court in 2017, there is “*no Macedonian nation, no Macedonian culture, no Macedonian language, and*

no Macedonian minority.” Moreover, the domestic court argued that the **ECtHR** judgments do not penetrate the Greek legal order and hence cannot annul the domestic court judgments.

51. Additionally, on 26 January 2021, with Judgment 117/2021, **the Thessaloniki Court of Appeals** rejected the appeal by the Macedonian minority association *Brotherhood of the Serres Natives: Cyril and Methodius* against its dissolution (natives –“dopioi” in Greek- is a term used to designate Macedonian speakers in Greece).

52. Very recently, on 13 August 2024, the **Single-Judge Appeals Court of West Macedonia** with [judgment 82/2024](#) decided to dissolve the **Center for Macedonian Language in Greece** because it “*endangers the institutions of the State, public security, national interest and peaceful relations with the neighboring country of the Republic of North Macedonia*” as it (allegedly) “*deliberately falsifies the history and anthropo-geography of the region of Macedonia, aiming directly in the establishment of the existence and speaking of the “Macedonian language” in the neighboring and bordering areas of the North Macedonian state, mainly border regions [sic], whose population speaks the Greek language and is purely of Greek national consciousness;*” Researcher **Tasos Kostopoulos** [commented](#) that its “*reasoning was, in fact, drawn from the theories of a historical member of the domestic Far Right, which the court declared to be ‘well-known facts’*” adopting his claim that what was spoken by the Macedonian minority in Greece was not a the Macedonian language spoken in North Macedonia but some “*creole language*”.

53. The Committee is therefore requested to ask Greece to explain why it did not proceed with the registration of associations of groups claiming minority group status, as it had pledged to the Committee in 2015 and why on the contrary new Turkish or Macedonian minority associations have been refused registration or dissolved soon after registration or removed from state registries soon after their inclusion in them. It is urged then to adopt a recommendation similar to the one [submitted](#) by the UN Independent Expert on Minority Issues Gay McDougall on 18 February 2009: “*The independent expert urges the Government of Greece to withdraw from the dispute over whether there is a Macedonian or a Turkish minority in Greece and focus on protecting the rights to self-identification, freedom of expression and freedom of association of those communities. Their rights to minority protections must be honoured in accordance with the Declaration on Minorities and the core international human rights treaties. Greece should comply fully with the judgements of the European Court of Human Rights, specifically those decisions that associations should be allowed to use the words “Macedonian” and “Turkish” in their names and to express their ethnic identities freely.*”

54. The Committee is also requested to ask the State to document in details how it implemented its recommendations to take immediate steps to eradicate the segregation of Roma children in its education system, and to strictly limit the use of forced evictions through the adoption of feasible alternatives to eviction, including alternative housing for those families who are evicted; as well as how many Roma families previously living in destitute settlements have been relocated to adequate housing.

55. Additionally, the State should explain why on the one hand they claim that Roma in Greece are considered not as a “minority” but as a vulnerable social group and enjoy all civil and political rights, as do all Greek citizens, but on the other hand in the official Hellenic Police [Report on Organized Crime in 2022](#) they provide data disaggregated for foreigners and Greeks but they then disaggregate the data for Greeks to data for Roma and data for other Greeks, and how they attribute crimes to Roma when in the personal data registered during arrests there is no entry for ethnicity but only for citizenship, which means that the Roma identity in such reports is arbitrarily attributed by authorities, almost always without even the agreement of the individuals assigned as Roma.