

**TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT
UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

GREECE REVIEW

I. Justice System

B. Quality of justice

Accessibility of courts (e.g. court/legal fees, legal aid, language)

The UN Committee on the Rights of the Child in its 2022 concluding observations recommended that Greece ensure access to free legal aid and appropriate assistance in a timely manner, for all migrant children, at all stages of the procedure, and guarantee the training and availability of lawyers throughout the territory, in particular for children living in camps and reception centres and ensure that migrant children have access to age-appropriate, child-friendly justice mechanisms and remedies to challenge all decisions related to their migration status ([CRC/C/GRC/CO/4-6](#), para. 40 (f-g)).

See also the point under the point: *D. The enabling framework for civil society.*

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

The UN Committee on the Rights of the Child, in its 2022 concluding observations, recommended that Greece strengthen its efforts to disseminate and raise awareness about the Convention on the Rights of the Child and its Optional Protocols and that it ensure systematic, mandatory and ongoing training on children's rights for relevant professionals, such as social workers, health workers, teachers, the police and judicial authorities ([CRC/C/GRC/CO/4-6](#), para. 13).

C. Efficiency of the justice system

Others – please specify

Best interests of the child - The UN Committee on the Rights of the Child, in its 2022 concluding observations, recommended that Greece integrate and consistently interpret and apply the right of the child to have his or her best interests taken as a primary consideration in all administrative and judicial proceedings, decisions, policies, programmes and projects that are relevant to, and have an impact on, children ([CRC/C/GRC/CO/4-6](#), para. 19 (a)).

Administration of child justice - The UN Committee on the Rights of the Child, in its 2022 concluding observations, welcomed the decriminalization of begging, the transposition of Directive (EU) 2016/800 into Law No. 4689/2020 and the introduction of home confinement with electronic supervision in Law No. 4855/2021. Recalling its general comment No. 24 (2019), the Committee urged Greece to align its child justice system with the Convention of the Rights of the Child and other relevant standards and in particular to ensure that: specialized judges for children and professionals working with child offenders receive appropriate continuous training on the rights of the child; the procedural safeguards for all children, that is, all persons below 18 years of age, entering the justice system are respected and that children benefit from the provision of legal assistance from the investigation onwards ([CRC/C/GRC/CO/4-6](#), para. 43 (a -b)).

III. Media freedom and pluralism

C. Framework for journalists' protection, transparency and access to documents

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

The UN Special Rapporteur on the situation of human rights defenders in her preliminary observations and recommendations after her official country visit to Greece noted that journalists who countered the government's narrative on the management of migration flows were often under pressure and lacked access to mainstream media outlets. She found that their access to information was limited, requests for information and data from authorities, including from local governments, often went unanswered. She also noted that journalists had very limited or no access to facilities where migrants, refugees and asylum seekers were being held, further contributing to a general lack of transparency regarding the government's policies in this area. She also pointed out that journalists reporting on corruption are sometimes facing threats and even charges ([EOM-Statement-Greece-SR-Defenders.docx \(live.com\)](#)).

IV. Other institutional issues related to checks and balances

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

The UN Committee on the Rights of the Child in its 2022 concluding observations recommended Greece allocate adequate financial resources to the Children's Rights Department in the Independent Authority of the Greek Ombudsman to ensure its sustainability ([CRC/C/GRC/CO/4-6](#), para. 12).

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

The UN Committee on the Rights of the Child in its 2022 concluding observations noted the remarkable role of non-governmental organizations (NGOs) in providing services to children, particularly refugee and asylum-seeking children and children in situations of migration and welcomed the establishment of NGO accreditation to facilitate collaboration with competent authorities. The Committee recommended that Greece intensify cooperation with NGOs, including those representing children belonging to the Muslim minority in Thrace, and meaningfully involve them in the development, implementation and evaluation of policies, programmes and legislation relating to children's rights, and in preparing periodic reports under the Convention on the Rights of the Child. The Committee remained concerned about the insufficient visibility and involvement of NGOs working on minority issues in the National Council against Racism and Intolerance and the abolishment in 2019 of the Special Secretariat for the Social Inclusion of the Roma Population. It recommended Greece the State Party publicize the work of the National Council against Racism and Intolerance and ensure that NGOs working on minority issues, including those representing Roma children and children of the Muslim minority in Thrace, are represented therein ([CRC/C/GRC/CO/4-6](#), paras 14, 17(c), 18 (d)).

The UN Special Rapporteur on the situation of human rights defenders in her preliminary observations and recommendations after her official country visit to Greece informed that the overall perception about the role of civil society and human rights defenders in Greece, had undergone a significant shift since 2019. She stated that since then, human rights defenders had found it increasingly difficult to carry out their work, especially for those who defend the rights of asylum seekers, migrants and refugees, including those providing humanitarian assistance, legal aid, participating in search and rescue operations and documenting pushbacks. She stressed that one of the biggest constraints is an increasingly restrictive legislative environment, which, among other requirements, obliges NGOs

working in the field of migration, asylum and social inclusion to register on an NGO Registry maintained by the Ministry of migration and asylum. She stated that the imposition of a registration requirement on a specific segment of civil society, and the disproportionate requirements within the registration process itself, were in violation of Greece's obligations under international human rights law and were discriminatory. She noted that the onerous registration requirements, coupled with the wide discretion afforded to the competent authorities to refuse to register applicant NGOs, had the effect of further restricting civil society space, and augmenting significantly and disproportionately the control of the State over the work of NGOs in the field of migration. She noted that the administrative burden of applying to the registry, often followed by disproportionate delays and unjustified rejections, also put an important financial and bureaucratic strain particularly on small organizations. She also noted that individual human rights defenders were not able to obtain registration. Lawyers, whose organizations had not been registered, were only able to access the facilities with their Bar Association cards, and only after submitting a prior request. She acknowledged the need to control the flow of access to the facilities, especially those housing children, however she felt that the current arrangements resulted in depriving the beneficiaries of important assistance, including but not limited to legal aid.

She respected Greece's right to seek to prevent people trafficking and smuggling and prosecute those involved in these acts. However, she stated that the efforts aimed at curbing these practices had come at a great expense to human rights defenders, who had seen prosecutions and criminal proceedings initiated against them in some cases merely for providing water or food for people landing on shores of Greece, or for carrying out search and rescue operations. She noted that the charges in ongoing criminal cases against human rights defenders were based on the [Migration Code](#) (Law 4251/2014), which implemented the EU Facilitator's Package. However, she stressed that Greek law did not define which acts or omissions constituted facilitation in this regard. She pointed out that Article 29 of the Migration Code, for instance, merely provided that 'persons who facilitate the entry into or exit from the territory of Greece of third-country nationals without performing the controls provided by law' were punishable. She noted that due to this overly broad provision, a broad range of otherwise legitimate conduct by human rights defenders could become the target of enforcement authorities. She noted that the provisions of the Migration Code provided an exception from punishment (although not from prosecution) for humanitarian actions in article 30 (6)), which was arguably applicable in the ongoing trials, however, the mere fact of a criminal prosecution and judicial proceedings was a heavy burden for human rights defenders and acts as a deterrent to others. She found that such persecutions of human rights defenders also compromised public trust in civil society, sabotaged their fundraising activities, and often resulted in self-censorship or an end to their activities altogether.

The UN Special rapporteur recommended that Greece should publicly acknowledge and commend the legitimate work of human rights defenders and the innumerable contributions they have made to the promotion and protection of human rights and create an enabling environment, free from intimidation, restrictive administrative and criminal laws is key for a thriving civil society as well as ensure that the Registry for CSOs supporting asylum seekers, migrant and refugees is simplified and made more transparent, with clear timelines set for all steps in the process and a clear time framework on when a decision on being included on the registry may be expected. She added that, such a registration system should not be discriminatory and apply to only one specific segment of civil society ([EOM-Statement-Greece-SR-Defenders.docx \(live.com\)](#)).

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or online –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures

capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services

The UN Special Rapporteur on the situation of human rights defenders in her preliminary observations and recommendations after her official country visit to Greece expressed concern about reports of the arrest, intimidation and mistreatment of women human rights defenders (WHRD) in police precincts. She noted that WHRDs had reported being brought in for questioning following demonstrations and been held for several hours, without access to lawyers, in retaliation for their peaceful activities. She also informed that defenders of LGBTI communities had faced anonymous threats, online attacks and physical attacks for their work, including by far-right extremists and others and reported a lack of access to funding and support from the government and a general uncondusive climate for their work. She was also concerned about legislation introduced in July 2020 (Law 4703/2020 on Public outdoors gatherings and other provisions), which was problematic for a number of reasons, e.g., the inclusion of a mandatory notification requirement, without which the demonstration may be banned or dismantled, provisions relating to the liability of organizers, who may be held liable for damage and injury caused by protesters and the provisions of the law that provided vague grounds to justify bans or limitations on assemblies ([EOM-Statement-Greece-SR-Defenders.docx \(live.com\)](#)).

In April 2022, four UN Special Procedures – the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief - entered into a dialogue with Greece expressing concern about the conviction and sentencing of human rights defenders Andrea Gilbert and Panayote Dimitras. According to the information received by the UN Special Procedures, they submitted a complaint against a Bishop of the Greek Orthodox Church, the Metropolitan of Piraeus Seraphim, to the Attica Security Directorate at the Department for Combating Racist Violence, accusing the Bishop of public incitement to violence or hatred, under article 1 of Law 927/1979, on punishing acts or activities aimed at racial discrimination. The Special Procedures were concerned that the human rights defenders may have been pursued in the case in retaliation for their having raised legitimate concern as to possible human rights violations, or incitement thereof, via established judicial mechanisms, and that the judicial proceedings lunched against them in response may represent an attempt to deter them from exercising their rights to bring such complaints in the future, in particular where powerful societal actors were the alleged perpetrators of the possible violations in question. They were also concerned that their conviction in the case would instill a chilling effect among others who would seek to raise concern over possible human rights violation committed by powerful actors in Greek society. They asked Greek authorities to provide information as the legal and factual basis for the prosecution of Andrea Gilbert and Panayote Dimitras, and how the action pursued against them was compatible with Greece's regional and international human rights obligations ([AL GRC 1/2022](#)).

In July 2022, three UN Special Procedures – the Special Rapporteur on the situation of human rights defenders, the Independent Expert on human rights and international solidarity and the Special Rapporteur on the human rights of migrants - entered into a dialogue with Greece expressing concern about smears and threats directed at human rights defender Iasonas Apostolopoulos who works in search and rescue operations in seas at the borders of the European Union. The UN mandate holders asked for information as to any investigations that had been carried out into threats made against Mr. Apostolopoulos, including threats made online, and, where available, information as the results of any such investigations and information on any measures taken by Greece to publicly promote the work of human rights defenders in Greece, in particular those working with migrants, refugees and asylum seekers ([AL GRC 2/2022](#)).