



**Greek National Commission for Human Rights (GNCHR)**

**Reply to the call for inputs of the  
UN Special Rapporteur on the situation of human rights defenders  
in preparation of her Report on human rights defenders  
working on issues related to migration, refugees and asylum**



**June 2022**



*The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection and the National Human Rights Institution (NHRI). It was established in accordance with the UN Paris Principles and is governed by Law 4780/2021. Its members are persons appointed by forty-two institutions whose activities cover the field of human rights (independent Authorities, universities, third level trade unions, NGOs, political parties and the Administration).*

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## **I. INTRODUCTORY INFORMATION**

1. The Greek National Commission for Human Rights (GNCHR) warmly welcomes the initiative of the Special Rapporteur (SR) on the situation of human rights defenders (HRDs) to dedicate her report to the UN General Assembly in October 2022 to the situation of HRDs who work on issues related to migration, refugees and asylum.
2. The GNCHR has among its mission to cooperate with the United Nations and any other organisation in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights (Paris Principles, A.3.e.). In its more than 20 years of operation, the Greek National Commission has provided input and disseminated the work of various UN bodies, such as the General Assembly, Human Rights Council, Secretary General, Special Rapporteurs, Working Groups, Independent Experts and treaty bodies.
3. The Greek National Commission deeply values the work of the SR on the situation of human rights defenders, who has recognized explicitly that NHRIs, their members and staff can be considered as HRDs as they strive to promote and protect human rights.<sup>1</sup> The GNCHR, as the Greek NHRI constantly works for the advancement of the level of protection that HRDs, among them those working on migration and refugee issues, enjoy in Greece. To this end, the Commission submits the present input to the SR providing information on the general framework and recent trends in Greece (II) while highlighting the GNCHR's effective practices to support and protect HRDs (III).

## **II. GENERAL FRAMEWORK AND RECENT TRENDS**

4. In Greece, there is no legal framework providing support and protection to HRDs. The GNCHR, as well as the Racist Violence Recording Network (RVRN) have advocated towards the establishment of a regulatory framework. The GNCHR has already approved in principle the adoption of a bill on "Recognition and Protection of Human Rights Defenders", brought before its Plenary by its member appointed by the Greek Transgender Support Association (SYD). The bill aims at ensuring that human rights defenders are free from attacks, reprisals and unreasonable restrictions, in order to work in a safe and supportive environment. In this context, the GNCHR considers the establishment of a focal point for human rights defenders within the NHRI.

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<sup>1</sup>Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, [A/HRC/22/47](#), 16.1.2013. See also GANHRI, [The Marrakesh Declaration](#) "Expanding the civic space and promoting and protecting human rights defenders with a specific focus on women: The role national human rights institutions", 12.10.2018.

5. As it is widely known, Greece dealt with an unprecedented number of migrants arriving irregularly in Greece in 2015-2016 and asking for international protection. The reception system of Greece had limited capacities to meet the increased immediate needs of the hosted population. International Organisations and Non-Governmental Organisations (NGOs) provided emergency assistance to newcomers offering them housing, medical, social, educational or legal services. A significant number of national, international and foreign NGOs operated in the Eastern Aegean Islands and all over Greece.

6. Since 2016, all NGOs active in Greece in the field of asylum, migration and social inclusion, have an obligation to be registered in a special “Register of Greek and Foreign NGOs”, operating under the Ministry for Migration and Asylum. However, by virtue of Laws 4636/2019 and 4686/2020, the requirements for registration and verification of these NGOs became stricter, involving also the registration of their members and employees (physical members) for anti-laundersing purposes. As far as the implementation of the NGO registry so far is concerned, in an information note released in May 2021, the Ministry of Migration and Asylum referred to 36 registered organisations and 78 rejected applications. Another 97 applications are pending. Taking into account that the negative decisions are more than double the number of positive decisions on registration applications, the assessment of registration applications in practice gives rise to grounds for believing that the criteria are not applied transparently, fairly, consistently and lawfully. According to an Opinion by the Expert Council on NGO Law which reviewed the legislation in place, the above requirements “give rise to problems of compliance with the rights in Articles 8 and 11 of the ECHR”, because of a lack of legitimacy, proportionality and legal certainty. These provisions will have a significant chilling effect on the work of the civil society, which “may produce a worrying humanitarian situation, given the significant needs of this very vulnerable population and already existing gaps in the significant needs of government and others, and the continued violence and judicial harassment such NGOs face, including criminalisation of aspects of their work”.<sup>2</sup> An appeal against these provisions is currently pending before the Greek Council of State. A similar appeal is pending before the Greek Council of State against the provisions of Law 4808/2021, imposing a pre-requirement of registration to the General Register of Trade

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<sup>2</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. See also 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.

Unions of Worker in order for the workers' representative – who are also HRDs- to exercise the rights of collective representation.<sup>3</sup>

7. Subsequently, by Law 4825/2021, the search and rescue operations at sea by private vessels have been criminalized. The GNCHR has warned, prior to the adoption of this provision, on the risks entailed therein of possible contravention with the customary principle and the law of the sea conventions binding upon Greece regarding the duty to rescue people in distress at sea.<sup>4</sup>

**III. HOW DOES YOUR NHRI SUPPORT AND PROTECT HUMAN RIGHTS DEFENDERS WORKING ON ISSUES RELATED TO MIGRATION, REFUGEES AND ASYLUM? PLEASE PROVIDE EXAMPLES OF EFFECTIVE PRACTICES.**

8. The GNCHR monitors very closely the situation regarding civil society space and the protection of HRDs in Greece. Each year, the Greek National Commission submits a comprehensive report on the country situation under the rule of law monitoring cycle of the European Commission. A separate chapter is devoted to the developments on HRDs and civil society space.<sup>5</sup> For monitoring and reporting purposes, the GNCHR maintains a very close relation with NGOs and CSOs. Not only prominent NGOs and CSOs form part of its Plenary, but the Greek National Commission also maintains within its premises the Racist Violence Recording Network (RVRN) and the Recording Mechanism of Incidents of Informal Forced Returns (RMIFR) which are comprised by NGOs and other civil society actors, such as migrant and refugee communities.

***Racist Violence Recording Network***

9. The RVRN was established in mid-2011 by the GNCHR and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Greece. It is comprised of actors offering medical, social, legal services or/and coming in direct contact with victims of racist violence or victims of other hate- or bias-motivated violent attacks as well as organizations established by the groups which are usually targeted by racist violence themselves. Apart from the coordinators, GNCHR and UNHCR, RVRN is comprised of 52 NGOs and civil society bodies, as well as the Greek Ombudsman and the Migrant Integration Council of the Municipality of Athens, as observers. The participating actors acknowledge and jointly combat racist violence as well as all racially motivated acts on the grounds of race, colour, religion, descent, national

<sup>3</sup> See GNCHR's Observations on Draft Law of Ministry of Labour and Social Affairs, June 2021 ([summary](#) in English).

<sup>4</sup> See GNCHR's intervention before the Standing Parliamentary Committee on Public Administration, Public Order and Justice in 31 August 2021 (GNCHR's [Press Release](#) in Greek).

<sup>5</sup> See the most recent one in ENNHRI, State of the rule of law in the European Union – [Reports from National Human Rights Institutions](#), 2022, pp. 272 -321 (Greece).

or ethnic origin, sexual orientation, gender identity, sex characteristics and disability. For RVRN, “cases of racist violence” include any criminal acts, or violent acts or behaviour against people targeted because of their national or ethnic origin, colour, religion, sexual orientation, gender identity, sex characteristics and disabilities.

10. RVRN also records criminal acts or violent activities or behaviours against HRDs, namely against people who promote and protect human rights and are targeted because of that. RVRN records, almost on an annual basis, incidents against HRDs since its establishment. Based on these recordings, the incidents concerned HRDs linked to refugee/migrant population and LGBTQI+ community, while in several cases RVRN members have also been targeted. In this framework, RVRN has observed an escalation of violence against HRDs during 2020 and particularly the first semester of that year. Refugees, migrants and HRDs were targeted due to their affiliation with these groups. This increase was linked to the political polarization at a European and global level regarding the reception of refugees and migrants, coupled with national and local factors shaping the situation in Greece. The non-recognition of the added value of the civil society and their contribution to supporting vulnerable groups and ultimately social cohesion, combined with the lack of an institutional framework for the protection of civil society actors, led to the demonisation of their activities and ultimately to increased incidents of violence against them.

11. Concerning the quantitative analysis of the observed trends of 2020, RVRN, based on its records for that year, through interviews with victims, documented 107 cases of racist violence, from which the 74 concerned incidents against migrants, refugees or asylum-seekers (due to their ethnic origin, religion or colour) as well as HRDs due to their association with refugees and migrants, as well as shelters or other services for unaccompanied children or asylum-seekers.<sup>6</sup> A worth noting incident was recorded in March 2020 in which the perpetrators were Greeks and another European citizen and victims refugees and HRDs in Lesbos. RVRN recalls that at the time, members of far-right / fascist groups from other European countries appeared both in the Aegean islands and in Evros, participating in groups of locals acting as informal “militia” against asylum-seekers, refugees and human rights defenders. It is also reminded that in early 2020, tensions had arisen at the Greek-Turkish borders and in public discourse refugees and migrants were called “invaders” which “legitimizes” acts of defence against them. It is reminded that those incidents resulted to the intervention of the Public Prosecutor of the Supreme Court in Greece, who ordered his local

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<sup>6</sup> Out of 74 incidents, 20 were reported against HRDs. For more analytical information, see RVRN’s [Annual Report 2020](#).

colleagues to establish the merits of these allegations and to immediately take any action necessary for their in-depth investigation.<sup>7</sup>

### ***Recording Mechanism of Incidents of Informal Forced Returns***

12. As it has been reported by multiple sources in the last years, allegations of border violence are on the rise while CSOs and international bodies report an increase of incidents of informal forced returns of third country nationals and asylum seekers. The Recording Mechanism of Incidents of Informal Forced Returns (RMIIFR) has been founded by the GNCHR as a network of NGOs which are active in the field of migration and asylum and offer legal, medical, and social support to third country nationals and asylum seekers. As grassroots organizations they can timely identify persons who claim that they have been victims of this practice and record their testimonies in a common Recording Form developed by the RMIIFR. However, the recent increasingly close vigil of NGOs activities in the field of migration and asylum along with the militarization of areas of arrivals and reception facilities of third country nationals and asylum seekers, form a hostile environment for their operation and limit or disturb their activities. Moreover, in the field of informal forced returns and border monitoring activities, NGOs operations aim to record, feature, and probably substantiate illegal practices in which state officials might be involved. Indeed, there has been instances in which HRDs have been targeted by press releases and state officials or official investigations have been initiated against them for their activities in the field of migration and asylum. The GNCHR is the coordinator of the RMIIFR and the UNHCR Greece provides technical assistance as a Cooperating Agency. The operation of the Recording Mechanism under the GNCHR's auspices constitute a guarantee for the activities of the NGOs that are members to the RMIIFR and form a protective framework for their operations that are inside the scope of the Mechanism. Protection of HRDs against targeting and intimidation is high on the agenda of the RMIIFR.<sup>8</sup>

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<sup>7</sup> In the same context, in a joint memorandum to the Greek authorities, in May 2020, the UN Special Rapporteurs on the situation of human rights defenders, on extrajudicial, summary or arbitrary executions, on the rights to freedom of peaceful assembly and of association, on the human rights of migrants as well as on human trafficking, expressed their particular concern about the reaction of members of local authorities to the events that took place in Lesbos and Chios in early 2020, stressing that not all alleged acts of intimidation and harassment may have been processed, which could have facilitated their continuation. Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on trafficking in persons, especially women and children, [AL GRC 2/2020](#), 1 May 2020, p. 5.

<sup>8</sup> For more information on the RMIIFR see ENNHRI/GNCHR, [National Report on the situation of human rights of migrants at borders](#), July 2021, pp. 5, 25.