

State of the Rule of Law in Europe in 2022

Reports from National Human Rights Institutions

Greece



Greece

Greek National Commission for Human Rights

Impact of 2021 rule of law reporting

Follow-up by State authorities

The Greek National Commission for Human Rights (GNCHR) is not aware of any direct follow-up action or initiative on the part of state authorities, which could be traced back to the 2021 ENNHRI Rule of Law Report, nor was the Report specifically discussed among the general public or the public authorities. The limited impact could be explained by the persistence of other issues of concern for both civil society and public authorities, such as the COVID-19 pandemic and the emergency measures taken to contain it.

However, and though not directly related to ENNHRI's and the European Commission's Reports, there have been specific actions taken by the state authorities aiming at improving the rule of law situation across the Country. In particular, during the year 2021, there have been concrete initiatives taken by the state authorities in this direction, aiming at improving the efficiency and the quality of the Greek justice system (eg. digitalisation of justice), combating corruption (eg. Anti-corruption National Strategic Plan for 2022-2025 of the National Transparency Authority), enhancing the transparency of media ownership and public availability of media ownership information (eg. adoption of Law 4779/2021 transposing into national law Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, as amended by Directive 2018/1808/EU of the European Parliament and of the Council of 14 November 2018 and other provisions within the competence of the General Secretariat for Communication and Information) and improving the system of checks and balances (eg. during the COVID-19 pandemic Greece has not triggered a state of emergency and all relevant measures were taken according to the normal legislative procedure).

Despite the above positive steps in the direction of fostering a rule of law culture, important shortcomings and challenges remain in terms of rule of law in general, as provided below, in all four areas of interest (justice system, media, anti-corruption framework and institutional issues related to checks and balances). Indeed, according to

the World Justice Project (WJP) Rule of Law Index, Greece's overall rule of law score decreased by less than 1% in this year's Index. At 48th place out of 139 countries and jurisdictions worldwide, Greece fell one position in global rank. Greece's score places it at 29 out of 31 countries in European Union, European Free Trade Association, and North America region.

Furthermore, in this regard, the GNCHR notes with particular disappointment that **in the Chapter on the rule of law situation in Greece of the 2021 Rule of Law Report of the European Commission**, which was published in 20 July 2021, **there's absolutely no reference to the Country's NHRI: the GNCHR**. Bearing in mind the increasing recognition by regional actors over the past year of the added value of NHRIs' individual and, through their European Network ENNHRI, collective engagement in efforts to promote and protect rule of law, human rights and democracy in Europe, this omission raises reasonable concerns. The GNCHR remains determined, however, to continue fulfilling its mission and investing in a regular and comprehensive monitoring and follow-up of developments related to the rule of law in Greece, as a means to making concrete progress in advancing rule of law, human rights and democracy in the Country.

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Impact on the Institution's work

The GNCHR, as the NHRI in Greece, not only has been voicing the issues addressed in the 2021 ENNHRI rule of law Report since its establishment, but furthermore these issues have been its priority. Bearing in mind that the main mission of the GNCHR consists of the constant monitoring and reporting on issues pertaining to human rights promotion and protection, bringing these issues to the attention of national, regional and international actors working on advancing the rule of law and democracy across the region is among the core mission and values of the GNCHR.

This being said, the 2021 ENNHRI rule of law report has impacted the GNCHR's work in many ways:

- It has provided us with a **fruitful overview of the rule of law situation in Europe**, which the GNCHR has benefitted from in several parts of its work. In particular, stressing the link between rule of law and democracy, on the one hand, and human rights protection and promotion on the other hand, the GNCHR put more emphasis on promoting and protecting the rule of law in Greece.
- It inspired the GNCHR to **continue promoting 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, allows the GNCHR to draft a concrete plan of action, which is regularly monitored and adjusted to achieve specific objectives.
- It provided us with a **very useful and synthesised information on the challenges that other NHRIs face in their work regarding the implementation of the rule of law, as well as on best practices** and the way they manage to safeguard their independence and strengthen their effectiveness, which helped the GNCHR improve its everyday work in particularly difficult times.

Follow-up initiatives by the Institution

In 2021, despite the COVID-19 pandemic, the **GNCHR intensified its efforts and work**. In particular, the GNCHR played a decisive role in the follow-up to the 2021 ENNHRI rule of law report, among others, by:

- issuing and submitting approximately 30 reports, statements, press releases and other contributions;
- conducting 8 Plenary meetings and other hearings on various human rights issues;
- raising awareness and triggering a genuine discussion at national level, including through open seminars, trainings and discussion in Parliament.

In particular, the GNCHR:

- on its own or through the work of RVRN, continues to **support human rights defenders and promote their work**, for example through sharing best practices and holding training workshops, presenting awards.
- **continues to encourage the ratification of international Human Rights standards**, through its reports submitted both to national authorities and international human rights monitoring mechanisms. To this end, the GNCHR updated its list of 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.

- **continues to contribute to the compliance of the judiciary with international human rights standards, by increasing 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, in **December 2021, a more specialised cycle of seminars to judicial officers on Legal Gender Recognition**, while it proposed the organisation of closed seminars on Hate Crime for Special Prosecutors for Racist Crime.
- **continues to maintain a particularly rich and important cooperation with the ECtHR**, through for instance the translation in the Greek language of the ECtHR thematic factsheets or through systematically promoting the ECtHR case law in the GNCHR reports, positions, and recommendations.
- **carried out its Third Cycle of annual (open) seminars on human rights**, on a wide range of human rights thematics.
- **established a Mechanism for recording and monitoring incidents of informal forced removals**, with the participation of civil society organisations active in the field and with the assistance of European and international organisations.
- **continues to operate as a de facto COVID-19 Human Rights Observatory, bringing** together experts from different human rights fields, with a wide range of backgrounds, in order to (a) monitor the situation in the field, (b) adopt specific recommendations focusing mainly on the most vulnerable groups and (c) alert national authorities at the highest level of risks of human rights violations in the context of the COVID-19 outbreak.
- **organised a human rights awareness-raising campaign to celebrate the International Human Rights Day (10 December 2021)**, by making short videos of Greek celebrities reading articles of the Universal Declaration of Human Rights and sending their own message for equality and human rights.

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NHRI's Recommendations to National and European policy makers

In light of the above observations, the GNCHR considers that, in order to maximise the impact of the annual rule of law reporting, the competent national and/or European authorities should:

- Undertake **concrete and effective measures to widely disseminate** both – ENNHRI's and the Commission's – **Rule of law Reports**, as well as any relevant information which would allow and promote the improvement of rule of law and democracy in the Country.
- **Respect NHRIs' mandate and work**, by facilitating mutual engagement, considering their recommendations and making serious efforts to implement them.

NHRIs are not only central elements of a strong national human rights system. They also "bridge" civil society and Governments; they link the responsibilities of the State to the rights of citizens and they connect national laws to regional and international human rights systems. Furthermore, as institutions responsible for ensuring national compliance with international human rights commitments, NHRIs are crucial elements of the institutional architecture necessary for the realisation of the 2030 Agenda. Therefore, **national and European policy makers must step up to their commitments and support the**

establishment and maintenance of effective and independent NHRIs across the region. They can only gain from NHRIs' added value.

In order to further facilitate NHRIs' annual rule of law reporting and/or more generally support NHRIs' work to promote and protect the rule of law in our respective countries, ENNHRI could develop and promote the use of a **framework of appropriate quantitative and qualitative indicators aiming at monitoring human rights implementation and measuring progress** made in that regard. Taking into account that human rights indicators are essential in the implementation of human rights standards and commitments, to support policy formulation, impact assessment and transparency, NHRIs' role in elaborating and using human rights indicators in their work is crucial and needs to be supported by relevant regional and national actors.

Independence and effectiveness of the NHRI

International accreditation status and SCA recommendations

The Greek National Commission for Human Rights (GNCHR) was last re-accredited with A-status in March 2017 (1).

The SCA was of the view that the selection and appointment process enshrined in the GNCHR's enabling law was not sufficiently broad and transparent; particularly, it did not specify the process for achieving broad consultation and participation in the application, screening, selection, and appointment process. Further, the SCA noted that providing for different stakeholders to select members according to their rules of operation could result in the different entities using different selection processes. It took the view that these processes should be standardised across nominating entities. The SCA encouraged the GNCHR to continue its efforts to advocate for the formalization of a detailed process in its enabling law.

The SCA also recommended GNCHR to strengthen the applicable grounds of dismissal of members of the NHRI. It recalled that the grounds for dismissal must be clearly defined and appropriately confined to those actions that impact adversely on the members' capacity to fulfil their mandate. It recommended that this process should apply uniformly to all nominating entities.

Finally, acknowledging that the financial situation in Greece at the time limited the NHRI's ability to advocate for increased funding, the SCA encouraged the GNCHR to continue to advocate for an appropriate level of funding to carry out its mandate including, where appropriate, the establishment of regional offices.

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Regulatory framework

The independence of the GNCHR, through the dual mandate for the promotion and protection of human rights entrusted to it by the legislator, is guaranteed by its law and ensured *inter alia* by providing for a mandate as broad and clear as possible in the legislation. The GNCHR has a **broad mandate, in accordance with the Paris Principles**, to promote and protect human rights. This mandate covers the whole range of human rights, including social, economic and cultural rights, as they are enshrined in the Constitution, in international and European treaties and other normative texts as well as in soft law instruments such as declarations and guidelines.

The Greek National Commission for Human Rights continues to work on the legislative basis with the same mandate that allows NHRI to contribute to access to justice for individuals, including through awareness raising. Furthermore, due to the new law implemented (Law. No. 4780/21) NHRI has the mandate to engage in strategic litigation.

There have been changes introduced in relation to the regulatory framework of the NHRI. The Greek National Commission for Human Rights points to the new legal provisions adopted in Greece to enhance NHRI's independence. On 23 February 2021 the Greek Parliament successfully voted on the 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), 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.

The Greek National Commission for Human Rights believes that the NHRI regulatory framework should be further strengthened.

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 was aimed at offsetting the negative changes brought by recent legislative measures which affected the regulatory framework of the Institution by downgrading its scientific staff and unilaterally altering its composition and violating its independence. As a result, as above mentioned, 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), was finally voted by Parliament in 2021.

References

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Enabling and safe space

The Greek National Commission for Human Rights finds that the relevant state authorities have good awareness of the NHRIs' mandate, independence and role of the NHRI. Nevertheless, the GNCHR notes that in several cases the state authorities' awareness of the GNCHR's mandate, independence and role is not at a satisfactory level. The state authorities often confuse the NHRI with Civil Society Organisations or confuse the roles of the NHRI and the Ombudsman. To that end, **state authorities should increase awareness raising about the importance of engaging with NHRIs** as a vehicle for ensuring greater respect for the rule of law, in order to avoid confusion with other types of institutions which operate independently at a national level, but do not have a broad human rights mandate, such as the GNCHR's mandate.

The Greek National Commission for Human Rights states that it has an adequate access to information and to policy makers and it is involved in all stages of legislation and policy making with human rights implications, **but not in a satisfactory level.**

According to its founding legislation, the GNCHR, as the NHRI in Greece, "is the independent advisory body to the State on matters pertaining to human rights protection and promotion" (Art. 10(2) of Law no. 4780/2021) and has as its mission, among others, "the formulation of policy proposals on matters concerned with its object" (Art. 11(c) of Law no. 4780/2021). For the fulfilment of its mission, the GNCHR, in particular, is entrusted by the legislature specific duties and powers, such as to submit recommendations and proposals, carry out studies and deliver an opinion on the adoption of legislative, administrative and other measures which contribute to the improvement of human rights protection (Art. 12(b) of Law no. 4780/2021), to examine the adaptation of Greek legislation to the provisions of international law on human rights protection and deliver an opinion in this connection to the competent bodies of the State (Art. 12(c) of Law no. 4780/2021), to monitor and express recommendations to the State for the permanent and constant impact assessment of policy measures on human rights (Art. 12(d) of Law no. 4780/2021), to monitor and express recommendations to the State for the operation of a reliable and

effective system for recording incidents of discrimination, racism and intolerance (Art. 12(e) of Law no. 4780/2021) or to deliver an opinion on reports which the country is to submit to international organisations on related matters, draw up and submit its own independent reports (Art. 12(g) of Law no. 4780/2021). Furthermore, Article 21 of Law 4780/2021, entitled "Assistance provided by public and private entities", states that "public services must assist the work of the Commission. In order to fulfil its mission, the Commission may conduct on-the-spot investigations, as well as seek from both public services and individuals, any information, document or any other element relating to the protection of human rights. The President may take cognizance of documents and other elements, which are classified as confidential, unless they are affiliated with national defence, state security and international relations of the State".

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.

Despite the above legal provisions and the GNCHR's efforts to raise awareness on the added value of working together with the Country's NHRI in terms of effective and sustainable good governance and rule of law, 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.

It is worth noting that the addressees of the NHRI's recommendations are not legally obliged to provide a timely and reasoned reply -there are no concrete state measures or practices in place to ensure timely and reasoned response to the GNCHR's recommendations. Nonetheless, it derives from the spirit of the GNCHR's founding legislation and, in particular, from Articles 10(2), 11(c) and Art. 12(b), (c), (d), (e) and (g) of Law no. 4780/2021, as stated above, that there is an obligation of the competent state authorities to work together and consult the designated NHRI in the Country, in its institutional role as "the independent advisory body to the State on matters pertaining to

human rights protection and promotion". Besides from its own founding legislation, the Manual for the Scrutiny of the Effects of Legislation of the Presidency of the Government refers to the Opinion of the GNCHR as obligatory.

In relation to the NHRI's safe space provided in Greece, the GNCHR confirmed that measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) are in place.

Developments relevant for the independent and effective fulfilment of the NHRIs' mandate

As previously mentioned, 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 to offset the negative changes brought by recent legislative measures which affected the regulatory framework of the Institution by downgrading its scientific staff and unilaterally altering its composition and violating its independence. As a result, in 2021, Law no. 4780/2021 was passed to address 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.

References

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NHRI's recommendations to national and regional authorities

Despite the GNCHR continuing efforts to promote and protect human rights in Greece, operating in challenging circumstances, and acknowledging the very positive development of the revision of its founding legislation towards strengthening the mandate and independence of the NHRI, the GNCHR notes that there are still **pending issues** which constitute a setback in relation to the common goal and the will to ensure the independence of the NHRI 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.

In addition, the GNCHR considers that the competent national authorities should:

1. Continue to provide the GNCHR with **adequate, sufficient and sustainable resources** to allow it to carry out its mandate.
2. Implement the GNCHR's recommendations. To this end, they are encouraged to make it a **legal obligation for all addressees of the GNCHR's recommendations** to provide a reasoned reply within an appropriate time frame, to develop processes to facilitate effective follow-up of the GNCHR's recommendations, in a timely fashion and include information thereon in their relevant documents and reports.
3. Foster **awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of the GNCHR**, including through training and awareness-raising activities.

Human rights defenders and civil society space

The Greek NHRI assesses that the overall environment for human rights defenders and civil society is continuously worrying. Risks of repression of civil CSOs supporting refugees and migrants in Greece have been exacerbated by successive legislative reforms in 2020, introducing disproportionate and ambiguous requirements for registration on two Registries managed by the Ministry of Migration and Asylum. In 2021, not only there hasn't been any change, but an increasing number of institutions at Greek, European and international level have raised concerns as to the compatibility of the NGO registration rules with the country's legal obligations.

Laws and practices negatively impacting on civil society space and/or on human rights defenders' activities

With regards to **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 "Registry of Greek and Foreign NGOs", operating under the Ministry for Migration and Asylum. However, by virtue of Laws no. 4636/2020 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 certain aspects of their work".

On March 31st, 2021, the **Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the human rights of migrants** voiced concerns on the "significant and detrimental impact on the operation of all civil society organizations working with migrants and refugees in Greece", with particular focus on the complexity and high costs of registration imposed by Greek legislation, contrary to the right to freedom of association. The three Special Rapporteurs urged Greece to "undertake a review of Law on NGOs and the JMD to ensure that they are in accordance with Greece's international human rights obligations".

In reference to the positions taken by the Expert Council on NGO Law and the UN Special Rapporteurs, on May 3, 2021, the **Council of Europe Commissioner for Human Rights** stated that she "share[d] these concerns, and call[ed] on the Greek authorities to build on the recommendations issued by these bodies in order to actively create and maintain an enabling legal framework and a political and public environment conducive to the existence and functioning of civil society organisations". The Greek authorities replied to the Council of Europe that the "objective of the Registry is not to set barriers to the NGOs and in no case the registration procedure is intended to be excessive or cumbersome." They added that "the objective is to set the same rules for all NGOs operating in Greece... as well as to verify that they offer high quality services to the beneficiaries".

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.**

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Threats and attacks, including strategic litigation against public participation (SLAPPs)

GNCHR is deeply concerned about the **tensions manifested in 2020 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 2020 RVRN Annual Report published in April 2021, highlight a worrying trend which points to an increasingly hostile environment for humanitarian organisations, and CSOs 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 **increase in incidents of racist violence, particularly against refugees, migrants and human rights defenders who were targeted due to their affiliation** with the above-mentioned groups, which was recorded by RVRN in 2020, reaffirms that 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.

The increasingly hostile conditions of harassment and intimidation imposed by Greek authorities under which human rights defenders are forced to operate are confirmed by a recent press release issued by the **Special Rapporteur on the situation of human rights defenders**, by which the UN expert urged judicial authorities in Greece against criminalising the work of migrant rescuers in the Mediterranean Sea. According to the Special Rapporteur, a guilty verdict in a court case against two human rights defenders could translate into 'death sentences' for countless more migrants. The case concerns two search and rescue volunteers, Sarah Mardini and Seán Binder, who currently face criminal charges related to their lifesaving humanitarian work off the Greek island of Lesbos. The two were held in pre-trial detention for 107 days in 2018 while authorities investigated the "misdemeanours" and possible felony charges: facilitation of illegal entry, money laundering and fraud. The investigation continues and the two have not been formally indicted with any felonies. If convicted on all misdemeanour and felony charges, they could face up to 25 years in prison. The Special Rapporteur's call was endorsed by the **Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on the human rights of migrants**.

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NHRI's role in promoting and protecting civil society space and human rights defenders

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 51 NGOs and CSOs, which 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.

Furthermore, and albeit repeated calls by the GNCHR and other national and international bodies upon the Greek Government to effectively investigate reported incidents of push backs, summary returns and other forms of informal forced removals of third country nationals at the Greek-Turkish sea and land borders, the Greek Government still denies all relevant allegations. The GNCHR, in order to tackle these important challenges, is currently working on the **establishment of a Mechanism for Recording Incidents of Informal Forced Returns (MRIIFR)**. The main objectives of this initiative are the following: (a) the monitoring, recording and awareness-raising of the practices of informal forced returns of third country nationals from Greece to other countries; (b) the promotion and consolidation of respect for the principle of non-refoulement in Greece and the safeguarding of guarantees and legal procedures; (c) the strengthening of accountability for alleged human rights violations occurring during informal forced returns of third-country nationals from our country to other countries, and (d) the enhancing of the credibility of the reported incidents through the adoption of a common, transparent and scientific methodology in the recording. The MRIIFR consists of NGOs and CSOs which have the mandate, the operational capacity and the experience in recording informal forced returns against third country nationals. The GNCHR is the coordinator of this Mechanism and the Greek Office of UNHCR provides technical assistance as a Cooperating Agency.

In any case, it is important to highlight that 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

- **Legal recognition and protection of human rights defenders.** To this end, 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 this context, the GNCHR considers the establishment of a focal point for human rights defenders within the NHRI.
- **Capacity strengthening and promotion and support of human rights defenders' work.** 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, while sending at the same time 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.

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NHRI's recommendations to national and regional authorities

The GNCHR, on its own or through RVRN's reports, **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 protecting human rights defenders and ensuring the safety of humanitarian workers and members of civil society.

In particular, both the GNCHR and RVRN have repeatedly called upon:

- The Greek police and the Greek justice system to **effectively investigate the complaints** about excessive use of force by the police, particularly off duty as well as racist attacks from organised or unorganised groups against newcomer refugees and migrants, human rights defenders, staff of international and civil society organizations as well as journalists, while **guaranteeing the safety** of all persons working in the field;
- The Ministry of Citizen Protection to ensure the **protection of human rights defenders**, as well as the **safety of humanitarian workers** and members of civil society;
- The Ministry of Justice to proceed to the **adoption of a legislative provision** for the protection of human rights defenders.

Checks and balances

Even though the system of checks and balances in Greece seems balanced, the shortcoming with regard to the quality of the legislative process remains. 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. The level of trust among citizens to the State authorities and between citizens and the public administration is rather low in Greece.

The GNCHR has welcomed the fact that the **Greek Government did not resort to the most drastic institutional measures in order to deal with the pandemic by declaring a de jure state of emergency**. Indeed, instead of activating, for example, Article 48 of the Constitution on the "state of siege" or the "derogation clause" of Article 15 ECHR, the Greek State deployed the possibility of exceptional legislation under article 44(1) of the Constitution, which provides for the issuance of legislative acts by the President of the Republic in order to address an "emergency situation of extremely urgent and unforeseen need". It is worth mentioning, however, at this point that the Council of Europe Venice Commission is in favour of a system of de jure constitutional state of emergency powers, which provides for better guarantees of fundamental rights, democracy and the rule of law and better serves the principle of legal certainty deriving therefrom than a system of a de facto extra-constitutional state of emergency.

The GNCHR also welcomes, with particular satisfaction, the fact that, despite some initial thoughts for the complete cessation of its operations, the Greek Parliament has continued to operate.

With regard to the **quality of the legislative process, the GNCHR has on several occasions called the competent state authorities to take further steps to improve it**, repeatedly emphasising its role in the system of checks and balances, in particular when legislation is enacted. Besides from its own founding legislation and, in particular, from Articles 10(2), 11(c) and Art. 12(b), (c), (d), (e) and (g) of **Law no. 4780/2021**, as stated above, assigning to the State authorities the obligation to work together and consult the designated NHRI in the Country, in its institutional role as "the independent advisory body to the State on matters pertaining to human rights protection and promotion", the **Manual for the Scrutiny of the Effects of Legislation** of the Presidency of the Government refers to the Opinion of the GNCHR as obligatory. 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. 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 criticised 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). 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 fact that the GNCHR was not consulted in advance with regard to the amendment of the Criminal Code and the Code of Criminal Procedure. On the contrary, it took note of this initiative once uploaded to the official public consultation platform (opengov.gr) in September/October 2021. Furthermore, despite the fact that GNCHR monitors issues related to the protection of Roma rights and

the promotion of their social inclusion, while participating from the outset in the consultation process for the development of the New National Strategy for Roma Social Inclusion 2021- 2030 (ESKE) (ongoing procedure), however it was not invited by Parliament to the Meeting of the Special Permanent Committee on Equality, Youth and Human Rights, in order to discuss the New National Strategy for the Social Inclusion of the Roma 2021- 2030 (ESKE).

Finally, with regard to other institutional issues related to checks and balances, such as safeguarding the independence and effectiveness of independent institutions (other than NHRIs), the GNCHR recalls the Prime Minister's announcement, dated March 12, 2021, regarding the further **strengthening of the Greek Ombudsman's competences**. In particular, bearing in mind that the said announcement highlighted 4 key issues related to the response to incidents of violence by police officers, including the enhancement of the Ombudsman by creating an autonomous structure with a Deputy Ombudsman, specialised staff and exclusive responsibility to assist in dealing with police violence, the GNCHR stresses that it is monitoring the implementation.

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Trust amongst citizens and between citizens and the public administration

In general, **the level of trust among citizens to the State authorities and between citizens and the public administration is rather low in Greece**, including regarding the measures to tackle the pandemic. In fact, whereas the level of trust in the government's handling of COVID-19 was generally high during 2020, the crisis as well as the containment measures taken by the State authorities in period that followed the first wave of the COVID-19, during the last months of 2020 and mostly during 2021, resulted in **widespread criticism**.

The factors which directly impact the relationship between citizens and state authorities, namely the transparency and accountability of state authorities with regard to means of reactions used by law enforcement agencies, warranty and security, are not further developed and strengthened. This was particularly visible during the pandemic. The GNCHR recalls at this point, aligning itself fully with the observation of the UN Committee on the Elimination of Racial Discrimination, as well as the findings of RVRN, that "people who perceive that they have been subjected to discriminatory law enforcement actions tend to have less **trust in law enforcement** and, as a result, be less willing to cooperate, thereby potentially limiting the effectiveness of the latter. Racial profiling practices influence law enforcement daily routines and undermine, consciously or unconsciously, their capacity to support victims of crimes belonging to these communities. This sense of

injustice, humiliation, loss of trust in the law enforcement, secondary victimisation, fear of reprisals and limited access to information about legal rights or assistance may result in reduced reporting of crimes and information for intelligence purposes". In addition, the very concept of social cohesion through the maintenance of citizens' trust in the Greek Police requires the isolation from the body itself of such incidents in case they take place.

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A useful conclusion, which the GNCHR wishes to highlight, is the **need to strengthen trust between the citizens and Police**. It is vital for the competent authorities to realise that the ability of the police to deal effectively with crime depends entirely on this sense of trust in the law enforcement. An aggressive policing model, which bares the risk of incidents of arbitrariness and excessive violence, will negatively affect this relationship.

NHRIs as part of the system of checks and balances

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:** Recognising 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. The List is constantly updated. In 2021, the GNCHR updated its List of international and European legally binding texts.

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NHRI's recommendations to national and regional authorities

In light of the above observations, the GNCHR considers that, in order to strengthen the system of checks and balances, including the role of NHRIs within such system, the competent national and/or European authorities should:

- **Enhance visibility of the GNCHR’s recommendations and the level of their implementation** in progress monitoring and reporting. To this end, it would be useful to integrate the timely and effective implementation of the GNCHR’s recommendations as an indicator to measure progress towards key benchmarks and objectives set by regional or international actors in relation to rule of law, human rights and democracy.
- **Increase interaction between Parliament and the GNCHR.** The GNCHR 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.
- Bearing in mind that the main obstacle affecting the GNCHR’s engagement as part of the system of checks and balances is the lack of resources, which limits the extent of activities and range of issues that the Institute can work on, **eliminate any possible obstacle in terms of participation in legislative and policy making process.**

Functioning of the justice system

The GNCHR recognises that digitalisation of Justice constitutes a significant challenge for Greece, welcomes the initiatives of the Ministry of Justice in cooperation with the Ministry of Digital Governance for the realisation of the National Strategy for the Digital Justice and encourages the increase of the use of digital tools to all the different stages of the functioning of justice. However, **acknowledging the very important concrete steps taken in the direction**, the GNCHR deplores that **significant challenges remain**. For instance, as confirmed by the European Commission in the Country Chapter on the Rule of Law situation in Greece, the full implementation of electronic filing is hampered by delays and its availability remains partial, inconsistent, and mainly restricted to some courts. Even in those courts, the actual use of e-filing remains minimal, partly due to a lack of familiarisation of stakeholders with the new tools.

Furthermore, **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 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 "Harmonisation 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**. 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 deploras, nonetheless, the total absence of any cooperation until today. In fact, during the Committee's session in July 2020, where the above-mentioned Draft law proposal on "Harmonization of national provisions with the ECtHR case law" was discussed, the Greek NHRI was not invited nor consulted. The aforementioned draft law proposal has not yet received any further elaboration/discussion by the Parliament.

Furthermore, with regard to the **selection process of higher judges**, who occupy the posts of Presidents and Vice-Presidents of the higher courts, namely the Council of the State, the Audit Office, and Supreme Civil and Criminal Court of Greece-Court of

Cassation, the GNCHR also recalls the recommendation of the Council of Europe's Group of States against Corruption (GRECO), included in the **Second Compliance Report on Corruption prevention in respect of members of parliament, judges and prosecutors (2020)**, according to which it is recommended to the competent authorities to revise the method of selection concerning the most senior positions of judges and prosecutors so as to involve the peers in the process and to consider amending the modalities for the initiation of disciplinary proceedings in their respect.

The GNCHR confirms that **the pandemic has had a decisive impact on the functioning of all the significant aspects of the justice system on many levels**, with multifaceted consequences not only for the courts, but also for the entire spectrum of the functioning of justice. During the lockdown, for instance, no special attention was paid to vulnerable groups at even greater risk, in order to prioritise cases concerning them. A typical example is the suspension of the procedure pursuant to Law no. 4491/2017 (Article 4(2)) for the legal gender recognition procedure, which however is conducted in a private office without publicity, and therefore without endangering public health and should have been included in the proceedings carried out for a number of categories of cases (in accordance with JMD no. Δ1α / ΓΠοικ .: 71342).

The above observations lead to the conclusion, as confirmed by the European Commission in the Country Chapter on the Rule of Law situation in Greece, that **Greece is facing a clear risk of building up additional backlogs, further exacerbated by the consequences of partial interruptions of work due to the COVID-19 pandemic.**

Postponements caused significant delays and backlogs, some cases having been scheduled for trial on remote future dates, up to 2026 or even later.

The GNCHR feels the need to acknowledge that the pandemic, along with the challenges it has posed for society, has created a very important **window of opportunity to accelerate the digitalisation process of the State**, which Greece has taken advantage of, to the maximum extent possible. As the Organization for Economic Co-operation and Development (OECD) observes, Greece is among those countries who have, by example, made good use of the digital media in its efforts to limit the spread of the coronavirus, as it immediately proceeded to the implementation of digital media in order to reduce the risk of transmitting the virus. In this context, the GNCHR welcomed the initiatives of the Ministry of Justice, in cooperation with the Ministry of Digital Policy, for the implementation of the National Strategy for e-Justice and expressed the hope that this transition of Justice to the digital age will soon produce results.

Nonetheless, this being said, **a lot remains to be done.** 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. Indeed, the GNCHR has repeatedly stressed the need to tackle the problem of **high litigation costs impeding access to justice**, reiterating its recommendations aiming at overcoming barriers to access to court and to effective judicial protection. In particular, the GNCHR has repeatedly stressed that the massive increase of court fees limits access to Justice for individuals only, since it is only individuals who pay them. This is in clear violation of the ECHR. However, it is the State and public entities that are mainly responsible for the over-burdening of the courts. Therefore, the GNCHR has recommended that when a remedy lodged by the Administration or a public legal entity is dismissed, a substantially higher court fee and a high fine should be imposed on them, as a deterrent. In this way, the burden of the courts may be alleviated, without the equality of the parties being affected, since the ECHR protects individuals against the State and not the State against individuals. In addition the GNCHR recommends, as a means to support those suffering from the consequences of unemployment, labour insecurity and deregulation of collective agreements, the abolition of court fees, in compliance with the requirements of Articles 21, 22 (1) and (5) and 25 of the Constitution, at least for labour and social-security cases. In other cases, the fees should at least be substantially reduced. In addition, **legal aid must be reorganised and extended to administrative cases**. The GNCHR has repeatedly expressed its concern regarding the inadequacy of legal aid as it was structured and applied in Greece and stressed that legal aid should be available to every person who is in need of it, in all jurisdictions and all procedural stages. Providing legal aid to particularly vulnerable persons in order to ensure their legal protection, and more specifically the effective protection of their rights in the framework of a modern Rule of Law, has been established in Europe as fundamental human right.

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. Furthermore, the GNCHR strongly believes that any legislative reform to strengthen the judiciary (eg. 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. To this end, the GNCHR, as the Greek NHRI and therefore the best placed Institution to monitor the compliance of the Greek justice system with international human rights standards, has on several occasions confirmed 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". The GNCHR also undertook, in December 2021, a more specialised cycle of seminars to judicial officers on Legal Gender Recognition, while it proposed the organisation of closed seminars on Hate Crime for Special Prosecutors for Racist Crime.

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.

- **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.
- **Sensitisation 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.

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In the light of the above remarks, the GNCHR recommends to the relevant authorities **to address the systemic and chronic problem of the delay in the delivery of justice**, which has led to several ECtHR judgments finding violations of the ECHR by Greek authorities and aligns itself fully with the **findings-recommendations of a study carried out by the Research and Analysis Organisation diANEOsis, published in January 2021**. In particular, the Study provides a detailed analysis of the shortcomings of the current judicial

map and proposes changes taking into consideration current demographics, developments in information and communication technology, and other relevant parameters. It is considered rather encouraging that, in the framework of the preparation of the Greek Recovery and Resilience Plan, the Ministry of Justice stated its intention to carry out such reform as a priority on the basis of data to be collected by the office for the collection and processing of judicial statistics.

Furthermore, the GNCHR urges competent authorities to consider implementing the GRECO recommendations included in the **Second Compliance Report on Corruption prevention in respect of members of parliament, judges and prosecutors (2020)**, including the recommendation regarding the amendment of the selection process of higher judges, an amendment requiring constitutional reform.

In addition, the GNCHR, in its recent **Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights**, has addressed to the relevant state authorities specific recommendations-guidelines for the functioning of the justice system in view of the loosening of the COVID-19 restrictions, such as, for instance, the need to take special care of vulnerable groups who are at an even greater risk of having their rights infringed, by prioritising the cases concerning these groups or the training of judicial officers in emerging cases, such as IT usage, remote working, new types of cases concerning the pandemic etc.

Media freedom, pluralism and safety of journalists

The GNCHR assesses that the state of media freedom, pluralism and safety of journalists in Greece is worrying. In its annual World Press Freedom Index for 2021, Greece ranked 70th out of 180 countries, five places lower than 2020, while according to the 2021 Media Pluralism Monitor of the Centre for Media Pluralism and Media Freedom of the European University Institute, "Greece faces challenges with respect to media pluralism in all four domains under study". Since the beginning of 2021, one can see Greece featuring in numerous statements of International Press Associations on a regular basis.

The GNCHR has on several occasions expressed its deep concerns over the **safeguarding of journalists' safety in Greece** and the wide range of challenges and threats they are confronted with, including inter alia murder, kidnapping, offline and online harassment or intimidation. Media freedom in Greece was thrust into the international spotlight in April when well-known Greek crime reporter Giorgos Karaivaz was gunned down outside his house in Athens. Shortly after the murder, the Prime Minister called on the police to solve the case quickly, while the Minister for Citizen Protection promised that the investigation would be accelerated until it achieved its goal. But, since then, the police and the Ministry

of Citizen Protection have provided little official information about progress in the case. Furthermore, the case has confirmed, according to RSF, the inadequacies of the measures taken by the Greek authorities to protect media personnel. When a plan to murder investigative reporter Kostas Vaxevanis was revealed in late April, RSF urged the Greek authorities to adopt measures to restore trust between the media and the police, on whom they depend for their protection. With regard to Kostas Vaxevanis, most recently, on January 20th, 2022, 8 international media freedom and freedom of expression organisations issued a statement registering their concern over the serious criminal charges levelled against him and Ioanna Papadakou, two investigative journalists in Greece linked to their reporting on a major corruption scandal. According to the statement, the organisations are following the two legal cases with utmost scrutiny given the obvious concerns they raise with regard to press freedom, urging authorities to issue guarantees that the process is demonstrably independent and free of any political interference.

In addition, following the GNCHR's remarks on Human Rights Defenders working with migrants and refugees, the GNCHR notes also with emphasis that **journalists reporting on the contentious issue of illegal refugee "pushbacks" in the Aegean continue to face pressure from government officials and law enforcement authorities**. In the latest case, in May 2021, a reporting team from the Dutch public broadcaster VPRO was arbitrarily detained by police while trying to document an alleged "pushback" of migrants by the Greek authorities in the forest near the town of Dikaia. Police detained the reporting crew and took them to a police station for questioning, demanding access to the team's recordings.

Greece has suffered a **decline in press freedom**, according to data published by Reporters Without Borders (RSF). In its annual World Press Freedom Index for 2021, Greece ranked 70th out of 180 countries, five places lower than 2020. According to RSF, journalists had to get the government's permission before reporting in hospitals while the health ministry banned medical staff from talking to the media. RSF also expressed its serious concerns about **Law no 4855/2021** (OJ 215/A/12.11.2021) amending the Greek Criminal Code and, in particular, about the **provision amending Article 191 of the Code** aiming at preventing the spread of misinformation. Under Article 191 of the Penal Code, the dissemination, in public or online, of any information that "causes concern or fear among citizens" or "disturbs public confidence in the national economy, defence or public health" is now punishable by a prison sentence ranging from three months to five years. If the offence is committed repeatedly in the media or online, the minimum sentence increases to six months in prison. These penalties are not limited to the person who is the source of the information. They also apply to the owners and directors of the media that publish it, or simply publish links to it. Bearing in mind that the new legislation aims at expanding the

definition of fake news and extending the offense of spreading fake news to any information likely to raise public concern or undermine public confidence, especially in public health, the Journalists' Union of Athens Daily Newspapers (ESIEA) had called on the Greek authorities to withdraw the specific provision, stressing that this would pose a serious threat to journalists' right to publish information in the public interest. The same concerns were confirmed by several European partners of the Media Freedom Rapid Response (MFRR), such as *inter alia* the European Centre for Press and Media Freedom (ECPMF), the European Federation of Journalists (EFJ) or the International Press Institute (IPI).

The GNCHR expresses its deep concerns over the **challenges affecting media pluralism in Greece**, which seem to be increasingly worrying, according to the 2021 Media Pluralism Monitor of the Centre for Media Pluralism and Media Freedom of the European University Institute, which concludes that "Greece faces challenges with respect to media pluralism in all four domains under study". In particular, in the area of "fundamental protection", key issues are: failing to decriminalise defamation, deficiencies in domestic remedies in cases of infringement of free speech, deteriorating working conditions for journalists and ineffective tools to ensure respect for professional standards and journalistic ethics. In addition, in the area of "market plurality", a key concern remains the lack of publicly available data on a broad range of issues, from concentration trends to journalists' levels of employment and remuneration, as well as the effects of the pandemic on the latter. Data collection is piecemeal and fragmented. The Media Pluralism Monitor also stresses that, in the area of "political independence", private media are not fully shielded from political interference, while as regards "social inclusiveness" action should be taken to address gender stereotypes in news media broadcasting.

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 **sensitisation 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.

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Bearing in mind that a safe environment is essential for journalists to perform their role as watchdogs of democracy, which is essential not only for journalists' working conditions, but also for citizens' access and right to information, the GNCHR urges European and national authorities to **create a safe environment for journalists** and, in particular, for those reporting on the humanitarian situation in Greece. In this regard, it is essential to **continue to fight disinformation and hate speech targeting migrants and asylum seekers**, contributing to fuelling the tensions at the crossing points. To this end, it is essential to deploy all available means to avoid impunity for crimes that are linked to journalism.

In addition, if **political pluralism** is to be achieved, mechanisms should be put in place, and effectively implemented, in order to prevent all political actors from undue interventions in the media market, and from attempts to influence editorial decisions or public opinion more directly, among others through the services of online platforms.

Corruption

The perception of corruption remains at high levels, as confirmed by the most recent findings of a public opinion poll conducted by the National Transparency Authority (NTA) on December 9, 2021. The vast majority of Greeks (97%) believe the Country has a significant problem with corruption which exists and is perpetuated mainly by the political system and its clientelism. The introduction of a new whistle blower protection law is still

pending, one month after the the 17 December 2021 deadline for the transposition of the EU Directive on whistleblowing.

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. 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. These figures are confirmed by the most recent findings of a **public opinion poll conducted by the National Transparency Authority (NTA) presented at the 1st Integrity Forum on December 9, 2021**, the vast majority of Greeks (97%) believe the Country has a significant problem with corruption which exists and is perpetuated mainly by the political system and its clientelism. The number of people who described the problem of corruption as "very extensive" was 67%, while 30% called it "fairly extensive". A total of 87% of those polled said the sectors most likely to involve corruption include public works and state procurements (62%), the political system (59%) and mass media (48%). These were followed by municipalities and regions (39%), the justice system (21%), the provision of medical services in the National Health System (18%), construction licensing (14%), services imposing the law (11%), the public sector (9%) and business licensing (3%). Results were based on 777 questionnaires completed online between September 11 and November 30 2021.

According to the latest **GRECO Report, and in particular 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 acknowledges with satisfaction the **important steps Greek authorities have undertaken in order to fight corruption**, such as the establishment and operation of the National Transparency Authority (NTA), the Anti-corruption National Strategic Plan for 2022-2025 or, more recently, the new AFCOS website, a fraud risk-management tool for

risk mapping in public institutions, released by NTA. However, **shortcomings regarding the new anti-corruption mechanisms remain**, while it is possible for Greece to implement further measures to fight corruption, particularly today when trust towards political institutions is needed in order to continue fighting the COVID-19 pandemic.

In particular, the **GNCHR deplores the delay with regard to the introduction of a new whistle blower protection law in Greece**, recalling that it has on several occasions invited 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 had until the 17th of December 2021 to transpose its provisions into their national legal and institutional systems. The GNCHR welcomed the establishment by the Greek government of 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". Nonetheless, it notes with disappointment that, approximately one month after the 17 December 2021 deadline for the Directive to be fully transposed in all member States, the effective transposition of the EU Directive on whistle blowing is still pending.

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:** The GNCHR has on several occasions deplored 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 criticised 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 blowing:** The GNCHR deplors that the protection of whistle blowers in Greece is still pending and has on many occasions invited the competent State Authorities to consider with special attention the need for addressing the gap, while underlining the need for timely and effective transposition of the Directive.

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- A new AFCOS website (<https://afcos.aead.gr>)

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The GNCHR has proved its **determination to play a more active role in contributing to the effective prevention and fight against corruption** either by advising the government on improving the legal and regulatory anti-corruption framework, or by monitoring its implementation, as well as the implementation of the transparency of public procurement procedures.

In particular, in the light of the above remarks, the GNCHR recommends to the relevant authorities to proceed to the **timely and effective transposition of the Directive** (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, which has been delayed.

Furthermore, it is essential to continue and escalate efforts in order to **improve the perception of corruption** among citizens which remains at concerning levels, also in connection with the reduced transparency and accountability determined by the pandemic context.

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

Whereas the level of trust in the government's handling of COVID-19 was generally high during 2020, the crisis as well as the containment measures taken by the State authorities in period that followed the first wave of the COVID-19, during the last months of 2020 and mostly during 2021, resulted in widespread criticism.

The GNCHR reiterates that has welcomed the fact that the **Greek Government did not resort to the most drastic institutional measures in order to deal with the pandemic by declaring a de jure state of emergency**. Indeed, instead of activating, for example, Article 48 of the Constitution on the "state of siege" or the "derogation clause" of Article 15 ECHR, the Greek State deployed the possibility of exceptional legislation under article 44(1) of the Constitution, which provides for the issuance of legislative acts by the President of the Republic in order to address an "emergency situation of extremely urgent and unforeseen need". The GNCHR also welcomes, with particular satisfaction, the fact that, despite some initial thoughts for the complete cessation of its operations, the Greek Parliament has continued to operate.

It is worth mentioning, however, at this point that the Council of Europe Venice Commission is in favour of a system of *de jure* constitutional state of emergency powers, which provides for better guarantees of fundamental rights, democracy and the rule of law and better serves the principle of legal certainty deriving therefrom than a system of a *de facto* extra-constitutional state of emergency.

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

The GNCHR has already warned the relevant state authorities, reminding them **that the absence of more drastic measures does not in itself guarantee the Rule of law**. In particular, the GNCHR aligns itself with the Venice Commission's Reflections on Respect for Democracy, Human Rights and the Rule of Law during states of emergency, by which the Commission provides governments with a toolkit for dealing with the present unprecedented and massive scale sanitary crisis in a way that respects the fundamental values of democracy, rule of law and human rights. More specifically, the Venice

Commission emphasises the need for effective parliamentary and judicial scrutiny of both the country's declaration of a state of emergency and its possible extension, as well as the activation and application of other emergency powers - often with equivalent effect. In the same direction, the GNCHR, already from the first months of the COVID-19 crisis, had pointed out to the State that "as long as challenges remain, drastic measures should be taken and implemented to protect public health with full respect for the fundamental values of democracy, the rule of law and the human rights based on the principles of solidarity and proportionality in order to avoid disproportionate impact on people belonging to vulnerable groups". To this end, "restrictive measures must have a legal basis, be proportionate and time-limited", while "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".

Furthermore, with regard to the **impact of the COVID-19 pandemic on human rights**, the GNCHR has published two Reports, in May 2020 and May 2021 respectively, pointing out that the pandemic has caused an unprecedented health, economic, social and humanitarian crisis, exacerbating pre-existing systemic inequalities, discrimination and marginalisation, while disproportionately affecting the most vulnerable social groups, including Roma, refugees, asylum-seekers and migrants, detainees, persons with disabilities and chronic diseases and LGBTQI+ people. Indeed, acknowledging that COVID-19 is a syndemic pandemic, interacting with and exacerbating existing inequalities in chronic diseases and the social determinants of health, the GNCHR concluded that the pandemic created a vicious circle, whereby high levels of inequality and discrimination fuel the spread of the virus, which, in turn, perpetuates and exacerbates serious pre-existing inequalities against those groups who are affected the most. With this in mind, the **GNCHR insists that human rights are key in shaping the pandemic response and they need to be at the centre of national strategies to combat COVID-19**, while not only mitigating the broader impact of the crisis on people's lives, but also avoiding creating new or exacerbating existing problems.

More specifically, **the GNCHR** proceeded to specific recommendations-proposals to the relevant State authorities, **grounded in three main principles that need to be consolidated in order for the pandemic response to be effective: the virus does not discriminate (I), the threat is the virus, not the people (II) and, when we recover, we must be better than we were before (III)**.

In particular, with regard to the **disproportionate impact of the pandemic on vulnerable groups**, the GNCHR is focusing on the need to address the disproportionate impact of the

pandemic and the containment measures on vulnerable groups, including Roma, refugees, asylum-seekers and migrants, detainees, persons with disabilities and chronic diseases and LGBTQI+ people.

As far as **fair, affordable, timely and full access to a COVID-19 vaccine as a human right** is concerned, the GNCHR stresses the need to continue and strengthen efforts for a fair, affordable, timely and full access to a COVID-19 vaccine, corroborating that an affordable and non-discriminatory access to a vaccine constitutes a human right. Recognising that the State's attempt to vaccinate the population is an extremely difficult venture, with which the competent national Authorities are coping in a responsible and effective manner, the GNCHR recalls that the necessary, in many cases, prioritisation of specific population groups should be done with objective, appropriate and transparent criteria, which take into account the vulnerability of these groups and are in accordance with the standards and rules set forth by human rights law. At the same time, the GNCHR stresses the need to promote the vaccination of those population groups who are most exposed and vulnerable to the virus due to the health conditions they are living under, such as detainees, asylum-seekers, refugees or migrants who find themselves in unsafe health conditions. Moreover, the GNCHR seizes the opportunity to point out that the legally prescribed possibility of compulsory vaccination against COVID-19, in order to prevent the spread of the disease and to protect public health, is in compliance with the Constitution and stresses that the State needs to secure that the necessary guarantees are in place for the protection of citizens' human rights in general, and, in particular, for the protection of the right to protection of personal data of the recipients of health services who will be called to be vaccinated.

With regard to **access to justice during the pandemic**, the GNCHR confirms that the pandemic has had a decisive impact on the functioning of all the significant aspects of the justice system on many levels, with multifaceted consequences not only for the courts, but also for the entire spectrum of the functioning of justice. The GNCHR particularly reiterates that there is an urgent need to address the systemic and chronic issue of delivering justice within reasonable time, which the ECtHR has found Greece to be in violation of in many cases.

Concerning **policing during the pandemic**, the GNCHR acknowledges the role of law enforcement Authorities as vital for the protection of citizens' life and health and accepts, to some extent, that in many cases it may be necessary to grant the Police extensive powers for the monitoring of compliance with emergency measures. The serious impact of the pandemic on people's lives intensifies this need. At the same time, the GNCHR recognises that Greek Police, which has been entrusted with the supervision of the

implementation of strict restrictive measures, is, from the beginning, at the forefront of tackling the pandemic and understands its enhanced role as regards the management of health risk. Nevertheless, following the allegations for unjustified violence, the GNCHR stresses that the pandemic does not exonerate the Police from its obligation to use its currently extensive powers in a manner that is fully compliant with its mandate, which is no other than to serve and protect citizens while respecting their fundamental freedoms and human rights. The GNCHR highlights at this point, as it has now been proven, two years after the outbreak of the pandemic, that abusive police practices and undue reliance on strict repression measures have not only led to serious infringements, but in fact have undermined any effort to combat the virus. The GNCHR lays particular emphasis on the importance of proper, initial and periodic training and retraining of law enforcement officers on human rights and welcomes the Prime Minister's announcement for a comprehensive upgrade of police studies.

The GNCHR concludes its Report with reference – not accidentally – to the **vital "investment" in social rights, seeking to deliver the message of returning to a "normality" in the post-pandemic era**, to a next day when we will indeed be better than we were before. More specifically, the GNCHR, taking as a point of departure the economic and social crisis brought by the pandemic, expresses the strong belief that the existence of a crisis should not result to the impairment – or even more, to the abolition – of the protection of social rights. The GNCHR insists that effective measures are needed not only for the mitigation of the adverse impact of the measures taken to address the pandemic on social rights, but mainly for accelerating the **post-pandemic social and economic recovery**.

The GNCHR feels the need to recognise that the pandemic, along with the challenges it has posed for society, it has created a very **important window of opportunity to accelerate the digitisation process of the State, which Greece has taken advantage of, to the maximum extent possible**. As the Organization for Economic Co-operation and Development (OECD) observes, Greece is among those countries who have, by example, make good use of the digital media in its efforts to limit the spread of the coronavirus, as it immediately proceeded to the implementation of digital media in order to reduce the risk of transmitting the virus.

Recognising that the **State's attempt to vaccinate the population is an extremely difficult venture**, with which the **competent national Authorities are coping in a responsible and effective manner**, the GNCHR recalls that the necessary, in many cases, prioritisation of specific population groups should be done with objective, appropriate and transparent criteria, which take into account the vulnerability of these groups and are in

accordance with the standards and rules set forth by human rights law. At the same time, the GNCHR stresses the need to promote the vaccination of those population groups who are most exposed and vulnerable to the virus due to the health conditions they are living under, such as detainees, asylum-seekers, refugees or migrants who find themselves in unsafe health conditions.

Finally, the GNCHR recognises that digitisation of Justice constitutes a significant challenge for Greece, welcomes the initiatives of the Ministry of Justice in cooperation with the Ministry of Digital Governance for the realisation of the National Strategy for the Digital Justice and encourages the increase of the use of digital tools to all the different stages of the functioning of justice.

In view of this unprecedented crisis, the GNCHR has, throughout the pandemic period, been meeting – and continues to do so – regularly online, with the participation of stakeholders in the decision-making process, in order to best meet the new challenges, to assess the impact of the restrictive policy measures on human rights and democratic values, to provide appropriate advisory to the Greek Government on matters related to human rights protection and, at the same time, to inform the public of its rights and the respective risks of its rights violations posed by the pandemic.

In fact, 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, emphasised 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.

In this context, with regard to the **impact of the COVID-19 pandemic on human rights**, the GNCHR has published two Reports, in May 2020 and May 2021 respectively, pointing

out that the pandemic has caused an unprecedented health, economic, social and humanitarian crisis, exacerbating pre-existing systemic inequalities, discrimination and marginalisation, while **disproportionately affecting the most vulnerable social groups**, including Roma, refugees, asylum-seekers and migrants, detainees, persons with disabilities and chronic diseases and LGBTQI+ people. Moreover, the GNCHR pointed out that **restrictive measures must have a legal basis, be proportionate and time limited**.

At the same time, pursuant to the mandate assigned to it by its founding legislation regarding the development of initiatives for the cultivation of respect for human rights in the context of the educational system and for the awareness raising of the public and media about respect for human rights, the GNCHR seizes the opportunity to recall its own **initiatives and activities on human rights education and training on many levels**, among which the organisation of the [Annual Open Seminars](#) covering a wide range of critical human rights issues.

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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. 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 emphasise that the GNCHR has held online plenary meetings on a weekly basis during the first wave of 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 has adopted a hybrid model of work, combining a mixture of both remote work and office work, while 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 were conducted by teleconference from February to June 2021. Finally, it is worth mentioning that, in celebration of the International Human Rights Day, on Thursday, 10 December 2020, the GNCHR organised a human rights awareness-raising campaign, by making short videos of Greek celebrities reading articles of the Universal Declaration of Human Rights and sending their own message for equality and human rights.

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NHRI's recommendations to national and regional authorities

Focusing on matters related to **access to justice during the pandemic**, the GNCHR recommends to the competent authorities the following:

- In case of emergency measures, observance of the principles of legality, legal certainty and proportionality and continuous re-evaluation of these measures. The GNCHR stresses that all measures taken must have a set expiration date and be subject to judicial review in a timely manner. Where needed, the judicial Authorities, as well as the representatives of the trade unions of the justice sector, should be consulted on emergency operations.
- Take special care of vulnerable groups who are at an even greater risk of having their rights infringed, by prioritising the cases concerning these groups.
- In view of the increase of the courts' backlog, ensure that cases are distributed in such a way that the post-emergency case ranking does not focus on financial issues related to the protection of individuals' rights and follows fair and objective criteria, while encouraging mediation.

With regard to **other matters related to the impact of COVID-19 and of measures taken to address it on rule of law and human rights protection**, the GNCHR recommends to the national authorities the following:

- Ensure participation of all vulnerable social groups in the planning and implementation of the emergency measures taken to combat the pandemic, with a view to including them to the decision-making process.
- Strengthen measures to ensure, among others, the right of access to health, the right to education and the right to work, for all without discrimination, including the most vulnerable and marginalised groups (such as *inter alia* refugees, asylum-seekers, migrants, detainees, persons with disabilities and chronic diseases, Roma, mental patients etc.).