

## Greece 2024

### Information from: Greek National Commission for Human Rights

## Follow-up to last year's rule of law recommendations

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### State authorities' follow-up to regional actors' recommendations on rule of law

The GNCHR welcomes the explicit reference to its work by the European Commission (EC) in the [2023 EU Rule of Law Report - Country Chapter on the rule of law situation in Greece](#). The EC takes note of GNCHR's input on the efficiency of the justice system (p. 9), the quality of the legislative process (p. 23) and Law 5002/2022 on the secrecy of communications. Furthermore, the EC highlighted the significant role that the Greek NHRI plays in the checks and balances system. The strengthening of the GNCHR's mandate and of its administrative capacity in 2022 are cited as well as an explicit reference to the Recording Mechanism of Informal Forced Returns that operates under the GNCHR since 2022. The Recording Mechanism's existence is evaluated as a positive development in Greece, aiming to boost accountability for reported human rights violations at borders.

On the recommendations part, there is no EC's targeted recommendation concerning the Greek NHRI. The following were the EC's recommendations to Greece for 2023:

- Take steps to address the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments. **[Recommendation 1]**
- Step up efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption. **[Recommendation 2]**
- Take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists, building on the activities initiated by the Task Force, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists. **[Recommendation 3]**
- Ensure the effective and timely consultation in practice of stakeholders

on draft legislation, including by allowing sufficient time for public consultation. **[Recommendation 4]**

- Take further steps to evaluate the current registration system for civil society organisations, including by initiating a structured dialogue with CSOs, and assess whether there is a need to amend it.

**[Recommendation 5]**

On **Recommendation 1**, there is no progress made in 2023 since an amendment of the Constitution is required to enable Greece abiding with this recommendation. This is a standard recommendation from the previous cycles of rule of law monitoring. The Greek Constitution (art. 90 para. 5) provides that the appointments of the highest positions of the Greek judiciary are done by presidential decree, following a recommendation by the Council of Ministers. Since 2010 (Law 3841/2010), the Conference of the Presidents of the Parliament is involved in the appointment procedure. European standards developed within the Council of Europe require that “the authority taking decisions on the selection and career of judges should be independent of the executive and legislative powers. With a view to guaranteeing its independence, at least half of the members of the authority should be judges chosen by their peers” (para 46 of [Recommendation CM/Rec \(2010\)12 of the Committee of Ministers of the Council of Europe of 17 November 2010 ‘Judges: independence, efficiency and responsibilities’](#)). These rules are applicable in Greece with respect to the selection and career of judges up to the position of member of each High Court (Council of State, Supreme Court and Court of Auditors). The only exception concerns the appointment of President and Vice-Presidents of these Courts.

Regarding the overall ongoing reform of the Greek justice system, as mentioned in the [2023 ENNHRI’s Rule of Law Report](#), [the national recovery and resilience plan](#) foresees a number of measures on the improvement of the efficiency of the justice system. In December 2023, the [European Commission’s preliminary assessment](#) noted a satisfactory fulfillment of milestones and targets related to the third payment request by Greece. Under the general measure of digitalisation of archives and relevant services, a subproject on the digitilisation of the archives of the Justice System is previewed. In 2023, delays have been noted in the award of the relevant contract. According to the [Digital Transformation Bible 2020-2025](#), 28 projects are foreseen for the development, integration and improvement of digital tools related to the access and management of legal information, the operation of court proceedings and in general the improvement of the functioning of the judicial system. One project regarding the audit services of the Court of Auditors for General Government agencies is in progress while the other 27 are scheduled. It shall be noted that the digitilisation of the Justice Systems is also a priority at the EU level. In [November 2023](#), the European e-Justice Strategy 2024-2028 was adopted as well as two legislative acts, a Regulation on the digitilisation of judicial cooperation and access to justice and an accompanying Directive.

Improving the efficiency of the justice system involves foremost the acceleration of the administration of justice, which is a major drawback for the proper functioning of the justice system in Greece. The GNCHR had identified previously in its rule of law reports that the main challenge of the justice system with an impact on the system of rule of law is the excessive length of court proceedings. Acceleration of the administration of justice constitutes a separate measure under the national recovery and resilience plan. It is comprised by several elements, ranging from a revision of the judicial map across Greece (covering all branches of the judiciary), to the creation of a judicial police, the introduction of an array of procedural and training measures and the introduction of a judicial performance tool for the provision of financial incentives to judicial clerks. In 2023, progress were made on these with the adoption of Law 5028/2023 on the reorganisation of the judicial districts of administrative courts, the organization of telematic hearings, the conversion of transitional seats, the establishment of telematic offices and other urgent provisions of the Ministry of Justice and sundry provisions, the issuance of implementing and delegated acts of Law 4963/2022 on the formation of a judicial police and other urgent provisions of the Ministry of Justice (PD 6/2023 establishing the Directorate of Judicial Police, four regional services of the Judicial Police, organic positions of the Judicial Police and defining the competencies of its regional services, PD 31/2023 providing for the uniforms and individual equipment of the police sector personnel of the judicial police, JMD 19943oik/2023 on the introductory training of the Judicial Police personnel) and the award of a tender for technical support for the development of a Judicial Performance Tool. In addition, alongside the revision of the judicial map in Greece, the construction of nearly zero-energy judicial buildings or the upgrading (renovation) of the existing ones is foreseen.

**Recommendation 3** relates to the protection of journalists from abusive lawsuits, intimidation, threats and attacks. The GNCHR is aware of the establishment of the Task Force for the protection and empowerment of journalists established under the Minister of State (Secretariat General for Media and Communication) (new term in September 2023 by Secretary's General Decision nr. 8883/2023 published in Government's Gazette 5598/B/21.9.2023). In an event organised by the International Training Centre for the Safety of Journalists and Media Professionals, the Secretary General [announced](#) the introduction of a special module on the safety of journalists to three university departments of media studies. In March 2024, Greece [voted in favor](#) of the adoption of the new European Media Freedom Act [in the Council's meeting](#).

On the specific issue of protection of journalists against practices of strategic lawsuits against public participation (SLAPPs), Greece has not adopted any legislative measures. [According to the State](#), within the Task Force, the Panhellenic Association of Journalists Union established a SLAPPs Observatory in Greece for monitoring corresponding incidents. Through the collection of

data, the Observatory set up a communication channel with the persecuted journalists and the monitoring of corresponding incidents, and is able to provide assistance and formulate positions, in cooperation with POESY's members, aiming at contributing to the overall treatment of the SLAPP lawsuits phenomenon.

The GNCHR informs that the new Criminal Code (following amendments introduced by Law 5090/2024) providing stricter penalties for various offenses and limiting the suspension of sentences on appeal for misdemeanours was interpreted by journalists' unions as posing a risk for journalists to serve prison sentences for defamation. In Greece, defamation is treated as a misdemeanour within the penal code, as well as within the civil code. In cases involving the convictions of journalists for defamation, appeals to higher courts have in the past overturned the first instance rulings. [State's reply to an alert by the Safety of Journalists Platform](#) of the Council of Europe clarifies that by virtue of the recent amendment to the Greek Penal Code, the act of simple defamation was removed from the Greek penal Code and now only the act of libel concerning the dissemination of knowingly false information that may harm the honour or reputation of another, foreseen in article 363, remains punishable. However, the GNCHR is of the opinion that the level of protection in Greece is below European standards in this particular field. According to the Council of Europe's [Recommendation CM/Rec\(2016\)4](#) on the protection of journalism and safety of journalists and other media actors "*member States which have defamation laws should ensure that those laws include freedom of expression safeguards that conform to European and international human rights standards, including truth/public-interest/fair comment defences and safeguards against misuse and abuse, in accordance with the European Convention on Human Rights and the principle of proportionality, as developed in the relevant judgments of the European Court of Human Rights*" (par. 6). State's reply explicitly refers to the binding out-of-court procedure which imposes an obligation to address the medium and ask for the correction of an offensive publication within 10 days in order for the lawsuit against such publication to be admissible (art. 15 Law 5085/2024). Nevertheless, amended art. 5 of Law 1178/1981 applies only to civil lawsuits (and not criminal complaints on the same ground) and is also subjected to certain exceptions.

As of April 2024, the [Council of Europe's Safety of Journalists Platform](#) had identified two cases of impunity for murder of journalists, [Sokratis Giolias](#) and [Giorgos Karaivaz](#). Greece has provided a reply on both cases. Over the course of 2023, [nine active alerts were identified and two other alerts remained without reply by the end of 2023](#), relating to attacks on physical safety and integrity of journalists, detention and imprisonment of journalists, harassment and intimidation of journalists, impunity and other acts having chilling effects on media freedom. The [Mapping Media Freedom platform of the European Centre for Press and Media Freedom](#) recorded 23 cases of attacks, threats or violations against the freedom of the press, journalists and media in

2023.

The GNCHR received information in 2023 that journalists who cover migration issues are often faced with abusive lawsuits for the exercise of their profession, while verbal attacks or hate speech by official State bodies or individuals with the tolerance of State bodies are also common. At least one journalist [had in the past been put under surveillance by the National Intelligence Service](#) for reporting on a story of a migrant girl.

On 25 January 2024, the [hearing on the case of Grigoris Dimitriadis](#) against media and journalists took place. This case has been characterized [by journalists' associations](#) and [international media](#) as SLAPPs against those that exposed the National Intelligence Services' practice on extended wiretapping of politicians, journalists and other prominent figures. On 10 January 2024, the case of *Koukakis v. Greece* on surveillance of journalists due to reasons of national security and its compatibility with Article 8 of the ECHR was [communicated](#) by the European Court of Human Rights to the Government of Greece.

On 7 February 2024, [the European Parliament adopted a resolution on the rule of law and media freedom in Greece](#), noting, among other points of concern, that:

- there is no discernible progress in the investigation into the murder of the journalist George Karaivaz on behalf of law enforcement and the judiciary; and
- many journalists face physical threats, verbal attacks, including from high-ranking politicians and ministers, the violation of their privacy with spyware, and SLAPPs, which may lead to sanctions such as exorbitant fines, resulting in a chilling effect for them.

Such were also [the findings of the LIBE Committee of the European Parliament regarding press freedom](#) in Greece, following its mission to Athens in March 2023.

The Greek Supreme Court issued Decision 2/2024 on 15 February 2024 in response to the EP resolution. The Court, sitting in Administrative Plenary format, recalled that judicial officials are bound by the rule of law and perform their functions in line with the Constitution. The Decision, adopted by majority, criticises the EP resolution, among others, for making sweeping statements without putting forward evidence and for engaging in impermissible interference in the work of the Member State's prosecution service and courts.<sup>3</sup> The decision has been described as 'unprecedented' by the [President of the Plenary of Greek Bar Associations](#) and [civil society](#). It is worth noting that a minority of 13 judges opposed the issuance of the decision on the ground that the Administrative Plenary of the Court has no competence to conduct an assessment of the European Parliament resolution, since the resolution does

not constitute a legal issue falling within its competence.

A mission of the Media Freedom Rapid Response also visited Greece between 25 and 27 September 2023 and met with a variety of media stakeholders. They [reported](#) on four significant systemic, in their view, challenges for press freedom in Greece: arbitrary surveillance, threats to the safety of journalists, abusive lawsuits as well as economic and political pressures. All the above create a “toxic and dangerous environment for critical and independent reporting”. In view of their findings, they formulated a number of recommendations to the Government, the media community and the journalist unions and associations.

Recommendation 4 concerns the quality of legislation and legislative process. Articles 74 and 75 of the Greek Constitution and Law 4622/2019 on the Executive State: organisation, operation and transparency of *the Government, governmental bodies and central public administration* provide for legislative drafting and good law-making procedures (Chapter C) which are further specialized in the [Legal Methodology](#) and [Regulatory Impact Analysis](#) Manuals and art. 85 of the [Standing Orders of the Hellenic Parliament](#). The General Secretariat for Legal and Parliamentary Affairs as well as the intra-governmental Committee of Scrutiny of the Legislative Process monitor the compliance of the Government with the principles of good legislation. Within the Parliament, the Scientific Service that gives opinions on bills and parliamentary committees to which bills are introduced by the Government are responsible for the observance of the said principles. The GNCHR informs that effective protection of fundamental rights requires not just laws but good laws. The quality of legislation affects the quality of the functioning of the State and the lives of citizens. Therefore, the observance of the rules and procedures on good legislation serves the essence of the legislative work, the respect for the Constitution, EU and international law, and the rule of law in general.

In its advisory work over the years, the Greek NHRI has consistently pointed out incomplete or selective observance of the principles and procedures of good legislation, a fact with a negative impact on the effectiveness, coherence, understanding and accessibility of the legislation on fundamental rights. On the particular issue of effective and timely consultation of draft bills with the NHRI, NGOs and other stakeholders, the GNCHR notes that the standard practice in Greece is to launch an online public consultation of draft bills for 7 days, under the exceptional expedited procedure of art. 61 Law 4622/2019 without, however, any justification as to the shortening of the normal period which is 14 days. In 2023, in most cases, the legislative initiatives with an impact on human rights followed this expedited procedure, like the new Migration Code (Law 5038/2023). Other draft bills, such as the anti-bullying law have been on public consultation for 15 days. The amendments to the Greek Penal Code were put under consultation for 1 month.

The Regulatory Impact Assessment Manual issued by the Secretariat General for Legal and Parliamentary Affairs in 2020 explicitly provides that “a comprehensive assessment of the consequences of a regulation requires the prior opinion of services or authorities with expertise in the specific subject of the proposed regulation, such as the GNHCR”. In 2023, in contrary to the above provisions, none of the Ministries introducing bills to the Parliament have previously sent it to the Greek NHRI for its expert opinion. Nevertheless, the GNCHR, embodied by a sense of duty and professionalism, has always provided its expert opinion on relevant draft legislation and policies, irrespective of whether it was timely involved or not in the process. In 2023, the GNCHR submitted its written views on the following bills with an impact on human rights: (1) [anti-bullying law](#) (5029/2023), (2) [new Migration Code](#) (5038/2023), (3) [amendment of labour law](#) (5053/2023).

More particularly on its comments to draft L. 5053/2023 regulating labour issues, the GNCHR noted that there has not been a timely institutional information and consultation of the Ministry of Labor with social partners, i.e. the representatives of employees and employers (tri-partite consultation) which is part of the European social acquis and expressly provided in Directive (EU) 2019/1152 (recital 7). The GNCHR encouraged the Ministry to reconstitute the previous good practice of setting up tripartite representation working groups in a timely manner when incorporating EU law.

It shall be recalled that the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament at the [conclusions](#) of its recent mission to Greece called on the Greek Authorities to ensure real and meaningful consultation procedures.

In addition, two worrying trends, contrary to the good law-making principles stated above still persisted in 2023:

- the introduction of last-minute amendments related or not to the subject matter of the draft bill; and
- the introduction of massive omnibus bills. For instance, Law 5053/2023 *on strengthening work - Incorporation of Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 - Simplification of digital processes and strengthening of the Work Card - Upgrading the operational function of the Ministry of Labor and Social Affairs of Insurance and the Labor Inspection* includes "Other emergency regulations" that regulate issues such as the payment of seniority in the private sector and the adjustment of employee salaries, the granting of insurance capacity in areas affected by natural disasters and the supplementary state budget for fiscal year 2023.

**Recommendation 5** is a follow-up recommendation from the previous monitoring cycle ([the EC 2022 Rule of Law Report](#)) whereby a risk against the

freedom of operation of civil society organizations due to the burdensome registration requirements has been identified. The solution proposed was to ensure proportionality in the implementation of recurring laws. In 2023, the EC recommended further that a dialogue between authorities and CSOs must be initiated in order to review, if necessary, and within a participatory process the applicable legal framework on registration of CSOs.

The Greek NHRI informs that CSOs operating in Greece must comply with different formalities depending on their field of action; CSOs registers exist in the Ministry for Foreign Affairs, the Ministry for Internal Affairs, the Ministry for Labour and Social Affairs and the Ministry for Migration and Asylum, serving different aims. The GNCHR is mostly concerned on the inconsistent and non-transparent practice of the Administration interpreting in a different way in each individual case the criteria of art. 78 of Law 4939/2022. The GNCHR received in 2023 relevant complaints; more examples can be found in the Joint Civil Society Submission to the European Commission on the 2024 Rule of Law Report (pp. 43-44).

The registration of members, employees and partners of NGOs and their certification is a requirement for their activity within the Greek territory as well as for their cooperation with public bodies. This has led to a “de-legalization” of prominent NGOs active in the refugee and migration field struggling to comply with the increased formalities of the two registers (one for the NGOs and another for their members) kept at the Ministry for Migration and Asylum. CSOs that have undergone these registration procedures characterize them as “heavy” (information received by the GNCHR during the hearing on human rights defenders, see below). Legal aid is necessary as well as the investment of a significant number of human resources to prepare the file and follow-up, since in most of the times, the Administration asks for additional documents and formalities. This is a long exhausting procedure that negatively impacts on smaller CSOs or voluntary associations that don’t have the means to respond to the requirements and are discouraged from applying. Increased formalities and fewer funding opportunities has led many NGOs and CSOs either to leave from Greece or reduce their presence in the field, especially on the islands. In a recent field visit of the GNCHR in Samos, the delegation noted the limited presence of NGOs operating within the Closed Controlled Reception Centre – in comparison with previous years despite the big number of residents and their increased needs in terms of legal aid, medical care, social services, non-food items, educational and recreational activities.

In the spirit of the EC’s Recommendation, the GNCHR has recommended to national authorities to review the fragmented and ineffective legal framework governing the Registers of the Ministry for Migration and Asylum and establish transparent and uniform criteria with a view to safeguarding the public interest and the smooth functioning of civil society organisations. The Greek NHRI informs that, to its knowledge, in 2023, the Secretary General for the Reception

of Asylum Seekers convened two meetings with NGOs and CSOs working in the field of asylum and migration to discuss common issues of interest, among them also the amelioration of the registration system for CSOs. To date, the GNCHR is not aware of any concrete proposal tabled by the Ministry for Migration and Asylum to this end.

In its 2023 Rule of Law Report, the Greek NHRI informed on two pending cases before the Council of State:

- One questioning the legality of the registration requirements for CSOs operating in the migration and refugee field provided in the Ministerial Decision issued by power of art. 191 of Law 4662/2020 – which was later incorporated into Law 4939/2022. The hearing took place on 2.12.2022 and the decision has not been yet published.
- Another questioning the legality of mandatory registration requirements and sanctions for trade unions provided in the Ministerial Decision implementing Law 4808/2021. In 2022, the Council of State declared them contrary to art. 8 of the EU Fundamental Rights Charter and the General Data Protection Regulation. The case is now pending before the Plenary of the same Court after an appeal.

## **NHRI's follow-up actions supporting implementation of regional actors' recommendations**

The Greek NHRI has a pluralistic composition, comprising of 20 experts nominated by institutions whose activities cover the field of human rights: independent authorities, trade unions, bar associations, NGOs, universities and research institutions. Since 2021, the Parliament, Ministries and political parties represented in the Hellenic Parliament are represented at the GNCHR through the appointment of liaison officers. In addition, the Greek NHRI operates the Racist Violence Recording Network (RVRN) (with the UNHCR Office in Greece) and the Recording Mechanism of Informal Forced Returns which are comprised of several non-governmental organisations and civil society actors.

Taken the above asset into consideration, the Greek NHRI informs that it has a unique standing as a bridge builder between the State and civil society. In follow-up to the EC's and ENNHRI's recommendations on the enabling space of civil society and human rights defenders, the GNCHR undertook these activities/actions:

- In March 2023, the GNCHR submitted its [Observations on Greece's draft reply to the list of issues prior to the submission of its 3<sup>rd</sup> periodic report on the implementation of the ICCPR](#). It has extensively referred to the situation of human rights defenders in Greece commenting Greece's reply to questions regarding institutional racism and the freedom of expression, peaceful assembly and freedom of association, in the spirit

of relevant recommendations addressed to the Greek authorities by other UN and/or regional bodies.

- In April 2023, the RVRN's Annual Report for 2022 was presented at a [press conference](#). It is reminded that the RVRN records incidents of racist violence against vulnerable groups, including human rights defenders; human rights defenders that provide support to individuals and communities who possess protected characteristics and may face targeted discrimination on account of this association. The findings of the Annual Report for 2022 were presented and discussed among a variety of stakeholders that attended the event. The trend of targeting human rights defenders, within Greek territory, especially those operating at the borders was depicted. Moreover, it was concluded that racism and targeting of human rights defenders erode victims' safety and sense of justice.
- In November 2023, the GNCHR has organised, pursuant to par. 4 of art. 18 of Law 4780/2021, a closed oral hearing on the protection of human rights defenders working in the refugee and migration field in Greece. The following stakeholders were invited to attend: state authorities, international organisations, scientific associations and NGOs. The objective of this hearing was for GNCHR members to form a substantiated opinion on current challenges and institutional responses to this matter. In addition to the information received in the above hearing, a working meeting between GNCHR members and journalists covering refugee and migrant issues took place in order to better understand the particularities of media professionals as human rights defenders. All the above information taken into consideration, the Greek NHRI issued a *Statement on the human rights defenders working in refugee and migration field* [[in Greek](#)].
- In January 2024, the GNCHR facilitated a tri-partite meeting between the European Commissioner for Home Affairs Ylva Johansson, the Greek NHRI and CSOs on migration matters in Greece, during the Commissioner's country visit. This initiative was welcomed by both parties. An open dialogue on a wide range of migration matters affecting Greece took place. The Greek NHRI considers this activity as a best practice to be replicated in the future, serving at the utmost its role as a bridge builder between civil society and authorities (in this particular case, regional authorities).

## **State authorities' follow-up to NHRI's recommendations regarding rule of law**

In the GNCHR's statute law, it is provided that "at the end of each year, the Ministries shall submit a report with their observations on the protection of human rights in the field of their responsibility, indicating with special reference the points where they have adopted recommendations made by the

Commission” (art. 22 of Law 4780/2021). This provision is being partially implemented by the Ministries (à la carte). In 2023, to the GNCHR’s knowledge, the following recommendations were being addressed by the state authorities: (a) the Ministry of National Defence withdrew art. 62 of draft Law 5018/2023 regarding the amended composition of the Special Committee for the examination of applications for alternative civil service made by conscientious objectors pursuant to GNCHR’s relevant recommendations and (b) the Ministry of Labour and Social Security took, in the spirit of the recommendations made by the GNCHR on health and safety of employees, a number of legislative, procedural and administrative measures (Law 4997/2022, PD 34/2022, Ministerial Decision 29510/1-4-2022, Joint Ministerial Decision Δ1α/ΓΠ.οικ.24415/4-5-2022, Ministerial decisions P/49550/1405/20-5-2022, 73066/2022, 80016/17-8-2022, Joint Ministerial Decision 105583/911-22, Circular 56163/15-6-2022 [\*information received in 2023 for the year 2022]). There is no information as to the implementation of rule of law recommendations.

## Greece 2024

### Information from: Greek National Commission for Human Rights

## Independence, effectiveness, resilience and establishment of NHRIs

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### International accreditation status and SCA recommendations

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

The SCA will consider the reaccreditation of the GNCHR in the second session of 2024.

## **Regulatory framework**

The Greek NHRI informed in [ENNHRI's 2022 Rule of Law Report](#) on the profound legislative amendments introduced by Law 4780/2021 to the GNCHR's founding legislation (Law 2667/1998). During 2022, the GNCHR had been in a transition period. In 2023 this period ended. Delegated acts provided by Law 4780/2021 were issued. In addition, the GNCHR is vested with a new Organisation, after the issuance of Presidential Decree 74/2023. Finally, since December 2023, the Greek NHRI operates with full financial autonomy as an independent authority under the Greek national legislation.

## **NHRI's recommendations to national and regional authorities**

Despite the GNCHR's upgrade into an independent authority, its increased budget and staffing, there is still room for improvement in relation to establishing a stable institutional dialogue with executive, legislative and judicial authorities, implementing follow-up procedures to consultative, monitoring and education work and overcoming bureaucratic obstacles that impact on the GNCHR's efficiency. To this end, the GNCHR would like to address the following recommendations to state authorities:

- Timely and meaningful consultation to draft bills and draft reports to international and regional monitoring bodies, including the draft national rule of law report which is not shared for comments;
- Standing invitation to the GNCHR to all sessions of parliamentary committees addressing human rights issues;
- Institutionalised follow-up procedure (reasoned reply) to GNCHR's recommendations;
- Better understanding of the GNCHR's unique standing as an NHRI and increased responsiveness to its requests on budget, staffing and membership.

## Greece 2024

### Information from: Greek National Commission for Human Rights

## Democracy - checks and balances, disinformation, and other topics

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### Independence and effectiveness of independent institutions (other than NHRIs)

As mentioned above, the GNCHR consists of 20 experts, among them five persons appointed by independent authorities. In its 2022 Rule of Law Report, the Greek NHRI informed on the restrictions by Law 5002/2022 to the mandate of the Hellenic Authority for Communication Security and Privacy (ADAE) which is a GNCHR member and a constitutional independent authority. In 2023, harassment and intimidation of ADAE's members and staff from governmental and judicial authorities was reported by its President to the GNCHR Plenary. The Greek NHRI issued a Statement [\[in Greek\]](#) denouncing the unconstitutional selection and appointment of new members of the National Council for Radio and Television (NCRT) and the ADAE and the serious impediments that ADAE faces in the execution of its mission. Indicative of these is the summoning of two members of ADAE as suspects for the offence of leaking sensitive state secrets to a journalist under surveillance from National Intelligence Services. The GNCHR concluded that the unhindered and without interference operation of the independent authorities and the securing of the personal and functional immunity of their members constitutes an undisputable rule for the smooth running of a State in accordance with the rule of law. The members of the independent authorities should not be prosecuted for the performance of their duties. The Greek NHRI informs that the Athens Bar Association submitted before the Greek Council of State [an application for annulment](#) of the Ministry of Justice's decision on the appointment of ADAE and NCRT on grounds of unconstitutionality. The criminal case against the former member of ADAE [was closed](#) in February 2024. The European Parliament in its [Resolution of 7 February 2024 on the rule of law and media freedom in Greece](#) noted with great concern the "increasing pressure" to independent authorities such as ADAE owing to their work concerning the EYP's illegitimate wiretapping and the suddenly replacement of its board members by the Greek Parliament on the eve of the ADAE's decision to impose a fine on the EYP.

The GNCHR published in 2023 an extended report (Reference Report) on the institutional control of security and intelligence services [\[in Greek\]](#). The role of security and intelligence services to fight crime and protect national security is

vital. On the other side, their work affects the enjoyment of human rights and imposes restrictions on ensuring the privacy of communications and personal data protection, which constitute the two pillars of the rule of law. The question that arises, taking into account the wiretapping scandal in Greece as reported in the 2022 Rule of Law Report, is how the authorities can use data and technology to combat crime and for reasons of national security in a manner that fully respects the fundamental rights enshrined in international and national law, such as the right to family life, the right to private life, the freedom of thought, freedom of opinion and expression, personal data and privacy of communications. In this regard, the issue of the supervision and control of the intelligence services, i.e. their accountability to independent authorities, the judiciary and executive power is of major importance.

Concerning ADAE, which was initially established as a constitutional guarantee for the protection of privacy of communications, it has assumed in the course of its operation control responsibilities; ADAE carries out controls either to ensure that the legal conditions for the lifting of privacy of communications are observed, or to ascertain whether extra-institutional wiretapping takes place. In Greece, the ex-post general control on cases involving the lifting of privacy of communications rests with independent authorities or parliamentary committees, whereas control of individual cases falls usually upon the judiciary. Along with ADAE's control powers, the Greek legislative framework provides for an ex-ante control by judicial officers over the lifting process of privacy.

## **Enabling environment for civil society and human rights defenders**

Greece does not currently have a law specifically aimed at the protection of human rights defenders or that recognizes the legitimacy of their work, nor does it contain a concrete definition of human rights defenders. The GNCHR has in multiple times advocated for the enacting of a special law on recognition and protection of human rights defenders as well as the establishment of a focal point for human rights defenders within the NHRI (ENNHRI's rule of law report 2022 - [Country report: Greece](#)). In March 2023, the [Report of the UN Special Rapporteur on the situation of human rights defenders after her visit to Greece](#) (from 13 to 22 June 2022) has been presented at the Human Rights Council. She noted that human rights defenders are generally free to conduct their work in Greece and in most areas, without intimidation or harassment. However, human rights defenders promoting and protecting the rights of migrants, asylum-seekers and refugees, including human rights lawyers, humanitarian workers, volunteers and journalists, have been subjected to smear campaigns, a changing regulatory environment, threats and attacks and the misuse of criminal law against them to a shocking degree. In follow-up to these worrying findings, the Greek NHRI convened a joint meeting of its First Sub-Commission for Civic and Political Rights and Third Sub-Commission for the

Application of Human Rights to Third Country Nationals, along with an oral hearing of relevant stakeholders on the protection of human rights defenders working in the refugee/migration field in Greece (see above). Based on information received during the hearing and other information available to the Greek NHRI through its regular monitoring work, the GNCHR is of the opinion that recently the situation of human rights defenders has deteriorated. In particular, in the refugee and migration field, complaints have been formulated by humanitarian organisations about their work being hindered through practices of harassment of their staff, the cultivation of a hostile environment - in law and in practice, incidents of arbitrary arrest and/or detention of human rights defenders or even initiation of a criminal persecution for acts committed in the performance of their job.

The GNCHR compiled all available international and European standards and formulated concrete urgent recommendations to the State in its *Statement on the human rights defenders working in the refugee and migration field* [[in Greek](#)]. The recommendations read as follows:

- Show zero tolerance towards incidents of harassment, attacks, manifestations of hate speech and every other form of targeting human rights defenders, attributable to state actors, by adopting a coherent prevention policy of similar phenomena, taking the utmost account of the Racist Violence Recording Network (RVRN) Recommendation on supporting actions to counter hate speech and institutional racism against refugees, migrants and their defenders.
- Refrain from conducting criminal prosecutions against organisations or other groups of human rights defenders, in respect of providing humanitarian aid to third-country citizens or exercising their professional duties (for instance as attorneys at law or as journalists).
- Ensure the unhindered exercise of journalism and adopt measures introducing protection and compensation for victims of strategic lawsuits against public participation (SLAPPs) in the framework of the implementation of the Recommendation issued by the EC in its 2023 Rule of Law Report.
- Ensure an enabling environment through the institutional framework for the operation of civil society organizations and other defenders of human rights, taking into account with due seriousness the repeated Recommendations of international and European bodies. In this context, the conditions for the registration of non-governmental organizations and their members in the Registers of the Ministry of Immigration and Asylum should be immediately revised so that they do not disproportionately burden the activities of the organizations, in accordance with EC's recommendation.
- Finally, the GNCHR calls on the State to take seriously into consideration and without further delay the repeated Recommendations addressed by international and European bodies, on

the establishment of an institutional framework to underpin the functioning of civil society organisations and other groups of human rights defenders.

## **NHRI's recommendations to national and regional authorities**

The role of independent authorities as independent oversight mechanisms of the democratic functioning and integrity of the governmental authorities shall be strengthened and not interfered with. Based on GNCHR's research, while in law the system of checks and balances is adequate (a combination of parliamentary, independent authorities and judiciary oversight), in practice there is a perceived interference with the independence of these bodies and a lack of adequate tools and funds to perform their mission.

On the specific issue of the oversight and control over intelligence services that constituted the subject-matter of a GNCHR Reference Report in 2023, the Greek NHRI formulated the following recommendations:

- the need for transparency in the functioning of intelligence services. Despite the fact that intelligence services frequently pursue activities involving the processing of especially sensitive content of certain highly classified information that cannot be disclosed to oversight bodies, under no circumstances, however, shall the secret nature of the intelligent services which is related to their operational action, correspond to their failure to provide information and accountability for their actions to the oversight bodies. Furthermore, publishing regular reports on the oversight of intelligence services practices, would help to strengthen the transparency of their operation. The Greek NHRI proposed the institutionalization of a preventive mechanism through sample control on cases involving the lifting of privacy of communications.
- the respect of the principle of proportionality by informing the person under surveillance thereof, in due time after the surveillance ended. The role of justice becomes crucial for speedy investigation of cases for which the principle of proportionality may have not been observed.
- Institutional frictions between justice and independent authorities are caused due to unclear boundaries between independent bodies and judicial and executive authorities over oversight and control of intelligence services; a clear legal framework that will provide effective safeguards for the protection of privacy while ensuring accountability and transparency is needed.

Finally, the GNCHR would like to reiterate its standard recommendation (which is also a RVRN's recommendation and the UN Special Rapporteur's on the situation of human rights defenders) that a special national law on the

recognition (definition) and protection of human rights defenders in Greece should be adopted. Even if human rights defenders are protected under constitutional or other general or per professional category provisions, a new special legal framework would add, according to the UN Special Rapporteur, “legal guarantees, visibility and recognition for individuals and groups dedicated to human rights, shielding them from attacks, including undue restrictions on their work”.

## **Greece 2024**

### **Information from: Greek National Commission for Human Rights**

## **Securitisation's impact on the rule of law and human rights**

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The Greek NHRI informs that it is not working per se on the subject of securitisation of human rights. However, this topic falls under the broader category of security and human rights that the GNCHR often confronts in the execution of its duties. In 2023, security issues impacted four human rights topics:

### **Use of illegal spyware/surveillance**

The GNCHR places particular emphasis on the critical role that intelligence services play in law enforcement work and the protection of national security. Especially in light of terrorist threats, transnational organized crime and the possibilities arising from new technologies to carry out cyber-attacks, the already complex work of these agencies helps to protect citizens from many serious threats. However, the work of intelligence services may affect the free enjoyment of fundamental rights and, in any case, places serious limitations on ensuring the privacy of communications and the protection of personal data, which are enshrined in Article 8 of the European Convention on Human Rights, articles 7 and 8 of the Charter of Fundamental Rights of the European Union as well as articles 9, 9A and 19 of the Greek Constitution. After all, ensuring the confidentiality of communications and the protection of personal data are two of the pillars of the rule of law. In view of all these and in accordance with the principle of proportionality and the need to ensure the role of the constitutionally established Independent Authorities, such as the Hellenic Authority for Communication Security and Privacy (ADAE) and the Hellenic Data Protection Authority (PDPA), which appoint members to the Plenary of the GNCHR, the Greek NHRI published in 2023 a special thematic Report on the

institutional framework for the supervision of intelligence services [[in Greek](#)]. The European Parliament in its [Resolution of 7 February 2024 on the rule of law and media freedom in Greece](#) formulated a number of recommendations to the Greek authorities in relation to the illicit use of the surveillance technology such as Predator Spyware to which the GNCHR adheres. In fact, the European Parliament stressed that there is an illegitimate instrumentalisation of the term ‘national security threat’ as a justification for the unacceptable wiretapping and surveillance of political opponents, including MEPs.

## Police violence

In Greece, there have been instances where policing measures have been perceived as excessively strict or disproportionate and discriminatory. Notably, concerns have arisen over the use of excessive force by police during protests and in the management of public gatherings, highlighting issues around the right to peaceful assembly and freedom of expression. For example, on November 11, 2023, a 17-year-old Roma was fatally shot by a police officer in Boeotia. According to the [official announcement](#), the police officer has been suspended and is already facing criminal prosecution for intentional homicide with potential malice and illegal execution of a warning shot. Civil society [denounced](#) that there is a "normalization of illegal police violence" regarding the case, following the previous deaths by police of two Roma young persons in 2021 and 2022 and a young Syrian refugee in 2023. These incidents raise serious concerns on the boundaries set by Article 3 of Law 3169/2003 on the use of service weapons by police authorities. Similarly, excessive police violence was recorded towards a journalist covering a march in Larisa in September 2023 (see relevant [Announcement](#) of the Board of the Journalists' Union of Macedonia-Thrace). According to the [latest report](#) by the Greek Ombudsman published in October 2023 as the National Mechanism for the Investigation of Arbitrary Incidents, the de-escalation of the pandemic and the subsequent lifting of restrictive measures, which were enforced by security bodies, are reflected in the total number of cases in 2022. The vast majority of them were forwarded by the Hellenic Police, however the number are low in comparison with the previous year (a 30% reduction). It is also noteworthy that citizens' reports to the National Mechanism increased by 47% the last years (in comparison to 2019). The European Parliament in its [Resolution of 7 February 2024 on the rule of law and media freedom in Greece](#) expressed its deep concern about the many cases of excessive use of force by police services against minority groups and peaceful protesters, the above mentioned killings of three young Roma and the lack of proper police and judicial investigations over deaths involving police officers in duty, such as the death of LGBTIQ+ activist Zak Kostopoulos in 2022. According to the established and standing positions of the GNCHR (see relevant [Statement](#)) “public safety constitutes a systematic goal and a prerequisite for a democratic society as it is only through this that fundamental and systematically protected human rights such as the right to life, the right to health, free development of personality, freedom of

expression, the right to assembly, and the protection of personal property are entrenched. The maintenance of legality constitutes a prerequisite for the tangible respect of these rights. However, the state, and specifically the Hellenic Police, as a holder of power, bears a significant responsibility in how it should specifically legislate, thereby ensuring that the monopoly of legitimate force never exceeds the absolutely necessary measure in light of the circumstances. The unnecessary or disproportionate use of force and measures of repression constitutes a violation of the state's duty from within, while it severely infringes upon fundamental rights, with the foremost of these being human dignity. Repeated incidents of violence, moreover, reinforce an endemic culture of humiliation that must be stopped. Additionally, the very idea of social cohesion through the maintenance of citizens' trust towards the Hellenic Police mandates the elimination of such incidents by the force itself in cases where they occur. The GNCHR calls on everyone to adhere to legality and to the unreserved, tangible respect of the rights of all those living in the Greek territory, for the protection of which the Greek State bears the primary responsibility”.

## **Juvenile delinquency**

During 2023, the GNCHR identified a worrying trend on the rise of juvenile delinquency. According to a [Press Release](#) from the Hellenic Police, a total of 1,353 minors were arrested for various offenses, and a total of 1,201 case files were formed for an equal number of cases only in September 2023. In this context, the draft law of the Ministry of Justice “[Interventions in the Criminal Code and the Code of Criminal Procedure to speed up and improve the quality of the penal trial - Modernization of the legislative framework to prevent and combat domestic violence](#) ” tried to address the above described phenomenon by including stringent penal measures not only for adults but also for minors. The government submitted in the late days of 2023 the draft law for the amendment of the Criminal Code and Criminal Procedure into public consultation without prior consultation and discussion with stakeholders involved in criminal justice nor the Greek NHRI. Among other legal arrangements, the draft law stipulates detention of minors in a special juvenile detention facility for the commission of any felony without the precondition of violence, even in the case of aggravated theft, which creates a problem of proportionality. In addition, the draft law foresees an increase in the duration of their stay above from eight to ten years. Moreover, according to this draft law, the court's ability to confine a young adult in a special detention facility is significantly limited. This response to juvenile delinquency in Greece is being framed primarily through the lens of security and public order as issues of security threats, leading to a response that prioritizes control and containment over other considerations particularly the rights of minors in this case. These measures, as described, emphasize punishment and containment without necessarily addressing the underlying causes of juvenile delinquency or considering the long-term impacts on the minors' development and rights. As

the GNCHR pointed out in the relevant [debate in the Parliament](#) in February 2024, the spirit of the draft law amending Penal Law is 'more prison time for more people', which includes minors as well. By extending punitive measures to minors, the legislation not only signals a move towards more stringent penal policies but also illustrates how securitization influences legal frameworks, prioritizing incarceration over alternative, more rehabilitative approaches. This raises significant concerns about the balance between security and human rights, especially for vulnerable populations like minors.

### **Informal forced returns of third country nationals**

On migration management, the issues of security pertain the handling of situation at borders in case of hybrid threats or instrumentalisation of migrants. Back in March 2020, Greece was faced with a pressure at its land borders with Turkey which resulted into closing its borders and suspending access to asylum for one month. Following the situation at the Eastern European borders with Belarus in 2021, a proposal for a Regulation on situations of instrumentalisation of migrants was tabled by the European Commission. These security concerns underpin the recently adopted EU Crisis and Instrumentalisation Regulation.

In Greece, as in other countries whose borders are at the same time the EU's external borders, authorities have been given the dual role of policing and controlling both national and external EU borders. At the same time, broader geopolitical complexities in the Eastern Mediterranean converge with matters of foreign policy and security for Greece given the tense relationships with neighbouring countries. Inside this vortex of multiple pressures Greek Authorities must respond in a way that guarantees both the effective surveillance and control of the national borders, which are at the same time the external EU borders, and the effective access to international protection of asylum seekers who have entered the EU Member States, as well as act in compliance with the legal procedures regarding reception and identification of third country nationals, the European Convention of Human Rights and the EU Charter of Fundamental Rights.

Following two key findings: (a) the absence of an official and effective data collection mechanism on alleged incidents of informal forced returns on national level, and (b) the need for coordination among the various stakeholders who record, on their own initiative, allegations of informal forced returns by the alleged victims making recourse to their services, the GNCHR decided to establish a Recording Mechanism of Informal Forced Returns in 2021, which became operational in 2022 as mentioned in the [2023 Rule of Law Report](#). In December 2023, the [Recording Mechanism of Incidents of Informal Forced Returns](#) published its Annual Report 2022, presenting detailed quantitative and qualitative data on incidents of informal forced returns recorded during 2022. The term 'informal forced returns' encompasses alleged pushbacks of asylum seekers and refugees, as well as any other form of forced

removal of third-country nationals from Greek territory conducted irregularly and summarily, without following legal procedures for the removal of third-country nationals. Between February 2022 and December 2022, the Recording Mechanism recorded testimonies through personal interviews with the alleged victims, about 50 incidents of informal forced returns, which according to the alleged victims occurred in the period between April 2020 and October 2022. According to the testimonies, the total number of the alleged victims involved in these incidents, amounts to a minimum of 2.157 persons, including 214 women and 205 children, as well as persons with special needs, like persons facing medical problems, persons with disabilities, elderly people etc. Based on these findings, the Recording Mechanism formulated a number of recommendations addressed to Greek authorities and extended an invitation to all parties concerned, i.e. national authorities, law-enforcement agencies, European and international Institutions, civil society organizations and local authorities, to engage in an open dialogue and stable cooperation, with a view to commit to collective efforts to address the challenges related to migration as well as to the reception and integration of asylum seekers and refugees into Greek society and the EU.

## **NHRI's recommendations to national and regional authorities**

Authorities shall ensure that all security measures are subject to robust oversight by independent bodies, including NHRIs. This may involve reviews of the necessity, proportionality, and effectiveness of these measures on an individual case, after relevant complaints have been submitted to these bodies or on a larger scale when systematic issues have been raised by *proprio motu* investigations of independent authorities. Legal guarantees on the obligation of authorities to cooperate with the independent oversight bodies and on access to all documents that are necessary for the execution of their mandate are a prerequisite.

## **Greece 2024**

### **Information from: Greek National Commission for Human Rights**

## **Implementation of European Courts' judgments**

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The Greek NHRI informs that Greece continues to maintain a satisfactory track

record regarding the payment of just satisfaction ordered by the Court. The adoption of both individual and general measures varies, [with frequent legislative amendments enacted in response to ECtHR judgments finding violations](#).

In September 2023, [the Committee of Ministers ended its supervision of the Rahimi case](#) regarding the mistreatment of unaccompanied minors due to inadequate living or detention conditions. This case, under enhanced supervision since 2011, concluded following the elimination of protective custody and the introduction of a new protective system for unaccompanied minors.

Indeed, the need for broad legislative reforms may account for the delayed implementation of the requisite general measures. However, even when enacted, legislative measures geared towards Convention compliance may not be effective in tackling systemic violations in law and practice. The Committee of Ministers welcomes progress in the right direction but remains unsatisfied with the level of systemic compliance, especially regarding structural deficiencies in the justice, police, and prison systems. On the latter, [the CPT reported](#), in August 2023, that no tangible progress had been made to address its concerns and expressed doubts about future improvements, while stressing that constructing new prisons alone is unlikely to provide a lasting solution.

In addition, the introduction of a new remedy in the Penitentiary Code to address poor detention conditions has yielded little to no practical result. Its application [remains thin on the ground and the rejection rate exceeds 99.5%](#). A remedy adopted with a view to ensure Convention compliance is currently under scrutiny [in the context of 27 applications lodged against Greece in 2023](#), which, inter alia, challenge its effectiveness. The GNCHR is currently preparing its own independent report on the situation in prisons. The Greek Ombudsman in its [latest report](#) as the National Mechanism for Investigating Incidents of Arbitrariness highlights the systematicity with which the same faults and shortcomings are recorded in the internal process of investigating disciplinary offenses and, therefore, their durability over time, despite the recommendations and repeated interventions of the Ombudsman. The length of the judicial proceedings is far beyond the average in the CoE countries, according to the [Minister of Justice](#). A draft law with a new judicial map is under elaboration with the aim to remedy this unsatisfactory situation in four years' term.

Furthermore, the GNCHR notes that particularities of the Greek legal system substantially hinder the reopening of cases both in law and in practice, thus impeding access to *restitutio in integrum*. In the specific context of Greece, it is proven that the imperative of *restitutio in integrum* in the implementation of judgments carries significant weight. Even in cases where proceedings can be reopened, there is often little to no substantive prospect of success in

rectifying the consequences of the violation and ensuring a Convention-compliant outcome for the applicant. Domestic courts demonstrate reluctance to deviate from their initial findings, as exemplified in the Bekir-Ousta group. Furthermore, normative constraints, such as the prohibition of reopening proceedings at the expense of the accused, hinder efforts to achieve *restitutio in integrum*, as demonstrated in cases like *Sidiropoulos and Papakostas* group. Similarly, the newly introduced remedy on poor detention conditions in response to the Nisiotis group, is sparingly employed and applications are rejected at an overwhelming rate.

Hence, apart from *Rahimi*, the groups of cases previously reported [remain under supervision](#). More specifically, there are nine groups of leading cases pending before the Committee of Ministers, most under enhanced supervision due to the important structural and/or complex problems revealed therein:

- [Sidiropoulos and Papakostas group \(33349/10+\)](#) concerns the ill-treatment by law enforcement and the lack of effective investigations into death or ill-treatment in the context of law enforcement;
- [Nisiotis group \(34704/08+\)](#) relates to inhuman and/or degrading treatment based on poor detention conditions (overcrowded prisons, no ventilation, no personal space, lack of medical care, etc);
- [M.S.S. group \(30696/09+\)](#) relates to shortcomings in the examination of asylum requests, poor detention conditions, absence of adequate support upon release and absence of an effective remedy.
- [Beka-Koulocheri group \(38878/03+\)](#) relates to the non-compliance or significantly delayed compliance of the authorities with final judgments of the domestic courts;
- [Bekir-Ousta and others group \(35151/05+\)](#) relates to the refusal to register two associations and the dissolution of one association asserting that their aim was to promote the existence of an ethnic minority in Greece (as opposed to a religious one);
- [House of Macedonian Civilization and others \(1295/10\)](#) relates to the refusal to register an association due to the use of the word “Macedonian” and based on an alleged contravention of public order.

The competent national authority, i.e. the Legal Council of State, instituted a new, restructured Thematic Formation to focus on cases of the CJEU, ECtHR and foreign courts. [Based on a decision of the Council’s President](#), it was set to operate as of 6 March 2023. It has undertaken the dissemination of ECtHR judgments, by issuing, inter alia, a bulletin on the case of *B.Y. v. Greece*, [which was further circulated by the Prosecutor of the Supreme Court](#).

## **NHRI’s actions to support the implementation of European Courts’ judgments**

The GNCHR maintains a long standing, multi-level cooperation with the

European Court of Human Rights, promoting the work of the Court and contributing to the effective implementation of its judgments in Greece.

The GNCHR has undertaken the translation of the Court's thematic factsheets aiming to facilitate the dissemination of ECtHR case-law in Greece. In 2023, four factsheets were published in Greek, covering the topics of mass surveillance, climate change, trade union rights and prisoners' right to vote, currently available [here](#).

In addition, the GNCHR addressed [a letter to the Ministry of National Defence](#) expressing concern about a draft provision modifying the composition of the board responsible for examining applications for conscientious objector status. The proposed change directly contravened ECtHR case-law, particularly *Papavasiliakis v Greece*. The problematic provision was subsequently omitted from the final version of Law 5018/2023, which was then adopted without it.

[In a dedicated section of its website](#), the GNCHR maintains and updates on a yearly basis a list of ECtHR judgments against Greece with explicit reference to their status of execution.

The GNCHR closely monitors the execution cycle against Greece, observing its progression from its initiation until the issuance of a final resolution by the Committee of Ministers. It communicates regularly with the Department for the Execution of Judgements and exchanges with their team while on country visit. It has submitted in the past Rule 9 Communications to the Committee of Ministers and will do so in the future, when it will deem this needed. As an A-status NHRI, the Greek National Commission enjoys credibility and trust among both domestic and international stakeholders, including the Council of Europe organs.

At national level, the GNCHR is active on engaging the Parliament in discussions about substantial implementation of the ECtHR's jurisprudence in cases against Greece as well as GNCHR's recommendations on specific cases under enhanced supervision by the Committee of Ministers. In 2024, the GNCHR was invited to offer relevant insight before the Special Permanent Committee on monitoring the decisions of the European Court of Human Rights in the Hellenic Parliament.

Moreover, in terms of raising awareness, the GNCHR regularly conducts trainings to university students, civil servants, law enforcement agencies and justice professionals on the jurisprudence of ECtHR and the Court of the European Union. In 2023, training activities and raise-awareness messages focused on the CJEE and ECtHR jurisprudence concerning the human rights of third country nationals during reception.

Finally, the Greek NHRI monitors the execution of the European Court for Human Rights judgments and therefore puts particular emphasis on

compliance with Rule 39 (Interim Measures) orders of the Court. In this framework, the GNCHR, informed by civil society organisations on seventeen cases of third countries nationals for whom interim orders have been issued by the ECHR in 2022, submitted, for every case, a written intervention to the competent Greek authorities recommending them to comply with the Court's respective interim orders. In response, the GNCHR received five follow-up letters by the Hellenic Police Headquarters and one by the Ministry of Citizen Protection. According to the information gathered by the GNCHR, out of the 17 cases, 8 were led to a successful outcome, meaning that the competent authorities managed to detect the applicants and provide them with food, water, clothing, and appropriate medical care. For more information see the [Annual Report for 2022](#) (Chapter 5 (1)) of the Recording Mechanism of Informal Forced Returns – which is considered as a best practice by the European Commission in its 2023 Rule of Law Report for Greece (p. 25).

## **NHRI's recommendations to national and regional authorities**

NHRIs have the capacity to enhance awareness and knowledge among national authorities through reporting and training initiatives. For example, the GNCHR conducts training sessions for judges, prosecutors, judicial officers, and law enforcement agents, focusing on the ECHR and the EU Charter, including the dissemination of jurisprudence, to strengthen their understanding of and compliance with the relevant instruments. To this end, the GNCHR recommends the provision of sufficient and sustained resources to effectively carry out its mandate as bridge builder between international law and national practice, through the enhancement of the implementation of European Courts' judgments.

The implementation of general measures to address structural and complex problems is often hindered by a fragmented approach and a lack of coordination among domestic stakeholders, as evidenced in cases like the *Beka-Koulocheri* group. The GNCHR is of the opinion that there is a need for coordination across branches of government –legislative, executive, and judiciary– as well as within each branch to ensure a concerted and cohesive approach in the adoption and implementation. Without a cohesive and long-term national strategy, the problem of non-compliance persists, as fragmented measures, although nominally aimed at Convention compliance, fail to address the underlying structural issues within the domestic framework. In formulating the requisite strategy, authorities are encouraged to engage in open dialogue with stakeholders and consult relevant parties, including the NHRI, to enhance the strategy's effectiveness and increase its chances of success.

