



**Border Violence
Monitoring Network**

Rule of Law Report

GREECE

15.01.2024



Rule of Law Report 2024: Greece

1. Justice System

a. Accessibility of Courts

People on the move in Greece continued to face restrictions on their ability to access justice in 2023, through significant barriers to registration of first and second instance asylum claims, the extensive use of administrative detention impacting detainees' access to legal services and information, and the sustained de facto policy of illegal pushbacks at the land and sea borders, which led to denial of access to territory and by extension the justice system in Greece.

On the Greek mainland, BVMN member organisation Mobile Info Team (MIT) found that access to asylum was highly restricted following a new system for registering first instance asylum claims introduced in September 2022 (<https://www.mobileinfoteam.org/ric>). Barriers including long waiting times for appointments, remote locations of screening facilities and risks associated with travelling without documentation due to well-founded fears of apprehension and possible detention in pre-removal facilities, compounded to restrict the right to access the asylum procedure in Greece. In extreme cases applicants were apprehended and detained in pre-removal detention centres, despite having requested an appointment to register their claim for asylum, which in some cases prevented them from attending their appointment and registering a claim <https://www.mobileinfoteam.org/ric>. Additionally, the online platform for requesting asylum registration appointments was unavailable for a period of 3.5 months from 5th May 2023, suspending access to the procedure for the majority of asylum seekers on the mainland, who were left without documentation to prove their legal right to remain on the territory, leading to vulnerability to pushbacks and detention (<https://www.mobileinfoteam.org/alkyoni>).

Within the mainland screening facilities, access to legal support is restricted, resulting in a high likelihood of unfair asylum procedures as applicants are not supported by legal practitioners to prepare adequately for interviews (<https://www.mobileinfoteam.org/ric>).

Those registering subsequent asylum applications in Greece must pay a fee of €100 euro per person, meaning that access to asylum is not free of charge for those making second or further applications. A report by MIT showed that people left undocumented due to an inability to pay the subsequent application fee were apprehended by the police and detained in pre-removal detention centres on the Greek mainland (<https://www.mobileinfoteam.org/detention>).



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On the Greek islands, applicants undergo a similar regime of de facto detention within EU-funded Closed Control Access Centres (CCACs). On both the islands and mainland, there is a lack of safeguards which breaches the international standards required when detaining an individual. As this regime of de facto detention is automatic, it deprives individuals of their right to an “individual assessment”

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>), meaning vulnerabilities remain unassessed (ibid) and leaving individuals without access to legal information (ibid). The blanket de facto detention of individuals within mainland and islands screening centres is indicative of Greece’s failure to consider detention as a “last resort”

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>).

In general appeals of detention orders are rare compared with appeals lodged against asylum service decisions. In 2022, the Hellenic Police issued over 30,000 detention orders but only 1.3% were challenged by administrative appeal, and only 2.7% of appeals were granted

(<https://rsaegean.org/en/immigration-detention-in-2022/>). This is partially explained by the complete absence of state-provided legal aid; in 2022, no free legal aid was provided for detention or return proceedings (<https://rsaegean.org/en/immigration-detention-in-2022/>).

The continued practice of illegal pushbacks by Greek authorities presents a huge challenge to the right to asylum in Greece, as these operations are carried out without individual assessment of claims or adherence to asylum law. The continuation of this practice has been documented by BVMN in 2023 <https://borderviolence.eu/testimonies/> adding to mounting evidence of collective expulsions by Greek authorities <https://borderviolence.eu/reports/briefing-on-new-nyt-evidence-of-aegean-pushbacks/> <https://www.gcr.gr/el/news/press-releases-announcements/item/2111-new-gcr-report-reveals-violence-against-refugees-at-the-greek-turkish-borders-and-criminalization-of-legal-aid-organizations>

People who experience rights violations in relation to border management practices and the asylum procedure in Greece not have access to adequate complaint mechanisms. Concerningly, in 2023 Greece tasked its National Transparency Authority (NTA) with undertaking an investigation into the forcible expulsion of 12 people on Lesbos island, despite serious concerns voiced by civil society and the European Parliament regarding the efficacy and independence of the NTA

<https://www.gcr.gr/en/news/press-releases-announcements/item/2160-no-monitoring-of-fundamental-rights-violations-in-greece-without-independent-and-effective-mechanisms> . In 2023 the Ministry

established a Fundamental Rights Complaints Mechanism

<https://migration.gov.gr/en/fro-complaints-form/> but has not published detailed information on how the mechanism will function and possible outcomes for complainants. No perpetrators have been charged with crimes in relation to pushbacks to date.



b. Length of Proceedings

In 2023 applicants of international protection faced barriers to justice due to delays within the asylum procedure. According to research by MIT the average waiting time to register an appointment at one of two registration centres on the mainland was 83 days <https://www.mobileinfoteam.org/ric>. While waiting applicants have no access to documentation attesting to their right to remain on the territory. The European Commission and eight judgments issued in 2023 by Greek courts have ruled that the request of an appointment via the online platform constitutes ‘making’ of an asylum application <https://www.mobileinfoteam.org/mss-submission>), yet people in possession of documentation proving their appointment for registering an asylum claim continue to be arrested and detained by the Greek authorities and labelled as ‘undocumented’ (<https://www.gcr.gr/en/news/ta-nea-apo-to-pedio/item/2156-updates-from-the-field-may-2023>).

In March 2023, the contract to provide interpretation in CCACs between the Ministry of Migration and Asylum and the European Union Agency for Asylum (EUAA) expired (https://www.efsyn.gr/ellada/koinonia/386468_eidos-y-po-exafanisi-oi-diermineis-stis-prosfygikes-domes-toy-b-aigaiou). As a result, asylum interviews were indefinitely postponed for anyone requiring interpretation services. Interpretation services have also been drastically reduced since October 2022 on the mainland, leading to delays and inefficiencies in the asylum procedure (<https://www.902.gr/eidisi/koinonia/331861/na-apokatastathei-amesa-i-ypiresia-asyloy>).

On the island of Samos, applicants are issued with a date of interview which can vary drastically, often depending on the availability of interpreters (<https://www.mobileinfoteam.org/mss-submission>). An applicant may also have their asylum interview rescheduled with a day's notice (https://rsaegean.org/wp-content/uploads/2022/10/BorderProcedure_Greek_islands_report.pdf), with it being common that people are informed in the late afternoon that they will be interviewed at 8am the following day (<https://borderviolence.eu/app/uploads/Monthly-Report-March-2023.pdf>).

The Greek government’s communication to the Council of Europe dated 20th June 2023 (<https://www.mobileinfoteam.org/mss-submission>) does not provide any figures on the average processing times between first registration and the date of asylum interviews, nor the processing time between the date of issuing a summons for interview and the asylum interview. This would evidence the amount of time which applicants for international protection have to prepare for the interview and access legal advice and counselling as is their right. Such a figure is important to ensure that a reasonable amount of time is given to applicants between the invitation and the personal interview, as suggested by the EUAA’s guidelines, while at the same time avoiding overly prolonged waiting times before asylum interviews (https://euaa.europa.eu/sites/default/files/Guidance_on_asylum_procedure_operational_standards_and_indicators_EN.pdf).



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BVMN member organisation I Have Rights (IHR) has reported on delays in issuing asylum seeker cards for asylum seekers in the Samos CCAC, previously required by the authorities in order to leave the CCAC facilities

(https://ihaverights.eu/wp-content/uploads/2022/09/JS_One-year-since-Greece-opened-new-prison-like-refugee-camps-NGOs-call-for-a-more-humane-approach.pdf).

The regime of 25 days of de facto detention and delays issuing asylum seeker cards prevented applicants from leaving the CCAC to receive legal information and counselling prior to their substantive asylum interviews, as is their right under EU law and the general principles of Article 13 of the Convention. In the period between April 2022 and December 2022, IHR found that 6% of asylum seekers did not receive their asylum seekers card for over 25 days and were prevented from leaving the CCAC, resulting in them being subjected to a further period of arbitrary de facto detention. In internal correspondence written by representatives from the European Commission, obtained by Solomon and Al Jazeera, the delays issuing cards and preventing entry/exit past the 25 day period, was the result of the lack of a permanent doctor who could sign off on medical checks (as referred to above at paragraph 8)

(<https://wearesolomon.com/mag/format/investigation/eu-details-violations-at-greeces-model-refugee-camps/>).

c. Other- Justice

In 2023, Greece continued to detain large numbers of third country nationals in pre-removal detention where their access to legal procedures including asylum is highly restricted

(<https://www.mobileinfoteam.org/detention>). Research published in February 2023 found that 80% of respondents held in pre-removal detention on the mainland did not have access to (free) legal services in detention (<https://www.mobileinfoteam.org/detention>). Detention orders issued to asylum seekers in Greece rose by a striking 697% in 2022 compared with the previous year

(<https://rsaegean.org/en/immigration-detention-in-2022/>), demonstrating its now systematic use. MIT found that 40% of respondents across pre-removal facilities were arrested by Greek authorities without being informed of the reason for their apprehension in a language they could understand, while 33% reported being forced to sign documents written in a language they could not understand. In the study by Borderline Europe

(https://www.borderline-europe.de/sites/default/files/readingtips/criminalisation_of_migrants-study_by_borderline_europe_en.pdf) on Greece and elsewhere in the EU, they present similar findings of people on the move being forced to sign documents they do not understand or are unaware of why they have been apprehended. Furthermore, it is rare that these individuals are offered legal representation and even rarer that they can afford it. At times, when a translator is requested, the translator either does not speak the correct language (such as Farsi when the request was for Arabic) or the translator is an officer who happens to speak a language like English and does not have any training regarding translation. All of these factors contribute to the criminalisation of people on the move in Greece and elsewhere.



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According to Borderline Europe, the average length of pre-trial detention for foreign nationals accused of smuggling is eight months.

(https://www.borderline-europe.de/sites/default/files/readingtips/criminalisation_of_migrants-study_by_borderline_europe_en.pdf). In a case reported by Human Rights Watch in 2023, the length in pre-trial detention for Sarah Mardini and Sean Binder, notable human rights defenders, was about three months before they posted bail, but the wait until their trial was four years

(<https://www.hrw.org/news/2023/01/16/sea-rescuers-still-waiting-justice-greece>). Borderline Europe also noted the conviction rate for charges of this nature was 90%, citing harsh detention conditions, the possibility of a suspended sentence, and defences with structural difficulties

(https://www.borderline-europe.de/sites/default/files/readingtips/criminalisation_of_migrants-study_by_borderline_europe_en.pdf page 43).

In September 2023, a Greek court awarded €15,920 in compensation to an Afghan asylum seeker unjustly imprisoned for three years on charges of smuggling and causing a shipwreck

(<https://www.theguardian.com/world/2023/sep/06/afghan-refugee-wrongly-jailed-in-greece-wins-thousands-in-compensation>). According to lawyers

(<https://legalcentresvos.org/2023/09/05/press-release-2/>), the case is one of thousands, with people charged or convicted of smuggling making up the second largest prison population in Greece. Between January and August 2023, there were 41 police operations in Thessaloniki targeting undocumented people, resulting in the detention of approximately 3500 people for the purpose of checking documentation (<https://www.astynomia.gr/category/anakoinoseis-g-e-d-thessalonikis/>).

The EU Facilitators Package, legislation focusing on the smuggling of people on the move, leaves it up to each member state to decide if there is an exception regarding human rights defenders. Greece has not availed of this opportunity, leaving those working to protect human rights vulnerable to legal persecution “simply for doing their job”

(<https://borderviolence.eu/app/uploads/In-Defence-Of-Defenders.pdf>)

In 2023, BVMN also reported on the continuing and increasing trend of criminalisation of people on the move. In the February 2023 Monthly Report, the organisation noted the regular use of raids and mass arrests, or “broom operations” against people on the move in Thessaloniki

(<https://borderviolence.eu/app/uploads/Monthly-Report-February-1.pdf>). In addition, following the Pylos shipwreck in June of 2023, nine of the survivors were arrested on charges of participation in a criminal organisation, manslaughter and causing a shipwreck. However, these charges are reportedly based on insubstantial evidence (see page 7 of the above link).



2. Media Pluralism and Freedom of Press

a. Safeguards against state/political interference in media

In 2023, BVMN continued to observe that Greece lacks adequate safeguards against state and political interference in the media. The country placed last in the EU's rankings in the World Press Freedom Index with a position of 107th (<https://rsf.org/en/country/greece>), seeing minimal improvements after 2022's wiretapping scandal and the 2021 unsolved murder of journalist Giorgios Karaivaz. SLAPPs against investigative journalists are commonplace (<https://rsf.org/en/country/greece>), an example of which being the SLAPP suit filed in 2023 against EfSyn, some of its executives, and three journalists regarding the aforementioned scandal.

(<https://ipi.media/greece-media-and-journalists-targeted-in-second-lawsuit-by-pms-nephew-over-spyware-revelations/>) EfSyn remains one of the few independent journals reporting on migration matters, and reporting on incidents regarding the violations of rights of people on the move such as pushbacks as well as their work on corruption (see, for example, https://www.efsyn.gr/ellada/astynomiko/418534_epeisodia-sto-kentro-kratisis-allodapon-stin-amygdaleza or https://www.efsyn.gr/ellada/astynomiko/414880_alaloym-kai-pogkrom-prosagogonc). While the SLAPP in question is in direct link to the wiretapping scandal and its links to corruption, it is important to note the connection of journalists covering migration and such attacks.

2023 has seen the development of some court proceedings against journalists, such as the sentencing of French-Canadian journalist Romain Chauvet for “disseminating false information” without solid evidence after being accused of a bomb threat

(<https://rsf.org/en/greece-rsf-concerned-about-possible-conviction-french-canadian-reporter-accused-is-suing-false-bomb>).

The future of media pluralism has been made even more uncertain by the ratification of a media law establishing an Ethics Committee at the end of December of 2022

(<https://www.mapmf.org/alert/25509>). Such legislation may have the capability to be used in ways that target independent news outlets by finding small journalistic mistakes and using them to bring proceedings.

Greece's actions to restrict the freedom of media and the press, especially in the case of those reporting on pushbacks and the violations of rights of people on the move, have been thoroughly observed by BVMN. In February of 2023, the Network published *In Defence of Defenders*, a guide meant for journalists or human rights defenders to use in case they find themselves in need of engaging protection mechanisms and legal advocacy (<https://borderviolence.eu/app/uploads/In-Defence-Of-Defenders.pdf>). The guide dedicates a section to Greece and its laws, noting the hostile environment that has arisen for journalists (see page 109). It notes that recent laws such as Law 4855/2021 are quite vague with regards to what is “fake news”, commenting that officials in Greece are making reference to publications from Migrant Rights Defenders as being such (see page 107). This puts stress and doubt into the minds of



journalists and could dissuade them from publishing in fear of being accused of writing falsities or, worse, being criminalised (see page 107). In May of 2023, Mare Liberum, a human rights organisation focused on the rights of people on the move, especially on the Turkish-Greek border, was forced to dissolve and cease reporting, citing bureaucratic and legal barriers to their work put in place by government entities (<https://mare-liberum.org/en/mare-liberum-muss-menschenrechtsarbeit-einstellen/>). They contended that the dissolution was due to the fact there are no safeguards in place for those in investigative journalism, forcing those acting within the organisation to risk their own personal safety. In summary, safeguards against state interference in the media in 2023 were scarce, if not completely absent.

b. Rules and practices guaranteeing journalist's independence and safety

As reported in 2022, 2023 has not seen much progress regarding rules and practices guaranteeing journalists' independence and safety. The European Commission made recommendations in the 2023 Rule of Law Report to "take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists [...] in particular as regards abusive lawsuits against journalists and their safety" but this has largely not been actioned in Greece. While there have been some developments, such as the establishment of a Task Force and the launching of a training centre dedicated to journalist safety by the OSCE (<https://www.osce.org/representative-on-freedom-of-media/536879>), journalists continue to experience victimisation and mistreatment. Koastas Vaxenavis and Vangelis Triantis, Greek journalists, were called to testify as suspects for their audit report published in February of 2023 for the purposes of deciding whether or not to bring criminal charges against them (<https://balkaninsight.com/2023/11/15/greek-journalists-summoned-as-suspects-for-their-reporting/>). The Council of Europe's Safety of Journalists Platform has denounced this, calling for the investigation to be dropped. Triantis commented on "serious operational issues regarding the rule of law and protection of journalists", saying current Greek laws are "a clear attempt to intimidate any journalist who will want to do their job in the future". In August 2023, Giorgios Papachristos, a journalist, was attacked at a football match. Papachristos had published critical reports regarding his attacker's business in the past. Vaxevasias, mentioned above, was also the target of insult (and witness to an attack on his family member) from someone Vaxevasias mentioned in one of his articles on corruption. (<https://europeanjournalists.org/blog/2023/09/04/greece-swift-investigations-required-after-two-attacks-against-journalists/>) In another example, three journalists and one photographer were detained on uncertain grounds in March while covering a rail disaster after a lawyer reported them to the police (<https://www.mapmf.org/alert/25696>). For the entirety of 2023, Mapping Media Freedom reported a total of 23 incidents in Greece; with five being physical assaults, four being threats or attacks on property including hacking, 11 verbal attacks, six legal incidents, and one regarding censorship (<https://www.mappingmediafreedom.org/>).



As stated by Tritanis, the current landscape for journalists working in Greece is one of fear, uncertainty, and worry, especially so for journalists covering rights of people on the move and migration issues. Journalists reporting on migration issues are subject to additional criminalisation and political repression considering the authorities and private individuals (see again the BVMN criminalisation toolkit), which places them at greater risk.

3. Civil Society and NHRIs

a. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

The Greek Ombudsman (GO) published its 2022 Annual Report in 2023. The report gives a general overview of the GO's activities over 2022, as well as issues in Greece's social, legal, and economic spheres (Greek Ombudsman, <https://www.synigoros.gr/el/category/default/post/ethsia-ek8esh-2022>) The report observes deficiencies in the asylum procedure relating to the online platform for requesting registration appointments, the ending of the housing programme ESTIA in 2022, and the gaps created therein, mostly related to evictions of people on the move from their current accommodation, professional occupation and education. The augmentation of administrative detention orders is also noted - with the Ombudsman recommending that the respective authority must exercise "due diligence" for the implementation of a removal. Last point made in the report concerned reports of pushbacks and border violence. In 2021, the Ombudsman had received two reports from the FRONTEX Reporting Mechanism on illegal pushbacks at the Evros border, while four new reports were added in 2022. There is also an increasing trend of cases of people on the move reporting illegal pushbacks at the land or sea borders of Greece directly to the Ombudsman. According to the observations of the Ombudsman, what remains to be created is an independent Monitoring Mechanism for violations of fundamental rights at the borders.

The GO also published "The Return of Third Country Nationals", a special report for the year 2022, in June of 2023 (Greek Ombudsman, <https://www.theioi.org/ioi-news/current-news/ombudsman-publishes-special-report-on-return-of-third-country-nationals-in-2022>). The GO purports that while forced returns decreased by 15% in 2022, the number of people in administrative detention increased significantly, bringing into question the proportionality and effectiveness of the pre-removal detention system in Greece. The report also makes reference to the GO's cooperation with Frontex and its commitment to investigating illegal pushbacks. Following the 2021 report mentioning two complaints from the Frontex Complaints Mechanism regarding pushbacks and ignored attempts to apply for asylum, which the Ombudsman dismissed as "phenomena" that "will be avoided in the future" (<https://www.theioi.org/ioi-news/current-news/ombudsman-publishes-special-report-on-returns-of-thir>



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[d-country-nationals](#)), the 2022 report notes the filing of five similar complaints in 2022. The five cases deal with issues regarding theft of property and money, illegal detention, ill-treatment and violations of the right to non-refoulement, all of which are in violation of the EU Charter (<https://www.theioi.org/ioi-news/current-news/ombudsman-publishes-special-report-on-return-of-third-country-nationals-in-2022>). The GO notes that the investigations have since been handed over to the Hellenic Police, which it claims it intends to monitor and assess. Despite the Ombudsman claiming pushbacks will “be avoided” in the 2021 report, the five new complaints, as well as testimonies collected by BVMN in 2023, (for example: <https://borderviolence.eu/testimonies/april-6-2023-near-ipsala-turkey/> , and: <https://borderviolence.eu/testimonies/february-20-2023-near-samos-shores/>) demonstrate that pushbacks continue to occur at the Greek borders.

The Greek National Commission for Human Rights (GNCHR) produced a handful of relevant publications in 2023. One of particular note is the Observations on the Draft of the Third Periodic Report of the Hellenic Republic on the implementation of the ICCPR (GNHR, <https://www.nchr.gr/en/news/1589-gnchr-observations-on-the-draft-of-the-third-periodic-report-of-the-hellenic-republic-on-the-implementation-of-the-iccpr.html>). In this report, the GNCHR notes that Greece has made no progress in the implementation, extension of mandate, or information given to the Human Rights Committee in its draft response to the Committee’s views. The GNCHR also explains that political speech regarding people on the move has continued to push discriminatory, inflammatory rhetoric which encourages systematic harassment and ill-treatment of people on the move by authorities (see page 11). Furthermore, the GNCHR expresses concerns that Greece’s “three-tiered system” to address pushback complaints has not been effective, in addition to oversights from the Hellenic Police and the Hellenic Coast Guard in tandem with Frontex, resulting in complaints of pushbacks and other ill-treatment being insufficiently investigated. The “three-tiered system” is structured as follows: as soon as a pushback complaint reaches the authorities, an affidavit administrative examination is ordered. The Ombudsman may also review cases. Lastly, complaints may be submitted to competent judicial authorities.

b. Measures regarding the framework for civil society organisations and human rights defenders

According to the 2022 Rule of Law Recommendations, Greece was advised to “*Ensure that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate*”, and take further steps to evaluate the current registration system for civil society organisations (CSOs), including by initiating a structured dialogue with CSOs, and assess whether there is a need to amend it.

The legislative framework currently affecting the work of human rights defenders (HRDs) working with people on the move in Greece consists of legislation concerning the requirements for registration of NGOs operating in Greece (Law no. 4939/2022, 4662/2020, 4686/2020), as well as amendments to the



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national legislation concerning the dissemination of “false news” (Law no. 4855/2021 amendment to Article 191 of the Penal Code). This provision amended the Criminal Code in a way that spreading fake news that is “capable of causing concern or fear to the public or undermining public confidence in the national economy, the country's defense capacity or public health,” constitutes a criminal offence with a potential sentence of up to five years in prison upon conviction. This law is very vague in its definition of “fake news,” which means that journalists and Human Rights Defenders can face lawsuits and jail time for reporting on government policies if the government simply claims their reports are false.

<https://borderviolence.eu/app/uploads/In-Defence-Of-Defenders.pdf>

The framework imposing further registration requirements to HRDs was introduced in 2020 and, despite the criticism it has received, is still applied and raises concerns regarding the increasingly restrictive environment and the narrowing of the operational space for HRDs as well as the augmentation of the State control over the work of HRDs working with people on the move. CSOs are under an obligation to register in the respective Registry of the Ministry of Immigration and Asylum in order to obtain the required Certification to operate in Greece. The requirements for the above registration consist of an extensive reporting of personal identification and documentation, as well as financial activity information, therefore creating a disproportionate hurdle for CSOs to register and develop their activities in Greece, while at the same time raises questions concerning the compatibility of said provisions with the right to peaceful assembly (Article 11 of the Greek Constitution, Article 12 Charter of Fundamental Rights of the EU). Upon that, the decision for registration lies within the Ministry of Migration and Asylum, therefore raising questions concerning the transparency of these decisions and the possibility of rejection of requested registration on an arbitrary basis. Hence, it has become increasingly difficult to operate as a CSO, particularly when working with people on the move, while at the same time no safeguards were introduced during 2023 by the Greek Government to enhance and protect the work undertaken by HRDs. The above concerns were also expressed in the report of the Special Rapporteur, Mary Lawlor, on the situation of Human Rights Defenders during her visit to Greece in 2023, who highlighted the existence of a “restrictive legislative environment”, along with the “burdensome requirements within the registration process itself are in violation of the obligations of Greece under international human rights law and are discriminatory”

<https://srdefenders.org/country-visit-report-greece/>.

In conclusion, despite the recommendations made by the Commission in the 2022 Rule of Law, Greece has made no changes to fulfil said Recommendations, and has retained the disproportionate requirements for the registration and operation of CSOs.

c. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders.

The situation for HRDs working with people on the move in Greece has been reported as increasingly hostile, characterised by harassment, intimidation, smear campaigns and administrative barriers leading to their criminalisation. Such concerns were reiterated by the Council of Europe Commissioner for



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Human Rights in January 2023, who stated that *“smear campaigns targeting individuals defending human rights, cumbersome NGO registration procedures and undue pressure on journalists have undermined the protection of human rights and shrunk the civic space in the country. The ongoing criminalisation of individuals assisting refugees, asylum seekers and migrants, as well as activists defending and promoting human rights in Greece, is part of this trend”*

<https://www.coe.int/be/web/commissioner/-/greek-authorities-should-reverse-the-trend-undermining-the-work-of-human-rights-defenders-and-journalists>

In March 2023, the civic space in Greece was downgraded from 2023 “narrowed” to ‘obstructed’ due to *“the repeated targeting of civil society and activists working with refugees and asylum seekers, disproportionate responses to protests and continuous legal harassment and surveillance of journalists”*.

<https://monitor.civicus.org/country-rating-changes/greece/>

Incidents of formal criminalisation have been reported against HRDs who have, in several cases, faced charges or criminal investigations against them on the grounds of smuggling and trafficking. Such tactics have been used in order to intimidate and create pressure on the work of CSOs, while their initiation is purposely leaked in the media. The latter is a tactic used in order to undermine trust in, intimidate and perpetuate a false image, enhance suspicion and mistrust towards the work and motives of CSOs, and negatively affect the provided support. The latter was also highlighted by the United Nations Special Rapporteur on Human Rights Defenders, Mary Lawlor, in March 2023, who raised concerns as to the misuse of criminal law against HRDs, as well as threats, smear campaigns and other intimidatory acts targeting them. <https://srdefenders.org/country-visit-report-greece/> In June 2023, the criminalization case of the 24 humanitarian activists, facing charges for smuggling, facilitation of illegal entry and for forming and participating in a criminal organisation in 2018, came to an end with the prosecutors appeal being rejected due to procedural flaws.

<https://borderviolence.eu/app/uploads/January-Monthly-Report-2.pdf>,

<https://www.hrw.org/world-report/2024/country-chapters/greece>. HRDs have also reportedly been subjected to smear campaigns when exposing governmental flaws or evidence of pushbacks, border violence, or other State policies affecting people on the move. During 2023, a human rights activist, for whom charges were brought in 2022 targeting his work monitoring human rights violations at the Greek borders, was made aware by information leaked to the Greek media of an investigation launched against him by the Money Laundering Authority and the freezing of his assets, something that appears to be an arbitrary criminal investigation.

<https://www.hrw.org/news/2023/06/19/greece-smear-campaign-against-rights-activist>

CSOs working with people on the move or exposing governmental flaws linked to the handling of migration, are subjected to further criminalisation which may cause unbearable damage for CSOs, reaching even to the point of their dissolution.

<https://eu.boell.org/en/2023/06/21/world-refugee-day-2023>

<https://borderviolence.eu/app/uploads/Monthly-Report-June-1.pdf> This has been the case with the dissolution of Mare Liberum, in May 2023, an organisation monitoring Human Rights in the Aegean Sea, due to the ongoing repression by the local authorities on the Greek island of Lesbos and the increasingly restrictive legal framework.



<https://mare-liberum.org/en/mare-liberum-muss-menschenrechtsarbeit-einstellen/>

Last, along with formal proceedings against HRDs, arbitrary acts of informal criminalisation through police presence, disruption of activities, identification checks and acts of intimidation and harassment are a prominent threat for CSOs. A BVMN member organisation, whose main field of activity is providing for the basic needs of people on the move, operating in Thessaloniki, reported regular police monitoring in the organisations' operating area, in cars, bikes or sometimes in unmarked vehicles during 2023. They specifically reported an incident of an unexpected police control and inspection of the premises of the organisation in Greece, during which identification and registration papers were requested.

d. Other- NHRIs

Following the creation of the Recording Mechanism of Incidents of Informal Forced Return in 2022, the GNCHR published its first Interim Report this year (GNCHR, https://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/2023/Interim_Report_mechanism_en.pdf). The report provided statistics regarding demographics of people who experienced forced returns). The findings of the report were significant. Within, the GNCHR reports allegations of the principle of non-refoulement, the forced returns of individuals already possessing asylum status, and testimonies of other such informal forced returns. In 54 testimonies, victims alleged that they were not asked about their intent (or lack thereof) to apply for asylum, and, in the cases that the individuals had registered for asylum or other international protection, their status was ignored. Nine testimonies reported unofficial photography by alleged perpetrators. (see page 13 and 14). One testimony alleged that he had been ethnically profiled and separated from those of other nationalities to be searched, physically harmed, and deprived of money.