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Human Rights Committee

Third periodic report submitted by Greece under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022*

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* The present document is being issued without formal editing.



Reply to paragraph 1 of the list of issues prior to the submission of the third periodic report of Greece on the implementation of the ICCPR (CCPR/C/GRC/QPR/3)

1. The drafting of the report was coordinated by the Ministry of Foreign Affairs, in close cooperation with all Ministries involved. The draft report was submitted to the Greek National Commission for Human Rights (GNCHR), Greece's national human rights institution, operating under a strengthened legislative framework (Law 4780/2021), in which twenty institutions (independent Authorities, third-level trade unions, NGOs, universities and research institutions) participate; the views of the GNCHR have been taken into consideration in view of the finalization of this report.
2. The provisions of the Covenant are routinely invoked before domestic courts and referred to in relevant judgments, in particular Articles 9, 11, 14, 17, 19, and 26 ICCPR.
3. Training activities addressed to judges, members of the legal profession, law enforcement personnel etc. also include raising awareness of the Covenant.
4. There have been no new developments with regard to the follow-up to the Committee's Views mentioned in the List of Issues. The State Party has submitted information concerning the implementation of the Views of the Committee in the cases: *Stylianios Kalamiotis v. Greece* and *Petromelidis v. Greece*.
5. Since 2020, the Government has endorsed a number of National Action Plans (NAPs) and Strategies that aim to build social resilience following consecutive crises (financial crisis, pandemic) and to create conditions for social development. Illustrative examples include the NAPs for the Rights of Persons with Disabilities (2020), on combating Racism (2020), the Rights of the Child (2021), Child Protection against sexual abuse (2022), and Gender Equality (2021), as well as the National Strategy and Action Plan for the Social Inclusion of Roma (2021) and the National Strategy for LGBTQ+ Equality (2021).
6. As provided by the "Executive State" law (4622/2019), the overall responsibility for monitoring and coordinating, at the highest political level, Government work on public policies lies with the Presidency of the Government. Its General Secretariat of Coordination (GSCO) coordinates the whole policy cycle and supports the Ministries to formulate their annual action plans in specific actions, projects and measures. The implementation monitoring process is performed by using a special Management Information System, called "MAZI", in which all the details, including responsible parties, deadlines, deliverables and intermediate milestones, are recorded. GSCO monitors the achievement of these target values within the agreed time frame and cooperates closely with relevant Ministries to examine and evaluate the performance of their policies in view of their short- and long-term objectives, both in the context of an ex-ante and an ex-post evaluation process.

Reply to paragraph 2 of the list of issues

7. During the Covid-19 pandemic, Greek authorities resorted to a wide array of restrictive measures, similar to those taken by other European countries, in particular on business activities and freedom of movement, to protect public health. Such measures were necessary, proportionate to the scientifically evaluated risk, having a specific focus and limited duration, and were applied in a non-discriminatory manner. Hence, they were considered as permissible restrictions under the ECHR or other international human rights treaties, including the ICCPR. As a result, it was not deemed necessary to derogate from the State Party's obligations under the Covenant.
8. The GNCHR, in its comprehensive report on the impact of the pandemic and the measures taken to address it on human rights (published on 9.5.2021), welcomed the fact that the Greek Government had not resorted to the most drastic institutional measures in order to deal with the pandemic, activating, for example, Article 48 of the Constitution on the "state of siege" or the "derogation clause" of Article 15 ECHR.

9. The restrictive measures applied were foreseen by law, usually by Acts of Legislative Content issued by the President of the Republic upon proposal by the Cabinet and subsequently, within a short period of time, ratified by laws adopted by Parliament.

10. It is true that some categories of persons were disproportionately affected by the health crisis, such as the elderly, persons with disabilities, persons with chronic diseases, migrants and refugees, homeless persons, persons of poor physical or mental health, women victims of gender-based violence, the Roma, etc. For instance, significant increases in allegations of domestic violence were recorded during the period of compulsory confinement at home. The GNCHR, which was able to meet on a weekly basis via teleconference during the “quarantine”, identified in its aforementioned comprehensive report “key areas of concern”.

11. There was no interruption of access to basic health and other vital services. Economic relief measures were adopted, addressed to all those affected, to mitigate the adverse social and economic effects of the pandemic. Business enterprises were supported to preserve employment and prevent layoffs (prohibited during lockdown periods in the supported economic sectors), while adjustments were introduced for employees with underlying conditions, such as back-office work, working from home or special leaves.

12. It is important to note that the restrictive measures imposed to contain the spread of the pandemic are subject to judicial scrutiny of their conformity with the Constitution and relevant international treaties. Most of the abovementioned measures were indeed brought before the competent domestic courts.

13. The Council of State (Supreme Administrative Court) has dismissed applications for annulment filed against joint ministerial decisions imposing mandatory self-testing to civil servants, pupils, teachers and other education personnel (judgments 1386/2021, 1758-1759/2021, 1890-1898/2021). It has also affirmed the constitutionality of:

- The mandatory use of non-medical masks in schools (judgment no. 2153/2022);
- Measures restricting freedom of movement and assembly (judgment no. 1147/2022);
- The prohibition of all public assemblies of more than four persons from 15 November to 18 November 2020 (judgment 1681/2022);
- The mandatory vaccination of health-care personnel (judgment 1684/2022);
- The mandatory vaccination of persons older than 60 years and the imposition of a fine of 100 Euros in case of non compliance (as announced by the President of the Court in June 2022).

14. The Council of State has also rejected applications for suspension of regulatory acts imposing a curfew on the movement of citizens, and temporary suspension of attendance of church services (Decisions 1–3/2021 and 83/2021).

15. In its case law, the Council of State recognized a rather wide margin of appreciation for the adoption of measures to protect public health, to the extent that those measures were scientifically documented with regard to health conditions each time prevailing and did not violate the applicants’ right to health, free development of personality and human dignity nor the principle of proportionality or the prohibition of discriminatory treatment.

16. The National Vaccination Programme against COVID-19 targets specific and vulnerable groups of the population, such as minors and adults, migrant populations and populations at risk. The Government has adopted an innovative, tailor-made project, with a multi-sector collaboration, between central government administration, Local Government and civil society, involving social services, Migrant Integration Centres and Community Centres. Furthermore, flexible legislation has been adopted, providing a fair opportunity to access vaccination regardless of residence permit, limiting all administrative barriers. Irregular migrants are protected against arrest and detention, due to the lack of residence permit, during the vaccination process.

17. The Greek Asylum Service has applied the following three measures: a) automatic renewal of residence permits of asylum seekers and recognized refugees which expired during the COVID-19 emergency, to avoid physical presence in the premises of the Asylum Service; b) electronic filing of supporting documents by asylum seekers who had already

registered their application for international protection; c) launch of digital applications. Furthermore, specialized medical teams were dispatched to the Reception and Identification Centers in three Eastern Aegean Islands for the vaccination of interested asylum seekers.

18. As far as Roma communities are concerned, the General Secretariat for Social Solidarity and Fight against Poverty of the Ministry of Labour and the (then) General Secretariat for Civil Protection took urgent measures, such as the granting of 2,485,000 € to 106 municipalities for the provision of sanitary material and other services. Approximately 80% of all municipalities took preventive measures. In addition, the General Secretariat for Social Solidarity and Fight Against Poverty, the General Secretariat for Primary Health Care of the Ministry of Health, and the National Public Health Organization developed an integrated action plan to coordinate Roma Covid-19 vaccination. Several on-site visits have been organized to increase the level of Roma participation in the vaccination campaign.

Reply to paragraph 3 of the list of issues

19. During the reporting period, one of the most significant developments in the fight against corruption was the establishment, by Law 4622/2019, of the National Transparency Authority (NTA) as an independent authority, endowed with horizontal and comprehensive responsibilities.

20. The NTA is also the competent authority for the design, monitoring, evaluation and review of the National Anti-Corruption Action Plan (NACAP). Among the main achievements of the already implemented NACAP 2018-2021, the following should be mentioned:

- Design of sectoral anti-corruption strategies in High Risk Sectors (detailed below);
- Improved inter-agency co-ordination with the establishment of the National Coordination Body for Audit and Accountability (Law 4622/2019);
- Optimization of asset declaration databases (e-POTHEN);
- Establishment of Integrity Offices across public sector (Law 4795/2021, see infra);
- Improved access of Auditors to Government Databases.

21. The vision of the new NACAP for 2022–2025 is to “consolidate integrity, accountability and transparency as core values of the State, the economy and society”. To this effect, three strategic goals were identified (prevention, detection, awareness-raising), further broken down to nine specific objectives, pursued through 129 clearly defined actions. The Action Plan’s thematic priorities include high risk policy sectors, such as public procurement, health, environment, defense, etc. along with horizontal issues such as digital transformation and good governance.

22. Among recent legislative developments, the following are most noteworthy:

23. Law 4795/2021 provides for the operation of the Internal Control System and Internal Audit Units in all Public Sector bodies. Almost 100 internal auditors were certified in 2021. The same law establishes Integrity Advisors in the Public Sector, to ensure a coherent framework for the effective protection of civil servants who discover, suffer the consequences of or simply wish to report integrity breaches in their workplace and to provide support, information and advice on ethics and integrity. Furthermore, it expands the categories of public officials who are obliged to submit an asset declaration.

24. Law 4829/2021 on “Strengthening Transparency and Accountability of State Institutional Bodies” introduces an effective regulatory framework for the interaction of politicians and public officials with representatives of interest groups. The NTA is responsible for monitoring compliance with the law and has the power to conduct audits and investigate any complaint for potential violations, in which case it may impose sanctions.

25. Law 4622/2019 devotes a chapter (Part IV) on ineligibilities, incompatibilities, obligations during the performance of duties or after leaving service, and rules for the avoidance of conflicts of interest of Members of the Government, Deputy Ministers, General

and Special Secretaries of governing bodies of the public sector and non-permanent staff, among others. Compliance is monitored by the Ethics Committee of the NTA.

26. Law 4990/2022 transposed EU Directive 2019/1937 on the protection of persons who report breaches of European Union law (it does not have a horizontal effect, as pointed out by the GNCHR).

27. Law 4855/2021 amended the relevant provisions of the Criminal Code on bribery and corruption of political persons, specifically article 159 (4), extending the concept of “political official” as a subject of the crime of bribery, in conformity with the Council of Europe Criminal Law Convention on Corruption and its Additional Protocol.

Reply to paragraph 4 of the list of issues

28. Law 4285/2014, which amended Law 927/1979, punishes, *inter alia*, public incitement to acts or activities which may result in discrimination, hatred or violence against individuals or groups of individuals defined by reference to race, color, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability, in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons.

29. Article 82A of the Criminal Code punishes more severely crimes with racist characteristics, namely crimes in which the victim is targeted on the basis of the abovementioned characteristics. In such cases, it is not required to prove that the offender was motivated by hatred against the victim; it is sufficient to establish that the victim has been targeted by the offender on the basis of such characteristics. Moreover, according to Article 137A of the Criminal Code, as amended in 2019, torture is punished even in the absence of the specific purposes set out in the definition of that crime, if the choice of the victim is made on account of the abovementioned characteristics.

30. Among the measures which are currently implemented to increase the effectiveness of the investigation of racist crimes are the following: prosecution *ex officio* of the crimes punished under the anti-racism legislation; appointment of 24 special prosecutors for the investigation of racist crimes; exemption of victims of such offenses from the payment of a fee when submitting a criminal complaint or participating as a civil party in a criminal procedure; provision of free legal aid for all victims with low income; granting of a residence permit on humanitarian grounds to third-country nationals who are victims or material witnesses of racist acts; exemption from return procedures of irregular migrants, who are victims or substantial witnesses of racist criminal acts.

31. Law 4478/2017 incorporated Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime (among which, hate crimes) and strengthened substantially the relevant legislative framework.

32. Minors who are victims of racist crimes with particular protection needs, and minors victims of all serious crimes, may be examined in the so-called “Children’s Houses” (specifically designed or accommodated offices) which operate in Athens and Piraeus since November 2021, by pre-trial investigation, judicial or prosecutorial officers, specifically trained for this purpose.

33. Data collection with regard to racist crimes has significantly improved and is expected to further improve as the use of digital tools in the administration of justice progresses. All crimes that have been flagged as racially motivated are also recorded in a separate electronic database. Furthermore, any file related to a hate-motivated offence is marked with the initials RV (“racist violence”), to facilitate the identification of cases of racist violence.

34. In a landmark judgment delivered on 7 October 2020, the Athens Court of Appeals found the seven members of the leadership of the “Golden Dawn” neo-nazi party guilty of directing a criminal organization. The Court decided not to recognize any extenuating circumstances and to reject the suspension of the prison sentences (up to 13 years) imposed. The other former MPs on trial, members of the political council of “Golden Dawn” as well as the heads of two local chapters of the organization were found guilty of joining and

participating in a criminal organization. Currently, the case is tried before the competent Appeals Court.

Statistical data

35. The number of allegedly racially motivated incidents reported to the police authorities during the period 2015–2020 is as follows:

- 2015: 84 incidents;
- 2016: 100 incidents;
- 2017: 184 incidents;
- 2018: 226 incidents;
- 2019: 282 incidents
- 2020: 222 incidents.

36. In 2021, the competent agencies of the Hellenic Police recorded 135 incidents nationwide potentially involving racist motives. It is estimated that the decrease of the racist incidents for the year 2021 can rather be explained by the restriction of freedom of movement measures taken by the Government to deal with the pandemic. The improvement in the capacity of the police and prosecutorial authorities to recognize and identify the racist characteristics of the crimes brought to their attention should be noted too. The decrease concerns mainly hate speech incidents, not crimes with racist characteristics.

37. In almost half of the cases reported or recorded, the perpetrators were known to the victims or the Authorities. In 26% of the cases, law enforcement officers were involved, while in 23% of the cases, the perpetrators were unknown. The main motive for the commission of racist acts was the national or ethnic origin of the victim (61% of the cases), followed by sexual orientation (14,8%) religion (13,3%), descent, color or race (5,2% each), disability (3%) and gender identity (2%).

38. With regard to hate speech incidents, 75 cases were recorded in 2018, 93 in 2019, 51 in 2020 and 22 in 2021, on the grounds mainly of origin, color and race, followed by religion, sexual orientation, gender identity and disability.

39. During the last years, criminal courts have handled an increased number of cases related to offences under various Criminal Code provisions, combined with the abovementioned Article 82A of the Criminal Code on crimes with racist characteristics. This year, a first-instance Court found for the first time, a defendant guilty for public incitement to violence or hatred on the grounds of gender identity.

40. At the Supreme Court level, judgment 858/2020 of the Court of Cassation should be mentioned, in which the defendant, a Metropolitan Bishop, was found guilty for incitement to violence or hatred, on account of a blog post, which was found to incite the citizens to violent behavior against persons on the grounds of sexual orientation.

41. The most important measures taken in the field of law enforcement are the following: establishment of two specialized Departments and 68 Offices throughout the country; operation of a special hotline and website for complaints; obligation for police officers to ascertain whether a criminal act has been racially motivated; obligation for police officers to immediately inform the competent Prosecutor on every case of racist violence under investigation; co-ordination with local authorities and non-governmental organizations, continuous training of police staff.

42. There is close cooperation with OSCE/ODIHR with regard to the implementation of the anti-racism legislation. Wide-range training activities are conducted in Greece and abroad, with the participation of judges, prosecutors, police officers, NGOs, etc.

43. One of the most active civil society actors in the field of the fight against racism is the Racist Violence Recording Network (RVRN), established in 2011 on the initiative of the GNCHR and of UNHCR. The Network is comprised of 52 NGOs and civil society bodies,

as well as the Greek Ombudsman and the Migrant Integration Council of the Municipality of Athens as observers.

44. According to its latest report, published in May 2022 and covering developments during the year 2021, the RVRN recorded 72 incidents of racist violence (a decrease from 107 in 2020 and 100 in 2019). In 28 incidents, the targets were migrants, refugees, or asylum-seekers due to their ethnic origin, religion or/and color, and human rights defenders, due to their association with refugees and migrants. In 36 incidents, the victims were LGBTQI+ individuals. In five incidents, the victims were Greek citizens, targeted due to their ethnic origin. In two incidents, Jewish sacred sites were targeted. In one case, the target was a person with disabilities. In 27 incidents, the alleged perpetrators were public servants or law enforcement officials.

45. According to the same report, in 2021 there was a decrease in incidents of organized violence, a development to which the criminal court judgment finding guilty and sentencing members of the “Golden Dawn” contributed; however, organized attacks were witnessed in other settings, such as within the school environment.

46. The RVRN’s report addresses a number of recommendations to the competent authorities.

47. In the field of education, the Educational Priority Zones, introduced by Law 3879/2010, aim to provide equal opportunities in education and to remove social and economic barriers to the progress of students. Special “Reception Classes” in primary and secondary education school units aim at the effective education of pupils that do not have the required knowledge of the Greek language (Roma, refugees, etc.). Taking into consideration the specific characteristics of the refugee population, Reception Centres have been established, implementing specialised curricula. Since the school year 2021–2022, the curriculum of all types of compulsory education schools includes the teaching module “Skills Workshops”, comprising topics related, *inter alia*, to human rights, mutual respect, and diversity-inclusion.

48. The National Council against Racism and Intolerance, an inter-ministerial body with the participation of independent bodies (such as the GNCHR and the Greek Ombudsman) and civil society stakeholders, adopted, in December 2020, the first National Action Plan against Racism and Intolerance, for the period 2020–2023. The Council is systematically reviewing its implementation. Specific dissemination, and information and training activities are also conducted, including the drafting and wide dissemination of a Guide on the rights of victims of racist crimes.

49. The application of Law 4356/2015, which extended the civil partnership pact to same-sex couples, recognizing family ties between the parties and conferring rights similar to those deriving from marriage, has contributed to the fight against stereotypes and prejudices. However, challenges remain in many areas, an issue consistently raised by the GNCHR, requiring cross-sectoral actions and policies.

50. In March 2021, by decision of the Prime Minister, a committee was set up, to draft a National Strategy for the Equality of LGBTQI+ persons, chaired by the former CERD Vice-Chairman and former President of the ECtHR Prof. Linos-Alexandre Sicilianos and composed of representatives of the academic community, of NGOs defending the rights of LGBTQI+ persons, the Secretary General of the Ministry of Justice and the Chief Economic Adviser to the Prime Minister. The National Strategy was presented on 29 June 2021, its provisions were incorporated in Ministries’ Annual Action Plans and its implementation is monitored on a regular basis.

51. Furthermore, Greece cooperates with the Council of Europe and the OSCE on the training of police officers, judges and public prosecutors on hate-motivated crimes, on grounds of, *inter alia*, sexual orientation and gender identity.

52. An important development during the reporting period was the adoption of Law 4491/2017 on the legal recognition of gender identity, which, *inter alia*, allows for the change of registered gender information through the same procedure that applies to all cases of change of identity information, such as the name, with no requirement to undergo a medical procedure, examination or treatment. This also applies to minors aged 17 years provided that

they have their parents' or legal guardians' explicit consent and to minors aged 15–17 years, provided that, in addition to the explicit consent of their parents or legal guardians, the opinion of a medical board is submitted.

53. The anti-discrimination Law 4443/2016 expanded the scope of the principle of equal treatment to descent, family/social status, chronic condition, gender identity and gender characteristics and strengthened the role of the Greek Ombudsman as Equality Body". The GNCHR has recommended a further extension of the scope of application of the Law.

54. Law 4538/2018 allows persons who have entered a civil partnership pact, including same-sex couples, to become foster parents.

55. The Secretariat General for Religious Affairs of the Ministry of Education and Religious Affairs monitors, collects and evaluates data on incidents of vandalism and desecration of religious sites of all religious communities in Greece, by networking with the religious communities themselves as well as other State Authorities (e.g. Hellenic Police, Public Prosecutors, etc.).

56. In 2016, 215 cases were recorded, in 2017 there were 556, in 2018, 591, in 2019, 524 cases and in 2020, 404. The increase observed since 2016 can, *inter alia*, be explained by the strengthening of the reporting network, the response of the Hellenic Police to related complaints, as well as the effort of religious communities themselves to compile relevant data.

57. The incidents recorded in 2020 are broken down by religion as follows: Orthodox Church: 374 incidents (92.57%), Judaism: 10 incidents (2.48%), Islam: 9 incidents (2.23%).

58. The data compiled and, in particular, the specific circumstances of the incidents recorded confirm that Greece has maintained religious peace and avoided controversies of a religious nature.

Reply to paragraph 5 of the list of issues

59. A Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM) has been established within the Ministry of Migration and Asylum as the competent national authority for the overall protection, guardianship, and accommodation of third-country nationals or stateless minors deprived of parental care while residing in the Greek territory. The SSPUAM has developed a National Strategy on the protection of unaccompanied minors, which is based on four pillars of action: enhancing reception capacity and protection of rights; identifying and implementing durable solutions; ensuring protection from violence and exploitation; improving data collection on beneficiaries and on the accommodation system.

60. Since April 2021, the SSPUAM has been enforcing the termination of protective custody (i.e., the temporary housing of unaccompanied minors in structures of the Hellenic Police in order to avert the risk of exploitation by trafficking networks, etc), which was abolished in December 2020 by Law 4760/2020.

61. In April 2021, an emergency response Mechanism for unaccompanied minors living in precarious conditions was established, which comprises a tracing and referral mechanism, emergency accommodation and a comprehensive case management framework. In the framework of this Mechanism, a helpline, staffed by child protection experts and qualified interpreters, two information desks and two mobile units, in the Attica and Thessaloniki regions, have been set up. The operations of the Mechanism have been expanded to cover, through the deployment of specialized professionals, trafficking, recruitment of minors in criminal networks and addressing the needs of presumed victims of exploitation, such as forced criminality, begging, prostitution, drug trafficking. Up to November 2022, the Mechanism had received 7,856 calls, which concerned 5,785 different cases of unaccompanied minors, of which 4,752 pertain to accommodation requests, 525 to legal aid, and 507 to other reasons.

62. Moreover, as an operational response to the arrival of minors fleeing the war in Ukraine, and taking into account the high risk of minors on the move to fall victims of

trafficking, the Mechanism has been designated as the responsible authority for the reception of separated and unaccompanied minors.

63. Since the establishment of the SSPUAM, long-term accommodation capacity has been increased by 60%. 200 additional places of emergency accommodation for children in immediate need of shelter and protection have been created. The duration of stay in Reception and Identification Centres (RICs) at entry points has been reduced to two–three weeks. By the end of November 2022, the accommodation facilities available for hosting unaccompanied minors throughout the country were the following: 70 accommodation centres for unaccompanied minors with the capacity to accommodate 1,960 persons; 79 supervised apartments for semi-independent living (SIL) of unaccompanied minors older than 16 years of age with a total capacity for hosting 328 persons.

64. Foster care is also being promoted in a coordinated and supervised manner through a pilot programme for unaccompanied minors up to 12 years of age.

65. In July 2022, Parliament adopted Law 4960/2022 on the establishment of a national guardianship system for unaccompanied minors and their comprehensive accommodation. According to the new system, guardianship includes representation services in matters of personal status, custody provision and care, as well as assistance in property matters. Moreover, the new law establishes the framework for the rules and procedures applicable to the system of accommodation for unaccompanied minors, adopting an approach based on the rights and best interests of the child. It also provides for the development of a national registry for the protection of unaccompanied minors and regulates the above-mentioned National Emergency Response Mechanism. These provisions will be further specified in ministerial decisions. Funding is secured through co-funded programmes of the European Union and especially the National Programme of the Asylum, Migration and Integration Fund 2021–2027. The GNCHR has repeatedly stressed the need for the establishment of a reliable and sustainable guardianship system.

66. Unaccompanied minors arriving at the Greek islands are staying in the RICs only for the time necessary for the completion of their identification procedures (and as long as required by the health protocols against the pandemic). They are staying in specially designed areas, separate from adult facilities, until they are accompanied to more suitable places, with the support of the SSPUAM. Specific Best Interest Assessment tools are in place, developed in cooperation with UNHCR and the European Union Agency for Asylum, implemented during reception procedures as well as in the context of family reunification and relocation procedures.

67. Upon arrival at the RICs, a vulnerability assessment is conducted. Appropriate accommodation, psychosocial and legal support, and healthcare are provided at all stages. In all accommodation facilities for minors, staff includes a multidisciplinary team to address their individual needs. Trainings are coordinated with UN agencies and NGOs to enhance the staff's capacity regarding child protection issues including mental health. With the support of UNICEF, handbooks have been published on how to address conflicts and self-harm in accommodation centres. Awareness-raising workshops with minors regarding child abuse and exploitation risks also take place, whereas reports of any kind of violence or abuse are thoroughly investigated by the Hellenic Police and Public Prosecutors.

68. Upon arrival at a point of entry, the age of the person is registered, based on his or her own claims, which may be supported by personal identification documents, issued by the official authorities of the country of origin. In cases where authorities or child protection actors doubt the validity of a person's claims, an age assessment process is initiated. On the basis of a Joint Ministerial Decision adopted in 2020, a three-stage process is foreseen consisting of a clinical examination by a physician, psychosocial assessment, if results are inconclusive, and, as a last step, x-ray. The right to appeal is also foreseen, as well as the benefit of the doubt. Until the age assessment is completed, a person registered as a minor is treated as such. If during an asylum interview an applicant registered as an adult is deemed to be manifestly a minor, the date of birth is adjusted by decision of the Head of the Asylum Office.

69. In the framework of a voluntary relocation programme, more than 1,285 unaccompanied minors have already been relocated from Greece to other European Union member states.

70. In July 2021, the SSPUAM launched a “Mentorship” program addressed to minors reaching majority and hosted in accommodation facilities for unaccompanied minors, such as shelters and SIL apartments, with the aim of assisting their integration in host communities, continuation of their studies and vocational training, employability and relevant skills. The “Mentorship” program is implemented by former unaccompanied minors -now adults- and young adults who act as role models.

71. In September 2022, a Memorandum of Cooperation was signed between the Ministry of Migration and Asylum, the Ministry of Health and the International Organization “SOS Children’s Villages” for the promotion and improvement of unaccompanied minors’ mental health and their psychosocial support.

Reply to paragraph 6 of the list of issues

72. With regard to the principle of “shared responsibility” enshrined in Law 4800/2021 on “Reforms relating to parent-child relationships and other matters of family law”, the following should be mentioned.

73. Article 1 of Law 4800/2021 recognizes the child as the primary subject of the rights deriving from the relationship with the parents through the fulfillment by the latter of their parental responsibilities. It further stipulates that the provisions of the Law shall be interpreted and applied in accordance with the international conventions to which Greece is a State Party, in particular the CRC and the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence, ratified by Law 4531/2018 (see reply to Question 7, *infra*).

74. More specifically, article 8 of the Law establishes three options for the determination of parental responsibility, if the latter cannot be carried out by both parents jointly, namely by written agreement, by recourse to mediation (except for cases of domestic violence) or by court decision.

75. The latter applies when parents disagree, in which case the court allocates parental responsibility through a binding decision, having previously sought and taken into account the opinion of the child, depending on the child’s maturity. The decision of the court shall respect equality between the parents and shall not discriminate on any grounds.

76. The exercise of parental responsibility by the parent who has been convicted for criminal offences such as domestic violence, sexual offences or crimes of economic exploitation of sexual life, is restricted, in whole or in part, by the court. In addition, the public prosecutor may order any appropriate measure to better protect the child’s physical and mental integrity, in case of urgency or delays in judicial proceedings.

77. Therefore, the joint exercise of parental responsibilities, including custody, is not an absolute and mandatory rule, but is subject to the overarching principle of the best interest of the child, which determines the extent of involvement of each parent in the child’s life.

78. The provision of Article 13 of the Law, according to which communication time, through physical presence, of the child with the parent with whom he/she does not reside amounts to one third of the total time, is a rebuttable presumption and not a legally obligatory arrangement and remains subject to the observance of the principle of the best interest of the child.

79. It is noteworthy that Article 17 of the Law provides for the mandatory training on the relevant international legal framework, especially the CRC and the Istanbul Convention of judges who adjudicate child custody cases. The GNCHR has recommended to further improve such training.

80. Moreover, the first National Action Plan on the Rights of the Child was adopted in June 2021, covering the period 2021–2023. It was drafted by the “National Mechanism for

the Elaboration, Monitoring and Assessment of Action Plans on the Rights of the Child”, a collective body attached to the General Secretariat for Justice and Human Rights of the Ministry of Justice, composed of representatives of different Ministries, the General Secretariat for Coordination of the governmental work, the GNCHR, the Greek Ombudsman (without the right to vote), the Institute of Child Health and, since the adoption of Law 4786/2021, UNICEF’s Country Office in Greece. High priority axes have been identified, regarding child poverty, child-friendly justice, migration and refugee flows, right to health, rights in the field of education, protection of the family and children in the community, promotion of rights (focus on LGBTIQ+ persons), children with disabilities, audiovisual contents. The National Mechanism is systematically reviewing the implementation of the NAP. In November 2022, the Mechanism initiated the process for the elaboration of the next Action Plan, which will cover the period 2024–2027.

81. Another important development is the elaboration, under the responsibility of the General Secretariat of Coordination of the Presidency of the Government, of Greece’s first NAP against Child Sexual Abuse and Exploitation (2022). This NAP identifies critical systemic failures and presents measures to prevent, locate, report, handle and bring to justice incidents of sexual abuse and exploitation of children. Special care is foreseen for victims via a child-friendly justice approach; institutional barriers are set to prevent predators from working with children in all possible sectors and essential protocols revision is put forward in order to ensure that all children are treated equally and that timely response prevents secondary victimization and risks. The overall aim of the Plan is to minimize the incidents and maximize reporting.

82. Laws 4837/2021 and 4940/2022 introduced the “Child Protection Officer” for incidents of abuse in child-care facilities and established a ban on employment in child protection agencies for those who cannot provide a clean criminal record in related crimes.

83. Helpline 1107, for children and adolescents who are victims of abuse or trafficking, exploitation and illegal or criminal acts, operates 24 hours a day equipped with specialized social workers and psychologists.

84. The GNCHR has recommended, *inter alia*, to establish and operate the “Children’s Houses” (see *supra* para. 32) throughout the country, to provide for child rights-based budgeting, to emphasize on a consistent and reliable legal framework and on efficient and transparent control mechanisms.

85. The NAP on the Rights of the Child, the Strategy for social inclusion and the fight against poverty and the Child Guarantee plan for underprivileged children are concrete steps to reduce child poverty, guarantee that every child has access to free health services, education, childcare, housing and adequate food, apply guardianship to unaccompanied minors, simplify adoption procedures, ensure independent living and avoid institutionalization for persons with disabilities, and provide a safety net against deep poverty through the constitutionally guaranteed social solidarity income (GMI, Guaranteed Minimum Income).

Reply to paragraph 7 of the list of issues

86. Greece ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the “Istanbul Convention”) by Law 4531/2018, which also adjusted domestic legislation, particularly in the field of criminal law, with the provisions of the latter and designated as “coordinating body”, in accordance with Article 10 of the Convention, the General Secretariat for Demography and Family Policy and Gender Equality (GSDFPE) of the Ministry of Labour and Social Affairs. An evaluation visit by the Council of Europe’s Group of Experts (GREVIO) on the implementation of the Istanbul Convention took place in February 2023.

87. Greece was among the first to ratify ILO Convention No 190 concerning the elimination of violence and harassment in the world of work (Law 4808/2021). The Law introduces the right of the employee who suffers such behaviour to leave the workplace for a reasonable period of time without any salary loss or other consequences and provides for

protection against dismissal, retaliation and ill-treatment. It also establishes the obligation of companies with more than 20 employees to adopt and implement, in consultation with workers and their representatives, a corporate policy against violence and harassment and to handle internal complaints with confidentiality and impartiality. The same Law provides for strict penalties for offender employers and further extends the competence of the Labor Inspectorate in this field by introducing a special labor dispute procedure before the Inspectorate, while recourse to the Ombudsman continues to apply. In the context of strengthening the compliance mechanism, an Independent Department was established within the Labor Inspectorate to monitor violence and harassment at work. The Independent Department has issued its annual report for the year 2021 (in Greek). The 3rd annual report on violence against women drafted by the GSDFPE also includes information on violence and harassment at work.

88. Furthermore, Law 4855/2021 foresees stricter penalties for sexual offences, in particular those committed against minors. The new Article 346 of the Criminal Code, introduced by Law 4947/2022, punishes revenge porn and foresees stricter penalties, if the crime has been committed against minors.

89. An integrated network of 64 structures has been set up and operates across the country for the prevention as well as treatment of all forms of violence against women. The Network includes a 24-hour SOS helpline, 44 Counseling Centers and 19 Safe Shelters, provided to all, free of charge.

90. Recently, the “me too movement” manifested itself in Greece, as victims of sexual harassment and abuse, including well-known public figures, “broke the silence” and found the courage to publicly denounce their traumatic experiences. This development prompted the authorities to create the website “metoogreece.gr”, which is the first governmental platform for the collection of information on issues of sexual harassment. It includes all the main Greek help lines for immediate help and support, in particular for cases of violence against women (15900 – www.womensos.gr). Furthermore, multiple reports of “femicides” committed by the spouse or partner of the victim have been published in the media, which had a shocking effect on public opinion and raised the awareness of the authorities and the general public on an issue which has remained long under the surface. The Public Prosecutor at the Supreme Court, acknowledging the rise in crimes of domestic violence against women, issued, in November 2021, a relevant Circular, addressed to the country’s public prosecutors.

91. Incidents of domestic violence increased significantly during the COVID-19 lockdown, as shown by the number of incidents reported to the SOS 15900 hotline. The GNCHR has placed strong emphasis on the impact of the pandemic on vulnerable categories of women with regard to domestic violence and the measures to address it. The GSDFPE has issued two annual reports on violence against women for the year 2020 and 2021, as well as bimonthly Newsletters on the relevant policies and actions of the GSDFPE. A report submitted by Greece on legislative and other measures giving effect to the provisions of the Istanbul Convention (see also paragraphs 86 and 87) includes data on violence during the COVID-19 pandemic.

92. Article 3 of Law 3811/2009, as amended by Law 4689/2020, provides for the right to claim compensation for personal loss or expenses. Victims of crimes of violence with intent or victims of the offences “Trafficking in persons”, “Travel with the purpose of sexual abuse of minors”, “Rape”, “Seduction of Children”, “Indecent assault against children”, “Child Pornography”, “Enticing minors for sexual purposes”, “Pornographic performances of minors”, and “Sexual abuse of a minor in return for remuneration”, may claim compensation by the Greek Compensation Authority.

93. As far as the Hellenic Police is concerned, since November 2019, 73 central Services and 18 domestic violence Offices have been created throughout the country. Furthermore, the Hellenic Police has issued specific Orders on handling sexual offences through a victim-centered approach, preventing secondary victimization, making best use of the work of all competent Departments and informing without delay the Public Prosecutors and other relevant Services. All domestic violence incidents are treated as “high priority” and addressed immediately by the Police.

94. A relevant Action Guide addressed to police officers was elaborated and disseminated. Instructions addressed to victims were compiled and posted online so as to encourage the latter to contact the competent Services. Related courses have been included in the curricula of Police Academy Schools. The abovementioned instructions were updated and enriched during the pandemic.

95. The only alternative dispute resolution procedure is provided in Articles 301–303 of the Criminal Procedure Code (criminal conciliation – criminal negotiation). The procedures have been simplified, to ensure free access to justice to everyone, and are not mandatory for those concerned. In cases of domestic violence (Law 3500/2006), a special form of criminal mediation is provided, with both civil and criminal law consequences. According to the GNCHR, it is important to ensure that victims do not perceive such proceedings as compulsory.

96. In 2021, the Hellenic Police recorded 8,776 offences related to domestic violence (5,413 in 2020). During the period January–October 2022, it handled 9,515 cases of domestic violence throughout the country.

97. On a more general note, Greece has renewed for the period 2021–2025 its National Action Plan on Gender Equality, drawn up by the GSDFPE, which identifies the following priorities: preventing and combating gender-based and domestic violence; equal participation of women in the labour market; equal participation of women in decision-making/leadership positions; gender mainstreaming in sectoral policies. In the same vein, during the reporting period, Greece developed a first National Action Plan on Women, Peace and Security, in implementation of UN Security Council Resolution 1325/2000 and subsequent ones, under the coordination of the Ministry of Foreign Affairs and in cooperation with all competent Ministries, agencies and other competent stakeholders. The Action Plan is currently being updated with a view to its finalization and subsequent adoption.

98. The GNCHR has strongly recommended to, *inter alia*, address intersectional forms of discrimination, improve data collection, facilitate access to shelters, further implement victims' access to fair justice and improve the protective framework in the field of violence and harassment in the world of work.

Reply to paragraph 8 of the list of issues

99. Law 3169/2003 on “Bearing and use of firearms by police officers, training of police officers in the use of firearms and other provisions” updated and streamlined the applicable legal framework with the relevant international standards and international treaties.

100. The law introduced stricter rules for the use of firearms by police officers, foresees severe penalties for the unlawful use of firearms and provides for the *ex officio* prosecution of persons responsible, as well as for the obligation of police officers to report immediately all cases of use of firearms to the competent Police Services and Judicial Authorities, even in the absence of complaints. Education and training of police personnel have been enhanced. The relevant obligations of Police Services have been reflected in regulatory orders and circulars issued by the Hellenic Police Headquarters.

101. It is to be noted that in 2012, the Committee of Ministers of the Council of Europe, in the course of examination of the execution by Greece of relevant judgments of the European Court of Human Rights, noted that the abovementioned national legislation had introduced a modern and comprehensive legislative framework for the use of firearms by the police.

102. Article 56 of Law 4443/2016 designated the Greek Ombudsman as the “National Investigation Mechanism of incidents of arbitrariness by law enforcement personnel and prison officers”, with the main responsibility of collecting, recording, evaluating, investigating and forwarding complaints to the competent disciplinary authorities about alleged: incidents of torture or other violations of human dignity; incidents relating to unlawful and intentional violations of life or physical integrity or health or personal or sexual freedom; incidents relating to the unlawful use of firearms; unlawful behavior for which there is evidence of racist motivation or other discriminatory treatment on the grounds of race,

color, national or ethnic origin, descent, religion or belief, disability or chronic condition, age, sexual orientation, gender identity or characteristics.

103. The Greek Ombudsman may investigate a case *ex officio* or following the filing of a complaint, the referral of a case by the competent Minister or Secretary General, or a judgment of the European Court of Human Rights against Greece, in which gaps were found in the disciplinary examination of a case or new elements, which were not assessed during the disciplinary procedure.

104. In all cases of investigations conducted by the Ombudsman, the competent disciplinary bodies shall suspend their decision until a report has been issued. Whenever the Ombudsman refers a complaint or a case to the competent authorities, the latter shall take the necessary steps to process and investigate such cases and, thereafter, transmit a copy of the relevant file to the Ombudsman, while suspending their decision on the matter until the Ombudsman's report has been issued.

105. Law 4662/2020 further strengthened the relevant legislative framework. More specifically:

- The grounds of discrimination that may constitute disciplinary misconduct were extended to include “other beliefs”, chronic condition, age, family or social status;
- The investigation of a complaint by the Ombudsman may proceed even when there is an ongoing, parallel criminal trial or procedure regarding the same allegations;
- The Ombudsman has the power to subpoena witnesses, conduct on-site inspections, order an expertise, take testimonies under oath and receive documents or oral statements from persons involved in the examination of a complaint (the investigation powers of the Ombudsman are as broad as those of the disciplinary bodies of law enforcement personnel);
- The Ombudsman has access to the file of the preliminary investigation;
- If the Ombudsman finds that the Administration has reached a conclusion which diverges from the independent authority's findings without due reasoning, he/she may refer the case back to the competent Minister to exercise his or her disciplinary powers in respect to the members of law enforcement personnel concerned;
- In order to further facilitate and promote the execution of judgments of the European Court of Human Rights, it is provided that the Administration is bound by the legal characterization of the act under investigation which the ECtHR has given in its relevant judgment;
- In the context of the reopening of a disciplinary procedure, following a judgment of the ECtHR finding a violation of the Convention, the principle of *ne bis in idem* is not applicable if new facts or evidence have emerged or in case the investigation procedure suffered from substantial shortcomings.

106. In 2021, 308 cases were submitted to the National Mechanism (an increase of 17% compared to 2020), out of which 75 by individuals (an increase of 41% compared to 2020), 226 by the Hellenic Police (which continues to systematically forward the relevant administrative investigations to the Mechanism), 4 by the Port Authority/ Hellenic Coast Guard, 1 by the Legal Council of the State (related to the execution of judgments of the ECtHR) and 2 by the FRONTEX Petition Mechanism.

107. The Ombudsman issued case-file reports in 139 cases, of which 41 were referred back to the Administration with a view to supplementing/completing the investigation, 48 were considered as requiring no supplementary action, subject to some general comments and recommendations for future investigations, while in 23 cases, the administrative investigation was considered complete and thorough.

108. In 2021, most cases (37%) of alleged arbitrary incidents concerned physical integrity or health, 25% personal freedom, 14% racist motive or discrimination, 12% illegal use of firearms, 7% torture and inhuman or degrading treatment, 3% sexual freedom. In many of the reported incidents of arbitrariness, persons belonging to vulnerable groups were involved (young persons, migrants), while a smaller number of cases concerned allegations of

discrimination on the grounds of origin (affecting Roma persons), sexual orientation, gender identity or characteristics. Compared to 2020, the number of cases related to reported violations of physical integrity/health and attacks upon a person's life decreased, while there has been a slight increase in cases of conduct involving racist motives or discrimination (4%), illegal use of a firearm (3%), torture and ill-treatment (2%) and violations of sexual freedom (1%).

109. The GNCHR has also shown sustained interest in matters relating to the use of force by the Police, including with regard to persons of Roma origin.

110. Presidential Decree 111/2019 contains important provisions on strengthening the disciplinary procedures for police personnel. More specifically, it extends the preliminary disciplinary enquiries conducted for the determination of disciplinary misconducts committed against citizens, which shall be assigned to an officer of a Directorate or an equivalent Department, other than the one of the police officer's involved; it restricts the possibility of suspending disciplinary proceedings pending a criminal investigation; and accelerates the conduct of disciplinary procedures by fixing a time-limit of two months for the conclusion of Preliminary Administrative Investigations.

Reply to paragraph 9 of the list of issues

111. The Ministry of Labour and Social Affairs promotes deinstitutionalization, to combat the adverse conditions existing in some social care institutions. According to a Joint Ministerial Decision, persons with disabilities living in the branch of the Social Welfare Centre of Western Greece in Lechaina and in the branches of the Social Welfare Center of Attica, will be relocated to a safe family-type structure or will return to their families. Supported Living Homes are the main choice for achieving deinstitutionalization in these two Welfare Centers, while the gradual relocation of persons with disabilities has already begun. In October 2022 eight persons (out of 42) with severe disabilities have been relocated from the Lechaina institution to two Supported Living Homes; two more Homes will be ready shortly to host eight more beneficiaries.

112. Such deinstitutionalization program marks the beginning of a process that will be extended to all legal public entities and will set an example for the private sector.

113. As regards hospitals, the problem of overcrowding concerns mainly a fraction of psychiatric departments of general hospitals in Athens. The problem is partly caused by the recurrent relapses of people with severe psychosocial disability and the accumulation of long-stay patients in the psychiatric wards. To address these problems a nation-wide program of early intervention in psychosis, comprised of 8 Facilities, will be established along with 13 new community residential services. This program will curb new hospitalizations of young people with severe psychosocial disability and the residential services will accommodate 190 patients which are currently hospitalized in overcrowded psychiatric wards. Regarding the quality assessment of mental health institutions there are two competent inspection mechanisms, the Committee for the protection of rights of people with psychosocial disability and the Health Quality Assurance Body. However, they don't conduct regular audits due to limited resources. Whereas a circular has been issued regarding the regulation and the minimization of the use of mechanical and chemical restraints, the lack of regular audits maintains the problem. However, it is estimated that the introduction of community psychosocial programs will lead to the reduction of involuntary committed patients and to more humane conditions of hospitalization.

Reply to paragraph 10 of the list of issues

114. During the reporting period, significant developments have taken place with regard to the Reception and Identification Centers (RICs), which must be distinguished from the detention and pre-removal centers of the Hellenic Police (see reply to Question 11).

115. The "hotspots", which were built in 2015 in five Greek islands (Lesvos, Chios, Samos, Leros and Kos) as an initial response to the then unprecedented migratory flows, were

replaced by the RICs, ensuring dignified reception conditions. After a period of unparalleled pressure on the reception structures and the processing capacity of asylum applications, a decline in the number of residents in all such structures has been recorded since 2020, as well as a significant decongestion of the Aegean islands. Despite the declining tendency in numbers, there has been a slight increase of 18% in the total number of asylum seekers residing in the islands, amounting, in November 2022, to 4,488 persons (compared to 3,795 persons recorded in November 2021).

116. The next stage in the effort to manage migration flows was the construction and operation, under the responsibility of the Ministry of Migration and Asylum, of new, modern Multi-purpose Reception and Identification Centers – MPRICs (*Closed, Controlled Access Centers*), on the islands, as well as at the Evros region where the existing centre is being upgraded. The MPRICs in the islands of Leros, Kos and Samos became operational in the period September–December 2021, while those in Lesbos, Chios and Evros are expected to become operational during the current year.

117. The RICs and the MPRICs in Samos, Leros, and Kos have been established within the Reception and Identification Service of the Ministry of Migration and Asylum to swiftly identify, register and fingerprint new arrivals, channel asylum seekers into asylum procedures, implement the relocation scheme and provide decent living conditions in cooperation with EU Agencies.

118. The new RICs are guarded by a private security company and by the Hellenic Police. The entry or exit of asylum seekers in the new RICs is without restrictions. All asylum seekers have cards which allow them to access a digitalized “entry-exit” system, while there is a prohibition of entry of unregistered or unauthorized persons in the reception facilities.

119. The new RICs, apart from providing higher accommodation capacity, include safe zones for minors, areas for leisure, social activities and medical care, and adapted spaces for the conduct of registration and asylum processes.

120. At the time of reporting, there are 26 accommodation facilities and six RICs and none of them exceed their capacity limits (hence overcrowding has been addressed).

Reply to paragraph 11 of the list of issues

121. There are seven pre-removal centers for third-country nationals. A series of actions related to the renovation, reconstruction and maintenance of these Centers are taken to ensure decent living conditions.

122. According to the relevant law, third-country nationals under return procedures shall be detained, to prepare their return and complete their removal. In case the competent police officer considers that a) there is no risk of absconding, b) the third-country national cooperates well and does not obstruct the preparation of the return or removal procedure or c) he/she does not pose a risk to national security, alternative measures are implemented (such as regular appearance before the authorities and/or the obligation to stay in a specific place), provided that they are deemed effective.

123. At the same time, a series of other criteria or considerations are taken into account, such as the impossibility of implementing return/deportation decisions, in which case, an extension period of six months with possibility of renewal is granted to the persons concerned; the need to adequately protect persons in vulnerable situations (e.g. women, families) and, in particular, minors; the availability of suitable detention centers and the possibility of ensuring decent living conditions for all detainees.

124. Detention is ordered for the absolutely necessary period of time, until the completion of the removal process, and for a maximum period of six months, which may be extended by twelve additional months in cases where, despite the reasonable efforts by the competent Services, the removal process is likely to last longer, since the third-country national refuses to cooperate or the reception of the necessary documents from third countries is delayed. The entire procedure shall be carried out with due diligence, while the detention decision shall be reasoned on factual and legal grounds and be issued in writing within three days. For the

extension of detention, the availability of detention places and the possibility to ensure decent living conditions for the detainees are taken into account.

125. A third-country national under detention may, in accordance with the law, raise objections to the detention decision or the decision for the extension of his/her detention before the President of the competent Administrative Court of First Instance, or a judge appointed thereby. In any case, the lawfulness of the detention shall be re-examined *ex officio* every three months by the person responsible for the detention decision. If the detention period is prolonged, the relevant decisions shall be transmitted to the President of the Administrative Court of First Instance, or a judge appointed thereby, who rules on the lawfulness of the extension of the detention and issues immediately his/her decision.

126. The communication of the detainees is unobstructed and even facilitated by the authorities, always in compliance with the provisions of the law and the principle of confidentiality. Third-country nationals under administrative detention are entitled to receive visits from their family members or a friend in case of lack of family members. The right to legal aid has been established by law at every stage of the criminal and administrative proceedings. Every foreigner third-country detainee is entitled to visits by his/her lawyer.

127. The Services responsible for issuing the detainees' return decisions have the obligation to provide the latter with information and assistance, if they request legal advice, representation by lawyer and translation/interpretation services. To this effect, an information document is distributed in languages used and understood by third-country nationals. Relevant documents have been displayed at easily visible places at the detention facilities. In addition, representatives from international organizations and NGOs have daily access to the detention facilities and are in constant contact with the detainees. In 2021, permission to enter the premises was granted to 179 international and European monitoring structures, NGOs, associations and other bodies (some of the approvals concerned multiple visits).

Reply to paragraph 12 of the list of issues

128. The recently (October 2022) amended Penitentiary Code ensures all legal safeguards from the very outset of deprivation of liberty.

129. According to the Penitentiary Code, detainees enjoy medical and pharmaceutical care of a level comparable to that of the rest of the population. Every detainee is examined by the prison doctor on admission and every six months thereafter, and may at any time request to be examined by the prison doctor or by a doctor of his/her choice. Detainees who cannot be treated in the infirmaries of the Penitentiary Institutions or in the special treatment facilities of the Korydallos Penitentiary Complex, are referred to a public hospital. Telemedicine services are also available.

130. The total number of deaths of detainees due to COVID-19 remained low in comparison to the general population, despite the higher risk of infection in closed structures. After the outbreak of the pandemic, there has been close cooperation between the General Secretariat for Anti-crime Policy, the Ministry of Health and the National Public Health Organization. Circulars and instructions were sent to the Penitentiary Institutions regarding the information of staff and the timely adoption of precautionary measures, in line with the ongoing epidemiological data. The vaccination of detainees against COVID-19 was organized and is implemented, by the prior issue of a Temporary Social Security Number to uninsured detainees. By the end of August 2022, more than half of the prisoners have been vaccinated, while 200,600 rapid diagnostic tests (RDT) have been conducted.

131. One of the most prominent improvements of the new Penitentiary Code is the introduction of an effective remedy, allowing persons both in pre-trial detention and those serving sentence to complain about their conditions of detention and provision of medical care. According to Article 8 of Law 4985/2022, if the violation of the rules establishing the living conditions of detainees, as these are stipulated in the Penitentiary Code, in article 3 of the ECHR and in other International Law instruments pertaining to the treatment of detainees, offends human dignity, the detainee is entitled to apply to the Sentence Enforcement Court. If that Court considers the application well-founded, it orders all appropriate measures to

ensure compliance with the regulations on the detainees' living conditions. Pecuniary damage may also be awarded, while reduction of the prison term, taking into account the days of detention spent in adverse conditions, is also possible.

Reply to paragraph 13 of the list of issues

132. Greece, due to its geographical location as a gateway to the EU and the Schengen area, is at the same time a transit and a destination country for victims of human trafficking. This situation has been exacerbated by the COVID-19 pandemic and the new challenges it created, such as the aggravation of cyber crime, and by the war in Ukraine.

133. During the reporting period, the legal framework against trafficking in human beings (THB) has further been strengthened. The new Criminal Code, which entered into force on 1 July 2019 (Law 4619/2019), amended Article 323A on THB, consolidating the relevant criminal law provisions. The definition of THB includes the following forms of exploitation: sexual exploitation, removing of cells, tissues or organs of a person, exploiting the labour or begging of the victim, forcing into marriage, slavery and similar practices, servitude, committing criminal acts and the recruitment of a minor for the purpose of participation in armed operations. Perpetrators are punished by imprisonment of at least ten years, and a fine is imposed in the most serious cases or when the victims are children. Moreover, the Law stipulates the criminalization of knowingly using the services of a trafficked person, providing for a penalty of at least three years of imprisonment and payment of a fine.

134. The establishment of the offence of THB is disconnected from the victim's "consent" to his/her intended "exploitation". As perpetrator of the crime of THB is considered whoever, even without the use of coercive or deceptive means, obtains the consent of the victim, taking advantage of the "vulnerable position" in which he/she is in. The broad interpretation of THB, according to which human trafficking does not require absolute enslavement, total deprivation of the victim's liberty or the constant and uninterrupted placement of the victim under the perpetrator's power is now settled case-law in Greece.

135. The National Referral Mechanism (NRM), a formal national identification and referral system for inter-agency cooperation on issues of first level identification and support for victims (and presumed/potential victims) of THB, was officially launched in January 2019. The Mechanism is supervised by the Office of the National Rapporteur (ONR) at the Ministry of Foreign Affairs and managed by the National Centre for Social Solidarity of the Ministry of Labour and Social Solidarity. It brings together all stakeholders from the public sector and civil society. The Mechanism is training hundreds of law enforcement officers and front-line service providers to identify indicators of vulnerability related to THB and to follow Standard Operation Procedures for the protection and referral of presumed victims, as well as for their social integration.

136. In 2022, the number of victims reported to the NRM was 312 (258 women and girls and 54 men and boys). 51 of the reported (until 30 November 2022) victims were children.

137. The ONR is currently implementing the "National Action Plan 2019-2023 for the Prevention and Combating of Trafficking in Human Beings and the Protection and Rehabilitation of Victims", through EU and state funding, under the Public Sector Reform Operational Program. This National Action Plan covers a broad range of policy-making projects that include measures to reduce vulnerabilities, trainings for front-line professionals, targeted awareness-raising campaigns, assistance to and reintegration of victims, gender-informed policies, promotion of cooperation between national and international actors and enhanced action against organized crime.

138. The ONR has been conducting a series of training programs and campaigns, in collaboration with the NRM, or other institutions, such as the National Centre of Public Administration and Local Government, the Public Employment Service and the IOM. The ONR participated in the "Medusa 2022" simulation-based exercise on THB, organized by the Deputy Minister of Migration and Asylum.

139. A number of projects are funded by the EU Internal Security Fund. Furthermore, International Organizations, such as IOM, UNHCR, UNICEF, UNODC, as well as the

European Union Agency for Asylum, are allocating resources for the implementation of joint initiatives.

140. The ONR also cooperates with Regional Authorities (in particular the Regional Administration of Attica) on the issue of due diligence in supply chains and public procurement.

141. Furthermore, the Greek Parliament established, in 2016, a Sub-Committee on Human Trafficking, tasked with reviewing all relevant national developments.

142. The Hellenic Labour Inspectorate, re-established as Independent Authority by Law 4808/2021, is responsible for carrying out inspections at places of work, including farms. Labour inspectors can inspect any place where workers are likely to be employed, to detect violations of labour regulations, including identification of possible victims of trafficking. The Labour Inspectorate and the anti-trafficking units of the Hellenic Police have intensified their multi-agency on-site inspections in 2022 with the aim of dismantling organised criminal networks active in the field of human trafficking and in particular labour exploitation.

143. Taking into consideration the improvement of the legal and institutional framework in the action against THB, the Committee of Ministers of the Council of Europe closed the examination of the execution of the judgment of the ECtHR in the case *Chowdury and others v. Greece*, (“the Manolada case”), where 42 irregular migrants were victims of trafficking for agricultural labour. The GNCHR continues to closely monitor the issue of THB for labour exploitation purposes, including in agricultural areas, and has made a number of proposals to address it.

144. A compendium of good practices in addressing THB for the purpose of labour exploitation was translated into Greek and forwarded to all Public Prosecutor’s Offices in Greece by the Prosecutor at the Supreme Court. A number of seminars and training activities were conducted to disseminate the judgment of the ECtHR in the *Chowdury* case and to enhance the expertise and the operational readiness of prosecutors, judges, police officers, investigators and social security mechanisms in dealing with the labour and agricultural sector.

145. In October 2022, the competent tripartite Supreme Labour Council Division on Promoting the Application of International Labour Standards, operating under the purview of the Ministry of Labour and Social Affairs, unanimously expressed their agreement with the ratification of the 2014 Protocol to the ILO Forced Labour Convention (No. 29). The elaboration of a draft ratification law, in consultation with social partners, has been assigned high priority and is currently underway.

Reply to paragraph 14 of the list of issues

146. Persons with low income may apply for free legal aid, while victims of a number of crimes (domestic violence, slavery, trafficking in human beings, kidnapping of minors, rape of children, sexual exploitation, etc.) are provided with free legal aid irrespective of their income. Victims of crimes prosecuted *ex officio*, among which victims of hate speech, are exempted from the obligation to pay a fee for the initiation of criminal proceedings. Legal aid is granted to victims of domestic violence requesting precautionary measures, provided that they cannot afford even provisionally the judicial expenses. The GNCHR has called for improvements both at the legislative and implementation levels.

147. The Network of Structures of GSDFPGE, in cooperation with local Bar associations, provide free legal aid to women victims of violence, regardless of their income.

Reply to paragraph 15 of the list of issues

148. According to Article 90 of the Constitution, promotions, assignments to posts, transfers, detachments and transfers to another branch of magistrates shall be effected by Presidential Decree, issued after prior decision by the Supreme Judicial Council. There are three Supreme Judicial Councils, one for each of the three branches of the judiciary,

consisting only of members of the judiciary. In case the Minister of Justice disagrees with the decision of a Supreme Judicial Council, he/she may refer the matter to the plenary of the respective Supreme Court. The magistrate concerned has as well the right of recourse. The decisions of the plenary, as a second instance Supreme Judicial Council, as well as the decisions of the Supreme Judicial Council with which the Minister has not disagreed, shall be binding.

149. Promotion to the post of President or Vice-President of the Supreme Administrative Court, of the Supreme Civil and Criminal Court, of the Prosecutor of the Supreme Court, of the General Commissioner of administrative courts and of the Court of Audit shall be effected by Presidential Decree issued on the proposal of the Cabinet, by selection among the members of the respective Supreme Court. The Cabinet selects those promoted from those who have the legal qualifications, following the opinion of the Conference of Parliament's Presidents and the recommendation of the Minister of Justice. The opinion of the Conference of Parliament's Presidents does not bind the Minister in the formulation of his/her proposal to the Cabinet. Since the adoption of Law 4938/2022 (Code on the organization of the courts and the status of judges and prosecutors), only the most senior of judges are eligible to the abovementioned positions. Indeed, respect for and observance of seniority is considered one of the most important guarantees for judicial independence and the proper administration of justice.

150. Promotion to the post of Supreme Civil and Criminal Court Prosecutor shall be effected by similar decree, by selection among the members of the Supreme Civil and Criminal Court and Deputy Public Prosecutors of this Court.

151. The tenure of the Presidents of the three Supreme Courts, as well as of the Public Prosecutor of the Supreme Civil and Criminal Court and of the General Commissioners of administrative courts and of the Court of Audit may not exceed four years, even if the magistrate holding this office has not reached the retirement age.

152. Decisions or acts in compliance with the provisions of the abovementioned article of the Constitution shall not be subject to remedies before the Supreme Administrative Court. However, an application for annulment of the Presidential Decree on the appointment to the post of President or Vice-President may be filed before the Council of State, in which only grounds of annulment pertaining to the terms or conditions of the promotion directly set by the constitutional provisions and not by the legislator may be invoked.

153. According to Article 88 (4) and (5) of the Constitution, magistrates may be dismissed only pursuant a court judgment resulting from a criminal conviction or a grave disciplinary breach or illness or disability or professional incompetence. Retirement from the service of the magistrates shall be compulsory upon attainment of the age of sixty five or sixty seven years, depending on the rank.

154. According to Article 91 of the Constitution, disciplinary authority over magistrates from and above the rank of member of the Supreme Civil and Criminal Court or Deputy Prosecutor of the Supreme Civil and Criminal Court, or a rank corresponding thereto, shall be exercised by a Supreme Disciplinary Council. Disciplinary action shall be initiated by the Minister of Justice. The Supreme Disciplinary Council shall be composed by the President of the Supreme Administrative Court as Chairman, and by two Vice-Presidents or Councillors of the Supreme Administrative Court, two Vice-Presidents or members of the Supreme Civil and Criminal Court, two Vice-Presidents or Councillors of the Court of Audit and two law professors from the Law Schools of the country's universities, as members. The disciplinary authority over all other magistrates shall be exercised, in the first and second instance by councils composed of regular judges chosen by lot. Disciplinary action may also be initiated by the Minister of Justice. Disciplinary rulings in accordance with the provisions of Article 91 of the Constitution shall not be subject to remedies before the Supreme Administrative Court.

155. It is to be noted that, according to Law 4938/2022, members of the judiciary who fail without justification to complete the examination of the cases that have been assigned to them in a timely manner face disciplinary sanctions, including deprivation of salary or dismissal.

156. Finally, the National School of Judges was reformed in December 2021 to improve the initial and further training of judges.

Reply to paragraph 16 of the list of issues

157. At the outset, it should be stressed that Greece remains mindful of, and committed to uphold, its human rights obligations under the ICCPR when exercising its right and obligation to protect the national and EU's external borders, including while confronting large and orchestrated influx of arrivals (instrumentalization of migration). Such a situation manifested itself in February/March 2020, when Greece was faced with orchestrated and coordinated mass movements of thousands of third-country nationals, attempting to violently enter into its territory at its land borders with Turkey. Those persons, who had already been residing in Turkey, were misinformed that the borders with Greece, and subsequently with all other European countries, were open, despite repeated public clarifications by Greek and European Union officials to the contrary. In the meantime, boats carrying third-country nationals had once again been pushed massively towards Greek islands in the Aegean. Such an intentional and artificial creation of chaotic conditions at the borders, if not addressed, would have overwhelmed the capacity of Greece to address in an orderly and efficient manner the influx of a large number of persons.

158. Reports indicating that the practice of so-called "pushbacks" "has been established as the de facto border policy" do not correspond to the real situation, since they refer to conduct which has never been a part of the operational practices implemented by the Hellenic Police and the Hellenic Coast Guard, nor reflect the applied procedures and practices, which consist in the referral of those concerned, including asylum seekers, to the competent national authorities.

159. At the land borders, border surveillance activities have the objective of early detection of an illegal border crossing activity and the application of prevention and deterrence measures, according to the Schengen Borders Code. The competent border surveillance teams implementing patrolling activities inside the Hellenic territory conduct national and EU Joint Border Operations, in cooperation with the EU Border and Coast guard Agency (Frontex). Both the national authorities and Frontex follow a strict Code of Conduct and any accusation of ill-treatment, including alleged unprocessed returns, is investigated at internal and/or EU level. In this regard, alleged acts of violence committed against foreigners in the context of alleged "pushbacks" fall out of the operational practice of both the Hellenic Police and the Hellenic Coast Guard.

160. At the sea borders, the operational goals of the Hellenic Coast Guard focus first on the timely identification of boats carrying migrants within the Turkish territorial waters just before entering the EU territory. Following that, communication with Turkish Authorities is established in order for Turkey to act in accordance with its commitments deriving from the EU-Turkey Statement of 2016 and international law. However, the Turkish Coast Guard not only refrains from deterring boats carrying irregular migrants, but very often fails to act until the boats approach the sea border. In addition, sometimes Turkish Coast Guard's vessels accompany the boats of migrants in the Greek territorial waters. Through the "Poseidon" operation, Frontex contributes to the efficient management of border crossings, in particular through surveillance activities.

161. Both Hellenic Police and Hellenic Coast Guard personnel are trained during basic and in the framework of further training to respect the basic fundamental rights of every person crossing the borders. One of these training activities is implemented under the coordination of UNHCR (two parts of this activity have been implemented in 2022).

162. According to the Hellenic Coast Guard's annual statistics, in the years 2017, 2018, 2019, 2020, 2021 and 2022 (until 28th of February), the Joint Rescue Coordination Center (JRCC) in Piraeus provided assistance to 39,427, 42,557, 85,236, 27,334, 28,797 and 4,425 persons, respectively, inside and outside the Greek Search and Rescue Region (SRR). Despite the efforts of the Coast Guard's personnel during the handling of the relevant Search and Rescue (SAR) cases for the above mentioned years, 44, 70, 52, 50, 75 and 9 fatalities, respectively, have been recorded. The Hellenic Police, in dozens of recorded incidents, saved,

in extreme weather conditions (snow – floods on the river Evros) hundreds of irregular migrants and refugees at risk.

163. Greece has put in place a three-tiered system to address complaints about alleged “pushbacks”. More specifically, at the administrative level, as soon as any information regarding such allegations or complaint reaches the competent Authorities, an affidavit administrative examination is ordered to be held without delay. At the level of independent authorities, the National Transparency Authority is competent to investigate allegations of incidents involving human rights violations at the borders; its investigations have so far not resulted in the substantiation of any alleged violations. In parallel, the Ombudsman has also reviewed cases related to border protection and fundamental rights. Finally, such claims may be submitted to the competent judicial – prosecutorial authorities.

164. In addition, the Hellenic Police and the Hellenic Coast Guard, in the framework of Frontex Operations, implement two important follow-up mechanisms regarding potential violations of fundamental rights at the borders: (a) the Serious Incident Reporting, providing the opportunity to any participant in the Agency’s operational activities who has reason to believe that a violation of fundamental rights has occurred, to report it to the Agency via the established reporting channels and (b) the Complaints Mechanism, which provides the possibility to submit a complaint free of charge to the Agency. Upon receiving such reports or complaints by the Frontex Fundamental Rights Office, the Hellenic authorities provide feed-back and follow-up, regarding the subsequent investigations at national level. The Hellenic Police and the Hellenic Coast Guard have appointed Liaison Officers to the Frontex Fundamental Rights Office, to facilitate communication and follow-up, in reference to fundamental rights compliance.

165. Recently, monitoring of compliance with fundamental rights has further been strengthened. In accordance with law 4960/2022 (articles 49 and 50) a Fundamental Rights Officer (FRO), responsible for the collection and preliminary evaluation of complaints regarding alleged fundamental rights violations during the reception or asylum procedures, was appointed at the Ministry of Migration and Asylum. In addition, a Special Fundamental Rights Compliance Committee was established, tasked with monitoring the relevant procedures and the implementation of the national, EU and international legislation in the fields of border protection and granting of International Protection.

Reply to paragraph 17 of the list of issues

166. According to the latest (30 November 2022) statistical data of the Ministry of Migration and Asylum, irregular arrivals remain reduced compared to previous years, but increased compared to 2021. Arrivals in the first 11 months of 2022 were up by 87% (15,052) compared to the same period in 2021 (8,031).

167. During the same period, refugee status at first and second instance has been granted to 17,832 applicants, while subsidiary protection has been granted to 845 individuals. In the event of a negative decision, asylum seekers can appeal to the Independent Appeals Committees (IACs), which do not constitute courts, but Independent government bodies. However, they exercise powers of a jurisdictional nature and are constituted (now exclusively) by judges of the regular administrative courts. The control of the Independent Appeals Committees (IACs), is assigned to administrative courts to which the applicants may appeal.

168. Furthermore, temporary protection status has been awarded to 21,025 displaced persons from Ukraine.

169. The number of third-country nationals holding residence permits in force under legal migration procedures is 471,198, while the number of residence cards in force for beneficiaries of International Protection is 60,976.

170. The Ministry of Migration and Asylum implements specific programs and has also proposed, in the context of the relevant National Strategy, a large number of projects in the field of integration of third-country nationals, comprising essential and horizontal integration measures, such as: assistance in finding housing, providing Greek language courses, job

counseling and psychosocial support, facilitating access to the labor market and to social, healthcare and education services.

171. The Ministry has also planned to strengthen the services offered by the Migrants Integration Centers, along with the geographical expansion of the latter in Municipalities with a large number of migrants and beneficiaries of International Protection, in the context of activities financed by the European Social Fund under the programming period 2021–2027. Furthermore, a guide is under preparation for those who have been granted asylum in Greece, containing useful information on how to access public services and other benefits through various programs and schemes.

172. Furthermore, the HELIOS program, implemented by IOM and its partners, supports the transition of beneficiaries of international protection from the stage of reception to the integration process.

173. Finally, the “National Strategy for Social Inclusion for Asylum Seekers and Beneficiaries of International Protection” was published in November 2021. The new National Strategy also introduces a pre-integration procedure for those with a refugee profile.

174. (a) According to the law, the non-violation of the principle of non-refoulement is always examined before the issuance of a negative asylum decision. For subquestion (b), see *supra*, reply to Question 8, and for sub (c), see *supra*, reply to Question 16.

Reply to paragraph 18 of the list of issues

175. Roma – and in general all persons born in Greece – who do not possess a birth registration document, because they were not born in a maternity hospital, or a certification of birth delivered by a physician or a midwife, which would make possible the drawing up of the birth registration document, may seek a judicial decision (issued in a non-contentious procedure), by virtue of which the birth is attested to have taken place in Greece. This allows the application of the provision of the Code of Greek Citizenship, according to which, children born in Greece to parents of unknown citizenship acquire Greek citizenship by birth. On the precondition that birth has taken place in Greece (*jus soli*) the provision makes no discrimination as to ethnic origin or age.

176. Moreover, Article 62 of Law 4554/2018 regulates the identification procedure of pregnant mothers-to-be in the maternity hospitals of the country, to facilitate registration of birth within the maternity hospital facility, even if mothers do not have the necessary identification documents.

Reply to paragraph 19 of the list of issues

177. Article 38 of Directive 2013/32/EU on the concept of “safe third country” was transposed by Article 86 of Law 4636/2019 and Article 91 of Law 4939/22.

178. Currently, the following Joint Ministerial Decisions (JMDs) are in force: JMD 734214/12.12.2022 and JMD 458568/16.12.2021, which amends JMD 42799/3.6.2021, concerning the national list of “safe third countries”. That JMD has designated as “safe third countries”: Turkey for asylum seekers originating from Syria, Afghanistan, Pakistan, Bangladesh and Somalia, as well as Albania and the Republic of North Macedonia, for asylum seekers entering the Greek territory from those countries.

179. It is to be noted that applicants for International Protection may refute the application of the safe third country concept in their particular case, citing the fact that the third country is not safe for their particular personal circumstances and in terms of their qualification as beneficiaries of international protection.

180. According to Article 91 (5) of Law 4939/2022, “where the third country does not permit the applicant to enter its territory, the competent Decision Authorities shall examine the application on the merits”.

181. The criteria (internal legislation of the third country, bilateral or multilateral agreements or agreements with the European Union, as well as internal practice) considered for issuing the above JMD must be up-to-date and originate from valid information sources, in particular from official diplomatic sources in Greece and abroad, the European Asylum Support Office, the legislation of other EU Member States as regards the concept of safe third countries, the Council of Europe, UNHCR. The designation is compulsorily reviewed in November of each year, or earlier, if a significant change in the human rights situation has been found in the country concerned. The European Commission shall be informed of any designation decision.

182. However, unaccompanied minors under the age of 15 and minors victims of human trafficking, torture, rape or other forms of severe psychological, physical or sexual violence are exempted from the procedure of the “safe third country”. The same applies to cases eligible for the Dublin Regulation III-Family reunification, the relocation program and cases of family unification in Greece. In any case, the principle of non-refoulement is fully respected. Moreover, one of the criteria for a third country to be considered as safe for an asylum seeker is the application of the principle of non-refoulement, according to the Geneva Convention of 1951. In-merit asylum procedures are not available to applicants not readmitted to Turkey, because there is no explicit rejection of individual readmission requests by Turkish Authorities.

Reply to paragraph 20 of the list of issues

183. Military service obligation, in accordance with article 4 (6) of the Constitution, is universal and compulsory. It is primarily an armed service, in the units and services of the Armed Forces; however, citizens may be recognized as conscientious objectors on the basis of their religious or ideological beliefs and serve an alternative service.

184. Currently, the duration of the service has been defined to 12 months for all branches of the Armed Forces or 9 months, depending on the location of the units where the conscripts fulfill their military obligations. However, military service duration can be reduced to 9, 8, 6 or 3 months, if there are reasons for that reduction.

185. The duration of full alternative service is 15 months, while that of the reduced service is 12, 9 or 5 months. This difference of duration is not excessive or punitive, but is based on the principle of proportional equality, since the alternative service is less burdensome than the armed service, as it is performed in bodies of the wider public sector and consists in the provision of public utility services, with better working conditions.

186. Conscientious objectors serve in regions outside their place of residence. However, they can request to be transferred close to their place of residence, after five months (instead of seven until recently), in case of family, financial, or social problems. It is to be noted that armed military service is fulfilled in the same way, while numerous civil servants also have to provide their services across the country.

187. Moreover, conscientious objectors may obtain a deferment before reporting for duty to the assigned authority. They are entitled to five days of parental leave for every child. Under Law 4609/2019, the Minister of National Defence may no longer suspend the provisions for alternative service during wartime. In case of appeal against the rejection of an application for conscientious objector status, suspension is automatically granted. The State must pay travel expenses to conscientious objectors called to report to public sector authorities for their alternative service, as well as upon their discharge from such authority or when they are called to appear before a military authority. The beneficial provisions for enlisted employees and workers also apply proportionately to conscientious objectors serving an alternative service.

188. Law 4609/2019 amended the composition of the five-member committee responsible for examining applications by citizens to be granted conscientious objector status and providing recommendations to the Minister of National Defense. In particular, the number of university professors was increased from two to three, while the number of Armed Forces Officers was reduced from two to one.

189. The legal framework on draft evasion applies to both conscientious objectors and individuals performing an armed service.

190. If the application for conscientious objector status is rejected, the individuals must enlist in the Armed Forces with the next enlistment series, starting one month after the issuing of the relevant rejection decision. In case of non-enlistment, the persons concerned are declared draft evaders. The same applies to those recognized as conscientious objectors who do not report for duty to their assigned authority. These persons forfeit their right to perform alternative service.

191. Draft evaders face the penalties provided by the Military Penal Code (MPC), those provided by Law 3421/2005 (i.e. a 6,000 € fine), as well as the deprivations and prohibitions provided for by Articles 53 and 54 of the aforementioned Law. However, in some cases the imposed penalties can be declared null and void, as provided by the law.

192. The provisions on the consequences of draft evasion apply to both conscientious objectors and individuals performing a military service, who unduly do not report for military or alternative service. Recruiting Authorities have no option but to mandatorily declare them as draft evaders without further examination of their specific grounds. If, after their draft evasion status has ended, they still do not enlist or report to a public sector authority for alternative service, they are declared draft evaders anew and imposed the criminal and administrative penalties provided for by the law. For as long as the military or alternative service obligation is not fulfilled, a new genuine, perpetual offence of draft evasion is established, until those concerned reach forty-five years of age. When the illegal situation has ended, the limitation period starts to run, which, for misdemeanours like draft evasion, is five years. Consequently, the individual concerned may no longer be liable for military service after reaching the forty-fifth year of age, but the criminal law consequences for the offence of draft evasion which is not time-barred continue to exist.

Reply to paragraph 21 of the list of issues

193. In a spirit of respect for diversity and acceptance of the free choice of religion, the Ministry of Education and Religious Affairs, under Ministerial Decision No. 98268/2021, provides students of other religions or non-religious students with the option of being exempted from attending religious education classes. More specifically, non-Orthodox Christian students, namely students with different religious or doctrinal affiliation, non-religious students, atheist or agnostics, may, if they so wish, be exempted from following religious education classes, by submitting a solemn declaration, signed by both parents or guardians, formulated as follows: “Reasons of religious conscience do not allow my child to participate in the religious educational classes”. Such solemn statement shall be submitted to the school headmaster within an exclusive time-limit starting from September 1 of each year and ending the fifth day from the beginning of the school year. The school headmaster, in cooperation with the Teachers Association, decides on a case by case basis on the ways that exempted students are mandatorily occupied (different course, creative research activity, etc). The exemption is valid throughout the school year and may be renewed thereafter under the same procedure. Students exempted from religious classes are also exempted from school prayer and church service, provided that their parents or guardians have stated so in their aforementioned request from exemption from religious education classes.

Reply to paragraph 22 of the list of issues

194. Greece cooperates very closely with NGOs and civil society organizations in the field of International Protection and values the involvement of human rights defenders in monitoring compliance with the country’s human rights obligations. During the 2015–2016 migration/refugee crisis, as well as during the COVID-19 pandemic, many NGOs provided valuable assistance to the Greek authorities, and continue to do so.

195. At the same time, such activities, related to persons in vulnerable situations and in need of assistance, need to be regulated on the basis of criteria in conformity with

international law, which promote transparency, accountability and security for all those involved.

196. In this context, two registries have been established, the Registry of Greek and Foreign NGOs and the Registry of NGO Members.

197. The first Registry contains Greek and foreign volunteer organizations and civil society organizations which fulfill the minimum necessary conditions to participate in the implementation of actions in the area of International Protection, migration and social integration in Greece. Its purpose is to increase transparency and coordination of NGO activities within the Greek territory, to protect the beneficiaries of NGO services who often belong to vulnerable groups, to ensure that the latter receive high quality services and to optimize the impact of the overall assistance provided, in light of the regular funding that the NGOs receive from the EU's or the national budget.

198. The registration process is easy and free of charge. Even if the conditions set forth by law are not fulfilled, a subsequent application may be submitted at any time, while applicants have the right to appeal, with full respect for all procedural guarantees.

199. As far as the second registry is concerned, registration is required for all members of NGOs who, in order to perform their tasks, come in contact with refugees and migrants, especially women, children and unaccompanied minors, particularly for those with free access and activities in accommodation facilities. The purpose is to prevent any risk that persons with criminal background enter into direct contact with vulnerable refugees and/or migrants.

200. Article 40 of Law 4825/2021 provides that members of Greek and international organizations of volunteers, civil society organizations and NGOs may operate in an area under the responsibility of the Hellenic Coast Guard if: a) they are registered in the abovementioned Registry of Greek and Foreign NGOs ; b) operate under the orders and instructions of Hellenic Coast Guard Authorities; and c) act in an incident involving the irregular entry of persons by sea, provided that the Coast Guard is not in position to respond and that the competent authorities have been informed and given their prior written consent. The purpose of those provisions is to incorporate the involved volunteers' assistance into the national command-and-control scheme for search and rescue, and to ensure that people in distress receive an assistance of the highest professional standards.

Reply to paragraph 23 of the list of issues

201. Law 4703/2020 provides a modern legal framework for public outdoor gatherings, responding to the need to adapt the operational functioning of the Greek Police, by expanding flexibility and emphasizing communication with the protest organizers and prevention, prohibiting and countering intrusions by violent extremist groups and limiting the repressive action of the Police. Presidential Decree 73/2020 regulates more specific issues. Furthermore, the National Management Plan for Public Outdoor Assemblies was published on 21 January 2021.

202. The law imposes a notification obligation on the part of the organizers, allowing, however, spontaneous public assemblies without prior notification, as long as there are no apparent risks for public safety or they are not seriously disrupting socio-economic life. An upcoming outdoor assembly may be prohibited if: a) a serious threat to public safety security is posed, due to a high risk of serious crimes, in particular, against life, physical integrity, property and state authority, or b) a serious disruption of socio-economic life in a certain area is threatened or c) is opposed to the purpose of another already planned assembly that takes place in the same area or close to the same area during the same period of time. The competent police or port authority is obligated to indicate alternative options, or other areas suitable for holding the gathering in cases (b) and (c).

203. Under the law, the right of peaceful assembly is ensured, while public safety is protected and the socio-economic life of a certain area is not excessively disrupted. At the same time, there is a clear delimitation of the powers of the Police. Also the right to permanent – as well as interim– judicial protection of the individuals affected by the police

measures is regulated. Moreover, it is worth noting that the law states explicitly that any restriction must follow the principle of proportionality.

204. As far as Article 7 is concerned, the decision for the authorization or ban of a public assembly is associated with public security reasons. In any case, the organizer is informed about the decision of the Authorities in due time. Furthermore, the law allows restriction of a demonstration to one traffic lane only, instead of banning it completely. Mention should be made to the fact that under the new law bans on demonstrations have not been significantly increased, with the exception of the lockdown period.

205. In addition, the reality in Greece shows that numerous demonstrations and public gatherings take place, in a peaceful manner.

206. Finally, it should be noted that the curriculum of Police Academy Schools, both at basic and further education level, includes subjects related to the safeguarding of the right to freedom of expression.

Reply to paragraph 24 of the list of issues

207. The decision of the Ministry of Health for a ban on all public gatherings of four or more persons (November 2020), with the aim of preventing the spread of the pandemic was found by the Council of State to be in conformity with the Constitution (judgment no 1681/2022).

208. More specifically, the Supreme Administrative Court relied on the right to health (Article 21 of the Constitution), and held that, in cases where public health is seriously threatened, such as a dangerous pandemic, the State, guided by the precautionary principle, must take all appropriate and necessary measures to limit the spread of the disease and reduce the pressure exerted on health services, until a scientifically documented solution has been found.

209. Such measures may even amount to a serious interference with the enjoyment of fundamental human rights, such as the right to free development of one's personality, freedom of movement and private life, as long as: a) they are provided for by special legislation which takes into account relevant valid and documented scientific, medical and epidemiological findings, b) respect the principle of non-discrimination, c) allow for exceptions in specific cases and d) are taken for the absolutely necessary period of time; in any case, the above measures' intensity and duration must be reviewed periodically by the competent state bodies, taking into account updated epidemiological data and the evolution of valid scientific assumptions.

210. This also applies to freedom of assembly, guaranteed by Article 11 of the Constitution.

211. As far as the impugned measure of the four-day ban on gatherings of four or more people to commemorate the 17 November 1973 student uprising is concerned, the principle of proportionality was observed, as there were extremely compelling reasons of public interest, concerning the protection of public health. In particular, (a) the measure in question was taken following the unanimous opinion of the National Committee for the Protection of Public Health, which opted for the implementation of a strict lockdown throughout the country to prevent the second wave of the pandemic, having assessed the relevant data, the health system resistance indicators and the ICU and simple COVID-19 bed coverage rates, (b) according to official data, there has been a significant deterioration of the health situation and an increased pressure on the National Health System, (c) extraordinary measures had already been taken to protect public health from the risk of further spread of the coronavirus, such as the limitation of indoor or outdoor gatherings, which were constantly adjusted according to the epidemiological data, d) more effective measures, other than the avoidance of overcrowding, to control the spread of the disease were not at the disposal of the scientific community and the competent state bodies.

212. Bearing in mind the abovementioned criteria, the impugned ban, which was imposed for a limited period of time to protect public health (and not "to serve other purposes", as

alleged), in the context of more general restrictions on the freedom of movement of citizens and the suspension of various activities, did not affect the core of the right of assembly.

213. Concerning the allegations regarding the excessive use of force during a demonstration on 17 November 2020, it should be stressed that the principles of necessity and proportionality were met.

Reply to paragraph 25 of the list of issues

214. There is a comprehensive legal framework on the installation and operation of surveillance systems using image and sound and, in particular, the protection of personal data, including, more recently, Presidential Decree 75/2020.

215. Pursuant to the Decision of the Chief of the Hellenic Police dated 13 November 2020, the Joint Coordination Center for Operations and Crisis Management takes all necessary actions to ensure that the more specific rules related to the installation and operation of surveillance systems in public spaces are being implemented and personal data are being processed in accordance with the law.

216. The surveillance systems operate on the condition that the principle of proportionality is safeguarded, through the observance of the principles of necessity and adequacy, for the purpose of preventing and combating criminal offences, defined, in particular, in the Special Part of the Criminal Code, as well as those offences relating to addictive substances.

217. For the installation of portable surveillance systems, the competent authorities take into consideration data substantiating that, in the specific areas where a system is to be installed and operate, it is strongly presumed that there is an immediate and severe risk that specific criminal offences, such as those described in Presidential Decree 75/2020, would be committed as well as that the identification of the perpetrators cannot be ensured by any other means.

218. The Hellenic Police, as Data Controller, before putting into operation the surveillance systems, carry out relevant Personal Data Impact Assessment studies.

219. Prior to the operation of the surveillance systems, relevant Decisions are issued, which are approved, as regards their lawfulness, by Prosecutors at first-instance courts. Such Decisions define the reasons why the system is installed and operating, the place of installation and the operation time, the type of the system and the duration of retention of the data collected. The range of the systems is limited in the installation and operation areas as described in details in the Decision.

220. Data subjects are informed through a post on the Hellenic Police's website, which contains the location, duration and operation of the installation. Additional suitable means are employed on a case-by-case basis, such as a public address system, a megaphone or a simple announcement in the field or the information of the person in charge of an assembly.

221. Data (excluding gatherings) is retained for a maximum period of fifteen days since its collection, unless retaining it for a longer period of time is essential for the purpose of investigating criminal acts. After the above mentioned period of time, the data is destroyed.

222. Data collected in the context of assemblies is destroyed by the data controller, within forty-eight hours after the end of the gathering, as long as the assembly proceeded and ended smoothly with no critical event, falling within the intended purpose, being recorded. Otherwise, the provisions of Article 8 of Presidential Decree 75/2020 are implemented.

223. To conclude, the surveillance systems installed by the Hellenic Police are only used in the framework of what is clearly defined in the relevant Decree and further processing of personal data (apart from recording within the legal time frames), only concerns sending data to an ongoing preliminary hearing – main hearing or judicial process. When used by the Police, the systems in question do not include any kind of artificial intelligence or any further cross-checking by connecting to any other database (i.e. no cross-checking is carried out).

224. The Chief of the Hellenic Police has issued Orders requiring full compliance with and implementation of provisions regarding the uniform worn by Hellenic Police personnel,

making it mandatory for all police officers concerned to wear their identification number (registration number) and for a number of specific Services to prominently display their identification number or their special identification number on their uniform, or the upper part of the back side of their torso protective gear and helmet. The implementation of the order is monitored by the competent Police Services.

225. Subjects related to respect for the freedom of peaceful gatherings, have been included in the curriculum of the Police Academy Schools, as part of courses at basic and post educational level.

Reply to paragraph 26 of the list of issues

226. The Secretariat General for Communication and Media places special focus on the upholding of human rights in the media environment by empowering media professionals and journalists.

227. During the pandemic crisis, and in particular in 2021, the mass media market witnessed significant downward trends, mainly due to the fact that, shortly before the outbreak of the pandemic, the country had emerged from a multi-year economic crisis, which has seriously affected the media landscape, but also to the digital transformation of media that grew during the pandemic. For these reasons, the Greek Government proceeded with the following initiatives, aiming to secure the financial sustainability of the media, thus ensuring media pluralism, in full respect of freedom of expression and the press:

228. (i) In 2021, an important and ambitious program of support for the companies (national, regional and local newspapers and magazines, content providers of regional TV stations, radio stations and electronic media) that suffered the impact of the pandemic was completed. This program was horizontal and based on objective and equitable criteria; it had a budget of €18.5 million and supported 697 large, medium and small-sized companies, helping them to repay their contributions to their insurance fund, according to the size of each business.

229. A further aid program for all affected companies was implemented in 2022, with a budget of 8.5 million €, based on the same objective and equitable criteria, according to the insurance contributions of media companies to their insurance fund.

230. Both programs provide for the establishment and operation of an Ethics Committee, responsible for expressing an opinion on whether or not the beneficiaries respect the principles of journalistic ethics and deontology, taking into account the applicable Codes of Professional Ethics and Conduct of journalists.

231. (ii) Article 81 of Law 4949/2022 provides for the grant of transport costs to press publishing companies, a financial aid has also been granted in 2021 to support the print media sector during the pandemic. In addition, a grant for the coverage of printing paper cost was recently launched for the first time, given the exorbitant increase in operating expenses, due to the current inflationary trend.

232. Such support was granted for the first time to press companies that publish regional and local newspapers and magazines, aiming to strengthen the sustainability of print media, guaranteeing plurality of expression, diversification and decentralization of information.

233. On 23 May 2022, a Memorandum of Understanding on the Protection, Safety and Empowerment of Journalists and Other Media Professionals was signed by the General Secretariat for Communication and Media and the Ministries of Foreign Affairs, Citizen Protection, Justice, and Digital Governance, as well as by the General Secretariat for Demography and Family Policy and Gender Equality of the Ministry of Labour and Social Affairs.

234. Through that MoU, a common framework of action was agreed, encompassing legislative and non-legislative initiatives to ensure the protection, safety and empowerment of journalists and other media professionals and to further promote and protect freedom of expression and pluralism in media, taking into account the relevant international and regional instruments. Special emphasis will be placed on empowering female journalists and those

reporting on equality, as well as on training and raising public awareness of the threat posed on democracy by attacks on journalists. The Government also established, in July 2022, a Task Force on Ensuring the Protection, Safety and Enhancement of the Status of Journalists and Media Professionals to pursue the objectives of the MoU. The Task Force held its first meeting on 24 August 2022 and is scheduled to convene once a month.

235. The National Action Plan on Women, Peace and Security provides for, *inter alia*, raising awareness of journalists and employees in the media on issues of gender, sexual and domestic violence, substantial gender equality and human rights. Special emphasis is put on the gender dimension of safety of journalists from violations and insults against freedom of the press, in accordance with UN General Assembly Resolution A/RES/76/173.

236. Article 24 of Law 4604/2019 on Substantive Equality specifically refers to the need of a non-sexist and non-stereotyped image of women and men through media and advertising.

237. National Action Plans, such as the NAP for Gender Equality (2021–2025), international treaties on combating violence and harassment at work (such as the ILO Convention 190), and legislation on Work-Life Balance (e.g. Law 4808/2021 on Labour Reform) are of particular relevance to journalists.

238. Greek legislation provides for an “out of court settlement” procedure for offensive publications. The affected party, before filing a lawsuit, is obliged to notify the publisher of the text and to identify the words or phrases that are considered as offensive and should be revoked, as well as to explain the grounds for such a request. The process often triggers a dialogue between the parties and publishers, while journalists are given the opportunity to consider whether they really need to revise the relevant text (Law 4356/2013, article 37). In addition, if more than one person file a lawsuit concerning the same publication, all lawsuits are grouped in the same case, to protect the defendants and to reduce their costs.

239. Greece is currently planning actions needed for the implementation of the EU “Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (SLAPP)”. It also participates in the consultations within the EU Council on the “Proposal for a Directive of the European Parliament and of the Council on protecting people who engage in public participation from manifestly unfounded or abusive court proceedings (SLAPP)”.

240. The General Secretariat for Communication and Media has recently transposed the revised European Union Audiovisual Media Services Directive into national legislation (Law 4779/2021). This Law provides for the encouragement of social media and other intermediaries, along with media actors, the National Council for Radio and Television (NCRTV), civil society and other relevant stakeholders to engage in open and participatory initiatives that, *inter alia*, will promote and support media literacy tools and activities, notably to counter disinformation. Moreover, the law contains special provisions on the prohibition of hate speech (article 8), on safeguarding freedom of speech, pluralism and cultural diversity (article 11).

241. The General Secretariat has also launched the online media registry “e-media”, addressed to all media owners with online presence (websites), encouraging them to register their activities online, thus ensuring the transparent, balanced and fair function of the media industry.

242. The radio/television market is supervised and regulated by the NCRTV, an independent administrative authority. The Council is tasked, *inter alia*, with monitoring the observance of the rules of ethics, content quality, pluralism of information, protection of minors and respect of human dignity, as well as compliance with the applicable restrictions and incompatibilities of the ownership status of private media. In cases of violation of the law, it imposes fines or other administrative sanctions, including, in serious cases, the sanction of revocation of the operating licenses.

243. Law 4779/2021 encourages media-sharing service providers, video-sharing platform service providers, and advertising and communication service providers, and associations thereof, to establish national codes of ethics with a view in particular to further protect consumers, minors, public health and fair competition. Those codes of ethics can be compiled in collaboration with the NCRTV.

244. The General Secretariat also supervises public services and organizations in the implementation of their media plans and actions which include state advertising. All decisions concerning the approval of media plans are uploaded on the “Transparency Portal” of the Greek Government.

245. Law 4779/2021 further enhances transparency of media ownership and public availability of relevant information by introducing the obligation for media service providers to register with the NCRTV’s Business Register.

246. The editorial independence of media (private and public) is guaranteed by Articles 14 and 15 of the Constitution and further enhanced by Codes of Conduct of the journalistic profession. The law provides specific guarantees for the impartiality and independence of the public sector broadcaster.

247. Greece fully subscribes to the recommendations and guidelines issued by various international organizations (in particular the Council of Europe) on the need to carry out effective, independent and prompt investigations into any crimes against journalists, such as murders, attacks or ill-treatment, and bring to justice authors, instigators, perpetrators and accomplices, ensuring that there is no impunity for attacks against journalists.

248. Greek authorities have developed a very good cooperation with the “Platform to promote the protection of journalism and safety of journalists” of the Council of Europe.

249. Finally, it should be noted that Greece submits every two years before the UN General Assembly a draft resolution on the Safety of Journalists and the issue of Impunity, co-sponsored by a large number of countries and adopted by consensus.

250. The National Management Plan for Public Outdoor Assemblies pays increased attention to the role of journalists, to ensure the right of everyone to information, while safeguarding the physical integrity of journalists, in case of incidents. In this context, it is foreseen that police authorities will designate a specific area for journalists, which the latter, if they so wish, may use, in case of incidents, for protection purposes; in that area, first-aid services will be available. Finally, a designated officer will act as a liaison and communication channel during the gathering, to facilitate, if requested, the unhindered performance of journalists’ mission and to assist the latter in the event of injury. It is obvious that journalists are free to move without hindrance and to cover public assemblies as they wish; the measures mentioned above are of a voluntary character and aim to ensure the safety of journalists and facilitate their work.

Reply to paragraph 27 of the list of issues

251. At the outset, it should be recalled that in Greece, one group of persons is qualified as a “minority”, namely the Muslim Minority in Thrace, the status of which was established by the 1923 Treaty of Lausanne. The minority consists of three distinct groups, whose members are of Turkish, Pomak and Roma origin. Each of these groups has its own spoken language and cultural traditions, which are fully respected by the Greek state. Their common denominator is the Muslim faith, and this objective fact explains why the minority is recognized as a religious one.

252. The members of the Muslim Minority in Thrace are citizens of an EU member state, who enjoy a wide range of minority rights, in addition to the rights and freedoms guaranteed to all Greek citizens without any discrimination.

253. Persons belonging to the Muslim Minority in Thrace actively participate in all aspects of everyday, public, civil and political life at the regional as well as the national level.

254. In almost all successive parliamentary elections held in Greece since 1927 members of the Muslim Minority in Thrace have been consistently elected as Members of Parliament (MPs). Currently, there are three MPs who are members of the Minority. Additionally, following the last (May 2019) regional and local elections more than three hundred persons of minority origin have been elected at Local Administration organs.

255. Furthermore, a quota of 5% to the State exams system for civil service has been established in favour of persons belonging to the Muslim Minority.

256. One of the most important developments during the reporting period was the adoption of Law 4511/2018 (its relevant provisions have been integrated in Law 4964/2022), which explicitly stated that Greek Muslims, members of the Muslim Minority in Thrace, have the option to be subject, in specific family and inheritance law disputes, either to civil law (implemented by civil courts) or to Islamic law.

257. More specifically, matters of family law of members of the Muslim Minority in Thrace are regulated by the ordinary Civil Law provisions; only exceptionally, some specific matters may fall under the jurisdiction of the Muftis, provided that both parties agree to submit their case to the latter, in order for the dispute to be settled in accordance with the Islamic law.

258. Matters of inheritance are also ruled by the provisions of the Civil Code, unless the testator draws a declaration of last will and expresses his wish to submit his succession to the Islamic law.

259. Furthermore, judgments of the Muftis are not enforceable unless they are declared so by local civil courts. The latter shall, first, examine whether the judgment falls within the jurisdiction of the Mufti and, second, whether the provisions applied violate the Greek Constitution, and especially Article 4 (2) (gender equality), as well as the European Convention on Human Rights.

260. The Grand Chamber of the European Court of Human Rights, in its judgment in the case of *Molla Sali v. Greece* delivered on 19 December 2018, found that the compulsory application of the Islamic law to the abovementioned matters constituted a violation of the European Convention of Human Rights and noted with satisfaction the entry into force of the new law.

261. Another major development during the reporting period was the recent adoption (Law 4964/2022) of legislative provisions upgrading and modernizing the institution of the Muftiates in Thrace, a result of productive consultation with the Muslim Minority.

262. The new law clearly describes, for the first time, the responsibilities of the Muftis, as the highest religious officers of the Muslim Minority in Thrace and as officials vested with judicial powers in cases where Sharia law is applied. The dual functions of the Muftis underline the State's key responsibility with regard to the way Muftis are selected and exercise the functions assigned to them.

263. The selection process of the Muftis, at all stages, except for the administrative act of the final appointment by Presidential Decree, has now become an internal matter of the Muslim Minority, without any involvement of the State.

264. In this respect, a numerically and qualitatively enlarged Advisory Committee, whose members are recruited only from within the Muslim Minority in Thrace, plays a role of capital importance.

265. Article 153 (6) of Law 4964/2022 stipulates that the principle of the widest possible participation of women shall be observed. This constitutes a ground-breaking policy related to equal gender participation in the process of selecting a Muslim religious leader.

266. Before the adoption of Law 4964/2022, Presidential Decree 52/2019 had set out all the necessary procedural rules on, *inter alia*, the hearing of the cases before the Mufti, the delivery of his judgments, the procedure of lodging an application and serving a notice to the opposing party, and legal representation. The relevant provisions ensure the transparency of the procedure and the rights of the parties.

267. The same Presidential Decree aligned the conditions for the conclusion of a marriage before the Mufti with the general provisions of the Civil Code.

268. As far as freedom of religion is concerned, there are approximately 240 mosques operating in Thrace, which is the highest rate of mosques per citizen of Islamic faith in Europe. 240 positions of Islamic religion teachers have been created and allocated in the Muftiates in the region. Their primary task is to teach the Quran in the mosques. They also have the possibility to teach the Quran in public schools of primary and secondary education in Thrace to Muslim pupils who have been exempted from the Greek Orthodox religious classes and wish to attend Quran classes. There are also two religious (Koranic) schools in Thrace, which belong to the Secondary Greek Education System, where, in addition to the general education program, students (boys and girls) attend also religious specialization courses. Law 4713/2020 upgraded the status of the Religious Schools' Committees, which are the bodies responsible for the administrative and financial aspects of the Schools' operation.

269. The State continues to provide strong support to minority schools, while accommodating appropriately the increasing preference of Muslim minority students for the public educational system. In fact, the number of minority students who prefer to attend public schools at all levels has tripled since 1996. Moreover, the number of Muslim Minority girls graduating from high school has significantly increased. There are 99 minority elementary schools in Thrace, two secondary and two religious (Koranic) schools. A 0.5% quota of the general admission to Universities and Higher Technical Educational Institutes is reserved to Muslim Minority students from Thrace. This has led to an equally significant increase of the number of Muslim Minority undergraduate students.

270. During the pandemic crisis, Greece adopted all the necessary protection measures in order to ensure and safeguard the health and well-being of the members of the Muslim Minority in Thrace. On special circumstances, when it was deemed necessary for public health reasons, in order to reduce the spread of the pandemic, local quarantine regimes were imposed in areas where members of the Muslim Minority reside, in close cooperation with local authority officials and based on impartial and uncontested medical scientific data available at the time, as it was the case for other parts of the Greek territory. Special care and attention was given so as to protect the affected populations without unnecessary restrictions.

271. The Greek Government has been considering appropriate ways and means of implementing three judgments of the European Court of Human Rights finding a violation of Article 11 of the ECHR (freedom of association), including legislative amendments in order to make possible the reopening of the relevant domestic procedures.

272. In this respect, in October 2017, the Greek Parliament adopted a legislative provision which allows the reopening of non-contentious judicial procedures, including those related to the registration of associations, following a judgment of the European Court of Human Rights finding a violation of the Convention. Reference is made in the above provision to the conditions and restrictions set out in the relevant articles of the ECHR. In addition, a transitional provision covers cases in which a judgment of the European Court has already been delivered and makes reference to the conditions set out in Article 11 ECHR, to other provisions of the ECHR, as well as to international treaties.

273. The Supreme Civil and Criminal Court of Greece (Areios Pagos) re-examined the case of the "Tourkiki Enosi Xanthi and Others" on its merits and, on 29 June 2021, rendered its judgment 840/2021, rejecting the applicant's appeal. The Supreme Court extensively referred to the relevant judgments of the ECtHR and based its judgment on new arguments and grounds in comparison to those found by the ECtHR to be contrary to article 11 of the ECHR. As for the cases "Bekir-Ousta and Others" and "Emin and others", the Supreme Court, in two judgments published in September 2022, rejected the applicants' appeals. In all three cases, the applicants have not lodged a new application before the ECtHR. The execution of the abovementioned judgments is examined by the Committee of Ministers of the Council of Europe.

274. It is to be noted that the final decision on the registration of associations lies with the competent courts, and not with the administrative authorities.

275. It should also be underlined that in the region of Thrace, there is a thriving civil society consisting of associations (and NGOs) established by and comprised of Greek citizens that are members of the Muslim Minority, as foreseen by the relevant provisions of the Civil Code, which apply to all associations in Greece. In fact, over the last 10 years, more than

50 associations established by and comprised of members of the Muslim Minority have been registered with local courts in Thrace, all of which freely pursue and promote their various activities.

276. Finally, members of groups which are not officially recognized as “minorities”, as they do not fulfill the objective criteria set out by international law, fully enjoy their rights under the relevant human rights treaties. They participate in the economic, social, public and cultural life of the country and are of course free to organize festivities and cultural events, to undertake any kind of related activities and to express themselves as they wish.

277. Roma in Greece, who are considered not as a “minority” but as a vulnerable social group, enjoy all civil and political rights, as do all Greek citizens. Poor living conditions, such as inappropriate housing, environmentally degraded conditions and social exclusion make the Roma population a group in vulnerable situation, for which the state takes special measures in order to create the necessary conditions for their full inclusion. The situation of the Roma, including in the field of housing, remains an issue of great concern to the GNCHR.

278. The National Roma Integration Strategy 2021–2030, elaborated by the General Secretariat for Social Solidarity and the Fight against Poverty of the Ministry of Labour and Social Affairs, reflects the national strategic orientation, incorporating the principles, priorities and objectives set by the European Strategic Framework and Recommendations for Roma equality, inclusion and participation and the Recommendation of the Council of Europe of 12 March 2021.

279. It includes horizontal and sectoral objectives for the development of interventions for Roma Social Inclusion, Equality, Empowerment and Participation. These interventions are a continuation of the National Strategy of Roma Social Inclusion for the period 2011–2020 and the Action Plan 2017–2021 and aim to strengthen access to education, employment, housing and health care, to ensure decent living conditions and to improve infrastructure in Roma settlements. In addition, the new National Roma Integration Strategy includes measures aimed at combating discrimination, promoting Roma participation and setting up a monitoring mechanism.

280. More specifically the National Strategy is based on four pillars: prevention of and fight against poverty and social exclusion, strengthening of the equal access of Roma to basic services and goods (education, employment, health, social care, and housing), prevention of and fight against stereotypes and discrimination, promotion of the active participation in the social, economic and political life. Each pillar contains a set of 27 measures consisting in 213 mainstream and targeted actions based on the needs of the beneficiaries and the available resources.

281. The new strategy:

- Is closely linked to other national strategies;
- Follows a regional and local approach and promotes strategic partnerships with key stakeholders, including on social inclusion;
- Contains evidence-based policies based on the identification of Roma needs at local level;
- Places special emphasis on the gender dimension, and on children and young persons;
- Ensures a systematic consultation with Roma representatives, civil society and Roma youth organizations at all levels;
- Develops a system of indicators for its systematic monitoring, evaluation and continuous adaptation;
- Promotes the systematic mapping of Roma in Greece

282. Greece is among those countries which do not collect statistical data based on criteria such as the origin of persons living in the country or their religious affiliation, for reasons pertaining mainly to the protection of personal data. There are some alternative methods to gather data on the situation of specific population groups, related, for example, to the geographical area of establishment of a population group, such as the Roma. For instance, in

view of the elaboration of the abovementioned National Roma Integration Strategy, the General Secretariat for Social Solidarity and the Fight against Poverty collected updated data at the national level on the socio-economic situation prevailing in regions where Roma communities reside. The systematic mapping of Roma in Greece is part of the National Strategy. Furthermore, statistical data may be inferred in the context of policies addressed to particular groups in cases where, in order to benefit from such policies, one has to declare his/her origin.
