

Greece

Greek National Commission for Human Rights (GNCHR)

International accreditation status and SCA recommendations

The Greek NHRI was reaccredited with A-status in March 2017. During the latest accreditation session, the SCA recommended more clarity regarding the selection and appointment process of the Commission's members. The SCA also encouraged the NHRI to continue to advocate for an adequate level of funding to fully carry out its mandate.

Impact of 2020 rule of law reporting

Impact on the Institution's work

The GNCHR, as the Greek National Human Rights Institution (NHRI), not only has a strong voice and role in promoting respect for the rule of law, but furthermore is itself part of the rule of law framework. Therefore, monitoring and reporting on issues pertaining to human rights promotion and protection is not a novelty for the GNCHR. Nonetheless, the 2020 ENNHRI rule of law report impacted the GNCHR's work in a way that it urged the GNCHR to promote the development of a Strategic planning regarding the implementation of rule of law in the Country. Such a strategic planning, seen as a "road map" to support the implementation of human rights, rule of law and democracy, allowed the GNCHR to draft a concrete plan of action, which is regularly monitored and adjusted to achieve specific objectives. Taking into account, the national environment in which the GNCHR operates, international human rights standards and the Paris Principles requirements, the GNCHR seeks through this strategic planning to direct energy and resources towards achievable goals with respect to human rights and rule of law, while at the same time assessing the progress made. Finally, 2020 was marked by the Covid-19 pandemic, which *de facto* lead to deviation from the planned program of work and the GNCHR initial strategic planning.

References

- GNCHR Report on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020: https://nchr.gr/images/English_Site/COVID19/GNCHR_HR_COVID-19ENG.pdf.
- GNCHR Statement on the ban of all public open-air gatherings, November 2020 [in Greek]: https://www.nchr.gr/images/pdf/apofaseis/politika_dikaiomata/Dilosi_EEDA_Dimosies_Synathroiseis.pdf.
- GNCHR Reference Report on the Refugee and Migrant Issue (Part B), September 2020: https://www.nchr.gr/images/English_Site/PROSFYGES/Reference_Report_Refugees.pdf.

Follow-up initiatives by the Institution

Despite the COVID-19 outbreak, in 2020, the GNCHR intensified its efforts and work. In particular, the GNCHR played a decisive role in the follow-up to the annual rule of law report, by issuing and submitting among others approximately 30 reports, statements, press releases and other contributions, by conducting more than 20 Plenary meetings and other hearings on various human rights issues, as well as by raising awareness and triggering a genuine discussion at national level, including through open seminars, trainings and discussion in Parliament.

References

- GNCHR Oral Statement on the implementation of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW), November 2020: https://www.nchr.gr/images/pdf/apofaseis/isothta_fullwn/GNCHR_Oral_Statement_CEDAW_site2.pdf.

- GNCHR's Observations on Draft Law of Ministry for Migration and Asylum "Improvement of migration legislation, amendments of provisions of Laws 4636/2019, 4375/2016, 4251/2014 and other provisions", September 2020:
https://www.nchr.gr/images/English_Site/PROSFYGES/Summary_GNCHR%20Observations%20to%20Draft%20Law%20on%20Improvement%20of%20migration%20legislation.pdf
- GNCHR Statement on the fire in Moria and the day after, September 2020:
https://www.nchr.gr/images/English_Site/NEWS/GNCHR%20Statement%20on%20Moria.pdf.
- GNCHR Statement on the reported practices of push backs, July 2020:
https://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR-Statement-on-the-reported-practices-of-push-backs.pdf.
- GNCHR Statement: Reviewing asylum and immigration policies and safeguarding human rights at the EU borders, March 2020:
https://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR_STATEMENT_Borders.pdf

Independence and effectiveness of NHRIs

Changes in the regulatory framework applicable to the Institution

Following the SCA recommendation to the GNCHR, during its reaccreditation with A-status in March 2017, the GNCHR took the initiative to draft and propose to the Greek Legislator a new legal framework for its operation. This is aimed at offsetting the negative changes brought by recent legislative measures which affected the regulatory framework of the Institution by downgrading its scientific staff (Article 38 of Greek Law no. 4465/2017) and unilaterally altering its composition and violating its independence (Article 11 of Greek law no. 4606/2019). As a result, a draft law on "National Accessibility Authority, National Commission for Human Rights and National Bioethics and Technoethics Committee" was put up for deliberation in the Opengov.gr platform from December 31st, 2020 to January 14th, 2021 and was introduced to Parliament on February 5, 2021. The said draft law, aiming at addressing effectively issues such as the recognition of legal personality of the GNCHR, the guarantee of its functional independence and administrative and financial autonomy in accordance with the Paris Principles, was finally voted by Parliament on 23 February 2021 and published in the Official Journal as Law no. 4780/2021 (OJ

30/A/28.2.2021). It is important at this point to highlight the participatory procedure followed by the GNCHR, since the said legislation is the result of constant and persistent efforts and successive consultations of its Plenary and public dialogue contributing to the decision-making process. However, there are still pending issues which constitute a setback in relation to the common goal and the will to ensure the independence of the National Institutional and therefore its reaccreditation with A-status. These include the explicit assimilation of the GNCHR staff's status to the status of the staff performing similar tasks in other independent institutions of the State. The GNCHR continues to advocate, with a strong and passionate voice, for the full compliance of its legislative framework with the Paris Principles.

References

- GANHRI, Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), 9–13 May 2016, p. 34 et seq.:
- <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/SCA%20FINAL%20REPORT%20-%20MAY%202016-English.pdf>.
- GANHRI, Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), 13–17 March 2017, p. 23 et seq.:
- <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/SCA%20Final%20Report%20-%20March%202017-%20English.pdf>.
- Announcement of the resignation of the President of the Greek National Commission for Human Rights, George Stavropoulos, 4 April 2019;
- http://www.nchr.gr/images/English_Site/NEWS/Announcement%20of%20the%20GNCHR%20Presidents%20Resignation.pdf
- Law no. 4780/2021 on “National Accessibility Authority, National Commission for Human Rights and National Bioethics and Technoethics Committee” (OJ 30/A/28.2.2021): <https://www.hellenicparliament.gr/UserFiles/18a4e643-1429-4e6b-a317-d7c6a29adabf/11578912.pdf>.

Enabling space

According to Article 12(b) of Law no. 4780/2021, the GNCHR, in order to fulfill its mandate, “submits recommendations and proposals, carries out studies, submits reports and gives an opinion on the taking of legislative, administrative and other measures which contribute to the improvement of the protection of human rights”. In order to do so, the GNCHR must be informed without delay and in the most effective possible way of legislative initiatives dealing with human rights issues. To this end, it is necessary on the one hand for the Ministries’ representatives participating in its composition to inform the GNCHR and on the other hand, for the other Ministries to send the final draft laws after the end of the consultation and before its submission to the Parliament. Nonetheless, in the vast majority of cases, the GNCHR deplores the failure by the authorities to share draft legislation with the NHRI, highlighting the fact that such a failure constitutes, in addition to disrespect to its composition, a major institutional setback which needs to be fully addressed. This is a procedural impediment, which the GNCHR overcomes by closely monitoring regulatory changes with impact on human rights and commenting on relevant legislation, regardless of whether it has received the draft law in advance. One of the most recent examples is the new Greek Law no. 4735/2020 of the Ministry of Interior, which was passed on October 2020 and contains among others, provisions for the amendment of the Greek Citizenship Code. Despite the fact that the competent Ministry expressed the need for transparency, speed and efficiency, it never consulted with the GNCHR, in order to address together several human rights issues and serious obstacles and restrictions on the acquisition of Greek citizenship arising from the system of naturalisation the Law introduced.

The GNCHR has, since its establishment more than 20 years ago, struggled to maintain a fruitful and constructive cooperation with the competent national Authorities, even though strongly advocating for the benefits for the Greek State from cultivating a climate of dialogue. Especially, as far as the Parliament is concerned, the GNCHR has made continuous efforts to evolve an effective working relationship with Parliamentarians in order to better promote and protect human rights. Respectively, the GNCHR expects from Parliamentarians to produce an appropriate legislative framework for the operation of the Greek NHRI in accordance with the Paris Principles.

References

- Letter to Minister on Interior, Mr P. Theodorikakos, on Draft law of the Ministry of Interior regarding the “Amendment of the Code of Greek Citizenship etc.”, October 8th, 2020.
- The Abuja guidelines on the relationship between Parliaments, Parliamentarians and Commonwealth National Human Rights Institutions (NHRIs), 23–26 March 2004.

GNCHR’s pluralistic composition

Greece has attributed the role of NHRI to a pluralistic Institution, a choice which has also been confirmed most recently by Article 13(1) of Law no. 4780/2021 on “National Accessibility Authority, National Commission for Human Rights and National Bioethics and Technoethics Committee” regarding the composition of the GNCHR. The pluralistic composition of the GNCHR, reflecting the representation of various social forces and fields involved in the protection and promotion of human rights, such as NGOs, Universities and qualified experts, third level trade unions, professional organisations, Parliament, Government departments, allows the GNCHR not only to maintain and stay focused on its strategic planning, but also to adjust to new challenges by modifying/adapting it with guarantees of wide acceptance.

Human rights defenders and civil society space

The GNCHR monitors very closely the situation regarding civil society space and the protection of human rights defenders. In this regard, the GNCHR maintains a very close relation with NGOs and CSOs. Not only prominent NGOs and CSOs form part of the GNCHR Plenary, but the GNCHR also maintains within its premises the Racist Violence Recording Network (RVRN), which was established in 2011 by the GNCHR and the Greek Office of UNHCR, the UN Refugee Agency. Today, RVRN consists of 47 non-governmental organisations and civil society actors, who acknowledge and jointly pursue combating racist violence, as well as all racially motivated acts on the grounds of race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, sex characteristics and disability.

GNCHR is deeply concerned about the tensions manifested in 2019 against human rights defenders, particularly affecting organisations and activists working with refugees and migrants and with the LGBTQI+ community. The increasing incidence of attacks, according to the 2019 RVRN Annual Report which was published in June 2020, highlight a worrying trend which points

to an increasingly hostile environment for humanitarian organisations, and civil society organisations in general, active in the promotion and protection of human rights. The growing racist rhetoric in the public sphere often aims to discredit the work and services offered by these organisations, while the lack of special protection for human rights defenders – which RVRN has already pointed out in its previous annual reports – deteriorates the conditions in which organisations are called upon to operate. The RVRN annual report for 2020 is not published to date (February 2021), nonetheless, according to the already existing recordings it is safe to say that this trend is confirmed for 2020. Attacks on human rights defenders remain alarming, highlighting the lack of special protection for human rights defenders on the one hand, and making the implementation of a legal provision for special protection of human rights defenders even more urgent on the other hand.

Finally, regarding NGOs active in Greece in the field of asylum, migration and social inclusion, there is an obligation, since 2016, 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 no. 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-laundering purposes. 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 t aspects of their work”.

The GNCHR intervenes whenever it considers that there is a shrinking danger for the civil society space. In particular, the GNCHR’s efforts in this area focus on the following priorities:

Monitoring of the execution of ECtHR case law aiming at empowering and protecting human rights defenders

In December 2020, RVRN submitted to the Committee of Ministers of the Council of Europe a Communication, pursuant to Rule 9.2 of the Rules of the CoE Committee of Ministers for the supervision of the execution of judgments and the terms of friendly settlements, relating to the case of Sakir v. Greece (Application No. 48475/09). In the aforementioned Communication, RVRN expressed, among others, its deep concern regarding the breach by the authorities of their obligation under the European Convention on Human Rights (ECHR) to conduct an effective

investigation into violent assaults inter alia against members of migrant related CSOs. Most importantly, RVRN stressed the delays in the investigation process of the aforementioned cases, highlighting that these delays and shortcomings foster a climate of impunity for perpetrators on the one hand and limitation of the rights and freedoms of human rights defenders and CSOs on the other hand.

Legal recognition and protection of human rights defenders

To this end, RVRN addresses every year specific recommendations to the competent public authorities, such as the Ministry of Citizen Protection, the Ministry of Justice and the Prosecution and Judicial Authorities or the Ministry of Migration and Asylum, aiming among others, at combating racist crime and racially motivated police violence, protecting human rights defenders and ensuring the safety of humanitarian workers and members of civil society. In particular, RVRN strongly recommends, in every given opportunity, the adoption of a legislative provision for the protection of human rights defenders.

In order to tackle this very important issue, the GNCHR has already approved in principle the adoption of a bill on "Recognition and Protection of Human Rights Defenders", brought before the GNCHR Plenary by the Greek Transgender Support Association (SYD), which is a GNCHR member. 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 one of the following meetings of the GNCHR Plenary there will be discussion on the bill's articles and adoption of a final legislative text, which will be submitted to the competent public authorities.

Capacity strengthening and promotion and support of human rights defenders' work

Furthermore, in this regard, the GNCHR, on its own or through the work of RVRN, supports the work of human rights defenders, for example through sharing best practices and holding training workshops, presenting awards. For instance, in 2018, the GNCHR nominated the RVRN for the OHCHR Human Rights Prize 2018, in order not only to give public recognition to the achievements of all these devoted NGOs and persons working against racist violence in Greece, but also to send a clear message of support for the tireless efforts of the human rights defenders working in the field of promotion and protection of human rights in general.

In addition, and taking into account that NHRIs not only constitute a protection mechanism for human rights defenders, but also are themselves recognised as human rights defenders, the GNCHR, in establishing and strengthening capacity in this area, organises programs to sensitize the general public and particular target groups (state institutions, lawyers, etc.) on the importance of respecting the work of human rights defenders. In this regard, the GNCHR organises annual

(open) seminars on "Education in Human Rights", on a wide range of human rights thematics. At the same time, the GNCHR considers the establishment of a focal point for human rights defenders within the NHRI.

Finally, with regard to NGOs active in Greece in the field of asylum, migration and social inclusion and the stricter requirements for their registration, the GNCHR closely monitors all developments in the field contributing to the promotion and protection of other human rights defenders. In fact, the GNCHR has alarmed the State on the escalating situation in the islands, where the RVRN recorded specific racist and xenophobic attacks against newcomers, refugees and migrants, international organisations' employees, NGOs, CSOs as well as journalists.

References

- RVRN Annual Report 2019: <http://rvrn.org/wp-content/uploads/2020/06/ETHSIA-EKTHESH-2019-english.pdf>.
- Communication from the Racist Violence Recording Network, pursuant to Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe for the supervision of the execution of judgments and the terms of friendly settlements, relating to the case of Sakir v. Greece (Application No. 48475/09), 18.12.2020: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2020\)1178E](http://hudoc.exec.coe.int/eng?i=DH-DD(2020)1178E).
- 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: <https://rm.coe.int/expert-council-conf-exp-2020-4-opinion-ngo-registration-greece/16809ee91d>.
- ENNHRI, National Human Rights Institutions and Human Rights Defenders. Enabling human rights and democratic space in Europe, 2018. <http://ennhri.org/wp-content/uploads/2019/09/Publication-NHRIs-and-Human-Rights-Defenders-Enabling-Human-Rights-and-Democratic-Space-in-Europe.pdf>.
- GNCHR, Annual (Open) Seminar Season on "Education in Human Rights", Third Cycle, February – June 2021: <https://www.nchr.gr/ekpaidefsi.html>.
- GNCHR, Statement: Reviewing asylum and immigration policies and safeguarding human rights at the EU borders, 5.3.2020: https://nchr.gr/images/English_Site/PROSFYGES/GNCHR_STATEMENT_Borders.pdf.

Checks and balances

The GNCHR welcomes the fact that the Greek Parliament did not suspend its operation and succeeded in adapting to the new realities resulting from the COVID-19 outbreak, by changing the way Parliamentarians vote, conduct committee hearings and plenary sessions and by adapting globally to keep working through the pandemic.

That said, there are issues to be reported concerning the exercise by the GNCHR of its role in the system of checks and balances, in particular when legislation is enacted. More specifically, over-regulation and bad regulation constitute two phenomena inextricably linked to the Greek reality, exacerbated in times of crisis, such as the financial crisis and the pandemic. Between 2001-2015, 1.478 laws were passed, and 3.452 presidential decrees were issued. During the same period (2002-2015) the laws known as “multi-bills” amount to approximately 90, while in total legislation of this period grants about 17.000 authorisations to the executive for the issuance of regulatory administrative acts of all kinds. Despite the fact that Greek Law no. 4048/2012 sets an obligation for all ministries to apply the principles of Better Regulation to all legislative developments, major challenges, still persist with its implementation. Regulatory impact assessment (RIA) is obligatory for all primary laws; however, the quality is poor due to the short time period in which new drafts are developed. Public consultations are required for all primary laws. In practice, consultation usually takes place through exchanges with selected groups. The GNCHR deplored on many occasions the frequent use of an expedited legislative process, by which many laws, even important legislative reforms, have been adopted. This process takes place even when no emergency requirement is actually met, as a result restricting significantly the discussion in Parliament. Furthermore, the GNCHR has repeatedly and publicly criticized the fact that it does not receive the Greek draft laws in advance, and thus it normally does not have sufficient time to comment upon the provisions in detail. This impacts the effective fulfilment of its mandate. The GNCHR normally takes note of the legislation once uploaded to the official public consultation platform (opengov.gr).

The GNCHR, as the Greek NHRI and the independent advisory body to the State on matters pertaining to human rights promotion and protection, considers it of crucial importance to develop and maintain an effective relationship with the Parliament. In particular, the GNCHR’s efforts in this area focus on the following priorities, in accordance with Paris Principles and the Abuja guidelines on the relationship between Parliaments and NHRIs:

With regard to the close working relationship between the GNCHR and the Parliament:

Discussion of the GNCHR's reports before appropriate parliamentary committees

The GNCHR is (and must be) invited to appear regularly before the appropriate parliamentary committees to discuss the annual report and its other reports on human rights protection and promotion.

Periodic meetings with Parliamentarians

The GNCHR considers it very important to hold periodic meetings to raise awareness amongst Parliamentarians of both human rights and the GNCHR's work. In addition, the GNCHR must provide Parliamentarians with regular expert, independent advice on national, regional and international human rights issues, instruments and mechanisms. Parliamentarians must be aware of the human rights implications of all proposed legislation and constitutional amendments as well as existing laws. To this end, Parliamentarians must be informed of the research into human rights issues being undertaken by the GNCHR.

Training for Parliamentarians

The GNCHR reiterates its willingness and availability to organise seminars and conferences, as well as provide on-going training for Parliamentarians on human rights principles, given the fact that it is of high importance for Parliamentarians to have a sound knowledge of international human rights and international human rights instruments as well as the GNCHR's work.

Encouraging the ratification of international Human Rights standards

Recognizing its responsibility as an NHRI and responding to the mission assigned to it by the national legislature – a mission which consists, inter alia, in the constant monitoring of the development of matters pertaining to human rights protection, the promotion of relevant research, the sensitization of the public opinion (Article 11(a), Law no. 4780/2021) and the organisation of a Documentation Centre on human rights (Article 12(k) of Law no. 4780/2021) – the GNCHR collected and cited in a single list the international and European legally binding texts, which are designed to protect human rights, always with a view to ensuring the broadest possible framework for human rights protection.

References

- Letter to Minister on Interior, Mr P. Theodorikakos, on Draft law of the Ministry of Interior regarding the “Amendment of the Code of Greek Citizenship etc.”, October 8th, 2020.
- GNCHR, List of International and European Conventions:
https://www.nchr.gr/images/English_Site/List%20of%20Conventions%204.2019.pdf.

Functioning of justice systems

The GNCHR has on several occasions submitted to the Greek authorities and subsequently published a series of observations to draft laws potentially restricting access to justice, highlighting that a well-functioning judiciary with an efficient court system is central to effective access to justice. Unfortunately, economic and social factors, specifically the financial crisis, constituted the key factors triggering and/or intensifying barriers to effective access to justice. In particular, substantial delays in the proceedings in the Greek judiciary adversely affect the right to judicial protection. In general, procedures are not concluded within a reasonable time. There seems to exist a general problem of unreasonable delay within the trial of a case running through every stage and kind of a trial, from the delays in fixing a hearing date in the courts of first instance to the average time until the issuance of an irrevocable judgment. At the same time, judicial reforms are moving rather slowly. A number of new legal instruments were adopted in recent years, in a bid to speed up access to justice. Chief among these were Article 9 of Law no. 4048/2012, Law no. 4446/2016 and more recently Law no. 4745/2020 aiming at accelerating the proceedings of pending cases under Law no. 3869/2010, in accordance with the reasonable time requirement under Article 6(1) ECHR. The GNCHR recalls the concerns that it had repeatedly expressed in the past regarding the risk that the measures aimed at simplifying judicial procedures might create more problems than those they would solve. The efforts to accelerate penal proceedings, for instance, are necessary, as Greece has been frequently found in breach of the ECHR by the ECtHR in this respect. However, some measures create doubts as to their effectiveness and coherence.

With regard to the non-execution of case law of the European Court of Human Rights (ECtHR), in almost 90% of the ECtHR judgments delivered concerning Greece, the Court has given judgment against the State, finding at least one violation of the Convention, while over half of the findings of a violation concerned Article 6 (right to a fair hearing), relating either to the length of the

proceedings (in the great majority of cases) or to the fairness of the proceedings. In particular, according to the Explanatory report to the draft law proposal (initiated by members of the Parliament) on “Harmonization of national provisions with the ECtHR case law and introduction of a special remedy for the detention conditions in penitentiary establishments”, from 2017 to 2019, 307 judgments were delivered by the ECtHR concerning Greece, of which 93 have given judgment against the State. According to said report, at the date of its publication (July 2020), 735 appeals were pending before the ECtHR against Greece, with a total of 186 ECtHR judgments under ongoing supervision concerning our country. This number is very large in relation to the size of our Country and its population. Moreover, according to the same Explanatory report, the compensations paid by Greece from 2016 to 2018 amount approximately to 11.500.000 euros. Furthermore, this year, the ECtHR condemned Greece in the leading case Stavropoulos and others, for breach of Article 9 of the Convention (freedom of thought, conscience and religion), because of the disclosure of religious beliefs in frequently used public documents, exposing the complainants to the risk of discriminatory situations in dealings with administrative authorities.

It is to be noted that a Special Permanent Parliamentary Committee on monitoring the ECtHR judgments has been established since 2014. Nonetheless, and despite the GNCHR’s efforts in the past to establish a cooperation with the aforementioned Committee, it seems that this Committee started in fact operating in 2018. The GNCHR deplores, nonetheless, the total absence of any cooperation until today. In fact, during its most recent session, in July 2020, the above-mentioned Draft law proposal on “Harmonization of national provisions with the ECtHR case law and introduction of a special remedy for the detention conditions in penitentiary establishments” was discussed, without any consultation with the Greek NHRI. The aforementioned draft law proposal has not yet received any further elaboration/discussion by the Parliament.

The GNCHR’s efforts in this area focus on the following priorities, in accordance with Paris Principles and the Nairobi Declaration aiming at the contribution of NHRIs to the strengthening of the administration of Justice:

Strengthening of the legal system and judiciary

The GNCHR traditionally considers of high priority its effective contribution to the reforming and strengthening of the judicial institutions, in order to guarantee equal access to justice for all. To this end, the GNCHR has advocated with a strong and steady voice for strengthening of laws to improve the judicial or criminal law system and has, to this end, monitored and reported on issues concerning the functioning of justice systems as well as the principle of fair trial in great detail. By way of example, the GNCHR has contributed by means of submitting to the Greek authorities and subsequently publishing a series of observations to draft laws potentially restricting access to

justice. Indicatively, we could refer to: a) the GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on «Providing Legal Assistance to Individuals» (July 2016) and b) the GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights «Fees and charges of remedies and procedural acts and court fees» (July 2016). For instance, the GNCHR believes that the overload of cases before courts leading to significant delays could be tackled through the decriminalization of less important crimes and administrative infringements. Indeed, the overloading of penal courts cannot be addressed without a daring and extensive revision of substantive penal law.

Furthermore, the GNCHR strongly believes that any legislative reform to strengthen the judiciary (e.g., procedures related to the level and appointment of prosecutors and judges and qualifying lawyers; the independence of the judiciary and its capacity to adjudicate cases fairly and competently) must be brought into line with the international human rights instruments that the State has ratified or acceded to. Taking into account that the GNCHR, as the Greek NHRI, is the best placed Institution to monitor the compliance of the Greek justice system with international human rights standards and ensure that the administration of justice provides effective remedies particularly to minorities and to the most vulnerable groups in society, the GNCHR believes it is necessary to enhance its role and participation in the administration of justice, with a view to developing a strong national system for human rights protection. To this end, the GNCHR confirms its readiness to assist the Ministry of Justice to develop and implement a comprehensive national strategy to strengthen the administration of justice in full compliance with both international and national human rights obligations.

Compliance of the judiciary with international human rights standards

The GNCHR has increased its interaction with judges and prosecutors, in order to raise awareness and knowledge by the judiciary of international human rights norms, standards and practices and related jurisprudence. To this end, in addition to the annual open seminars covering a wide range of human rights, addressed to the general public, the GNCHR also undertook a more specialised cycle of seminars to judicial officers entitled “Education in Human Rights”.

In addition, the GNCHR assists in the human rights education not only of judges, but also of other legal professionals, such as lawyers, prosecutors and other judicial authorities and law enforcement officers, by engaging with judicial educational bodies and professional legal training bodies (e.g., ensuring curricula reflect international human rights law), as well as by providing itself training and seminars on human rights.

As far as the non-execution of ECtHR judgments is concerned, the GNCHR's efforts focus on the following priorities:

Close cooperation with the ECtHR in general

The GNCHR maintains a particularly rich and important cooperation with the ECtHR. This cooperation is multilateral and consists of (a) the translation in the Greek language of the ECtHR Newsletters by the GNCHR. In cooperation with the ECtHR, the Newsletters at hand are available on the official website of the Court, (b) referrals to the GNCHR reports, positions, and recommendations by the ECtHR, (c) the participation of the GNCHR in the wider debate with regard to both the reform of the ECtHR and the EU accession to the ECHR and the Strasbourg system.

The GNCHR also provides instructions and practical information to the general public on how they can lodge an application before the ECtHR.

Monitoring of the execution of ECtHR judgments

The GNCHR monitors and reports on the execution and implementation of the ECtHR's judgments through the following actions: (a) the collection of all ECtHR judgments against Greece, (b) emphasis on the list of simple and enhanced surveillance decisions, (c) intervention in the Committee of Ministers regarding the decisions of enhanced supervision through the implementation, where necessary, of the provision no. 9 of the Rules of Procedure of the Committee of Ministers.

In order to assist the work of the State in this regard, the GNCHR has submitted recommendations and proposals, either by focusing exclusively on the issue of the execution or by drafting reports on problems that emerge through the ECtHR decisions, or by commenting on legislative proposal drafts which adopt measures affiliated with the execution of ECtHR judgments. The GNCHR placed special emphasis, through specific recommendations to the Greek State, on the immediate compliance of the Greek Government with the milestone judgment of the ECtHR, *Choudry and others against Greece* (known as the "Manolada case") and, above all, with the State's obligations arising from the international and European commitments, concerning both the efficient reaction and the prevention of trafficking in human beings and/or forced labour. Hence, the GNCHR harked back to its previous and established repeated recommendations which remain relevant due to the prevailing situation in Greece, which reveals that the facts of this case are not "isolated incidents". At the same time, in December 2020, RVRN submitted to the Committee of Ministers of the Council of Europe a Communication, pursuant to

Rule 9.2 of the Rules of the CoE Committee of Ministers for the supervision of the execution of judgments and the terms of friendly settlements, relating to the case of Sakir v. Greece.

Cooperation with the Special Permanent Parliamentary Committee on monitoring the decisions of the ECtHR

The GNCHR reiterates its willingness and readiness to establish and maintain steady working relationship with the Special Permanent Parliamentary Committee on monitoring the judgments of the ECtHR, as its interlocutor by definition, as a bridge between the international/regional and domestic systems of human rights protection. The GNCHR recalls that it has become increasingly involved in independent reporting to the Council of Europe monitoring bodies as well as to the UN monitoring bodies and is willing to play a decisive role in monitoring the ECtHR judgments and contribute to the domestication of the international/regional human rights standards in general.

Sensitization of the public opinion on the execution of the ECtHR judgments

The GNCHR has developed a user-friendly webpage on the ECtHR case-law for the facilitation of the more effective monitoring of the execution of the ECtHR judgments. Furthermore, the GNCHR participated with speakers (the GNCHR and RVRN scientific staff) at a Webinar Series organised by the Council of Europe, ENNHRI and the European Implementation Network on the Effective Implementation of Judgments of the European Court of Human Rights (October 2020), presenting its experience regarding the use of Rule 9.2 by Human Rights Institutions.

References

- GNCHR Observations [in Greek] on the Draft Law of the Ministry of Justice, Transparency and Human Rights on «Providing Legal Assistance to Individuals», July 2016: <https://www.nchr.gr/en/decisions-positions/73-fair-trial/359-gnchr-observations-in-greek-on-the-draft-law-of-the-ministry-of-justice-transparency-and-human-rights-on-providing-legal-assistance-to-individuals.html>.
- GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights «Fees and charges of remedies and procedural acts and court fees», July 2016: <https://www.nchr.gr/en/decisions-positions/73-fair-trial/360-gnchr-observations-on-the-draft-law-of-the-ministry-of-justice-transparency-and-human-rights-fees-and-charges-of-remedies-and-procedural-acts-and-court-fees.html>.

- GNCHR Comments on the Bill of the Ministry of Justice titled “Acceleration of proceedings in administrative courts and other provisions”, October 2010: <https://www.nchr.gr/en/decisions-positions/73-fair-trial/361-comments-on-the-bill-of-the-ministry-of-justice-titled-acceleration-of-proceedings-in-administrative-courts-and-other-provisions.html>.
- GNHCR Observations on the compliance of the Public Administration with domestic judicial decisions, September 2009: <https://www.nchr.gr/en/decisions-positions/73-fair-trial/362-the-compliance-of-the-public-administration-with-domestic-judicial-decisions.html>.
- GNCHR, Monitoring of the execution of ECtHR judgments. Introductory report and methodology (Summary in English), December 2019: https://www.nchr.gr/images/newPDF/Execution_of_ECHR_Decisions.pdf.
- Draft law proposal on “Harmonization of national provisions with the ECtHR case law and introduction of a special remedy for the detention conditions in penitentiary establishments”, 20 July 2020: <https://www.hellenicparliament.gr/UserFiles/c8827c35-4399-4fbb-8ea6-aebdc768f4f7/11332797.pdf>.
- Explanatory report to the draft law proposal on “Harmonization of national provisions with the ECtHR case law and introduction of a special remedy for the detention conditions in penitentiary establishments”, 20 July 2020: <https://www.hellenicparliament.gr/UserFiles/c8827c35-4399-4fbb-8ea6-aebdc768f4f7/11332795.pdf>.
- GNCHR Communication on the assessment of the level of compliance of the Greek Government with GNCHR’s recommendations on ECtHR judgment *Chowdury and Others v. Greece (Manolada-case)*. Communication under Rule 9(2) on the execution of the judgment in *Chowdury v. Greece (21884/15)*, June 2020: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2020\)522E](http://hudoc.exec.coe.int/eng?i=DH-DD(2020)522E).
- GNCHR Communication to the CoE Committee of Ministers under Rule 9(2) on the ECtHR judgment *Chowdury and Others v. Greece (Manolada-case)*. Recommendations for the full compliance of the Greek State, December 2018: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2018\)1074E](http://hudoc.exec.coe.int/eng?i=DH-DD(2018)1074E).
- Communication from the Racist Violence Recording Network, pursuant to Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe for the supervision of the execution of judgments and the terms of friendly settlements, relating to the case of *Sakir v. Greece (Application No. 48475/09)*, 18 December 2020: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2020\)1178E](http://hudoc.exec.coe.int/eng?i=DH-DD(2020)1178E).

Media pluralism and freedom of expression

The GNCHR expresses its deep concerns over the challenges affecting media pluralism in Greece, which seem to be increasingly worrying, according to an EU-wide research on media plurality, conducted for the Greek section of the ECMPF. The report found that standards for the protection of the journalistic profession, as provided for by laws and practices that are in place in order to protect the media sector, are insufficient in Greece. As far as market plurality is concerned, according to the same research, transparency in media ownership is almost non-existent, while commercial and owner influence over editorial content is visible. When it comes to political independence, there is practically no editorial autonomy, as a result of the direct relations existing between the government and the board members of the state-owned media ERT, with the government being able to appoint and dismiss board members at will. At the same time, regarding social inclusiveness in the media sector, Greece ranks very low within the EU. Access of minorities to the media is very limited (high risk) and so is access of local communities and local media to the mainstream sources of information. Greek media are also inadequate in meeting the needs of disabled people (medium risk), while the presence of women in broadcasting media is also rather weak.

The GNCHR has been following quite closely issues such as the freedom of speech, the freedom of expression and the promotion and protection of a pluralist media environment. With regard to mainstreaming human rights, inter alia via the media, the GNCHR as the Greek NHRI, develops initiatives on the sensitization of public opinion and the mass media on matters of respect for human rights, in accordance with its founding law. Moreover, it is to be noted with emphasis that the National Radio and Television Council (ESR) is a Member of the GNCHR. That being said, the GNCHR seeks to bring human rights issues and concerns to the attention of the broader public and provide a forum for discussion and debate through the media. For instance, national information campaigns on human rights or press conferences and other relevant events attracting publicity aim at increasing public awareness and creating a national culture in which tolerance, equality, mutual respect and human rights thrive.

The GNCHR, fulfilling its mission to promote research on human rights issues, has signed Cooperation Protocols with ten universities and departments, so that it can consolidate and strengthen their cooperation in both research and education fields. In that context, the GNCHR has signed a bilateral Cooperation Protocol with the Communication, Media and Culture Department of Panteion University. The GNCHR aims, among others, at putting together and proposing to the Greek national authorities an effective strategy for strengthening, on the one hand, the role of the media in promoting human rights and contributing, on the other hand, to ensuring a more independent and pluralist media sector.

Finally, the GNCHR, in its Recommendations on the Constitutional Review (2019), recommended the revision of Article 15 of the Greek Constitution, aiming at strengthening the guarantees of pluralism in radio and television. In particular, the GNCHR proposed the extension of the guarantees of transparency and pluralism, in accordance with Article 14(9) of the Constitution, to radio and television, as enshrined in Article 15 of the Constitution, in combination with the strengthening of the National Radio and Television Council (ESR) as the independent administrative authority, in order to ensure the objectivity, equality and quality of all types of broadcasts. The aim is to prevent the gathering of media by the same person or entity.

References

- GNCHR Recommendations on the Constitutional Review, February 2019 [in Greek]: https://www.nchr.gr/images/pdf/apofaseis/EEDA_Syntagmatiki%20Anatheorisi.pdf

Corruption

Over the last 15 years, the fight against corruption has been progressively recognised as an important issue in Greece. Corruption is broadly considered as “the problem which drove Greece into the current financial crisis”. The perception of corruption remains at high levels, according to the indexes published by Transparency International. In the latest Corruption Perception Index (2020), reflecting public perception of corruption around the world, published annually by TI, Greece is ranked 59th out of 180 countries with a score of 50 out of 100. After a historically low ranking in 2008/2009, the position of Greece is thus marked by a positive upward trend in recent years in TI’s CPI. With a score of 50, Greece is a significant improver on the CPI, jumping 14 points since 2012 and achieving high on the CPI, partly as a result of the bold reforms undertaken by the Country after 2012 to counter-balance severe austerity measures. Furthermore, in accordance with the Eurobarometer survey 2019 on the perception of corruption which covers specifically the 27 European Union Member States, Greece sometimes remains characterised by the highest levels of perceived corruption. For instance, 95 % of those questioned consider that corruption is widespread in the country and 57% consider that it affects them personally in daily life. 91% consider that there is corruption in national public institutions. According to the GRECO Report of the 4th Evaluation prevention round on Corruption prevention in respect of members of parliament, judges and prosecutors (2015) and the Second Compliance Report on Corruption prevention in respect of members of parliament, judges and prosecutors (2020), politicians at national and regional/local level are perceived by a large proportion of the population as

particularly affected by certain forms of corruption. To a lower extent, this concerns also the judicial institutions. Controversies have been triggered by incidents of legislative and institutional manipulation exempting from their liability the authors of illegal acts: this was facilitated by the complexity of legislation, insufficient transparency of the legislative process, a lack of appropriate controls and other factors.

The GNCHR stresses with satisfaction that, since the outbreak of the economic crisis in 2010, successive Greek governments have upgraded the institutional armoury that the Greek state has at its disposal in order to fight corruption. Yet, the new anti-corruption mechanisms have not been fully operational. Despite progress in anti-corruption, not only petty corruption concerning the public services, but also grand or political corruption still mark the case of Greece out as an outlier in international comparisons. The regulatory framework of anti-corruption has proven to be incomplete; there is a gap in policy implementation and successive governments have put anti-corruption to political uses. Yet, it is possible for Greece to implement further measures to fight political corruption, particularly today when trust towards political institutions is needed in order to fight the COVID-19 pandemic.

On a positive note, according to the Enhanced Surveillance Report on Greece by the European Commission, released in November 2020, the National Authority for Transparency is now fully operational, which is expected to improve coordination and a number of important steps have been taken regarding the fight against corruption in the political field. Good progress is being made on several work streams. The Authority oversees the implementation of the National Anticorruption Plan, which shows encouraging results. For instance, it has supported the Ministry of Health in the drafting of a dedicated anticorruption strategy. At the same time, the legislation on political party financing will benefit from a codification project in 2021, which should contribute to making the legal framework more coherent and clearer.

The fight against corruption and the promotion of confidence in institutions is among the GNCHR's priorities and part of its core mission. In particular, the GNCHR plays an important role in promoting and evaluating the fight against corruption in its role as NHRI and more specifically in light of its human rights monitoring and constant human rights impact assessment. The GNCHR's efforts in this area focus on the following priorities:

Transparency of the legislative process

As already mentioned, the GNCHR deplored on many occasions the frequent use of an expedited legislative process, by which many laws, even important legislative reforms, have been adopted. This process takes place even when no emergency requirement is actually met, as a result

significantly restricting discussion in Parliament. Furthermore, the GNCHR has repeatedly and publicly criticized the fact that it does not receive the Greek draft laws in advance, and thus it normally does not have sufficient time to comment on the provisions in detail. This has an impact on the effective fulfilment of its mandate. The GNCHR normally takes note of the legislation once uploaded to the official public consultation platform (opengov.gr). To this end, the GNCHR constantly recommends, in line with the GRECO Recommendations (2019), to ensure that legislative drafts including those carrying amendments are processed with an adequate level of transparency and consultation including appropriate timelines allowing for the latter to be effective.

Transposition of EU Directive on whistle blowers' protection

The GNCHR deplores that the protection of whistle blowers in Greece is still pending and invites the competent State Authorities to consider with special attention the need for addressing the gap. Following the adoption of the EU Directive on the protection of persons who report breaches of Union Law in 2019, the EU member States have until the 17th of December 2021 to transpose its provisions into their national legal and institutional systems. On a positive note, the Greek government has established a special legal drafting committee for the preparation of a draft law for the integration into the national legal order of Directive 2019/1937/EE "on the protection of persons reporting violations of Union Law". The GNCHR underlines the need for timely and effective transposition of the Directive.

References

- GNCHR Recommendations on the Constitutional Review, February 2019 [in Greek]: https://www.nchr.gr/images/pdf/apofaseis/EEDA_Syntagmatiki%20Anatheorisi.pdf
- Letter to Minister on Interior, Mr P. Theodorikakos, on Draft law of the Ministry of Interior regarding the "Amendment of the Code of Greek Citizenship etc.", October 8th, 2020.

Impact of measures taken in response to COVID-19 on the national rule of law environment

Most significant impacts of measures taken in response to the COVID-19 outbreak on the rule of law and human rights protection

The GNCHR monitors closely the Greek Government's series of measures in response to the COVID-19 pandemic, given that they affect directly the enjoyment of human rights in Greece. In particular, the Greek government adopted the first measures in response to the outbreak of COVID-19 in March and April 2020 and continues until today to adopt specific measures in this regard. The measures adopted take the form of Acts of Legislative Content whose implementation is then specified through Joint Ministerial Decisions and Circulars. In other words, the coronavirus pandemic has given birth to consecutive Acts of Legislative Content (submitted to the Parliament for approval), ministerial decisions and circulars restricting various constitutional rights and establishing an atypical "emergency law", which affects directly the enjoyment of a large number of fundamental rights in varied fields, among which economic and social rights. This way of "fast-track" legislating by the executive, which was also criticized throughout the financial crisis, seems to considerably reduce the role of the Parliament, by bypassing parliamentary deliberation. And Parliament is not the only Institution bypassed in this case, since the Courts have repeatedly accepted that the "extraordinary circumstances of an urgent and unforeseeable need" (of Article 44(1) of the Greek Constitution) is a political matter, not subject to judicial review.

On a positive note, the Greek government has also taken further measures in order to mitigate the effects of the COVID-19 pandemic on the Greek economy and labour market. Such an example is Law no. 4690/2020 introducing new measures for businesses to tackle the COVID-19 pandemic.

Impact of restrictive measures aiming at combating the spread of the pandemic on the rights of vulnerable groups

The GNCHR has on many occasions stressed that restrictive measures aiming at combating the spread of the pandemic should not undermine respect for human rights and rule of law, nor discriminate, but take into account the special needs of the particularly vulnerable groups. Given that the State has taken emergency measures to deal with the pandemic, imposing restrictions on citizens' rights (such as the right to free movement, personal liberty, access to public health of non-infected citizens, etc.), the GNCHR focused, in its "Report on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State", issued on June 2020, mainly on the impact of those measures on the rights of vulnerable groups. More specifically, with regard to the situation in the refugee camps, the GNCHR stressed that structural problems remain. Overcrowding and a complete lack of sanitation and medical services, combined with limited access to healthcare and basic services, exacerbate the risk of COVID-19 infections. Infection prevention is impossible as social distancing measures cannot be implemented. The protective measures, according to the competent Minister, are stricter than those provided for the general population. With regard to

the situation in prisons, the GNCHR raised also its serious concerns mainly due to the overcrowding under the current circumstances. We have called for measures such as decongestion of the prisons, release of certain detainees and quarantine measures for infected prisoners. The GNCHR, due to the hunger strike of a prisoner in protest over the non-decongestion of prisons during the pandemic, has issued 3 consecutive public statements calling upon the State to respect the human rights standards and the rule of law and to take immediate measures to protect the right to life of the prisoner, to ensure his/her access to higher education, to decongest the prisons and to respond to COVID-19 with a plan of action. Indeed, following further reactions of many CSOs, the authorities have withdrawn their decision to transfer the prisoner to another prison, where it would be impossible to exercise her/his right to education.

Proportionality of restrictive measures aiming at combating the spread of the pandemic

Moreover, the GNCHR pointed out that restrictive measures must have a legal basis, be proportionate and time limited. The GNCHR also underlined that, taking into account the uncertain context of the pandemic, decisions should be continually re-evaluated with a rebalancing of the rights, as what is proportional to the beginning of the pandemic may become disproportionate later and thus the measure should be mitigated or abolished. This being clarified, following the Decision No. 1029/8/18 of the Chief of the Hellenic Police, which prohibited all public open-air gatherings from November 15, 2020 to November 18, 2020 (covering the 47th anniversary since the students' uprising at the Athens Polytechnic on November 17, 1973, a milestone for democracy in our Country), the GNCHR pointed out that the aforementioned Decision of the Chief of the Hellenic Police, which imposes the restriction of the freedom of assembly in the whole Territory of the Country, raises the issue of suspension of the above fundamental right, as enshrined in Article 11 of the Greek Constitution, as well as in Articles 11 of the ECHR, 12 of the EU Charter of Fundamental Rights and 21 of the International Covenant on Civil and Political Rights. Furthermore, recalling the requirements which need to be met by the Police Authorities in order to justify the ban on public assemblies, as they emerge from the ECtHR case-law, the GNCHR concluded that the legality and constitutionality of the above-mentioned disposition prohibiting all public open-air gatherings are subject to judicial review.

Access to Justice during the pandemic outbreak

At the same time, in response to the COVID-19 outbreak, all courts' hearing procedures were temporary suspended, until the 10th of April 2020 – with some exceptions regarding the examination of requests for granting or annulling provisional orders, all criminal hearings about pre-trial detention, all proceedings about emergency cases and the issue and publication of court decisions. In this regard, the GNCHR has examined the issue of the reoperation of the courts, the

exceptions provided with regard to the presence of the parties concerned in specific cases and the digitalisation of proceedings in the field of Justice, which is expected to be launched soon. Pertaining to the institutional role of justice in safeguarding respect for the rule of law, the GNCHR emphasized the need for effective measures to facilitate and ensure the safe operation of the courts in the context of de-escalating the restrictions imposed due to the pandemic and called upon the competent authorities to ensure the immediate reoperation of the judicial system and the protection of the right to a fair trial, of human value and dignity.

De facto COVID-19 Human Rights Observatory

Fulfilling its monitoring and advisory missions in the field of human rights, the GNCHR has been particularly active since the outbreak of the COVID-19 pandemic, operating in fact as a de facto COVID-19 Human Rights Observatory. Bringing together experts from different human rights fields, with a wide range of backgrounds: its members, the GNCHR monitors the situation in the field, adopts specific recommendations focusing mainly on the most vulnerable groups and alerts national authorities at the highest level of risks of human rights violations in the context of the COVID-19 outbreak. In this regard, the GNCHR, taking into account that the need for restrictive measures may be obvious at the beginning of a crisis, emphasized that it remains vigilant in this context as long as the measures are in place, assessing at the same time whether there is no longer a necessity for these measures. Moreover, the GNCHR reassured that the necessity, nature and extent of the restrictions applied to the rights and freedoms protected, will be systematically evaluated to determine whether they are justified in response to COVID-19. An important part of the evaluation is the possibility, within a reasonably short timeframe, to appeal to the administrative authorities against the restrictive measures as well as to establish a relative control mechanism for objections and complaints in case of incorrect and discriminatory implementation of these measures.

References

- GNCHR Report on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020: https://nchr.gr/images/English_Site/COVID19/GNCHR_HR_COVID-19ENG.pdf.
- GNCHR Statement on the ban of all public open-air gatherings, November 2017 [in Greek]: https://www.nchr.gr/images/pdf/apofaseis/politika_dikaiomata/Dilosi_EEDA_Dimosies_Synathroiseis.pdf.
- GNCHR Statement on the case of the transfer of prisoner V. Dimakis, April 2020: https://www.nchr.gr/images/pdf/apofaseis/sunthikes_krathseis/Dilosi_EEDA_gia_VDimaki.pdf.
- GNCHR New Statement on the case of the prisoner-student V. Dimakis, May 2020: https://www.nchr.gr/images/images2020/PDF/Dilosi%20EEDA%20gia%20V.Dimaki_2.pdf.
- GNCHR Urgent Statement on the case of the prisoner-student V. Dimakis, May 2020: https://www.nchr.gr/images/images2020/PDF/Katepeigousa%20Dilosi%20EEDA%20gia%20V.Dimaki_25.5.2020.pdf.

Most important challenges due to COVID-19 for the NHRI's functioning

Naturally, the GNCHR has faced significant challenges due to COVID-19 restrictions and, especially, due to the lockdown and the total restriction of movement throughout the Country. Meanwhile, the severe restriction of movement has had an impact on the GNCHR's power to carry out investigations and, therefore, on the effective fulfilment of its monitoring functions. In particular, the COVID-19 pandemic has affected field research, which is one of the most important human rights monitoring techniques of NHRIs, while hearings of persons before the GNCHR have been delayed or relocated and finally conducted via teleconference. In addition, due to COVID-19, the GNCHR has temporarily suspended its planned visits to migrant and refugee reception and accommodation centres to a later date. At the same time, the GNCHR had to postpone part of its seminars of the Second Cycle of the GNCHR Seminars on Human Rights, scheduled to be conducted from March to May 2020 by physical presence. Moreover, despite the fact that Plenary

meetings of the GNCHR by physical presence had to be cancelled, the online Plenary meetings have doubled throughout the pandemic. In fact, it is important to emphasize that the GNCHR has held online plenary meetings on a weekly basis during the pandemic, with the participation of governmental and non-governmental stakeholders involved in the decision-making process, in order to deal with the new challenges in the best possible way, to assess the impact of the restrictive policy measures regarding human rights and democratic values, to provide the Greek government with appropriate advice on the protection of the core human rights and at the same time in order to inform the public about their rights and the risks of violations due to the pandemics.

That said, the GNCHR deals with the challenge quite effectively. The GNCHR heavily relies on the information available from its own members, the press, civil society and the government and remains in close contact with them. Moreover, its personnel works from home and Plenary meetings take place online very frequently. As far as monitoring of human rights violations at European borders is concerned, the GNCHR has overcome difficulties in obtaining first-hand information on the situation by conducting hearings with state authorities and grassroots organisations with a strong presence on the ground, including in geographically remote areas. Monitoring of the situation, in general, by collecting data from relevant authorities regarding preventive measures for protection of vulnerable groups, such as persons deprived of liberty or refugees and irregular migrants continues.

Furthermore, the postponed planned seminars of the Second Cycle of Human Rights Education were rescheduled and included in the Third Cycle of the GNCHR Seminars, which will be conducted by teleconference from February to June 2021. Finally, it is worth mentioning that for the first time in the 20 years of operation of the GNCHR, the Hellenic Republic, in the presence of the President of the Hellenic Republic, Katerina Sakellariopoulou, paid tribute to the contribution of the GNCHR to the respect and promotion of human rights in this country, by assisting a special Plenary meeting (by teleconference) in celebration of the International Human Rights Day, on Thursday, 10 December 2020.

References

- GNCHR, Annual (Open) Seminar Season on "Education in Human Rights", Third Cycle, February – June 2021: <https://www.nchr.gr/ekpaidefsi.html>.
- GNCHR, Press Release: The President of the Hellenic Republic Katerina Sakellaropoulou at the GNCHR Plenary on the International Human Rights Day 2020, December 2020: https://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/DT_PtD_stin_Olomeleia_EEDA_08_12_2020_en.pdf.
- GNCHR Report on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020: https://nchr.gr/images/English_Site/COVID19/GNCHR_HR_COVID-19ENG.pdf.

Other relevant developments or issues having an impact on the national rule of law environment

Racist violence and lack of proper investigation

Furthermore, the GNCHR is deeply concerned by the delays in the investigation process regarding specific racist attacks. In particular, in several cases, NGOs and CSOs participating in RVRN have witnessed unacceptable delays in the investigation process, which hinder the victims' right to an effective remedy. The most prominent of these cases is the one with racist attacks at Sappho Square (Mytilene, Lesbos 22-23 April 2018), where around 150 local residents started attacking the approximately 180 refugees with bottles, sticks, stones, pieces of marble, firecrackers, flares etc. Approximately 30 refugees were taken to the hospital, many with head injuries. The total number of injured persons was much higher. The case file regarding the racist violence against the refugees was transmitted by the Police to the Prosecutor in November 2018 and identifies 26 persons as potential perpetrators of the attacks. The Public Prosecutor pressed charges in February 2019, invoking also Article 81A ("racist motive") and requested that a "main investigation" be carried out. The case has since been pending before the Office of the Investigating Judge. The defendants have not been called to provide their statements to date. The delays in the investigation of the aforementioned case have fostered a climate of impunity on the island of

Lesvos, while many of the defendants in this case have already been identified as suspects of attacks against members of migrant related CSOs.

In addition, in 2020, there have been many attacks mainly by local groups, both on newly arrived refugees and migrants as well as humanitarian workers in the Aegean islands and at the land border in Evros. Among other things, there were physical attacks on employees of refugee agencies, including arson in places intended for the accommodation of refugees and involving cars that belong to organisations, incidents of obstruction of movement or prevention of disembarkation of newcomers with a parallel expression of racist statements. However, up to now it seems that in many cases both the police and the prosecutor's office have not initiated the necessary procedures to investigate the racist motive for these attacks.

Establishment and operation of an Independent mechanism for recording and monitoring informal push backs

The GNCHR has on many occasions stressed the need to establish an official independent mechanism for recording and monitoring informal push back complaints, due to the most serious human rights violations involved. In this regard, the GNCHR reiterates its willingness to contribute to this direction, given its experience from the establishment and operation of the RVRN in terms of setting up a framework for recording life-threatening incidents through practices with consistent methodological features. To this end, the GNCHR is already discussing with different human rights stakeholders the possibility of setting up such a Network.

References

- Law no. 4780/2021 on “National Accessibility Authority, National Commission for Human Rights and National Bioethics and Technoethics Committee” (OJ 30/A/28.2.2021): <https://www.hellenicparliament.gr/UserFiles/18a4e643-1429-4e6b-a317-d7c6a29adabf/11578912.pdf>.
- RVRN Annual Report 2019: <http://rvrn.org/wp-content/uploads/2020/06/ETHSIA-EKTHESH-2019-english.pdf>.

- Communication from the Racist Violence Recording Network, pursuant to Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe for the supervision of the execution of judgments and the terms of friendly settlements, relating to the case of Sakir v. Greece (Application No. 48475/09), 18.12.2020:
[http://hudoc.exec.coe.int/eng?i=DH-DD\(2020\)1178E](http://hudoc.exec.coe.int/eng?i=DH-DD(2020)1178E).
- GNCHR Statement on the reported practices of push backs, July 2020:
https://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR-Statement-on-the-reported-practices-of-push-backs.pdf.

