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INTERNATIONAL



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1. INTRODUCTION

This submission has been prepared ahead of the adoption of the List of Issues Prior to Reporting for Greece by the UN Human Rights Committee in October and November 2021.

The information included in this submission is a non-exhaustive selection of Amnesty International's concerns regarding Greece's compliance with the International Covenant on Civil and Political Rights (the Covenant), based on the organization's research and observations since the last review. It highlights concerns regarding the treatment of aliens, including the prohibition of torture and other ill-treatment and the right to liberty, the freedom of religion and belief, the freedom of association and the freedom of expression.

2. TREATMENT OF ALIENS (ARTICLES 6, 7, 9, 10, AND 24)

2.1 RIGHT TO LIFE AND PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT

2.1.1 VIOLENT PUSHBACKS AND OTHER VIOLATIONS OF THE RIGHTS OF REFUGEES AND MIGRANTS AT GREECE'S LAND AND SEA BORDERS

In June 2021, Amnesty International published new evidence of pushbacks incidents (summary, unlawful forced returns) and other abuses against refugees and migrants at Greece's land and sea borders, in violation of international and European law and standards.¹ Amnesty International's research documented 21 pushback incidents (19 of which took place via land through the Evros river) occurred between June and December 2020, through the testimonies of 16 individuals who experienced them. In relation to incidents at land, while in most cases victims were apprehended in the vicinity of the land border, in four cases victims and (if present) their accompanying family members were apprehended from areas of mainland Greece. In two of these cases, individuals had a registered protection status in Greece.

The organization received consistent testimonies describing how pushback operations were conducted by individuals appearing to belong to law enforcement, with the frequent participation of individuals dressed in civilian or unmarked clothing (no uniforms or identifiable insignia). Based on descriptions of their observable demeanour, clothing, actions, and coordination with people described as uniformed officials, they appeared to be working in cooperation with and/or at the behest of the latter. In the majority of cases, victims told Amnesty International that third country nationals in civilian clothing operated the boats used to transfer them across the river.

The research reveals that the methods used to intercept, apprehend, and return migrants and refugees included the use of violence and other prohibited treatments. In the majority of cases, victims described

¹ For details see: Amnesty International, Greece: Violence, lies, and pushbacks – Refugees and migrants still denied safety and asylum at Europe's borders, 23 June 2021, Index Number: EUR 25/4307/2021, at: <https://www.amnesty.org/en/documents/eur25/4307/2021/en/>

experiencing or witnessing violence at the hands of those conducting the pushback. Abuses reported included blows with sticks or truncheons, kicks, punches, slaps, and pushes. Victims described the most brutal acts of violence as largely occurring during the final phase of pushbacks, often at the riverbank. Officials, often described as “commandos” or “soldiers,” were usually indicated as the perpetrators. Severe injuries, some requiring immediate medical intervention such as a broken spine, hands, and extensive bruises, were reported by those pushed back. Searches, including naked or strip searches, were also reported. Testimonies gathered by Amnesty International described rough treatment during searches, men conducting body searches of women, and strip searches - sometimes violent - of men in full view of women and children.

Amnesty International believes that, due to the severity of the treatment reported, the intent to harm or humiliate the victims, and the context in which they occurred, in the majority of cases the acts of violence documented, as well as the use and execution of searches, violated the prohibition of cruel, inhuman or degrading treatment and could have, in some cases, constituted torture, in violation of Article 7 ICCPR. Some acts may have also violated Greece’s obligations to protect the right to life, under Article 6 ICCPR.

Amnesty International’s 2021 report follows previous research of April 2020, which documented similar practices perpetrated by Greece’s border forces in the midst of escalating political tensions with Turkey in February-March 2020. At the time, in response to Turkey’s announcement that the country’s western borders to the EU would be open and Turkish authorities’ facilitating the movement of asylum-seekers and migrants to the Greek border, Greece systematically used “pushbacks” and committed other human rights abuses to prevent people from entering the EU.²

In spite of the evidence supplied by Amnesty International’s and multiple other civil society organizations’,³ Greek authorities have repeatedly failed to take responsibility for or conduct adequate investigations into allegations of pushbacks and have often denied their regular occurrence and Greek authorities’ involvement in them.⁴ The Council of Europe Committee for the Prevention of Torture (CPT) and Commissioner for Human Rights, UNHCR, IOM and the Greek Ombudsman have all expressed concern or called for investigations into pushbacks.⁵

2.2 RIGHT TO LIBERTY AND SECURITY OF PERSON, TREATMENT OF PERSONS DEPRIVED OF THEIR LIBERTY

2.2.1 ARBITRARY DETENTION OF MIGRANTS AND REFUGEES IN THE CONTEXT OF PUSHBACKS AT GREECE’S LAND BORDERS

Amnesty International’s 2021 research on pushbacks, introduced in the previous section, also documented that in 12 out of the 21 cases documented, returnees were placed in detention ahead of being pushed back. Individuals told Amnesty International that they were held in places of detention for periods ranging from a few hours to more than one day without access to phone calls, lawyers, and without registration procedures.⁶

² For details see: Amnesty International, Europe: Caught in a political game: Asylum-seekers and migrants on the Greece/Turkey border pay the price for Europe’s failures, 2 April 2020, Index Number: EUR 01/2077/2020, at: <https://www.amnesty.org/en/documents/eur01/2077/2020/en/>

³ Amnesty International and other NGOs, “Greece: Joint open letter to members of the Hellenic Parliament calling for an investigation into border abuses”, Index: EUR 25/3196/2020, 6 October 2020, [amnesty.org/en/documents/eur25/3196/2020/en/](https://www.amnesty.org/en/documents/eur25/3196/2020/en/)

⁴ For details on ongoing and closed investigations of pushbacks in Greece and other issues affecting the pursuit of accountability for these practices, see: Amnesty International, Greece: Violence, lies, and pushbacks, p. 37-42.

⁵ Among others: UNHCR, “UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers,” 21 August 2020, [unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html](https://www.unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html); International Organization for Migration (IOM), “IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey”, 11 June 2020, [iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey](https://www.iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey); Council of Europe, Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Greek Government on the visit to Greece carried out from 13 to 17 March 2020, November 2020, [bit.ly/3fCMPlz](https://www.cpt.int/en/visits/greece); Greek Ombudsman, Interim report - Own initiative investigation by the Greek Ombudsman on alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection, (updated up to 31 December 2020), 28 April 2021, https://www.synigoros.gr/resources/060521-pushbacks-interim-report_eng.pdf

⁶ Insofar as concerns the importance of registration of the detention of migrants and refugees, reference is made to: UN Commission on Human Rights, Report of the Working Group on Arbitrary Detention (WGAD), 28 December 1999, E/CN.4/2000/4, [bit.ly/3gDSxnB](https://www.unhcr.org/refugees/3gDSxnB), Annex II, Deliberation No. 5, Situation regarding immigrants and asylum-seekers, guarantees concerning persons

The organization has concluded that every apprehension and detention reported occurred outside of identifiable legal procedures and meets the definition of arbitrary arrest and detention, under Article 9 ICCPR. In some cases, people interviewed by Amnesty International reported cases of ill-treatment, discussed in the previous section, that occurred in the context of detention, namely before being taken into detention facilities⁷ or upon being released with a view to being pushed back across the river.⁸

Every person interviewed was in the custody of individuals whom they believed to be officials (usually described as police or military due to appearance and behaviour) and/or people in civilian clothing cooperating with the former. Testimonies collected by Amnesty International indicate that Greece uses both “official” and “unofficial” detention sites to hold people arbitrarily before pushbacks. Some interviewees identified their places of detention as the Tycherio border guard station and a detention site in Poros.

In its 2020 report on Greece, the Council of Europe’s CPT made concerning remarks on the state of custody records in facilities in Evros and particularly the Poros facility, also identified in Amnesty International’s research. The CPT noted the absence of any evidence of registration of people detained in Poros, as recordings were reportedly “thrown away” by officers at the end of the day. The CPT remarked that this practice “lends credence” to allegations that people were held in Poros arbitrarily, and the site “served as a staging post for the pushback of migrants.” With regard to the Tycherio Police and Border Guard Station, also identified in Amnesty International’s research, the CPT noted that the detention of people in this site in early 2020 “was not recorded in any register”.⁹

2.2.2 CONDITIONS OF DETENTION AND DETENTION OF CHILDREN

In 10 of the 12 cases of detention documented as part of Amnesty International’s 2021 research on pushbacks, discussed above, children, infants, and/or pregnant women were detained. Individuals said they were not given access to essential supplies for the health and safety of their children, like diapers or baby food, even from the supplies they brought with them because their personal items were confiscated.

Inside the facilities, those interviewed overwhelmingly reported unhygienic and sometimes overcrowded conditions. Descriptions of no toilets or no working toilets were common, and in one case the individual interviewed said that men would urinate and defecate on the floor of a small room. In others, there was no working sink or access to drinking water and people, including children, were told to drink from the toilet.

Some of those interviewed said they were held in overcrowded conditions or in mixed-gender groups outside of family units, including in cases involving children. In two cases, sites were described as hosting as many as 100 individuals prior to the pushback. The detention conditions reported by interviewees are of particular concern as they took place during the COVID-19 pandemic. People who are forced to share a living space and cannot adequately practice self-isolation or access protective measures, as in the cases of arbitrary detention described, are at particular risk of infection.

In 2020, discussing the state of Greece’s migration detention system, the Council of Europe’s CPT observed how “deficiencies noticeable in most, if not all, places in which irregular migrants are detained include a lack of maintenance of the building (especially the sanitary facilities), poor lighting and ventilation, insufficient personal hygiene products and cleaning materials [...]” as well as “extreme overcrowding prevalent in several facilities.” Following earlier visits to Greece, since 1999, the CPT addressed the situation of facilities used for holding foreigners in the Evros region and systematically called on Greece to improve detention conditions. Repeatedly, the Committee denounced overcrowding, inadequate conditions or allegations of ill-treatment from detainees in facilities in Evros. The lack of separation between women and unrelated single men was also observed.¹⁰

held in custody, Principle 4: “Any asylum-seeker or immigrant, when placed in custody, must enter his or her signature in a register [...] indicating the person’s identity, the grounds for the custody and the competent authority which decided on the measure, as well as the time and date of admission into and release from custody”.

⁷ Amnesty International, Greece: Violence, lies, and pushbacks [...], p. 17 and 30

⁸ Amnesty International, Greece: Violence, lies, and pushbacks [...], p. 28.

⁹ For further details and sources see: Amnesty International, Greece: Violence, lies, and pushbacks [...], p.22-23 at: <https://www.amnesty.org/en/documents/eur25/4307/2021/en/>

¹⁰ More Information and references for the information under this section at: Amnesty International, Greece: Violence, lies, and pushbacks, p. 22-26.

2.2.3 PROCEDURAL GUARANTEES IN DETENTION: DETRIMENTAL LEGISLATIVE CHANGES AFFECTING THE USE OF PRE-RETURN DETENTION AND DETENTION DURING THE ASYLUM PROCEDURE

Creation of ‘closed facilities’ for the reception of asylum-seekers: In May 2020 a legislative reform (Law no. 4686/2020) was passed which consolidated Greece’s plans to create new ‘closed controlled’ facilities with an entry/exit system on the Aegean islands.¹¹ The law specified that these facilities would be devised as multi-purpose centres, with areas dedicated to reception and identification services, closed structures for temporary protection and pre-return detention facilities (“PROKEKA”). Amnesty International and others have expressed concerns as to how these facilities will ensure compliance with the rights, under international and European law, to liberty and freedom of movement for people seeking safety.¹²

New legislation on migration detention: Law no. 4686/2020 also reformed various areas of asylum and migration law.¹³ Amnesty International criticised the new rules, noting that they would, among other things, make the use of detention systematic in return procedures. This is for the reason that the law provides that ‘less coercive alternatives’ to detention could only be applied where the competent police authority determines the absence of certain factors (such as the risk that the returnee absconds, hampers the preparation of the return or poses risks for national security), wholly inverting the logic at the basis of EU standards which clearly stipulate that detention should not be used as a rule in return procedures.

The impact of the present change should also be considered in the light of the fact that asylum-seekers whose application is rejected, in Greece, risk finding themselves in detention for prolonged periods of time. The maximum period of detention of a third-country national for the purposes of return can last up to six months, with the possibility of a further extension of maximum of 12 months in presence of certain conditions.¹⁴ For asylum-seekers whose application is rejected, however, this period of detention can come on top of potentially long periods spent in detention during the asylum procedure, as pre-return and asylum detention are counted separately for the purposes of calculating the maximum period of detention allowed.¹⁵ The provision establishing this possibility, introduced with the 2019 law of international protection under Article 46.5.b, was criticized by Amnesty International.¹⁶

Similar considerations apply to the amendments of the rules on detention of asylum-seekers whose appeal is rejected, which is also made systematic, with the exception of cases involving unaccompanied minors, until the return is completed or the decision on their claim becomes final.¹⁷

¹¹ Law no. 4686/2020, Article 30.

¹² More details and sources relating to the information in this paragraph can be found at: Amnesty International, Submission to the Committee of ministers in the M.S.S. and Rahimi groups of cases v. Greece, (applications no. 30696/09 and no. 8687/08), 6 August 2020, AI index: EUR 25/3063/2020, at: <https://www.amnesty.org/en/documents/eur25/3063/2020/en/>. See also: Joint NGO statement (45 entities including Amnesty International), One year after the Moria fire: Few lessons learned as Greece expands barriers to refugees’ protection, 8 September 2021, at: <https://www.amnesty.eu/news/one-year-after-the-moria-fire-few-lessons-learned-as-greece-expands-barriers-to-refugees-protection/>

¹³ This information only reflects the amendments introduced by Law no. 4686/2020. For the full analysis see: Amnesty International, Greece: Worrying legal developments for asylum-seekers and NGOs, 3 May 2020, Index Number: EUR 25/2259/2020, at: <https://www.amnesty.org/en/documents/eur25/2259/2020/en/>. See also: Law no. 4686/2020 “Improvement of the migration legislation, amendment of L. 4636/2019 (A’ 169), 4375/2016 (A’ 51), 4251/2014 (A’ 80) and other provisions”, in Greek, at: <https://asylumineurope.org/reports/country/greece/overview-legal-framework/>.

¹⁴ In cases where, despite the authorities’ reasonable attempts, removal procedures can last longer because the third-country national subject to removal procedures refuses to cooperate or there is a delay in receiving the necessary documents from the third-country (Article 30 (5) and (6) of Law 3907/2011). See: Greece: Worrying legal developments for asylum-seekers and NGOs May 3, 2020 Index Number: EUR 25/2259/2020; <https://www.amnesty.org/en/documents/eur25/2259/2020/en/>

¹⁵ Asylum-seekers can be detained for a maximum period of 50 days that can be extended for a further 50 days with the justified decision of the bodies that issued the detention order (Article 46 (5) (b) of Law 4636/2019). The maximum period of extension of detention cannot exceed the maximum period provided in Article 30 of Law 3907/2011 ((18 months), see: Greece: Worrying legal developments for asylum-seekers and NGOs, May 3, 2020 Index Number: EUR 25/2259/2020, at: <https://www.amnesty.org/en/documents/eur25/2259/2020/en/>

¹⁶ Both the 2019 International Protection Act and Law no. 4686/2020 introduced extensive changes in terms of procedural and substantive safeguards during the asylum process. For more information about changes introduced with the International Protection Act, see: Amnesty International Submission on the proposed changes to the Greek Law on International Protection, Index no: EUR 25/1280/2019, <https://www.ecoi.net/en/document/2018926.html>. See also: Refugee Support Aegean (RSA), RSA Comments on the Reform of the International Protection Act, 23 April 2020, <https://rsaagean.org/en/comments-on-the-reform-of-the-international-protection-act-2/>

¹⁷ Article 20 (2) of law 4686/2020, amending article 92 of law 4636/2019. More at: Greece: Worrying legal developments for asylum-seekers and NGOs May 3, 2020 Index Number: EUR 25/2259/2020, <https://www.amnesty.org/en/documents/eur25/2259/2020/en/>

In September 2021, a new law amended various provisions in the area of deportation and returns procedures.¹⁸ The Council of Europe Commissioner for Human Rights stated that the law “has raised serious concerns among the human rights community as regards its impact on, for example, the right to asylum, the prevention of refoulement, remedies, safeguards in return procedures, and the prevention of automatic, large-scale detention”.¹⁹ The UNHCR also raised concerns about the new law.²⁰

3. FREEDOM OF RELIGION AND BELIEF (ARTICLES 14 AND 18)

3.1 CONSCIENTIOUS OBJECTORS

Despite extensive monitoring by UN and European bodies,²¹ and certain positive steps in 2019²², serious violations of Greece’s obligations towards conscientious objectors to military service remain unaddressed.²³ The failure of the new legislation to recognize the right to conscientious objection to military service in accordance with international human rights standards has been highlighted by the Special Rapporteur on freedom of religion or belief²⁴ and the Office of the High Commissioner for Human Rights (OHCHR).²⁵

3.1.1 PUNITIVE AND DISCRIMINATORY ALTERNATIVE CIVILIAN SERVICE

COST

Objectors performing civilian service are either provided with food and housing without any salary, or with €223.53, which is far below the statutory minimum and wage salary (€586.08²⁶) of 2015 which has been considered insufficient to provide a decent living in accordance with Article 7 of the ICESCR.²⁷

Furthermore, the law provides the opportunity for those above 33 years of age to perform only a part of their service and buy out the rest. However, the amount required for alternative service is significantly greater compared to that for military service,²⁸ a discrimination pointed out by the Ombudsman,²⁹ the Greek

¹⁸ Law no. 4825/2021, in Greek, at: <https://collab.lawspot.gr/sites/default/files/mashup/feka/2021/fek-157-2021.pdf>

¹⁹ Council of Europe, Commissioner for Human Rights, Greece’s Parliament should align the deportations and return bill with human rights standards, 3 September 2021, at: <https://www.coe.int/en/web/commissioner/-/greece-s-parliament-should-align-the-deportations-and-return-bill-with-human-rights-standards>

²⁰ United Nations High Commissioner for Refugees, Delegation in Greece, 31 August 2021, in Greek at: <https://www.unhcr.org/gr/23069-%CF%80%CE%B1%CF%81%CE%AD%CE%BC%CE%B2%CE%B1%CF%83%CE%B7-%CE%BD%CE%BF%CE%BC%CE%BF%CF%83%CF%87%CE%AD%CE%B4%CE%B9%CE%BF-%CE%B1%CF%80%CE%B5%CE%BB%CE%AC%CF%83%CE%B5%CE%B9%CF%82.html>

²¹ [A/HRC/33/7](#), recommendations 136.15, 136.16; ECtHR, [CASE OF PAPAVALAKIS v. GREECE](#); [GRC 3/2016](#); ECSR, [Conclusions XXI-1 - Greece - Article 1-2](#), para. 3; [A/HRC/35/4](#), paras. 18 (note 29), 51, 53, 54 (note 77); [A/HRC/41/23](#), paras. 7, 24, 29, 34, 36 (note 47), 38 (note 49), 41, 46-47; [GRC 3/2019](#).

²² Law 4609/2019, Art. 22-23

²³ Amnesty International Public Statement GREECE: OBSERVATIONS ON THE RIGHT TO CONSCIENTIOUS OBJECTION - “SERIOUS VIOLATIONS OF GREECE’S OBLIGATIONS TOWARDS CONSCIENTIOUS OBJECTORS REMAIN UNADDRESSED IN PROPOSED BILL DESPITE SOME POSITIVE STEPS” 20 March 2019 EUR 25/0088/2019 <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

²⁴ [GRC 3/2019](#)

²⁵ [A/HRC/41/23](#), paras. 7, 41.

²⁶ Committee on Economic, Social and Cultural Rights, List of issues in relation to the second periodic report of Greece, Fifty-sixth session 21 September–9 October 2015 [E/C.12/GRC/Q/2/Add.1](#), para. 54.

²⁷ [E/C.12/GRC/CO/2](#), paras. 19-20.

²⁸ Amnesty International Public Statement GREECE: OBSERVATIONS ON THE RIGHT TO CONSCIENTIOUS OBJECTION <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>, p. 3.

²⁹ [in Greek] Συνήγορος του Πολίτη, «Ο Συνήγορος του Πολίτη για την άρση του προστίμου ανυποταξίας», Δελτίο Τύπου 2/2/2016. <https://www.synigoros.gr/?i=human-rights.el.danews.345630>

National Commission for Human Rights (GNCHR),³⁰ and the Special Rapporteur on freedom of religion or belief.³¹

PLACE

The prohibition for conscientious objectors to serve in the place of residence, was extended in 2016 to the entire region of residence.³² There is no such blanket prohibition for conscripts in the armed forces. “[T]he requirement to perform such services away from places of permanent residence” can be one of the factors rendering the alternative service in a country “punitive in nature”.³³

LENGTH

A reduction of the length of alternative service in June 2019, was annulled by the following government in October 2019, which reinstated the previous length,³⁴ in contravention of international and regional human rights standards.

In March 2021, due to other considerations, the length of full military service in the Army, where most conscripts serve, has been increased to 12 months,³⁵ equalising it to that in the Navy and the Air Force. However, the length of the full alternative service is 15 months and continues to be significantly longer (3 months longer). According to the UN standards: “Any duration longer than that of military service is permissible only if the additional time for alternative service is based on reasonable and objective criteria. Equalizing the duration of alternative service with military service should be considered a good practice.”³⁶ The European Parliament has repeatedly asked for equal length of alternative and military service,³⁷ including specifically in the case of Greece³⁸.

Military service at the eastern borders is only 9 months,³⁹ but conscientious objectors serving in the same areas have a duty of 15 months (67% longer).

There are also three categories of reduced service, with the third category of reduced alternative service being 67% longer compared to the equivalent category of reduced military service (5 months compared to 3).

3.1.2 PROCEDURE FOR CONSCIENTIOUS OBJECTOR STATUS

The decision on applications for conscientious objector (CO) status is taken by the Minister of National Defence after a recommendation by a five-membered special committee with military participation.

The law 4609/2019 reduced the number of military officers in the committee from two to one.⁴⁰ While a positive step, the amended provision continues to lack independence and impartiality and contravene the concluding observations of the Human Rights Committee⁴¹ by not requiring the new special committee to be wholly civilian and ensuring that the decision of granting CO status is not made by the Minister of National Defence, hence failing to place the assessment of applications for CO status under the full control of civilian authorities.⁴² Furthermore, the discrimination between different categories of conscientious objectors continues (e.g. the case of **Charis Vasileiou**).⁴³

³⁰ GNCHR, “Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights”, February 2017, pp. 10-11.
http://www.nchr.gr/images/pdf/apofaseis/antirisiies_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf

³¹ Mandate of the Special Rapporteur on freedom of religion or belief 11 July 2019 ref: [GRC 3/2019](#), p. 3.

³² Law 4361/2016, Article 12, para. 9.

³³ [CCPR/C/RUS/CO/6](#), para. 23.

³⁴ Government Gazette B 3697/4-10-2019.

³⁵ Government Gazette B 853/4-3-2021.

³⁶ [A/HRC/41/23](#), para. 60, criterion (I).

³⁷ C 115, p. 183, para. 51. C 44, p. 105, para. 9.

³⁸ 2001/2014(INI), para 42.

³⁹ Government Gazette B 853/4-3-2021.

⁴⁰ Article 23 para. 2.

⁴¹ [CCPR/C/GRC/CO/2](#), paras. 37–38.

⁴² [A/HRC/41/23](#), paras. 7 and 41.

⁴³ Amnesty International, Connection e.V., European Bureau for Conscientious Objection (EBCO-BEOC), International Fellowship of Reconciliation (IFOR) and War Resisters' International (WRI), "Greece: Charis Vasileiou should have a fair examination of his grounds for conscientious objection under an amended legislative framework in line with international law and standards: joint NGOs statement", 2 September 2021, EUR 25/4670/2021. <https://www.amnesty.org/en/documents/eur25/4670/2021/en/>

3.1.3 PUNISHMENT OF CERTAIN CATEGORIES OF CONSCIENTIOUS OBJECTORS

Certain categories of conscientious objectors who, for different reasons, do not perform the punitive and discriminatory alternative service face punishment including: those unfairly rejected because of the problematic procedure for determining CO status; those unable to complete the alternative service because of the punitive conditions (cost, place, duration); those who commit a disciplinary offence during alternative service, resulting in their CO status being revoked; and most often, those who refuse to perform the punitive and discriminatory alternative service, including those self-identified as “total objectors”.⁴⁴ In all these cases conscientious objectors are required to perform military service and if they refuse, they are declared insubordinate and face the relevant punishment, including *inter alia* a prison sentence, a heavy fine and deprivations of rights⁴⁵.

Considering the punitive and discriminatory nature of the alternative service and the problematic procedures for establishing CO status, the criminal and administrative punishment of conscientious objectors in these cases constitute violation of articles 18 and 26⁴⁶, in conjunction with articles 14, occasionally 9,⁴⁷ and further articles of ICCPR.⁴⁸

3.1.4 REPEATED PUNISHMENT IN VIOLATION OF *NE BIS IN IDEM*

Punishment for insubordination does not entail exemption from military duties, resulting in the conscientious objectors being repeatedly called-up and punished, in violation of the *ne bis in idem* principle (Article 14.7), according to the Human Rights Committee and consecutive Special Rapporteurs on freedom of religion or belief.⁴⁹

3.1.5 FAILURE TO PROVIDE ADEQUATE REPARATIONS

Despite a provision of 2016⁵⁰ which ended prosecution against those who had declared their conscientious objection before 1998, Greece has failed to address the cases of those already sentenced and punished and provide them adequate reparations. (e.g. **Lazaros Petromelidis**,⁵¹ punished for five different periods of insubordination and repeatedly imprisoned. Amnesty International has covered extensively this case for more than 20 years including during periods he was a prisoner of conscience.)

⁴⁴ Amnesty International, “Greece: Stop arbitrary prosecutions and arrests of conscientious objectors”, 4 November 2013, EUR 25/017/2013. <https://www.amnesty.org/en/documents/eur25/017/2013/en/>

⁴⁵ Law 3421/2005, art. 51 and 53; Military Penal Code, art. 32.

⁴⁶ CCPR/C/67/D/666/1995

⁴⁷ CCPR/C/112/D/2179/2012, para. 7.5.

⁴⁸ Article 12.2, insofar insubordinate are deprived of the right to leave the country. Article 25. Insofar those irrevocably convicted for insubordination are deprived of the right to vote and to be elected.

⁴⁹ CCPR/C/GRC/CO/2, par. 38; GRC 3/2016, GRC 3/2019.

⁵⁰ Law 4361/2016, Article 12, para. 8.

⁵¹ Amnesty International, “Greece: conscientious objectors must not be penalized”, 04 June 2001, EUR 25/002/2001. <https://www.amnesty.org/en/documents/EUR25/002/2001/en/>

Amnesty International, “GREECE Conscientious objector Lazaros Petromelidis at risk of imprisonment”, 31 March 2002, EUR 25/007/2002. <https://www.amnesty.org/en/documents/eur25/007/2002/en/>

Amnesty International, “Greece: Conscientious objector faces imprisonment”, 15 April 2002, EUR 25/008/2002. <https://www.amnesty.org/en/documents/EUR25/008/2002/en/>

Amnesty International, “Greece: To be in the army or choosing not to be: The continuous harassment of conscientious objectors”, 31 May 2003, EUR 25/003/2003. <https://www.amnesty.org/en/documents/eur25/003/2003/en/>

Amnesty International, “Greece: Petromelidis’s Promethean trials”, 13 December 2004, EUR 25/015/2004. <https://www.amnesty.org/en/documents/EUR25/015/2004/en/>

Amnesty International, “Greece: Punished for their beliefs: how conscientious objectors continue to be deprived of their rights”, 10 May 2005, EUR 25/007/2005. <https://www.amnesty.org/en/documents/eur25/007/2005/en/>

Amnesty International, “Greece: Lazaros Petromelidis repeatedly convicted for his beliefs”, 20 June 2008, EUR 25/003/2008. <https://www.amnesty.org/en/documents/EUR25/003/2008/en/>

Amnesty International, “Greece: Stop arbitrary prosecutions and arrests of conscientious objectors”, 4 November 2013, EUR 25/017/2013. <https://www.amnesty.org/en/documents/eur25/017/2013/en/>

4. FREEDOM OF ASSOCIATION (ARTICLE 22)

4.1 RULES INTRODUCING DIFFERENTIAL AND BURDENSOME REQUIREMENTS FOR NGOS WORKING ON MIGRATION, ASYLUM AND SOCIAL INTEGRATION

In April and September 2020, the Greek Deputy Minister of Finance and the Minister for Migration and Asylum adopted successive joint ministerial decisions that introduced new rules for the registration of NGOs and other entities operating in the areas of migration, asylum and social integration and for their operation in the country.⁵²

Based on Amnesty International's assessment, the rules impose – in an apparently discriminatory manner – differentiated, burdensome and intrusive requirements for the registration of these entities. Amnesty International considers the rules to violate the right to freedom of association under Article 22 of the ICCPR. The unjustified differential treatment of these NGOs could also have an indirect discriminatory effect on refugees, asylum-seekers and migrants, on the grounds of their migration status and ethnic or national origin, insofar as the rules risk affecting their ability to access NGO-provided services.⁵³

In July and November 2020, the Council of Europe Expert Council on NGO Law criticized the new rules, ultimately calling on Greece to revoke the latest Ministerial Decision “*as soon as possible*” and to “*carry out a full review of its laws and related decisions pertaining to the registration, certification and operation of NGOs in order to guarantee civil society space, in line with European standards*”.⁵⁴

In March 2021 the UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association; on the situation of human rights defenders; and on the human rights of migrants also expressed concerns about the rules.⁵⁵

⁵² Joint Ministerial Decisions no. 3063/2020, at: <https://www.kodiko.gr/nomothesia/document/678034/yp.-apofasi-3063-2020> and 10616/2020, at: <https://www.kodiko.gr/nomothesia/document/680342/yp.-apofasi-10616-2020>

⁵³ Amnesty International, Greece: Regulation of NGOs working on migration and asylum threatens civic space, July 30, 2020, Index Number: EUR 25/2821/2020, at: <https://www.amnesty.org/en/documents/eur25/2821/2020/en/>. While Amnesty International's statement refer to an older version of the legislation, which was changed in September 2020, our calls remain applicable to the new rules.

⁵⁴ See: Council of Europe, Expert Council on NGO Law, Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration, 2 July 2020, available at: <https://rm.coe.int/expert-council-conf-exp-2020-4-opinion-ngo-registrationgreece/16809ee91d> and Addendum to the Opinion on the compatibility with European standards of recent and planned amendments to the Greek Legislation, 23 November 2020, at: <https://rm.coe.int/expert-council-conf-exp2020-5-addendum-to-the-opinion-on-the-compatib/1680a076f2>

⁵⁵ Letter at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26314>

5. FREEDOM OF OPINION AND EXPRESSION (ARTICLES 7, 9, 19, 21 AND 22)

Longstanding concerns over police misconduct, including ill-treatment and torture, under Article 7 ICCPR, and prevailing impunity of security forces in Greece are compounded by reports of state overreach and abuse of power in the name of protecting public health.

During 2020 and 2021, flawed legislation and problematic practices have had a chilling effect on the rights to freedom of expression and of peaceful assembly, under Article 19 and 21 ICCPR.

Amnesty International maintains serious concerns with regards several provisions of Law 4703/2020⁵⁶ aiming at the regulation of public outdoor assemblies as well as its implementing legislation and believes they constitute an unjustified interference with the right to freedom of peaceful assembly as it is guaranteed in international and regional treaties that Greece is party to, including the ICCPR and the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).⁵⁷ The provisions of concern regard among others dispersal and prohibition of assemblies, the regulation of spontaneous assemblies and notification requirements. On 21 January 2021, the Minister of Citizen Protection also presented Guidelines on the policing of demonstrations (National Plan for the Management of Public Outdoor Assemblies)⁵⁸ implementing provisions of the aforementioned legislation on public outdoor assemblies including those on the regulation of spontaneous assemblies and dispersal of assemblies.⁵⁹

Another point of concern is the fact that, while Article 3 para. 3 of Law 4703/2020 and its implementing legislation⁶⁰ allows for spontaneous public outdoor assemblies that have not been notified to the authorities, it also sets broad requirements that are open to arbitrary interpretation by the competent authorities and can limit excessively the right to freedom of peaceful assembly.⁶¹

During the country's second lockdown in 2020, the Greek authorities, on three occasions, introduced blanket bans on public outdoor assemblies that constituted disproportionate restrictions to the rights to freedom of expression and peaceful assembly and violated Greece's obligations under international human rights law.

Amnesty International has documented how the Greek authorities unlawfully interfered with and failed to facilitate the right to freedom of peaceful assembly not only by introducing blanket bans. Additionally, the Greek police also dispersed peaceful assemblies by resorting to unnecessary and excessive use of force, including by unnecessarily and excessively use of water cannon and chemical irritants against peaceful protesters and hitting protesters with batons on their heads and using stun grenades in a way that could cause considerable injury including hearing problems. Testimonies also highlight how the police operations during the demonstrations documented made things much worse since protesters were not able any longer to keep physical distancing and reduce the risk of contagion.

⁵⁶ Law 4703/2020, Public outdoor assemblies and other provisions, available at: <https://bit.ly/31HQbgk>.

⁵⁷ Article 21 of the ICCPR and Articles 10 and 11 of the European Convention on Human Rights.

⁵⁸ See Ministry of Citizen Protection, National Plan for the Management of Public Outdoor Assemblies, available at: <https://bit.ly/3svmMkF>.

⁵⁹ Sections 1, 3.1 and 10.2 of Guidelines.

⁶⁰ Article 3 para. 5 of PD 73/2020.

⁶¹ According to Article 3 para. 3 of Law 4603/2020 and Article 3 para. 5 of PD 73/2020, a spontaneous assembly is allowed as long as no danger of disturbance of public order or serious disturbance of socio-economic life is looming.

Additionally, while the organization notes, as a step in the right direction, a point in the Guidelines⁶² that states that police officers participating in the management of an assembly will carry their identification number in a visible place, in view of the consistent testimonies that police officers fail to do so, Amnesty International urges the Greek authorities to ensure in law and in practice that all uniformed law enforcement officials display an easily recognizable and clearly visible form of personalized identification at all times.

Moreover, in November and December 2020, the Greek authorities penalized peaceful protesters or individuals calling for participation in peaceful protests. Human rights lawyers, women's rights defenders, trade unionists and members of political parties were arbitrarily arrested and criminalized for allegedly breaching public health rules and were handed unjustified administrative fines.

⁶² Section 4.3. of the Guidelines.

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GREECE

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE

133RD SESSION, 11 OCTOBER - 5 NOVEMBER 2021, LIST OF ISSUES PRIOR TO REPORTING

This submission has been prepared ahead of the adoption of the List of Issues Prior to Reporting for Greece by the UN Human Rights Committee in October and November 2021.

The information included in this submission is a non-exhaustive selection of Amnesty International's concerns regarding Greece's compliance with the International Covenant on Civil and Political Rights (the Covenant), based on the organization's research and observations since the last review. It highlights concerns regarding the treatment of aliens, including the prohibition of torture and other ill-treatment and the right to liberty, the freedom of religion and belief, the freedom of association and the freedom of expression.