



**GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS (GNCHR)**

**Observations by the GNCHR on State's draft reply to the list of issues prior to the submission of the third periodic report of Greece on the implementation of the ICCPR**



**March 2023**



*The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection and the National Human Rights Institution (NHRI). It was established with Law 2667/1998 in accordance with the UN Paris Principles and is governed by Law 4780/2021. Its members are persons appointed by twenty institutions (independent Authorities, third level trade unions, NGOs, universities and research institutions)*

---

Neofytou Vamva 6, 106 74 Athens

T: +30 210 72 33 221-2, W: [www.nchr.gr](http://www.nchr.gr), E: [info@nchr.gr](mailto:info@nchr.gr)

## TABLE OF CONTENTS

<b>Greek National Commission for Human Rights (GNCHR)</b> .....	<b>1</b>
<b>TABLE of Contents</b> .....	<b>3</b>
<b>INTRODUCTORY REMARKS</b> .....	<b>5</b>
<b>I.) General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant -QUESTION 1</b> .....	<b>5</b>
<b>u) State of emergency (art. 4) – Question 2</b> .....	<b>6</b>
<b>iii) Anti-corruption measures (arts. 2 and 25) – Question 3</b> .....	<b>6</b>
<b>iv) Non-discrimination (arts. 2, 19–20 and 26) – Question 4</b> .....	<b>7</b>
Persons with disabilities.....	8
Sexual orientation and gender identity.....	9
Racism and xenophobia .....	10
Institutional racism (involvement of law enforcement officials and public officials) and xenophobic rhetoric of politicians against migrants and refugees .....	10
Racist and xenophobic violence against members of the Roma community and police violence.....	12
Gender equality .....	13
<i>Participation in political and public life</i> .....	13
<i>Discrimination in employment and Work-life balance</i> .....	13
<b>v) Unaccompanied minors (Arts. 6, 7, 9, 10 and 24) – Question 5</b> .....	<b>14</b>
<b>vi) Violence against women and children (arts. 2–3, 6–8 and 26) Questions 6 and 7</b> .....	<b>16</b>
Sexual harassment and abuse of women.....	18
Course of implementation of the ILO Convention 190.....	19
Child.....	19
Bullying and violence in schools.....	20
<b>vii) Right to life, prohibition of torture and other cruel, inhuman or degrading treatment and excessive use of force (arts. 6–7)</b> .....	<b>21</b>
<b>viii) Elimination of slavery and servitude and trafficking in persons (arts. 2, 7–8, 24 and 26) question 13</b> .....	<b>23</b>
<b>IX) Access to justice, independence of the judiciary and right to a fair trial (art. 14) QUESTION 14</b> .....	<b>23</b>
<b>Ix) Treatment of aliens, including migrants, refugees and asylum seekers (arts. 6–7, 9, 12–13 and 24) – Questions 16, 17 and 19</b> .....	<b>24</b>
Recording and investigating incidents of pushbacks .....	24
Safe third country .....	26
<b>x) Freedom of conscience and religious belief (arts. 2, 18 and 26)</b> .....	<b>27</b>
Conscientious objection to compulsory military service (Arts. 14 and 18) – Question 20 ....	28

Freedom to participate or not to religious education classes .....	30
<b>xi) Right to freedom of expression, peaceful assembly and freedom of association (arts. 2, 17 and 19-22) - Questions 22 and 24.....</b>	<b>30</b>

**OBSERVATIONS BY THE GNCHR ON STATE'S DRAFT REPLY TO THE LIST OF ISSUES PRIOR TO THE  
SUBMISSION OF THE THIRD PERIODIC REPORT OF GREECE ON THE IMPLEMENTATION OF THE ICCPR\***

**INTRODUCTORY REMARKS**

1. The Legal Department of the Ministry of Foreign Affairs submitted Greece's Draft reply to the list of issues prior to the submission of the third periodic report of Greece on the implementation of the International Convention on Civil and Political Rights (CCPR) to the [Greek National Commission for Human Rights \(GNCHR\)](#), Greece's A status National Human Rights Institution (NHRI). Taking into account the key role that NHRIs play in monitoring the implementation of the measures adopted by the Member States which give effect to the rights recognized by the CCPR and to the progress made in the enjoyment of those rights,<sup>1</sup> and in accordance with its founding law, the Greek National Commission for Human Rights (GNCHR) submits the following Observations. The GNCHR appreciates the fact that the Greek State has taken note of previous National Commission's observations, as it follows from the citation of the GNCHR's reports in the State's Draft reply.

**I.) GENERAL INFORMATION ON THE NATIONAL HUMAN RIGHTS SITUATION, INCLUDING NEW MEASURES AND DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE COVENANT -QUESTION 1**

2. In its Concluding observations on the second periodic report of Greece, the Human Rights Committee regrets the absence of a specific procedure or mechanism for examining and guaranteeing that full effect is given to its Views and the fact that recommendations contained in its Views have not been fully implemented (para 6)<sup>2</sup>. In its list of issues<sup>3</sup>, the Committee requests information on measures taken by the State party in this respect, including information on the follow-up given to ensure compliance with Committee's views in a number of cases.

3. In paragraph 3 of the draft State's reply, it is mentioned that "there have been no development with regard to the follow-up to the Committee's Views mentioned in the List of Issues". The draft State reply does not refer either to any measures envisaged to establish a specific procedure or mechanism to promote or monitor the implementation of the Committee's Views.

4. In this context, the GNCHR invites the State to envisage extending the mandate of existing bodies that monitor the implementation of the European Court of Human Rights judgments

---

\* The present Observations were adopted by the GNCHR plenary on 13.3.2023. Rapporteurs: Prof. Maria Gavouneli, President, Ellie Varchalama, Second Vice-President and the GNCHR Scientific Staff: Katerina Charokopou and Eva Tzavala. With special thanks to GNCHR Intern Angeliki Konstantara for her contribution.

<sup>1</sup> According its founding legislation (Art. 12(b), (e) and (g) of [Law 4780/2021](#), "The GNCHR shall in particular: [...] b) Submit recommendations and proposals, carry out studies and deliver an opinion on the adoption of legislative, administrative and other measures which contribute to the improvement of human rights protection, [...], e) monitor and express recommendations to the State for the operation of a reliable and effective system for recording incidents of discrimination, racism and intolerance [...], g) deliver an opinion on reports which the country is to submit to international organisations on related matters, draw up and submit its own independent reports [...]".

<sup>2</sup> [Concluding Observations](#) on the second periodic report of Greece, CCPR/C/GRC/CO/2, 3 December 2015.

<sup>3</sup> [List of Issues](#) prior to submission of the third periodic report of Greece, CCPR/C/GRC/QPR/3, 2 December 2021.

and terms of friendly settlements, such as the Legal Council of the State, with the task of supervising the compliance with the views' of the CCPR.

## II) STATE OF EMERGENCY (ART. 4) – QUESTION 2

5. The GNCHR notes with satisfaction that the State's draft reply makes reference to its Reference Report on the impact of the pandemic and the measures taken to address it on human rights (2021). As the GNCHR has pointed out the pandemic caused an unprecedented health, economic, social and humanitarian crisis, exacerbating pre-existing systemic inequalities, discrimination and marginalization, while disproportionately affecting the most vulnerable social groups, including Roma, refugees, asylum-seekers and migrants, detainees, persons with disabilities and chronic diseases and LGBTQI+ people.<sup>4</sup> Adding to this condition the impact of the ongoing war on Ukraine, resulting in a gradual transformation of the pre-existing socio-economic environment, the post-pandemic social and economic recovery remained pending. The GNCHR notes with disappointment that, despite its repeated recommendations for the need to effectively monitor and assess the results of both austerity measures and restrictive containment measures taken to tackle the COVID-19 pandemic, the cumulative impact of these measures has never been assessed.<sup>5</sup> In this regard, the GNCHR refers back to the recommendations in its first Covid-19 pandemic report, where it has highlighted, that what is proportional to the beginning of the pandemic may become disproportionate later and thus restrictive measures should be mitigated or abolished. Worth mentioning is that by the end of 2022, Greece had confirmed 5.5 million Covid-19 cases and 34.779 deaths from the virus.

## III) ANTI-CORRUPTION MEASURES (ARTS. 2 AND 25) – QUESTION 3

6. Despite the significant normative developments in the fight against corruption, perceptions of corruption remain high.<sup>6</sup> With regard to the public sector corruption in Greece is at an average, in comparison to other countries. Greece ranks 51<sup>st</sup> out of 180 countries and its scores are being moderately improving in recent years (after 2018).<sup>7</sup> Among the positive steps which provide for a more holistic and streamlined approach towards anticorruption

---

<sup>4</sup> GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 8; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 3.

<sup>5</sup> GNCHR, [Factsheet](#) on the Impact of Economic Reform Policies and Austerity Measures on Human Rights, 2019, GNCHR, [Observations](#) on the Draft Law of the Ministry of Labour and Social Affairs on the Protection of Labor - Establishment of an Independent Authority "Labor Inspection"- Ratification of the ILO Convention C190 on Violence and Harassment - Ratification of the ILO Convention C187 on the Promotional Framework for Occupational Safety and Health – Incorporation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 14 June 2021, p. 16-18; GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 7, 61-62; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 12.

<sup>6</sup> [Greece-OECD Project: Technical Support on Anti-Corruption Mapping of Corruption Complaints Mechanisms in Greece](#), 2018.

<sup>7</sup> Transparency International, Corruption Perceptions Index, 2022, [Greece](#);

framework, is Law 4622/2019 regarding the establishment of the National Transparency Authority (NTA).

7. In paragraph 26, the State's draft reply refers to the adoption of Law 4855/2021, which amended, among others, article 159 of the Criminal Code on bribery and corruption of political persons. The State's draft reply should also mention the amendment of article 47 of the Code on Criminal Code (Abstinence from the prosecution of public interest witnesses) by Law 4855/2021.

8. In paragraph 25, the State's draft reply refers to the transposition of the EU Directive 2019/1937 on the protection of persons who report breaches of the Union law, known also as the "Whistle-blowers Directive". This Directive aims to protect whistle-blowers who report breaches of European Union law. It does not have a horizontal effect that protects whistle-blowers in every sector, but it follows a sectorial approach covering various aspects of the Single Market and the protection of the financial interests of the EU, such as public procurement, financial services, transport safety, prevention of money laundering or public health.

9. The GNHRC invites the State to elaborate further in its reply on the adoption of the Law 4990/2022 which transposed the EU Directive 2019/1937 and its protective scope. It should be noted, however, that the transposition of the EU Directive came one full year after the official deadline and that the GNHRC was not requested to submit its observations prior to the transposition.

10. The GNCHR notes that Greece does not have a centralised corruption-related complaints system, while most of corruption complaint services operate in silos with little communication and information sharing, partly due to the lack of good administrative information-sharing systems within the Greek administration.<sup>8</sup>

11. Question 3, among others, ask the State to provide statistical information on the number of investigations, prosecutions and convictions in cases of corruption. The State's draft reply does not provide such data. The GNHRC invites the State to include relevant information on this particular issue.

#### **IV) NON-DISCRIMINATION (ARTS. 2, 19-20 AND 26) – QUESTION 4**

12. Acknowledging the positive developments in the legislative framework and the relevant measures identified in the State's draft reply, with special emphasis on the first *National Action Plan against Racism and Intolerance 2020-2023* adopted by the National Council against Racism and Intolerance,<sup>9</sup> the GNCHR cannot but reiterate its long standing recommendation to amend Law 4443/2016 concerning the prohibition of any form of direct or indirect discrimination, in order to extend its scope of application in the areas of: (a) education (not just vocational training), at all levels and in all forms of education services provided, (b)

---

<sup>8</sup> Greece-OECD [Project](#): Technical Support on Anti-Corruption Mapping of Corruption Complaints Mechanisms in Greece

<sup>9</sup> The National Council against Racism and Intolerance, an inter-ministerial body with the participation of independent bodies (such as the GNCHR and the Greek Ombudsman) and civil society stakeholders endorsed the first [National Action Plan against Racism and Intolerance 2020-2023](#) in the end of the year 2020, [in Greek].

access to healthcare services, (c) social security system, as well as, (d) access to goods and services provided to the public.<sup>10</sup>

13. Apart from this general observation, the GNCHR would like to raise some serious concerns with regard to the following issues:

### **PERSONS WITH DISABILITIES**

9. The GNCHR has welcomed the adoption of the first [National Action Plan \(NAP\) for the Rights of Persons with Disabilities](#) in 2020 and contributed to the Committee's work. The first Annual Implementation Report of the NAP contains the course of the implementation measures, acknowledging in its Preamble the high complexity of its targets and actions which result in possible delays to be evaluated and justified.<sup>11</sup> Nonetheless, the Greek National Commission, in its monitoring activity over the implementation of the NAP in practice, and in light of recommendations of the *Observatory on Disability Issues of the National Confederation of Disabled People of Greece* (NCDP) to the Roadmap on the implementation of the CRPD,<sup>12</sup> identifies with concern that structural problems and deficits still remain. According to the recommendations of the Observatory, in most country's regions, persons with disabilities face high percentages of poverty, low standards of living, unfair treatment, limited access to health services and to education, limitations to access buildings and public transports and calls upon the competent State authorities to endorse separate regional Action Plans. Indicatively: in Attica  $\frac{1}{4}$  of the disabled persons face obstacles to their access to health,<sup>13</sup> in Epirus over than 6 out of 10 residents with a severe disability (18-64 years old) are in poverty line and/or social exclusion, with the percentage being the 4th highest among the regions of the country (Epirus: 62.8%/ Greece: 54%),<sup>14</sup> in North Aegean this percentage raises at 71.6%,<sup>15</sup> while in West Greece it raises at almost 50% among the persons with severe disability and with an employment rate of 18,7%.<sup>16</sup> More specifically, the GNCHR draws the attention of the competent authorities, bodies and organizations to the development or upgrade of existing services and structures bringing in the necessary reasonable accommodations, in order to protect and ensure the rights of persons with disabilities on an equal basis, with special

---

<sup>10</sup> See GNCHR, Observations on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD) of the International Convention on the Elimination of All Forms of Racial Discrimination, July 2021, p. GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTQI+, 25 June 2021 [in Greek], p. 5-6.

<sup>11</sup> [Annual Implementation Report of the National Action Plan for the Rights of Persons with Disabilities](#), conducted by the Minister of State, November 2021, p. 5.

<sup>12</sup> See [Newsletters on the website of the Observatory on Disability issues](#) [in Greek].

<sup>13</sup> Observatory on Disability Issues, [Newsletter 16.12.2022](#) - *In Attica the highest percentage of persons with severe disabilities of the country who face accessibility obstacles: Proposal of NCDP for a regional Action Plan in Attica* [in Greek].

<sup>14</sup> Observatory on Disability Issues, [Newsletter 8.12.2022](#) - *Epirus: One of the lowest percentages - among the Regions of the country - in the employment index of people with severe disabilities: Proposal of the NCDP for a regional Action Plan* [in Greek].

<sup>15</sup> Observatory on Disability Issues, [Newsletter 14.12.2022](#) - *North Aegean: Terrifying that the percentage of poor and excluded citizens reaches 71.6%! Proposal of NCDP for a regional Action Plan* [in Greek].

<sup>16</sup> Observatory on Disability Issues, [Newsletter 12.12.2022](#) - *Half of the residents in the West Greece with severe disabilities are on the limit of poverty, only 18.7% have a job: ESAMEA proposal for a regional Action Plan* [in Greek].



attention to children and the elderly.<sup>17</sup> It is worth mentioning here, a new positive development in the field of disability rights, namely the adoption of Law 5023/2023, which, among others i) recognizes the equal recognition before the law, ii) improves the implementation of “*reasonable accommodation*” in all in sociopolitical areas, by promoting the necessary adjustments towards persons with disabilities and ii) harmonizes the disability terminology used by the Criminal Code, the Civil Code, the Administrative Code and the Code of Administrative Procedures with the HRBA of disability in line with the UN CRPD, in order for new legal terms that reflect dignity and respect to be adopted for use when referring to persons with disabilities and to further promote and protect the rights of persons with disabilities.<sup>18</sup> In principle, the law 5023/2023 extends the principle of equality and non-discrimination for persons with disabilities into more sociopolitical fields but it is still in place the legal scheme of the substitute decision making, which restricts the legal capacity of persons with intellectual or psychosocial disabilities.

### **SEXUAL ORIENTATION AND GENDER IDENTITY**

14. In the context of sexual orientation and gender identity, and despite the valuable positive steps in this direction, included the *National Strategy for the Equality of LGBTIQ+ people in Greece*,<sup>19</sup> the GNCHR considers it necessary to reiterate the urgent need for the full and effective implementation of human rights of LGBTIQ+ people (State's draft reply para. 49). More specifically, with regard to the legal gender recognition (Law 4491/2017), it is disappointing that after four (4) years of implementation, the court procedure remains the major obstacle, which nullifies the enjoyment of this right. The GNCHR has repeatedly recommended the authorities to revise the current legal procedures in line with the Council of Europe standards,<sup>20</sup> to promote quick, transparent and accessible, based on self-determination, procedures for all people who seek to use them, irrespective of age, medical status, financial situation or police record and to remove any restrictions on the right of transgender people to remain in an existing marriage upon recognition of their gender and ensure that spouses or children do not lose certain rights. The procedure should become a single administrative and out of court procedure. The same should apply in case of Trans people, applicants of international protection and in case of non-binary persons pursuant to case-law.<sup>21</sup> Above all, this is a constant and fair request of the LGBTIQ+ community.<sup>22</sup>

15. In addition, with regard to the civil partnership pact (Law 4356/2015), the GNCHR calls upon the competent authorities to finally revise the concept of marriage for all couples,

---

<sup>17</sup> GNCHR [Shadow Report](#) submitted to the UN Committee on the Rights of Persons with Disabilities, July 2019, p. 8, 9 and 32.

<sup>18</sup> Law 5023/2023 “*The principle of non discrimination irrespective of disability or chronic condition, update of the terminology of the Civil Code, the Code of Civil Procedure, the Criminal Code, the Code of Criminal Procedures, the Code of Administrative Procedures, the Code of Notaries and the Law 4478/2017, for the harmonisation with the Convention for the Rights of persons with disabilities, ratified by law 4074/2012 and other provisions for the facilitation of the access of persons with disabilities to justice*”.

<sup>19</sup> See GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTIQ+, 25 June 2021 [in Greek].

<sup>20</sup> Council of Europe [Resolution 2048 \(2015\)](#), Discrimination against transgender people in Europe.

<sup>21</sup> GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTIQ+, 25 June 2021 [in Greek], Council of Europe, [A short guide to legal gender recognition](#), November 2015; ECtHR, *Schlumpf v. Switzerland*, [appl. No 29002/06] 5.06.2009.

<sup>22</sup> [Greek Transgender Association](#) Contribution to the GNCHR Report, February 2023.

regardless of gender, with full rights (eg. marital benefits, allowances, parental leave, child custody and parental care, childbirth, retirement, inheritance and other tax issues). Moreover, it stresses that given the wide variety of family forms, the competent authorities should ensure the fundamental rights of children living in "rainbow" families to enjoy equal treatment and respect for their family life.<sup>23</sup>

16. Finally, the GNCHR takes the opportunity to underline that it is essential that Greece complies with the decisions of the *World Health Organization* in order to reflect modern understanding of sexual health and gender identity in its relevant legislative framework.<sup>24</sup> More specifically, in relation with the definition of gender identity-related health, the term *Gender incongruence* should be removed out of the "*Mental and behavioural disorders*" chapter. In tis context, the terms "*transsexualism*" and "*gender identity disorder of children*" should be replaced by the terms "*gender incongruence of adolescence and adulthood*" and "*gender incongruence of childhood*" respectively.<sup>25</sup>

### ***RACISM AND XENOPHOBIA***

17. The GNCHR welcomed and participated in the elaboration of most recent National Action Plans (NAPs) and Strategies toward the promotion of human rights and social development, such as the NAPs for the *Rights of Persons with Disabilities* (2020), the *Rights of the Child* (2021), *Child Protection against sexual abuse* (2022), and *Gender Equality* (2021), as well as the *National Strategy and Action Plan for the Social Inclusion of Roma* (2021) and the *National Strategy for LGBTQ+ Equality* (2021). According to ECRIs' conclusions in its recent Report on Greece,<sup>26</sup> despite the progress made, LGBTQ+ pupils continue to face "intolerant and discriminatory attitudes and behaviors in school, including from teachers" and intersex persons, notably children, sometimes face "serious forms" of discrimination and intolerance, including from medical professionals who reportedly often recommend abortion of intersex children to expecting parents, while medically unnecessary surgery on intersex children is also common.

### ***INSTITUTIONAL RACISM (INVOLVEMENT OF LAW ENFORCEMENT OFFICIALS AND PUBLIC OFFICIALS) AND XENOPHOBIC RHETORIC OF POLITICIANS AGAINST MIGRANTS AND REFUGEES***

18. The GNCHR remains deeply concerned with the number of incidents of racist violence against vulnerable groups mostly refugees and migrants, LGBTQ people and Roma. These concerns are also confirmed by the *Committee against Torture* in its latest Concluding

---

<sup>23</sup> GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTQI+, 25 June 2021 [in Greek]. GNCHR's Observations on Draft Law of Ministry of Justice "Reforms regarding parent-child relationships and other family law issues" - [Summary in English](#), April 2021, p. 2.

<sup>24</sup> [Greek Transgender Association](#) Contribution to the GNCHR Report, February 2023. See WHO, [Gender incongruence and transgender health in the ICD](#).

<sup>25</sup> See WHO, [Gender incongruence and transgender health in the ICD](#) According to the 11th edition of the International Statistical Classification of Diseases and Related Health Problems (ICD-11), the revised ICD-11 codes include new changes to reflect modern understanding of sexual health and gender identity.

<sup>26</sup> [ECRI REPORT ON GREECE](#) (sixth monitoring cycle), Adopted on 28 June 2022 Published on 22 September 2022.

Observations on the seventh periodic report of Greece.<sup>27</sup> Similar are the findings of RVRN in its 2021 Report,<sup>28</sup> which mainly recorded attacks against refugees and migrants, as well as, human rights defenders due to their affiliation with them, against Greek citizens due to ethnic origin, against LGBTIQ+ people, attacks due to gender identity and incidents involving law enforcement officials and public officials and police violence.

19. Particularly, as regards xenophobic hatred and violence against migrants and refugees recordings by civil society, recent recordings by the civil society show an increase in incidents of racist harassment and violent treatment against migrants and refugees due to ethnic origin, color or religion, which is committed by law enforcement officials since 2018.<sup>29</sup> Many of the recorded incidents have been identified in the context of police controls in which, the identification or selection of a person was based on its racial profiling. This development forms a new more complete picture of the aspects of racism, in particular an institutional racism and discrimination by the Authorities, which normalizes and encourages xenophobic reactions and affects social peace and cohesion. In this direction, the UN Committee on the Elimination of Racial Discrimination (CERD) points out in its recent *General Recommendation no. 36* on the prevention and treatment of racial profiling, that the identification or selection of a person on the basis of racial profiling in the field of police checks, is the process by which law enforcement is based on generalizations due to race, colour, ethnic or national origin, instead of objective evidence or individual behaviour. This happens when subjecting individuals to identity checks and detailed investigations or when making conclusions about someone's involvement in criminal activity.<sup>30</sup>

20. Additionally, the GNCHR continues to worry with the recent frequent use of xenophobic rhetoric against migrants in the official political discourse, including by persons who hold public office, encouraging or legitimising racist violence and, thereby, undermining the significant efforts by Greece to improve the Authorities' response to hate crimes.<sup>31</sup> The GNCHR in an online research focused on hate speech, helping public authorities and CSOs to identify areas of intervention and at-risk groups, among them also human rights defenders,<sup>32</sup> identified an extensive trend reflected in the official speech of political leadership representatives at central and local level, as well as, through the media targeting at refugees and migrants.<sup>33</sup> As the RVRN analyses in its last report, portraying refugees and migrants as a threat to national sovereignty, although it does not seem to be an unique domestic trend, but a broader European rhetoric with political implications, as strongly reflected in public discourse in early 2020, has been instrumental in exonerating racist violence and intensifying the sense of impunity.<sup>34</sup> ECRI also considers in its report that allegations of racist police abuse

---

<sup>27</sup> Committee against Torture, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#).

<sup>28</sup> RVRN, [Annual Report 2021](#).

<sup>29</sup> RVRN, [Annual Report 2021](#), p. 7, 22-23 and 47.

<sup>30</sup> UN Committee on the Elimination of Racial Discrimination (CERD), General recommendation No. 36: Preventing and Combating Racial Profiling by Law Enforcement Officials, pp. 4-5, 24 November 2020.

<sup>31</sup> [GNCHR Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD) of the International Convention on the Elimination of All Forms of Racial Discrimination, July 2021, p. 19.

<sup>32</sup> For more information visit the [website](#) of STAND-UP Standing Against Hate in the EU.

<sup>33</sup> RVRN, [Annual Report 2020](#), p. 5.

<sup>34</sup> RVRN, [Annual Report 2021](#), p. 6, 17 and 39.

and the manner in which they are dealt with deserve particular attention.<sup>35</sup> The *UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* has since 2016, during his mission to Greece, indicated hate speech in the Greek media, on the Internet and social media platforms, underlining the continuing climate of impunity.<sup>36</sup>

### **RACIST AND XENOPHOBIC VIOLENCE AGAINST MEMBERS OF THE ROMA COMMUNITY AND POLICE VIOLENCE**

21. An increase in the incidents of racist and xenophobic violence against members of the Roma community, where law enforcement officials have been the perpetrators or have otherwise been involved is also found according to Pan-Hellenic Confederation of Greek Roma ELLAN PASSE<sup>37</sup> and certified by the RVRN.<sup>38</sup> RVRN reports lack of tolerance for diversity, as well as the development of a culture of harassment against not only refugees and asylum-seekers, but also against Greek citizens such as Roma people. In this respect, ECRI finds in its Report that frequent hate speech – at times involving politicians and even state officials – targets Roma.<sup>39</sup> Furthermore, ECRI also has serious misgivings about low housing standards among Roma living in Greece and about forced evictions of Roma without proper safeguards. The GNCHR, taking into serious consideration recent new incidents of police violence and arbitrariness against Roma citizens in Aspropyrgo and Kalamata,<sup>40</sup> Perama,<sup>41</sup> Thessaloniki,<sup>42</sup> is deeply concerned about the rise of police violence against members of the Roma population. More particularly, in October 2021, police officers in Perama fired at least 36 arms against 3 young Roma boys during a car chase causing the death of a 18 year-old Roma and the serious injury of his 16 year-old friend, while in December 2021 a 16-year old Roma was shot in the head and was subsequently killed by a police officer in Thessaloniki during a pursuit due to the fact that the former did not pay for the gas he used for his car. It should be noted that all the policemen involved in the above incidents were released and only one of them was released subject to restrictive Conditions. The racial motivation in both cases was not included in the investigation. Following the deaths of these young Roma boys, the police conducted police operations in many Roma communities across the country while the media cultivated an anti-Roma environment.<sup>43</sup> Alarmed by these incidents, ELLAN PASSE noted with disappointment the repetitive incidents of police violence and impunity and condemned the

---

<sup>35</sup> [ECRI REPORT ON GREECE](#) (sixth monitoring cycle), Adopted on 28 June 2022 Published on 22 September 2022

<sup>36</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Greece, 4 May 2016, [A/HRC/32/50/Add.1](#), par. 44-45, See also RVRN, [Annual Report 2020](#), p. 5, [Annual Report 2021](#), pp. 6, 17 and 39 and [GNCHR Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD) of the International Convention on the Elimination of All Forms of Racial Discrimination, July 2021, p. 19.

<sup>37</sup> The Pan-Hellenic Confederation of Greek Roma (ELLAN PASSE) appoints a member in the Plenary of the GNCHR.

<sup>38</sup> RVRN, [Annual Report 2021](#), p. 5, 24, 31-32.

<sup>39</sup> [ECRI REPORT ON GREECE](#) (sixth monitoring cycle), Adopted on 28 June 2022 Published on 22 September 2022.

<sup>40</sup> ELLAN PASSE, [Press Release: We denounce phenomena of police violence in Roma camps](#), 3.6.2022.

<sup>41</sup> Newspaper Kathimerini, [Police violence: Thoughts on the killing of Roma in Perama](#), 26.10.2021; Syntagma watch, [Police violence: Thoughts on the killing of Roma in Perama](#), 5.11.2021

<sup>42</sup> ELLAN PASSE, [Press release for the case of the 16-year old Kostas Fragoulis](#), 5.12.2022.

<sup>43</sup> ELLAN PASSE, [Announcement concerning the decision of the First-instance judicial Council in Thessaloniki](#), 19.12.2022.

Greek state's inaction towards these phenomena.<sup>44</sup> In addition to the above mentioned, the court delays and the judicial leniency in some cases,<sup>45</sup> which in practice result in a regime of substantial impunity,<sup>46</sup> make the phenomenon seem systemic.

## **GENDER EQUALITY**

### **Participation in political and public life**

21. Despite the positive developments in the field of gender equality, most important of which is the adoption of Law 4604/2019 on Substantive Gender Equality, no further actions and measures have been taken towards effectively promoting gender equality and empowerment of women. Unfortunately, Greece ranks, also in year 2022, last in the EU on the Gender Equality Index,<sup>47</sup> with the lowest scores in relation to women in power. The low quotas on women participation in the political field have not changed.<sup>48</sup> The GNCHR is of the opinion that the upcoming national elections is an opportunity to promote the participation of capable women as voters and candidates in the Greek Parliament, since equal opportunity in participation is, the EU Gender Equality Strategy 2020-2025 underlines, essential for representative democracy at all levels –national, local, regional and European.<sup>49</sup> In this regard it should be highlighted that political participation of women with disabilities is more limited compared to that of men with disabilities.<sup>50</sup> Also, at the NAP of gender equality, while there is a pillar regarding the political participation of women in political and public, there is none action focusing on women with disabilities.

### **Discrimination in employment and Work-life balance**

22. Irrespective of the decisive steps towards gender equality in employment, such as the transposition of the *EU Directive 2000/43 on gender equality* into national law by Law 4443/2016 *on the principle of equal treatment* and the *Work-life balance EU Directive 2019/1158* by labour Law 4808/2021,<sup>51</sup> the GNCHR still identifies certain gaps in the existing

---

<sup>44</sup> ELLAN PASSE, [Press release for the case of the 16-year old Kostas Fragoulis](#), 5.12.2022.

<sup>45</sup> GNCHR [Report](#) and Proposals on issues related to the situation and the rights of the Gypsies in Greece, 2009 [in Greek].

<sup>46</sup> See [GNCHR Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD) of the International Convention on the Elimination of All Forms of Racial Discrimination, July 2021, p. 19

<sup>47</sup> EIGE, [Index score for Greece for 2022](#) is 53,4 out of 100 points whereas the average score in EU countries is 68,6%. Its ranking has remained the same since 2010. Greece's score in the [domain of power](#) is 28,8%.

<sup>48</sup> UN Human Rights Council, Visit to Greece: [Report](#) of the Working Group on discrimination against women and girls, A/HRC/44/51/Add.1, April 2019. The WG experts are concerned that there is uneven coordination of support services for victims of the various forms of gender-based violence, as well as programmes for perpetrators.

<sup>49</sup> See COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EESC AND THE COMMITTEE OF THE REGIONS [A Union of Equality: Gender Equality Strategy 2020-2025](#), 5.3.2020 COM (2020) 152 final, p.14.

<sup>50</sup> See [Letter](#) from the N.C.D.P. to the Ministry of Interior, Protocol Number 949/29.06.2022 [in Greek].

<sup>51</sup> GNCHR, [Observations](#) on the Draft Law of the Ministry of Labor and Social Affairs on the Protection of Labor - Establishment of an Independent Authority "Labor Inspection"- Ratification of the ILO Convention C190 on Violence and Harassment - Ratification of the ILO Convention C187 on the Promotional Framework for Occupational Safety and Health – Incorporation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 14 June 2021, [Summary of GNCHR Observations on Draft Law of Ministry of Labour and Social Affairs](#), August 2021.

legislative framework and its application in practice, which limit women's labour rights, such as the high female unemployment rate,<sup>52</sup> dismissals of pregnant women in the private sector, the absence of a minimum single maternity benefit to all working mothers and the continuous reduction of the already insufficient day-care structures for children and dependent persons. In this regard, GNCHR reiterates its recommendation about the need to primarily promote work-life balance measures, such as, the participation of women in the labour market, the equal sharing of caring responsibilities between men and women, and the closing of gender gaps in earnings and pay, instead of reinforcing existing inequalities in this field. Finally, the GNCHR expresses its disappointment with regard to the fact that Greece is one of the EU Member States that does not grant parental leave to parents who are same-sex couples.<sup>53</sup> Moreover, the GNCHR voices its concerns about the tendency of mothers in Greece to settle disputes between them and their employers privately, thus accepting a violation of their rights, afraid of losing their jobs, while those who complain to the Ombudsman's Office are often hesitant to proceed to further action. Additionally, there is still a failure to collect reliable statistics on gender discrimination in the workplace in Greece.<sup>54</sup>

#### **v) UNACCOMPANIED MINORS (ARTS. 6, 7, 9, 10 AND 24) – QUESTION 5**

24. The Human Rights Committee in its Question 5 prioritizes three questions regarding unaccompanied minors: (a) the abolishment of protective custody, (b) human rights principles on age assessment, and (c) implementation of guardianship.

25. By Law 4760/2020, protective custody of minors was abolished in law. Based on latest statistics by the Ministry for Migration and Asylum there are no unaccompanied minors in police departments or informal/unsafe housing conditions as they used to be two years ago. However, in practice unaccompanied minors are still detained in police departments and for the shortest period possible. Thanks to the National Emergency Response Mechanism for unaccompanied minors living in precarious conditions which was launched by the SSPUAM in 2021 together with UNHCR and civil society organisations, temporary (emergency) housing of unaccompanied minors became possible with a view not to leave any child in precarious situations.<sup>55</sup> The National Emergency Response Mechanism (NERM) was institutionalized by Law 4960/2022 and apart from emergency housing, the NERM provides legal aid and other services, such as psychosocial assistance.<sup>56</sup> The GNCHR notes with satisfaction the above

---

<sup>52</sup> Ministry of Labour and Social Affairs, General Secretariat for Demography and Family Policy and Gender Equality, Observatory, [26<sup>th</sup> e-bulletin](#): Female Unemployment during the COVID-19 pandemic, November 2020 [in Greek].

<sup>53</sup> [Observations by the GNCHR on the 5th National Report on the implementation of the Revised European Social Charter](#), January 2023, p. 23, [GNCHR Submission](#) to the United Nations Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights, September 2021, p. 13-14, [GNCHR on Draft Law of the Ministry of Labor and Social Affairs "For the Protection of Labor - Establishment of an Independent Authority "Labor Inspection" - Ratification of Convention 190 of ILO on the Elimination of Violence and of harassment in the world of work - Ratification of Convention 187 of ILO on the Framework for the Promotion of Safety and Health at Work - Transposition of Directive \(EU\) 2019/1158 on work-life balance"](#), June 10, 2021, p. 40, 47 and 49 and [Summary of GNCHR Observations on Draft Law of Ministry of Labour and Social Affairs](#), August 2021.

<sup>54</sup> See [C098 - Observation \(CEACR\) - adopted 2021](#), published 110th ILC session (2022).

<sup>55</sup> Out of 2.516 unaccompanied minors present in Greece (estimated number), 1.687 live in accommodation sites, 231 in supported independent living apartments, 222 in emergency accommodation sites, 357 in reception and identification centers, 19 in accommodation sites for asylum seekers). Ministry for Migration and Asylum, [Situation Update](#): Unaccompanied Children (UAC) in Greece, 1 February 2023 [in Greek].

<sup>56</sup> SSPUAM, [Annual Report 2022](#).

developments and monitors closely the housing conditions of unaccompanied minors and other vulnerable people after the closure of the ESTIA II scheme. Accommodation of vulnerable people in the Closed Controlled Centers of Islands raises doubts as to its compatibility with EU acquis. The European Commission has decided to open infringement procedures by sending a letter of formal notice to Greece for incorrectly transposing certain provisions of the Directive 2013/33/EU on reception conditions.<sup>57</sup> UN experts visiting Greece in December 2022 have already commented on the “increasing use of private security companies in the migration context, including in the closed controlled access centres operating in the Aegean islands” and warned against “using this prison-like type of security model as a platform for the reception of asylum-seekers”.<sup>58</sup>

26. According to the State's draft reply para. 66-67, upon arrival in the RICs a vulnerability assessment is conducted. However, after the entry into force of Law 4636/2019, the finding that a person belongs to a vulnerable group has as its only consequence the immediate coverage of his / her special reception needs. However, gaps and shortcomings in vulnerability assessments remain, such as limited or non-existent realization of psychosocial assessment, difficulties regarding referrals made by RIS to public hospitals, the low quality of the medical screening and the psycho-social support, the classification of vulnerability and non-vulnerability and the lack of information on the outcome of the procedure.<sup>59</sup>

27. In addition, based on reports of civil society organisations working in the field with minors, asylum seeking children are still wrongfully registered as adults and are forced to navigate the asylum system as unrecognized minors.<sup>60</sup> Based on communication between the Greek Ombudsman and the Asylum and First Reception and Identification Services as well as a reply by the Division of Legal Support on Asylum and Reception, seems that the competent authorities give the following interpretation to the JMD 9889/2020 provisions: the presumption of minority and the treatment of persons as minors when in doubt and during the age assessment procedure apply only to persons initially registered as minors.<sup>61</sup> The GNCHR in its hearing of stakeholders on the implementation of Law 4636/2019 on International Protection received specific information and complaints on the principles of the best interests of the child and the presumption of minority still being violated during asylum procedures.<sup>62</sup> Legal standards on age assessment procedures are clear and binding according to international and national law but are not always respected by the Greek authorities which opt for medical examination rather than a multidisciplinary approach. They even insist on

---

<sup>57</sup> European Commission, [January Infringements package: key decisions](#), 26.1.2023.

<sup>58</sup> UN Special Procedures, [Press Release](#): UN human rights experts call on Greece to strengthen oversight of private security industry, 16 December 2022.

<sup>59</sup> AIDA Country report on Greece, last updated: 30/05/2022. See in particular the Chapter on Asylum Procedure/[Identification of vulnerability](#).

<sup>60</sup> Fenix, [A child's best interests? Rights Violations in the Absence of Presumption of Minority](#), 13.10.2022.

<sup>61</sup> Intervention by the Greek Ombudsman to the Minister of Asylum and Migration, the Minister of Health and other competent authorities on 19.12.2022 on Clarifying questions regarding the age assessment procedure (protocol nr.

322116/293545/294342/310174/305748/313397/299347/298582/298581/295828/296494/297335/311261/312884/314081/316713/300268/299970/325195/296821/69118/2022)

<sup>62</sup> There are reported incidents in Lesbos and Samos of no appointment of a guardian, no special procedural guarantees offered to unaccompanied minors, no exclusion from the border procedure in case of lack of adequate support and no postponement of the interview for referral purposes to age assessment procedures. Especially in Samos, due to a lack of necessary medical personnel the age assessment procedures delayed over a year resulting to the reaching of maturity of minors. Hearing of 9th February 2022 before the Greek National Commission for Human Rights in accordance with art. 18 par 4 of Law 4780/2021.

raising doubts on the minority of the asylum seeker even if a medical examination for age assessment purposes has already been concluded. In such cases, the rights of the child are violated.<sup>63</sup>

28. The GNCHR has recommended that applications for international protection of all unaccompanied minors should be examined under the regular procedure and be given sufficient time and adequate support as per the law, to ensure a fair examination of their claims. The appointment of a guardian to support the minor throughout the asylum procedure is a fundamental safeguard for the quality of asylum procedures. More generally, the existence and effective implementation of a sustainable guardianship mechanism is critical for the achievement of a comprehensive, secure and sustainable rights-based solution for each unaccompanied minor residing in Greece. Recently steps have been made towards the effective implementation of Law 4540/2018 that was still pending. Law 4960/2022 revised the guardianship and representation system of unaccompanied minors. The GNCHR in its intervention before the Greek Parliament stressed the need for the establishment of a reliable and sustainable guardianship system.<sup>64</sup> The sustainability of a guardianship system, through adequate and uninterrupted funding is of primordial importance.<sup>65</sup> Therefore, funding secured through the National Programme of the Asylum, Migration and Integration Fund 2021-2027 must respond to the needs in the field and be part of a long-term financial planning for the implementation of Law 4960/2022 provisions. It is noted that to date, the guardianship system has not been implemented. The Greek State, in the implementation of its newly designed guardianship system is advised to take into account the guiding principles and tools developed by the Council of Europe's Committee of Ministers for an effective guardianship for unaccompanied and separated children in the context of migration.<sup>66</sup>

29. As a final remark, any policy measures, such as the *National Strategy for Unaccompanied Minors* must align with other state's child policies such as the *National Action Plan for the Rights of the Child*. The GNCHR reiterates its standard recommendation on the need for a coherent and efficient coordination of relevant actions.

## **VI) VIOLENCE AGAINST WOMEN AND CHILDREN (ARTS. 2-3, 6-8 AND 26) QUESTIONS 6 AND 7**

23. Question 6 requires information by the State on whether the provision upholding shared custody as a principle even during the court proceedings for determining cases of "poor exercise of parental responsibility", which may include domestic violence, is compatible with the Covenant. The draft State reply explains the principles of Law 4800/2021, but does not elaborate further on how victims of domestic violence are protected pending the proceedings for determining cases of "poor exercise of parental responsibility" (article 1532 of Civil Code). The State Reply could explain in this respect whether any provisional measures proceedings or other proceedings can temporarily restrict access to children so as to protect victims of domestic violence and ensure the respect of the best interest of the child.

<sup>63</sup> [HumanRights360 on the National Strategy for the protection of unaccompanied minors](#), 3.2.2022.

<sup>64</sup> The GNCHR before the Parliamentary Committee on Public Administration – Draft Law on Unaccompanied Minors, 27.7.2022 [ [video](#) in Greek].

<sup>65</sup> See also [Comments of the Greek Council for Refugees](#) in draft law "National Guardianship System of unaccompanied minors and framework for unaccompanied minors", 4.7.2022

<sup>66</sup> [Appendix](#) to Recommendation CM/Rec (2019)11.



30. In addition, paragraph 78 of the State's draft reply stresses that article 17 of Law 4800/2022 provides for mandatory training of the judges who adjudicate child custody cases, on the relevant international legal framework, especially the CRC and the Istanbul Convention. The GNHRC has been informed by CSOs, however, that judges receive training on notions that are not compatible with the Istanbul Convention, such as the so called "syndrome of parental alienation" which is frequently brought up to minimise or ignore violence<sup>67</sup>. The State reply could explain on whether efforts will be made to ensure that the training of judges addresses sufficiently the principles enshrined in the Istanbul Convention.

31. The Committee requires further information on the use of alternative dispute-resolution processes in cases of domestic violence and measures taken to make complaint mechanisms accessible and effective to the victims of violence, in particular domestic violence.

32. In paragraph 93 of the State's draft reply it is stressed that the only alternative dispute resolution procedure in criminal proceedings is provided in Articles 301, 302 and 303 of the Criminal Procedure Code (criminal conciliation – criminal negotiation). According to the State, the procedures have been simplified, to ensure to everyone free access to justice, and are not mandatory for those concerned. In cases of domestic violence (Law 3500/2006) a special form of criminal mediation is provided, with both civil and criminal law consequences. Given that the prosecutor must propose the recourse to mediation in all misdemeanour cases of domestic violence and a failure to do so may lead to the annulment of the pretrial phase, the draft State reply should further explain how it is ensured that victims do not perceive such proceedings as compulsory due to lack of information on the procedure and their rights and whether prosecutors have received specialised training with regard to the dynamics of intimate partner violence and ways to identify that victims may feel unable to refuse mediation for fear of future violence or reprisals by the perpetrator.<sup>68</sup>

33. With regard to the tackling of gender-based violence, the GNCHR reiterates with deep concern that, although various policy measures and a comprehensive legal framework for the protection and promotion of women's human rights are in place, the implementation continues to lag behind. In particular, the GNCHR remains concerned with regard to those women facing intersectional forms of discrimination or those in more vulnerable situations, such as migrant and refugee women, Roma women, women with disabilities, as well as older women and lesbian, transgender and intersex women. The same concerns apply also in the event of vulnerable categories of children, such as migrant and refugee children, Roma children, children with disabilities and LGBTIQ children.

34. In relation to the existing network of the support services for the treatment of women victims of violence (State's draft reply para. 87), the GNCHR, calls upon the competent State authorities to ensure unobstructed access of all victims of violence against women to the shelters, including the undocumented migrant women, women with disabilities and LBTIQ+ women. The GNCHR underlines also the need to coordinate the systematic provision of other general and special support services to women victims, such as health structures, telephone hotlines, psychological, social and legal support. In addition, the Greek National Commission, appreciates the firm collection of data in relation to domestic and sexual violence against women by the *General Secretariat for Demography and Family Policy and Gender Equality*

---

<sup>67</sup> GREVIO consistently called for the relevant professionals to be informed of the absence of scientific grounds for the "parental alienation syndrome". See, its baseline evaluation reports on Andorra, Belgium, France, Germany, Italy, Poland and Spain.

<sup>68</sup> See GREVIO's reports on Belgium, France, and the Netherlands.

(GSDFPGE) and the *Hellenic Police*, however the systematic collection of comprehensive, robust and disaggregated data on all forms of violence against women, remains a key challenge.

35. GREVIO visited the offices of the GNCHR on 20 February 2023 in the event of the 1st baseline evaluation round procedure 2023-2031 concerning the implementation of the Council of Europe *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention). During the discussion, the GNCHR focused, *inter alia*, on the following issues: a) the dimension of social gender, b) the limited representation of women in politics and in leadership positions, c) the shortcomings in the provision of specialised support to rape victims through the setting up and adequate operation of sexual referral centres or accessible rape crisis centres.

### **SEXUAL HARASSMENT AND ABUSE OF WOMEN**

36. The GNCHR has condemned at the outset of 2021, the incidents of sexual harassment and abuse in sport, after the public denounce by Sofia Bekatorou of the sexual abuse she suffered at a young age, in the context of misuse of power or position in the workplace, and remains alert on any developments in this direction. It is remarkable that this development opened the way for the submission of subsequent complaints by a series of sexual victims beyond the field of sport. The GNCHR would suggest the strengthening of awareness-raising and information initiatives and activities aimed at preventing and raising awareness of the rights of victims, such as the *#MeToo* movement and the *Break the Silence - Speak, Do Not Tolerate*. In this respect, the GNCHR reiterates the need to prevent acts of sexual violence, to effectively protect victims and to combat these practices in all areas, including sport, in accordance with the Istanbul Convention (State's draft reply para. 88).

37. Moreover, considering the low rates of reporting sexual violence incidents to the competent law enforcement authorities, as well as, the low rates of prosecution, and based on zero tolerance, the GNCHR calls upon the State authorities to implement in practice the victims' access to fair justice through effective, transparent and confidential procedures for the handling of reporting, by properly implementing Law 4478/2017 *for the establishment of the minimum standards on rights, support and protection of victims of crime* ("Victims' Rights Directive") along with Law 3811/2009 *on victim's compensation* from the Hellenic Compensation Authority.

38. Finally, the GNCHR expresses its disappointment about the fact that the competent State authorities have not proceeded to the establishment of a National Observatory of Femicide, as the National Commission has recommended, which would officially recognize femicide as the killing of women and girls because of their gender, in accordance with the guarantees of European and international institutions and bodies and at the same time, it would collect comparable and analytical data on femicide cases and propose measures for prevention, early intervention for the effective protection of victims and for combating the phenomenon (State's draft reply para. 86-88).<sup>69</sup> Emphasis should be given by the Observatory to the collection of data concerning the precise profile of the victim and of the perpetrator, the conduct and the results of effective investigations and the imposition or not of sentences and sanctions.

---

<sup>69</sup> GNCHR [Observations on the National Action Plan for Gender Equality 2021-2025](#) of the Ministry of Labor and Social Affairs, September 2021, p. 47-48 [in Greek].

### **COURSE OF IMPLEMENTATION OF THE ILO CONVENTION 190**

39. In relation to the implementation of the ILO Convention 190 (State's draft reply para. 85), the GNCHR notes with regret that plenty issues of non-compliance with the existing framework remain, to the extent that the law provisions do not take into account European law and the EU *acquis* in the field of violence and harassment in the world of work. The GNCHR emphasizes also the need for the ILO *Recommendation R206 concerning the elimination of violence and harassment in the world of work* to be employed for the interpretation and supplementation of the ILO Convention 190, as it encompasses the main implementation pillars of the ILO Convention 190. The GNCHR notes that it is required, among other things, that the protective institutional framework is properly formulated on the basis of the root causes of violent behaviors and acts.<sup>70</sup>

### **CHILD**

40. In relation to the *National Action Plan for the Protection of Children from Sexual Abuse and Exploitation 2022-2027* (State's draft reply para. 80),<sup>71</sup> aiming at preventing and combating child sexual abuse through the identification of best practices and priority actions, and where the National Commission has also contributed, the GNCHR would like to express some serious concerns. Taking into account on the one hand the increasing of incidents of sexual abuse, and the low reporting rates on the other,<sup>72</sup> the GNCHR would like firstly to draw the attention of the national competent authorities to the need for applying one single special mechanism and providing for a proper infrastructure for the judicial interview and testimony of children victims. Especially, after the recent claims of rape cases of children, who were forced to make multiple statements to investigative officials, it seems urgent the establishment and operation of the institution of the House of Child throughout the country, without further delays, which is planned to host the judicial interview and the deposition of minor victims of violent under appropriate and due conditions. The one existing House of Child so far is neither sufficient to cover the needs of the country<sup>73</sup> nor has it been at least used in this particular or other cases. Secondly, the GNCHR is deeply concerned with the role of the Greek mass media in the management of child victims of sexual abuse and their responsibility in the re-victimization of these children.<sup>74</sup> The GNCHR would like to ask the State whether the House of Child in Piraeus is operational and how many children have benefited from its use?

---

<sup>70</sup> [Observations by the GNCHR on the 5th National Report on the implementation of the Revised European Social Charter](#), January 2023, p. 28 and [GNCHR on Draft Law of the Ministry of Labor and Social Affairs "For the Protection of Labor - Establishment of an Independent Authority "Labor Inspection" - Ratification of Convention 190 of ILO on the Elimination of Violence and of harassment in the world of work - Ratification of Convention 187 of ILO on the Framework for the Promotion of Safety and Health at Work - Transposition of Directive \(EU\) 2019/1158 on work-life balance"](#), June 10, 2021, p. 7, 15, 19-20 and 28-29.

<sup>71</sup> [GNCHR Observations on the National Action Plan for the Protection of Children from Sexual Abuse and Exploitation 2022-2027](#), December 2022 [in Greek].

<sup>72</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU [Strategy on victims' rights \(2020-2025\)](#), p. 6 and 12 and [COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EESC AND THE COMMITTEE OF THE REGIONS EU Strategy for a more effective fight against child sexual abuse](#), COM(2020) 607/24.7.2020 final, p. 7.

<sup>73</sup> [GNCHR Observations on the National Action Plan for the Protection of Children from Sexual Abuse and Exploitation 2022-2027](#), December 2022. See also [website of the Ministry of Justice](#) [in Greek].

<sup>74</sup> [GNCHR Observations on the National Action Plan for the Protection of Children from Sexual Abuse and Exploitation 2022-2027](#), December 2022.

41. What is also important, as CRC highlighted in its [General Comment No. 19](#) (2016) on *public budgeting for the realization of children's rights* (art. 4), is that the competent State authorities provide for child rights-based budgeting, which is perceived to produce significant gains in efficiency, equity and accountability in public spending and at the same time engage children in the decision-making process about expenditure.<sup>75</sup>

42. To that end, the GNCHR suggests that the competent State authorities not only design and implement strategies and plans applicable to all children on an equal basis, with special attention to vulnerable ones, but also maintain a common policy, emphasising on a consistent and reliable legal framework and on the establishment of efficient and transparent control mechanisms.<sup>76</sup> Overall, the National Commission calls upon the State to keep child related issues as the highest priority on its agenda.

43. Notwithstanding is the recommendation of the GNCHR in the framework of the new Law bringing reforms in parent-child relationships and family law,<sup>77</sup> in case of conviction of a parent for domestic violence or for crimes against sexual freedom or crimes of sexual exploitation (State report para. 71-76).<sup>78</sup> More specifically, the precondition of the law of irrevocable conviction of a parent for domestic violence or for crimes against sexual freedom or crimes of sexual exploitation, should be removed out of the grounds of protecting the child's best interests. The exclusion or restriction of contact in these circumstances is crucial and should be imposed after a detailed report by public social work professionals and child psychologists on the inadequacy of the parent, whose assistance should be sought immediately. The Civil Code (art. 1520) should be accordingly amended.<sup>79</sup>

### **BULLYING AND VIOLENCE IN SCHOOLS**

44. Most recently, the GNCHR welcomed the launching of a draft Law *Living in Harmony Together – Breaking the Silence given the essential role of education for child development launched by the Ministry of Education*,<sup>80</sup> which is under consultation and which provides for a number of positive measures towards the effective prevention, detection and response to the different forms of violence in the school environment. More specifically, it provides, among others, for i) a broad definition of bullying in order to include all forms of school violence and with emphasis on vulnerable categories of children, ii) the active participation in the treatment of this complex phenomenon of all relevant stakeholders: educational and

---

<sup>75</sup> GNCHR Written Responses to the List of issues in relation to the combined fourth to sixth periodic reports of Greece to the UN Committee on the Rights of the Child, December 2021, p. 6, Deutsches Institut für Menschenrechte, CRC (2016): [General comment No. 19 on public budgeting for the realization of children's rights](#) (art. 4).

<sup>76</sup> GNCHR Written Responses to the List of issues in relation to the combined fourth to sixth periodic reports of Greece to the UN Committee on the Rights of the Child, December 2021, p. 9-10, and UNICEF, [Governance, Scanning emerging governance trends for new opportunities to leverage governance for children](#). Addressing these concerns would also support SDG Goal focused on Reducing inequalities (Goal 10) and, in particular, it will support delivery of SDG Target 10.3 aiming at ensuring equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard,

<sup>77</sup> Law 4800/2021 on "Reforms relating to parent-child relationships and other matters of family law".

<sup>78</sup> GNCHR's [Observations on Draft Law of Ministry of Justice "Reforms regarding parent-child relationships and other family law issues" - Summary in English](#), April 2021.

<sup>79</sup> GNCHR's [Observations on Draft Law of Ministry of Justice "Reforms regarding parent-child relationships and other family law issues" - Summary in English](#), April 2021.

<sup>80</sup> Draft Law "*Living in Harmony Together – Breaking the Silence given the essential role of education for child development* launched by the Ministry of Education" launched for consultation on 8-20 February.

administrative staff, psychologists, social workers, parents and guardians, ii) the creation of a special platform for anonymous and named reporting of incidents of school bullying and violence, and iv) training and information activities, as well as, awareness-raising actions in the *school setting* from Kindergarten to High School in order to change attitudes or reactions, eradicate and combat bullying. It is noteworthy that after the proposals of civil society,<sup>81</sup> a special reference on vulnerable children, including migrant and refugee children, Roma children, children with disabilities and LGBTIQ children, has been incorporated in the wording of the draft Law. What this Draft Law is missing, is a specific provision for cyber violence, given that a large percentage of violent incidents at school are linked to or initiated by social networks.

45. Furthermore, the GNCHR reminding that human rights education and training has been included in the hard core of its mission by the national legislator (art. 12, case 6, of Law 4780/2021), expresses its concern about weaknesses occasionally observed with regard to the educational material that is designed and used in trainings addressed to the educational and non-educational community. Therefore, the GNCHR calls upon the State to use its expertise and experience during the design and production stages of educational material, to the extent that this is related to the protection and promotion of human rights, for training and awareness-raising initiatives.

46. The GNCHR encourages the competent State authorities to essentially improve the relevant policies and legislation in view of the active participation of all stakeholders: teaching and administrative staff, parents, and guardians. As far as the reporting of children victims of school bullying and violence in the special platform is concerned, the recipients and those responsible for collecting the reports, who are the main actors in preventing and dealing that phenomenon in the school unit, should manage the reports based on a comprehensive approach, uniform standards, and ethics in every school across the Country, at levels of education and throughout the school day. Additionally, it is considered useful to explore alternatives to reporting incidents of school violence and bullying, such as the already available certified helplines

## **VII) RIGHT TO LIFE, PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT AND EXCESSIVE USE OF FORCE (ARTS. 6-7)**

### ***Overcrowding and restraints in psychiatric institutions***

47. The GNCHR has noted with great concern that very often, according to the findings of the *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* (CPT), following its 2018 country visit in Greece<sup>82</sup>, involuntary placement procedures do not offer guarantees of independence and impartiality as well as of objective medical expertise.<sup>83</sup> These concerns are confirmed by the latest COBs on the seventh periodic

<sup>81</sup> [Greek Transgender Support Association \(GTSA\)](#) and [Rainbow Families Greece](#).

<sup>82</sup> CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018, 19 February 2019, [CPT/Inf \(2019\) 4](#), par. 43-45.

<sup>83</sup> GNCHR, Information relevant to the implementation of the Convention against Torture. Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p. 12 et seq.

report of Greece of the Committee against Torture (CAT)<sup>84</sup>. In particular, it is deeply worrying that the statutory time limitations of the provisional placement are not respected, there is no distinction in Greek law between the procedure for involuntary placement in a psychiatric institution and the procedure for involuntary psychiatric treatment, voluntary patients are not required to sign a form on relevant admission issues, there isn't a complaint procedure in every psychiatric establishment, there is a significant monitoring gap, which needs to be remedied urgently, the time involuntary patients benefit from facilitated contact with the outside world is quite limited and compulsory placements of criminally irresponsible patients have not been subject to systematic court review, resulting to little progress towards release.<sup>85</sup>

48. The *Committee on the Rights of Persons with Disabilities* in its Observations on the initial report of Greece highlighted its remarks<sup>86</sup> regarding the overcrowding and the instances of unrecorded injuries of persons with disabilities in psychiatric facilities, as well as, the lack of information on legal safeguards and monitoring mechanisms in relation to care and treatment for persons with disabilities in facilities of any kind. The Committee also observed the absence of a framework to provide the necessary specific measures and individualized support to prisoners and detainees with disabilities to satisfy their daily requirements in conditions ensuring respect for their dignity, and has expressed concerns regarding reception and detention conditions for persons with disabilities who are refugees, asylum seekers or persons in refugee-like situations, including detention conditions and pending expulsion to the country of origin under Law No. 3907/2011, the Committee.

49. In light of the aforementioned, the Committee recommended that the State party take effective measures to ensure that the living conditions of persons with disabilities in institutions and facilities of any kind, including reception and detention centres for refugees, asylum seekers and persons in refugee-like situations, respect the dignity of persons with disabilities and comply with the provisions of art. 15 of the Convention. It also stressed the importance of the reinforcement and the implementation of safeguards against and mechanisms for monitoring ill-treatment in institutions and facilities where persons with disabilities are held, ensuring, inter alia, that injuries sustained by persons with disabilities in such institutions and facilities are systemically recorded and brought to the attention of the competent monitoring authorities

50. According to the Observatory on Disability Issues, in late 2019 the Greek Ministry of Labour and Social Affairs took the initiative to designate a National Strategy for the deinstitutionalization with the help of the Structural Reform Support Service –SRSS and the European Association of Service providers for Persons with Disabilities (EASPD), which was finally completed in July 2021.<sup>87</sup> The GNCHR therefore notes with disappointment the delay in

---

<sup>84</sup> CAT, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 38-39.

<sup>85</sup> CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018, 19 February 2019, [CPT/Inf \(2019\) 4](#), par. 48-54. Addressing these concerns with regard to ill-treatment in psychiatric establishments would also support delivery of SDG targets 16.1 aiming at significantly reducing all forms of violence and related death rates everywhere and 16.6 on developing effective, accountable and transparent institutions at all levels.

<sup>86</sup> Committee on the Rights of Persons with Disabilities, [Concluding observations on the initial report of Greece](#) Adopted by the Committee at its twenty-second session (26 August–20 September 2019), 29 October 2019.

<sup>87</sup> Observatory for issues of disability, [National Report 2021](#), p. 68-69.

the process of rehabilitating the living conditions in institutions, as not a single person with disabilities found its way out of the overcrowded institution within a period of fourth years since the initiation of the program in 2017.<sup>88</sup>

### **VIII) ELIMINATION OF SLAVERY AND SERVITUDE AND TRAFFICKING IN PERSONS (ARTS. 2, 7-8, 24 AND 26) QUESTION 13**

51. The GNCHR, constantly monitoring the implementation of regulatory and operational measures on matters pertaining to the prevention and combating of human trafficking and forced Labour, has put particular emphasis on the compliance of Greece with the ECtHR decision on the case of Chowdury and others v. Greece (known as the "Manolada case"), a landmark case establishing, among others, the definition of forced labour under art. 4 ECHR. In this regard, the GNCHR appreciates and identifies as a good practice (State's draft reply para. 139-140), the recent sign of an agreement between Greece and Bangladesh providing for the granting of temporary work visas for Greece to 4,000 Bangladeshi nationals each year. Under the same scheme, as many as 15,000 undocumented Bangladeshis already working in Greece will have their status legalized. The agreement, provides, according also to the positions of the Greek Ministry of Immigration and Asylum, for legal migration opportunities for people who are interesting to work in Greece, combating at the same time illegal migration and smuggling networks.<sup>89</sup> However there are still complaints about the fact on the one hand that the granting of this permit does not lead to a permanent residence status, nor does it give the right to citizenship, as the Code of Immigration and Social Integration stipulates after a five-year period of legal residence, and on the other hand about the persisting shortages of seasonal workes in many agricultural areas of the country, such as Messinia etc. So, the GNCHR remains concerned about the situation in agriculture area and will continue monitoring and evaluating the progress towards the combating of human trafficking for labour exploitation and forced labour issues.

### **IX) ACCESS TO JUSTICE, INDEPENDENCE OF THE JUDICIARY AND RIGHT TO A FAIR TRIAL (ART. 14) QUESTION 14**

52. When it comes to legal aid in civil proceedings, the relevant provisions are to be found in arts 194-204 of the Code of Civil Legal Procedures. The availability of legal aid depends on proven need. The provision of legal aid is further regulated within the Greek legal order by special law, Law 3226/2004. The main prerequisite for granting legal aid is the low income of the citizens (more specifically, the family income must not overcome 2/3 of the annual personal income specified by the general collective labour convention). Law 3226/2004 stipulates legal aid in cases of private law and penal law. Legal aid, in these cases, is not only confined to judicial expenses (fiscal stamps), but it also expands to provision for legal attendance (a lawyer). The latter is granted following a petition. Legal aid is provided separately for every trial, it is valid throughout one and each level of jurisdiction and is related to the enforcement of the judgment. Legal aid is provided under the presupposition that the submitted judicial remedies are admissible and not obviously unfounded or

<sup>88</sup> Observatory for issues of disability, [National Report 2021](#), p. 68-69.

<sup>89</sup> See [website of the Greek Ministry of Migration and Asylum](#) sign a bilateral Memorandum of Understanding among Greece and Bangladesh to provide better cooperation in matters of legal and illegal migration.

disadvantageous. The significance of the case to the applicant is also taken into consideration. More specifically, this law amended arts 194-204 of the Code of Civil Procedure.

53. Concerning criminal cases, the legal aid system has been recently amended by Law 4596/2019. Legal Aid is provided at the request of the beneficiary, the procedure is carried out duty-free, and it is not mandatory to perform with a lawyer. For the assumption of the application is sufficient probability, while acceptance or rejection of the application must be justified. A new application may be submitted in the event of a change in the facts. The GNCHR regrets that the procedure remains unapplicable in most cases not only at the legislative level but also at the implementation level.<sup>90</sup>

54. In discrimination cases, the GNCHR observes that the procedural role of NGOs does not go beyond the minimum requirements under art. 7 par. 2 of Directive 2000/43.<sup>91</sup> It must be stressed that the condition of power of attorney for supporting persons who are victims of discrimination is far more restrictive than the "consent" requirement provided for by art.7, par. 2 of Directive 2000/43. Considering the fact that victims of discrimination often belong to vulnerable groups, this condition may have a negative impact on the possibility of their representation by NGOs. Furthermore, legal entities are required to have as a constitutive aim to uphold anti-discrimination. This prerequisite also may limit the scope of civil society organizations which may represent discrimination victims. It must be noted that support by the NGOs is of crucial importance since they are the best-informed part of civil society in the field of developments in the anti-discrimination legislation. Any legal entity, association, union or group of persons may submit a complaint to the Greek Ombudsman. Associations and organizations that have legal personality may participate in court proceedings. According to the Hellenic League of Human Rights Annual Report civil society organizations and agencies are engaged in "strong anti-discrimination and pro-integration activity".

## **IX) TREATMENT OF ALIENS, INCLUDING MIGRANTS, REFUGEES AND ASYLUM SEEKERS (ARTS. 6-7, 9, 12-13 AND 24) – QUESTIONS 16, 17 AND 19**

### **RECORDING AND INVESTIGATING INCIDENTS OF PUSHBACKS**

55. The GNCHR brought to the attention of the State, as early as 2002, reports from NGOs, such as Amnesty International and the World Organization against Torture, on illegal practices of violent push backs at the Greek-Turkish maritime and land borders, which raise concerns about respect for the fundamental rights of third-country nationals and the *non-refoulement* principle.<sup>92</sup> More recently, the GNCHR noted an increase in incidents reported by international organizations,<sup>93</sup> civil society<sup>94</sup> and the press on individual or group pushbacks

<sup>90</sup> See [Observatory for Legal Aid in Greece](#), Hellenic League for Human Rights.

<sup>91</sup> European Union Agency for Fundamental Rights, [Report](#), Access to justice in Europe: an overview of challenges and opportunities. 23 March 2011, p. 9.

<sup>92</sup> GNCHR, [Proposals for the Reception of Asylum Seekers and their access to asylum procedures](#), 6.6.2002. GNCHR, [Ratification of the Protocol for the Implementation of Article 8 of the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Turkey on Combating crime, Especially Terrorism, Organized Crime, illicit drug trafficking and illegal Immigration](#), 31.1.2002.

<sup>93</sup> The UN Human Rights Committee, the UN Committee Against Torture, the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on the Human Rights of Migrants, the UN Refugee Agency, the International Organisation for Migration, the European Committee for the Prevention of Torture and Inhuman or



allegedly taking place at the Greek-Turkish land and sea borders - which also constitute the EU's external borders. The GNCHR consistent to its role as a "human rights watchdog", issued several Statements (in 2017 and 2018) calling the Greek State to take all measures in order to ensure the respect of the *non-refoulement* principle, the unhindered, timely and effective access to international protection procedures for all foreigners with irregular entry without discrimination based on race, religion, ethnicity, participation in a social group of political opinion; and the timely and thorough investigation of all complaints on informal, violent pushbacks in Evros.<sup>95</sup>

56. In 2020, the GNCHR, worried about multiple reports on violent pushbacks during the period 28.02.2020-2.3.2020 and allegations of pushbacks at sea using life-threatening practices decided to prioritize this issue and shift its attention into formulating concrete proposals to the State in order to effectively tackle this phenomenon whose characteristics have gradually but steadily being consolidated, revealing a repeated methodology. Following a hearing of relevant stakeholders, the GNCHR issued a Statement<sup>96</sup> whereby it responded to above allegations by proposing to the Greek authorities the establishment of an official independent mechanism for recording and reporting informal forced returns. The GNCHR highlighted specific issues on migrants' rights at borders, including allegations of informal forced returns and reported use of violence, as well as the accountability required for the alleged violations, in its Report on the State of Migrants' Rights at Border, in 2021 which followed its Reference Report on the Refugee and Migrant Issue.<sup>97</sup>

57. In 2021, the GNCHR, noting that there is a complete disregard by the Greek authorities of the relevant recommendations by the GNCHR and other national and international bodies to effectively investigate reported incidents of informal forced returns whereas, based on testimonies, there is a gradual but steady consolidation of the characteristics of the phenomenon through a repeated methodology decided to establish a Recording Mechanism of Incidents of Informal Forced Returns,<sup>98</sup> building on the best practices stemming from the founding and the operation for 11 years of the Racist Violence Recording Network.<sup>99</sup>

58. In early 2023, the GNCHR presented the Recording Mechanism and its first results (Interim Report).<sup>100</sup> The Recording Mechanism aims to monitor, record and report incidents of informal forced returns of third country nationals from Greece to other countries, through personal interviews with the alleged victims and through a common, transparent, and scientific recording methodology. It seeks to promote and consolidate respect of the principle

---

Degrading Treatment or Punishment (CPT), the Council of Europe's Commissioner for Human Rights and the European Parliament have raised concerns over reported incidents of pushbacks.

<sup>94</sup> Reports, information and complaints submitted by the Hellenic League for Human Rights, the Greek Council for Refugees and Amnesty International which are GNCHR's Members but also from Refugee Support Aegean, Human Rights 360, HIAS and ARSIS.

<sup>95</sup> GNCHR's [Statement](#) on complaints regarding illegal pushbacks in Evros, 22.7.2017 [in Greek]. GNCHR's [Statement](#) on complaints regarding informal pushbacks at the region of Evros, 29.11.2018.

<sup>96</sup> GNCHR, [Statement](#) on the reported practices of push backs, 9.7.2020.

<sup>97</sup> GNCHR, [National Report on the Situation of Human Rights of Migrants at the Borders](#), July 2021.

<sup>98</sup> The GNCHR established the Recording Mechanism at the Plenary meeting of 27 September 2021

<sup>99</sup> The Racist Violence Recording Network (RVRN) is a joint initiative of the Greek National Commission for Human Rights (GNCHR) and the Office of the United Nations High Commissioner for Refugees in Greece (UNHCR) comprised of stakeholders offering medical, social, legal services and/or coming in direct contact with victims of racist violence or victims of other hate or bias motivated violent attacks. Currently it is comprised of 52 NGOs and 2 observers. Click here for more information: <https://rvrn.org/en/>.

<sup>100</sup> Recording Mechanism of Incidents of Informal Forced Returns, [Interim Report](#), January 2023.

of non-refoulement as well as to safeguard guarantees and compliance with legal procedures. Moreover, the aim of the Recording Mechanism is to boost accountability for reported human rights violations alleged to have occurred during informal forced returns of third country nationals from Greece to other countries. The Recording Mechanism has recorded 50 incidents of informal forced returns which according to the alleged victims occurred in April 2020 as of to October 2022. The 50 incidents are supported by 58 personal testimonies recorded through personal interviews with the alleged victims. This initiative is supported (technically) by the UNCHR and was welcomed by the IOM, the FRA and the FRO of Frontex. Detailed qualitative and quantitative data will be published later in 2023.<sup>101</sup>

59. Regarding the particular “three-tiered system” of the Greek State in order to address informal forced returns complaints (State's draft reply para. 159), the GNCHR notes with concern that albeit their existence and operation, none of these venues<sup>102</sup> has led to an effective redress of victims for alleged violations during informal forced returns incidents. Each one of these bodies has its own constraints and limitations given their institutional mandate, experience, expertise and familiarization with the refugee context, available tools and resources and cooperation from the part of the competent authorities. In addition, internal oversight mechanisms operating in the Hellenic Police, Hellenic Coast Guard and Frontex have similarly not yet resulted in an effective investigation and punishment of staff members involved in such incidents. Finally, with respect to the newly established Special Fundamental Rights Compliance Committee, the GNCHR has expressed to the competent General Secretary its serious reservations as to the content and the limits of its institutional participation; pursuant to art. 50 para. 2 of Law 4960/2022, the GNCHR appoints a member in this Committee. In relation to both the Fundamental Rights Officer at the Greek Ministry for Migration and Asylum and the Special Fundamental Rights Compliance Committee, the GNCHR noted that they do not fulfill the criteria for the establishment of an independent and effective monitoring body for human rights, as those defined by the UNHCR, OCHR and ENNHRI.<sup>103</sup> In this respect, the GNCHR advises the Greek State to take into account FRA's recent guidance when establishing or nominating a national independent authority to act as monitoring body for fundamental rights compliance at borders.<sup>104</sup>

### **SAFE THIRD COUNTRY**

60. As an introductory remark, the GNCHR has emphasized that the refugee and migration issue must be addressed by the Greek state in a holistic way, which is unfortunately lacking today. At the same time, given that Greece is the first country of entry into the European

---

<sup>101</sup> GNCHR, [Press Release](#): Presentation of the Recording Mechanism of Incidents of Informal Forced Returns and its first Interim Report, 24.1.2023.

<sup>102</sup> According to input received by the Greek Council of Refugees, the Greek judicial system, where penal procedures have been initiated, even though cases have been brought before the attendance of prosecutors, either remained passive (up today there is no known penal procedure reaching beyond preliminary stage against state agents for the incidents at least of the last years), either followed a deficient and inadequate investigation, dismissing the allegations at a preliminary stage. Information received by the Greek Council of Refugees, August 2022.

<sup>103</sup> UNHCR, OHCHR Europe, ENNHRI, [Ten points to guide the establishment of an independent and effective national border mechanism in Greece](#), 14 September 2021.

<sup>104</sup> Fundamental Rights Agency, [Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders](#), 14.10.2022.

Union and the Schengen area, these issues could be addressed effectively only through a genuine common EU policy.

61. The GNCHR has expressed its disagreement with the characterisation of Turkey as a safe third country as early as 2016 given that Turkey retained a geographical reservation in the Geneva Convention on the Status of Refugees of 1951.<sup>105</sup> As it is also known, from March 2020 onwards no readmission to Turkey takes place based on the EU-Turkey Statement. Therefore the issuance of the Joint Ministerial Decision nr. 458568/15.12.2021 and its renewal, in December 2022, in which Turkey is designated as a safe third country for nationals from Syria, Afghanistan, Somalia, Pakistan, Bangladesh exposes asylum seekers, whose applications are being rejected based on the safe third country concept, in precarious conditions or/and in detention, in a state of legal uncertainty and without an effective access to procedures.<sup>106</sup> According to EU law, States are obliged to provide applicants with access to asylum procedures and examination of their claims in substance in case their removal to the said third country is not feasible.<sup>107</sup> The Greek asylum authorities do not apply art. 38(4) of Directive 2013/32/EU.

62. What is more, to date, the application of the concept of the safe third country by the Greek authorities in the context of the EU-Turkey Statement has led to systematic rejection of international protection applications on the basis of pre-defined, similar and repeated decisions (template decision), raising serious doubts as to the individual assessment of applications, as required by national, EU and international law. As the ECtHR has underlined, application of the safe third country concept does not exempt the national authorities to conduct a thorough investigation on real access to asylum and reliability of the asylum system of the said third country, in case of a removal of an asylum seeker, in light of art. 3 ECHR. Taken the above into consideration, the GNCHR welcomes the decision nr. 177/2023 of the Council of State to postpone the final judgment on a pending case against the JMD designating Turkey as a safe third country for certain categories of asylum seekers and make a request for a preliminary ruling to the CJEU in relation to the influence on the legality of the above national list exerted by the fact that for a long period of time (which in this particular case exceeds twenty months) Turkey refuses the readmission of applicants for international protection and it does not appear that the possibility of this country's attitude changing in the near future has been explored.<sup>108</sup>

## **X) FREEDOM OF CONSCIENCE AND RELIGIOUS BELIEF (ARTS. 2, 18 AND 26)**

---

<sup>105</sup> GNCHR, [Report](#) on the EU-Turkey Agreement of the 18th of March 2016 regarding the refugee/migration issue in Europe in light of Greek Law No. 4375/2016, 25.4.2016.

<sup>106</sup> GNCHR, [Comments](#) on Draft Law 4825/2021 of the Ministry for Migration and Asylum, July 2021 [in Greek].

<sup>107</sup> See art. 38 para. 5 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). See also EU Commissioner's for Home Affairs answer on behalf of the European Commission (P-000604/2021 on 1.6.2021) stressing that for this category of asylum seekers access to asylum procedures and reception conditions must be given.

<sup>108</sup> The Council of State, [Decision of the Council of State](#), plenary session, nr. 177/2023 [in Greek].

**CONSCIENTIOUS OBJECTION TO COMPULSORY MILITARY SERVICE (ARTS. 14 AND 18) – QUESTION 20**

63. The GNCHR has shown sustained interest in matters relating to freedom of conscience.<sup>109</sup> In particular, it has repeatedly dealt with chronic violations of the rights of conscientious objectors while constantly underscoring the need for harmonization of the Greek legislation with international and European human rights' standards<sup>110</sup>. Already back in 2001, the GNCHR highlighted the need for the taking of comprehensive legislative initiatives on the issue of conscientious objectors, with special focus on such matters as the lack of independence and impartiality of competent authorities when deciding the status of conscientious objectors; the length of alternative service being significantly longer than that of the military service and the repeated punishment of conscientious objectors in violation of the principle *ne bis in idem*. The UN Human Rights Committee in its concluding observations of 2015 had expressed concerns about "reports indicating discrimination on the basis of different grounds of objection to service" and asked for the alternative civilian service to be "accessible to all conscientious objectors".<sup>111</sup> In December 2021, the Human Rights Committee published its Views concerning the *Petromelidis v. Greece* case, the first such case of a conscientious objector from Greece examined by the Committee, finding violations of arts 9(1), 12(2), 14(7) and 18(1) of ICCPR.<sup>112</sup> Greece has failed, so far, to comply with the Views. Greece's response<sup>113</sup> indicates failure to provide any individual measure "to make full reparation" to *Petromelidis*, "*inter alia*, to expunge the author's criminal record, to reimburse all sums paid as fines and to provide adequate compensation", as the Committee has requested.<sup>114</sup> Furthermore, Greece's response indicates no intention to review its legislation. This could result in similar violations in the future, including as for arbitrary detention (art. 9(1) of ICCPR), and the repeated punishment of conscientious objectors in violation of the *ne bis in idem* principle (art. 14(7) of ICCPR).

64. Law 4609/2019 amended the legislation concerning *inter alia* conscientious objectors. Despite the positive change in the composition of the five-member committee responsible for examining applications by citizens to be granted conscientious objector status as referred in par. 184 of the State's draft reply, national legislation still fails to be in line with international human rights law and standards, as it has been highlighted by the UN Special Rapporteur on

---

<sup>109</sup> GNCHR, Input to the OHCHR quadrennial analytical report 2022 on conscientious objection to military service, 21 March 2022, p. 4.

<sup>110</sup> See, indicatively, GNCHR, [Recommendation](#) regarding Article 64(5) of the draft Law titled "Conscription of Greeks and Other Provisions", November 2005; [Recommendations](#) regarding Conscientious Objectors and the Scheme of Alternative Civil-Social Service, June 2004; [Recommendations](#) regarding the Scheme of Alternative Civil-Social Service, July 2001.

<sup>111</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, [CCPR/C/GRC/CO/2](#), paras. 37-38.

<sup>112</sup> Human Rights Committee, Views adopted by the Committee under the Optional Protocol, concerning communication No. 3065/2017, Advance unedited version, [CCPR/C/132/D/3065/2017](#), 6 December 2021, para. 10. GNCHR, [Press Release](#), 16.12.2021.

<sup>113</sup> Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva, No.: 6172.1/19, Note Verbale, January 10, 2023. Attached INFORMATION ON THE MEASURES UNDERTAKEN FOR THE COMPLIANCE OF THE GREEK GOVERNMENT WITH THE VIEWS OF THE HUMAN RIGHTS COMMITTEE IN THE CASE OF *PETROMELIDIS v. GREECE* (communication no 3065/2017, views adopted on 02.07.2021).

<sup>114</sup> Human Rights Committee, Views adopted by the Committee under the Optional Protocol, concerning communication No. 3065/2017, Advance unedited version, [CCPR/C/132/D/3065/2017](#), 6 December 2021, para. 11.

freedom of religion or belief,<sup>115</sup> the UN Human Rights Committee which requested for the legislation to be reviewed,<sup>116</sup> the OHCHR<sup>117</sup> and others.<sup>118</sup>

65. In the context of the Third Cycle of Human Rights Council's Universal Periodic Review (UPR), in 2021, Greece received a recommendation asking *inter alia* for "an alternative service to military service to which all conscientious objectors have access to".<sup>119</sup> Greece has recently accepted the recommendation,<sup>120</sup> which is yet to be implemented. Furthermore, Greece received a recommendation to "Consider amending legislation in order for conscientious objectors to be able to perform alternative civilian service in their place of residence".<sup>121</sup> This is because Greek legislation explicitly prohibits conscientious objectors to perform alternative service in their region of residence.<sup>122</sup> This has been also highlighted in 2019 by the Special Rapporteur on freedom of religion or belief.<sup>123</sup> In its response, Greece claimed inaccurately that: "*With the new legal framework, they can request service in another authority, including close to their place of residence, after five (5) months...*"<sup>124</sup> With the same rationale, Greece did not accept the recommendation in the context of UPR.<sup>125</sup> However, such applications are rejected on the ground that it is not permitted by the legislation.<sup>126</sup>

66. On 15.12.2022, the Ministry for National Defense submitted the draft law "Care in favor of Armed Forces personnel, streamlining of Armed Forces legislation, organization of the National Guard and other provisions" for public online consultation (opengov.gr). Art. 62 of the Draft Law amended the composition of the special five-member committee by reducing the number of University Professors from three to two and increasing the number of officers from one to two. The Greek National Commission, by a letter to the competent Minister formulated its objection to the relevant amendment since it would have constituted a serious

---

<sup>115</sup> In July 2019, the Special Rapporteur on freedom of religion or belief issued a Communication to the Greek authorities, "concerning the recently adopted law (4609/2019), which regrettably fails to recognize the status of conscientious objectors (COs) to military service in accordance with international human rights standards". Mandate of the Special Rapporteur on freedom of religion or belief, [OL GRC 3/2019](#), 11 July 2019.

<sup>116</sup> See *Petromelidis v. Greece*, para. 11.

<sup>117</sup> OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, 24 May 2019, [A/HRC/41/23](#), paras. 7, 24, 29, 34, 36 (note 47), 38 (note 49), 41, 46-47.

<sup>118</sup> For more analytical information see GNCHR, [Input](#) to the OHCHR quadrennial analytical report 2022 on conscientious objection to military service, 21.3.2022.

<sup>119</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, [A/HRC/49/5](#), 6 January 2022, recommendation 130.76 (Panama).

<sup>120</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, [A/HRC/49/5/Add.1](#), 16 December 2021, para. 3.

<sup>121</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, [A/HRC/49/5](#), 6 January 2022, recommendation 130.88 (Croatia).

<sup>122</sup> Law 4361/2016 (OJ 10/1.2.2016), Article 12(9), replacing Article 61(1) of Law 3421/2005.

<sup>123</sup> Mandate of the Special Rapporteur on freedom of religion or belief, [OL GRC 3/2019](#), 11 July 2019, p. 3.

<sup>124</sup> Permanent Mission of Greece to the Office of the United Nations and other International Organizations in Geneva, Verbal Note on Conscientious Objectors, 14 August 2019, Ref. No. 6175.4/AS 1237, attached response of the Hellenic National Defence General Staff, para. 1c (5).

<sup>125</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, [A/HRC/49/5/Add.1](#), 16 December 2021, paras. 6 and 7 (c).

<sup>126</sup> E.g. rejection of such an application by the Deputy Minister of National Defence, dated 26 August 2019. See in GNCHR, [Input](#) to the OHCHR quadrennial analytical report 2022 on conscientious objection to military service, 21 March 2022, p. 18.

regression in law regulating issues of conscientious objectors.<sup>127</sup> It is positive to note that the Ministry withdraw the alleged provisions following the intervention by the GNHCR and other stakeholders.

67. The GNCHR has submitted to the OHCHR a comprehensive input describing all the remaining challenges in State law and practice. This input contains all the relevant recommendations as for the measures which are necessary in order to bring State law and practice in line with international human rights law and international and European human rights standards.<sup>128</sup>

#### **FREEDOM TO PARTICIPATE OR NOT TO RELIGIOUS EDUCATION CLASSES**

68. In relation to question 21, the State reply does not mention specifically the follow up measures taken to comply with the ECtHR judgment in the case Papageorgiou and others v. Greece. The GNHRC invites the States report to specifically address the issue of implementation of this judgment.

#### **XI) RIGHT TO FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY AND FREEDOM OF ASSOCIATION (ARTS. 2, 17 AND 19-22) – QUESTIONS 22 AND 24**

69. With regard to the requirements for the registration of NGOs involved in the protection of refugees, the GNCHR notes that by virtue of Laws 4636/2019 and 4686/2020, these became stricter, involving also the registration of their members and employees (physical members) for anti-laundering purposes,<sup>129</sup> as well as a two-year financial audit of the NGOs.<sup>130</sup> Law 4939/2022 which codified existing legislation on reception, international protection of third country citizens and stateless persons and temporary protection in the event of a mass influx of displaced foreigners reiterated the same provisions. By virtue of Law 4960/2022, the provisions of art. 191 of Law 4662/2020 on the Register of the Members of Non-Governmental Organisations was added to art. 78 of Law 4939/2022. The registration of members, employees and partners of NGOs and their certification is a requirement for their activity within the Greek territory as well as for their cooperation with public bodies.<sup>131</sup>

70. The legality of these requirements has been questioned by international and European bodies.<sup>132</sup> Most recently, the UN Special Rapporteur on the situation of human rights

<sup>127</sup> GNCHR, [Letter to the Minister for National Defense](#), 9.1.2023.

<sup>128</sup> GNCHR, Input to the OHCHR quadrennial analytical report 2022 on conscientious objection to military service, 21 March 2022.

<sup>129</sup> ENNHRI/GNCHR, [National Report on the situation of human rights of migrants at borders – Greece](#), July 2021, p.59 et seq.

<sup>130</sup> [Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#); the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the human rights of migrants REFERENCE: OL GRC 1/2021 31 March 2021.

<sup>131</sup>.

<sup>132</sup> Expert Council on NGO Law of the Conference of INGOs, Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration, 2.7.2020, CONF/EXP(2020)4; Council of Europe Commissioner for Human rights, Letter to Minister for Citizens' Protection of Greece, Minister of Migration and Asylum of Greece and Minister of Shipping and Island Policy of Greece , urging Greek authorities to put an end to pushback operations and to ensure that independent and effective investigations are carried out into all allegations of pushbacks, 3 May 2021, CommHR/DM/sf 019-2021; UN

defenders after her visit in Greece in June 2022 stated that “the imposition of a registration requirement on a specific segment of civil society, and the disproportionate requirements within the registration process itself, are in violation of Greece’s obligations under international human rights law and are discriminatory”.<sup>133</sup> The GNCHR recommends that the Greek state takes into account UN Human Rights Council Resolution 22/6, whereby States shall ensure that procedures governing the registration of civil society organizations are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration and are in conformity with international human rights law. More particularly, UN Special Procedures have stated, inter alia, that the freedom of assembly and association of NGOs is interfered with by such stringent and sometimes contradictory rules and practices on registration in different Registers.<sup>134</sup>

71. Similarly, by virtue of Law 4808/2021, an obligation of registration of trade into the General Workers’ Trade Union Registry as prerequisite for the access to and exercise of trade union rights constitutes an interference, which is, in the GNCHR’s view not sufficiently justified, especially taking into consideration the suspension of trade unions’ and workers’ representatives rights in case of non-registration. Furthermore, given that the registration of a trade union became a condition for the acquisition of a legal personality, the trade union’s existence itself is jeopardized. Moreover, the internal autonomy of trade unions and their action are at stake through said state intervention. By introducing state control in internal autonomy and action of trade unions, the core of trade union freedom is affected, because the exercise of the trade union action depends on its compliance with the preconditions of art. 83 of Law 4808 whose non adherence is controlled by the State.<sup>135</sup> On 8 November 2022, the Council of State found that the provisions of Law 4808/2021 were contrary to art. 8 of the EU Fundamental Rights Charter and the General Data Protection Regulation

72. Concerning attacks against human rights defenders, the Racist Violence Recording Network recorded during January-December 2021, 72 incidents of racist violence through interviews with victims. In 28 incidents those targeted were migrants, refugees or asylum-seekers due to their national origin, religion or colour as well as human rights defenders due to their association with refugees and migrants. In 36 incidents, the targets were LGBTQI+ individuals as well as human rights defenders, due to their connection with the LGBTQI+ community. Attacks on human rights defenders show that perpetrators associate them with the people they are defending, thus expanding the use of violence to them. Although the defenders of LGBTQI+ people are not always part of that social group, the targeted organisations do consist of members of the LGBTQI+ community, which is why the assaults have a high impact both on them and the community. A long standing recommendation of both the GNCHR and the RVRN is to adopt a legislative provision for the protection of human rights defenders. What is more, all complaints on racist attacks against human rights

---

Special Rapporteur on freedom of assembly and association, UN Special Rapporteur on human rights defenders & UN Special Rapporteur on the human rights of migrants, OL GRC 1/2021, 31 March 2021.

<sup>133</sup> UN Special Rapporteur on the situation of human rights defenders, Preliminary observations and recommendations (Statement), 22 June 2022.

<sup>134</sup> [Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#); the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the human rights of migrants REFERENCE: OL GRC 1/2021 31 March 2021. Refugee Support Aegean, [Human Rights Defenders](#), 20.12.2021.

<sup>135</sup> GNCHR, [Observations](#) on the 5<sup>th</sup> National Report on the implementation of the Revised European Social Charter (reference period 01/01/2017 – 31/12/2020), December 2022, pp. 25 et seq.

defenders must be effectively investigated by the police and judicial authorities in an expeditious way. Lengthy judicial proceedings add to the prevailing climate of impunity in Greece towards organized groups or individual perpetrators of hate crimes.

73. The UN Committee against Torture has expressed serious concerns about consistent reports of intimidation and harassment of human rights defenders and humanitarian workers and volunteers, recommending that the Greek state refrains from detaining and persecuting humanitarian workers and volunteers as a means of intimidating them or discouraging them from delivering vital emergency assistance to refugees and migrants.<sup>136</sup> As recently put by the UN Special Rapporteur on human rights defenders who visited Greece in 2022, “at the tip of the spear are prosecutions, where acts of solidarity are reinterpreted as criminal activity, specifically the crime of people smuggling... The negative impact of such cases is multiplied by smear campaigns perpetuating this false image of defenders”.<sup>137</sup>

74. As far as the restrictions to the right to freedom of assembly are concerned during the Covid 19 pandemic, the Greek Government banned protest gatherings of more than 100 persons and restricted social gatherings to a maximum of nine to 12 persons.<sup>138</sup> The Greek Government also proceeded to the suspension of all public and private indoor assemblies during the second lockdown introduced in Greece to curb the surge of COVID-19 cases<sup>139</sup> and introduced systems monitoring the movement of individuals who participate in banned peaceful demonstrations in accordance with Presidential Decree 75/2020.<sup>140</sup> The participating individuals in breach of Covid 19 restrictions could be hence identified. However, acknowledging the role of law enforcement Authorities as vital for the protection of citizens' life and health, the GNCHR accepts, to some extent, that in many cases it may be necessary to grant the Police extensive powers for the monitoring of compliance with emergency measures.<sup>141</sup> Following the use of excessive police violence during the demonstrations that took place in November 2020 in Athens,<sup>142</sup> the GNCHR stresses that the pandemic does not exonerate the Police from its obligation to use its currently extensive powers in a manner that is fully compliant with its mandate, which is no other than to serve

---

<sup>136</sup> Committee against Torture, Concluding observations on the seventh periodic report of Greece, 3 September 2019, CAT/C/GRC/CP/7, paras. 48-49.

<sup>137</sup> UN Special Rapporteur on human rights defenders, ‘Greece: Migration policy having “suffocating effect” on human rights defenders says UN expert’, 22 June 2022.

<sup>138</sup> United States Department of State, Bureau of Democracy, Human Rights and Labor, [Country Reports on Human Rights Practices for 2021](#).

<sup>139</sup> Amnesty International, [GREECE: FREEDOM OF ASSEMBLY AT RISK AND UNLAWFUL USE OF FORCE IN THE ERA OF COVID-19](#).

<sup>140</sup> <https://www.syntagmawatch.gr/trending-issues/to-zitima-twn-kamerwn-foritwn-kai-swmatos-poy-feroun-oi-monades-apokatastaseos-tis-taxis-mat-tis-ellhnikhs-astynomias/>  
<https://www.odigostoupoliti.eu/kameres-egkatastasi-kai-leitourgia-se-dimosious-chorous/>

<sup>141</sup> GNCHR, Summary of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, May 2021.

<sup>142</sup> <https://www.kathimerini.gr/politics/561189616/m-chrysocho-dis-oi-arithmoi-den-epivevaionoy-n-kamia-exarsi-astynomikis-vias/> The Greek Minister for the Protection of the Citizen at that time (17.11.2020) questioned the alleged rise of incidents of police violence against demonstrators, attributing the high percentages of police violence to a misinterpretation of the numbers, “which do not always reflect reality”. Nevertheless, he did assume responsibility for the incidents of the 17<sup>th</sup> November 2020, arguing however that there have been no allegations for disproportionate use of force or of violation of the legal framework, where exceptions were only made as for the political parties involved in the demonstrations.





and protect citizens while respecting their fundamental freedoms and human rights.<sup>143</sup> In light of the aforementioned incidents, the Commissioner for Human Rights of the Council of Europe expressed concerns with regard to allegations and reports of ill-treatment by the Greek Authorities due to the use of excessive force during demonstrations, but noted with interest the adoption of a new mechanism for investigating incidents of arbitrariness in security forces and in detention facilities.<sup>144</sup> Moreover the new rules adopted for policing demonstrations restricted freedom of the press by designating specific areas for the press to be located during demonstrations.

---

<sup>143</sup> GNCHR, Summary of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, May 2021.

<sup>144</sup><https://www.coe.int/en/web/commissioner/-/commissioner-concerned-about-ill-treatment-by-law-enforcement-officials-in-greece>