



GREECE

20.01.2023

▶ I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

The term ‘people on the move’(POM) refers to those who, for a variety of reasons, have left their country of origin due to, among others reasons, climate change, economic and social inequalities, political conflicts, terrorism, colonial legacies and organised crime. In addition, the term specifically includes those who are in the process of moving and are still in transit, or those who are stranded. A pushback is the term coined for the illegal cross-border expulsion of people without due process. In 2022, BVMN collected 293 testimonies of pushbacks that affected 5,137 POM attempting to cross the external borders of the EU, many of which were violent (involving beating with batons and hands, kicking, theft and destruction of personal belongings, threats made with guns, exposure to weather, and water immersion) and around 40% of which occurred after asylum had been requested (BVMN, <http://bit.ly/3kvgrr8>).

B. Quality of Justice

Accessibility of Courts (e.g. court/legal fees, legal aid, language)

Accessibility to justice for POM in Greece is routinely inhibited by the denial of people’s right to legal aid. Pushbacks are orchestrated without individual assessment of asylum claims, without consultation from legal counsels, and without adherence to lawful asylum procedures. In 2022, BVMN found that in almost 30% of testimonies taken, asylum was claimed and actively denied to POM by authorities. Moreover, where legal information is provided, it is often in an incomprehensible language and of poor and insufficient quality (ENNHRI <https://bit.ly/3klrWRE>).

Pushback survivors do not have reliable access to proceedings for human rights violations at a national level. Moreover, as it is at the prosecutor’s discretion, even if POM manage

to bring a claim to the attention of the public prosecutor, it is unlikely it will be carried forward as no perpetrators have been charged with crimes in relation to pushbacks to date (HR360 <https://bit.ly/3GMWtj5>). Instead, Greek prosecutors have found the claims of Greek authorities practising pushbacks “manifestly ill-founded in substance”, despite the existence of evidence proving otherwise (GCR <http://bit.ly/3XuCj4F>). For example, in February 2022, 19 people that were reportedly pushed back were found frozen to death along the Evros/Meric border (BVMN <https://bit.ly/3ZGm71k>). No investigation was initiated and no court ever adjudicated on the incident. Since 2019, the GCR has filed several complaints on behalf of pushback victims before the responsible prosecutor, all of which were dismissed due to a lack of evidence.

Inaccessibility of the justice system is also evident through the Greek asylum proceedings. Regarding proceedings at second instance, out of 8,302 asylum applicants in 2022, only 3,872 individuals requested free legal assistance. This is again likely due to the lack of awareness on the availability of legal aid. Where it is availed of, factors like difficulty contacting state provided lawyers, not being informed by their legal counsel on the reasons for their rejection, and not being provided with sufficient translation (LCL <http://bit.ly/3W8fWjS>) shows that “legislative reforms have undermined judicial protection of refugees by restricting access to the Appeals Committees” (RSA <http://bit.ly/3XDIN5D>). This means that applicants are “not able to appeal against their decision legally and admissibly, as their right to free legal aid in the second instance has not been guaranteed” (GCR <http://bit.ly/3ZDphmE>). Even in circumstances where POM manage to gain access to second instance procedures, the effect is meagre: of the decisions based on the merits of appeal in the first half of 2022, 6% were positive (RSA <https://bit.ly/3QXhqq1>).

Through the systematic practice of pushbacks underscored by inadequate policies and legislation on access to asylum, the majority of POM seeking international protection in Greece are left with relatively no access to justice.

C. Efficiency of the justice system

Length of Proceedings

Denial of justice is purported by the lengthy period of time it takes to apply for international protection via the Greek online asylum application platform. According to Mobile Info Team, the system, created in August 2022, has a number of issues, including a lack of languages, inadequate information and lack of provisional support, which inhibits POM from registering (MIT <https://bit.ly/3ZF5mDL>).

The system puts people at risk of mental and physical abuse, illegal deportation and exploitation by lacking in imperative features such as vulnerable groups criteria and widespread availability of languages, thus obligating people to irregularly stay in the country without access to basic necessities vital for an adequate standard of living like food, shelter, legal counsel and medical provisions. (MIT <https://bit.ly/3ZF5mDL>). The scarcity of available asylum appointments is of particular concern. Dates are irregularly distributed and often extensively delayed, with some individuals being assigned 14 month waiting periods for an appointment, while others are unable to find any appointments, reporting that they were instead presented with a notification stating that there 'are no dates available for this location'. Struggling to merely register to apply for asylum impedes access to courts (Astraparis <http://bit.ly/3H5KGha>), as the platform's sheer lack of capacity compels people without official documentation or legal status to remain irregular for months and even years, obstructed from availing of justice.

While the length of time for asylum applications is excessive, the opposite is true where the criminal trials of POM are concerned. This year, a report based on 48 cases in the Aegean islands' courtrooms found that the average length of time for all trials conducted was 38 minutes (Border Monitoring, <https://bit.ly/3WdQoBU>). Furthermore, the average length of

sentencing that usually followed was on average 49 years in prison, with a mandatory sentence of 19 years. For example, in the case of Jassim Gawish, a Syrian national, his trial at first instance lasted "five minutes" after which he was sentenced to fifty-five years in prison. Referring to the formulated and negligent approach taken by judges in the criminalization of POM in Greece, migration lawyer Dimitris Choulis said, "If justice is like this, we don't need judges, only calculators" (Liberation, Investigation: At the orders of Europe, migrants who have become scapegoats for the "war on smugglers" <https://bit.ly/3kmZrmD>).

The reckless and expedited manner in which such trials are judged portrays how a judiciary can be exploited by a state in an attempt to employ a risk factor that essentially deters people from seeking international protection in a territory. Moreover, cognizant of the disproportionately long sentences imposed on people for minor and often desperate actions, the judiciary in Greece does not seem to apply punitive measures through a reasonable, necessary and proportionate lens.

Other - please specify

Criminalisation of POM

The Greek justice system is used by state authorities to detain and imprison POM seeking safety. POM are often arrested and charged for various crimes including facilitating illegal entry and entry into Greece without permission (Border Monitoring <https://bit.ly/3WdQoBU>). Following their apprehension, contrary to the European Convention on Human Rights (ECHR, Article 5), they are detained and transferred into pretrial detention where they are kept for lengthy amounts of time. Moreover, detainees are often held in police stations while they await trial, a process that has repeatedly been condemned by the ECtHR (Ahmade v. Greece [decided 2012] - App. No. 50520/09). A report following 48 cases on the Aegean islands stated that the average length of time people were detained before trial was 279 days (Border Monitoring <https://bit.ly/3WdQoBU>).

There are many judicial failures under the right to a fair trial that POM are exposed during

hearings in Greece (Liberation <https://bit.ly/3kmZrmD>). Many individuals are forced into signing confessional documents in languages they cannot understand and are not adequately informed of the criminal charges brought against them nor of their right to a legal counsellor. It is also standard for a lawyer to be appointed to a case the day of the trial, preventing them from preparing a defence strategy. In Greek legislation, implementing the EU acquis (Facilitation Dir <https://bit.ly/3ZSgBJo>), financial gain is not a precondition for criminal liability but only an aggravating factor which exposes detainees to unjust convictions and sentencing for actions they are often forced into. Considering the respective circumstances, conviction is highly probable; of the 48 Aegean trials aforementioned, not one defendant was acquitted (Border Monitoring <https://bit.ly/3WdQoBU>).

The systemic criminalization of POM has been condemned by international bodies, including the ECtHR (ELENA <https://bit.ly/3XgzzYr>). In its ruling of a case concerning the sinking of a boat in 2014 in which 11 people died (Safi and Others v. Greece [decided 2022] - App. No. 5418/15) it found that Greece had violated the ECHR. A 21-year-old Syrian man was initially found guilty by the Greek courts for the shipwreck and was sentenced to 145 years in prison. However, the ECtHR ruled that there had been serious flaws throughout the national proceedings, that crucial evidence had not been considered, and that the national prosecutor had failed in their duty to thoroughly investigate all aspects of the incident, leading to a violation of the procedural protections under Article 2 of the ECHR.

This excessive criminalisation of POM that occurs as a direct result of the border surveillance and violence that deters people from safely and legally availing of access to asylum in Greece, undermines the rights the judiciary is obligated to provide under the EU Charter for Fundamental Rights, the ECHR and additional international human rights law.

▶ III. Media Freedom and Pluralism

B. Safeguards against Government or Political Interference and Transparency and Concentration of Media Ownership

Safeguards against state / political interference, in particular:

Greece does not have adequate safeguards against state and political interference in the media, and this was evident throughout 2022. Greece placed last in Europe in the World Press Freedom Index for 2022 (Reporters Without Borders, <http://bit.ly/3D4r8am>), due in large part to government interference with and dismissal of the media. Due to the economic crisis in Greece, many media organisations were forced to rely on funding either from the state or private individuals, both of whom provide funding with the intention of using the media as a tool to influence public opinion (Friedrich Naumann Foundation for Freedom, <http://bit.ly/3Xq9UfU>). This has resulted in most media outlets in Greece being owned “by a few individuals who are active also in other, highly-regulated business sectors” (Reporters Without Borders, <http://bit.ly/3D2Xhze>), causing media outlets to be censored by whom ever funds them. Furthermore, the Greek government continued to spread distrust in journalists throughout 2022, either by denying their reports (EU Observer, <http://bit.ly/3GTVei0>) or by taking SLAPPs against them (International Press Institute, <http://bit.ly/3XqcNgK>).

Moreover, throughout 2022, fresh wiretapping scandals added to the atmosphere of uncertainty around the scope of the mandate of the Greek National Intelligence Service (EYP) (DW, <http://bit.ly/3Woc5PJ>). This was particularly evident when evidence was produced in 2021 proving that the EYP was monitoring journalists reporting on migration (Efsyn, <https://bit.ly/3Kpukzx>). As there is no longer an obligation on the EYP to disclose

who they are monitoring following the introduction of Law 4790/2021, journalists are prevented from knowing if their phones are being tapped. As the EYP has monitored journalists in the past and has been reportedly continuing to monitor political enemies of the party in power, Nea Dimokratia, it is difficult for journalists to carry out their work because they fear intervention from the government and endangering their sources by disclosing their identity. Thus, the safeguards against state or political interference in the media in Greece throughout 2022 were virtually nonexistent.

C. Framework for Journalists' Protection, Transparency and Access to Documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

In 2022, rules and practises guaranteeing journalists' independence and safety continued to greatly deteriorate. 2022 saw the continued and worsening effects of the restrictive legislative amendments introduced in 2021, which made the spreading of vaguely defined "false news" a criminal offence punishable by up to five years in prison (Government Gazette 205/A/12-11-2021). The recommendation given in the 2022 Rule of Law Report to "establish legislative and other safeguards to improve the physical safety and working environment of journalists" was not implemented. No legislative or other safeguards were introduced to better protect journalists, and journalists continued to be placed in physical danger as a result of their work. In October, Ryan Thomas, an American photojournalist, was attacked by riot police while Thomas was covering a demonstration in Athens protesting new development projects (Greek Reporter, <https://bit.ly/3ZU2pj9>). Photojournalist Nikos Pilos was arrested in November while he reported on a police operation despite showing his professional identity card signed by the chief of police (BalkanInsight, <https://bit.ly/3ITCFNu>). The investigation into the fatal shooting of Greek investigative journalist Giorgos Karaivaz in May 2021 appears to have been indefinitely stalled, despite government claims that the investigation would be a top priority (Media Freedom Rapid Response, <http://bit.ly/3w72C4P>). Several journalists have also reported finding makeshift

explosives outside their homes following threats they had received for their reporting (Mapping Media Freedom, <https://www.mapmf.org/alert/24948> and <http://bit.ly/3J3q1fc>). Mapping Media Freedom reported 19 attacked persons or entities related to the media in 2022 (Mapping Media Freedom, <https://bit.ly/3ZKX0Lc>). Journalists in Greece remain in fear of retaliation from police or government in response to investigative journalism.

This fear of retaliation is particularly relevant for migrant rights defenders and journalists covering migration issues. This is because, throughout 2022, Greek government officials have continued to deny the reports of investigative journalists and Human Rights Defenders on pushbacks at Greek borders. For example, Deputy Migration Minister Sophia Voultepsi called a reporter "a fascist" and "disgrace of journalism" for asking her about pushbacks at the Greek border, and claimed "There are no pushbacks nor have they ever been proven" (Are You Syrious, <http://bit.ly/3kqzeny>). Statements such as these are at odds with the reports of many NGOs working on the ground with migrants in Greece (BVMN, <http://bit.ly/3XpiiMN>). This denial of pushbacks by government officials has been ongoing in recent years (govwatch, <http://bit.ly/3Ha9Vic>), and its continuation in 2022, coupled with the increase in threats and attacks against journalists and criminalisation of Human Rights Defenders, serves the purpose of discrediting reports of pushbacks and making their work unsafe.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

2022 has seen a development in instances of SLAPPs targeting journalists and Human Rights Defenders in Greece for reporting on government policy, particularly in the area of migration and pushbacks. CASE (Coalition Against SLAPPs in Europe) highlighted the SLAPPs undertaken by Grigoris Dimitriadis, who resigned from his position as general secretary in the office of the Prime Minister in August 2022, against investigative journalists following his resignation (Article 19, <https://bit.ly/3Wj2fPd>). Dimitriadis took five defamation cases against investigative

journalists reporting on his links with a company marketing Predator spyware.

Human Rights Defenders (HRDs) also suffered unfounded legal action throughout 2022 and continue to do so in 2023. In November 2022, 24 migrant rights defenders began their trial at the first instance court in Greece for charges of "people smuggling", "money laundering", "espionage", and "membership of a criminal organisation" (Frontline Defenders, <http://bit.ly/3ZQZaJe>). These HRDs faced these charges for reportedly being in possession of two unlicensed radios in a car with fake military plates beneath the regular licence plates, as well as assisting migrants crossing to the island of Lesbos (despite many of them not being on this island at the time of the alleged assistance of migrants); the above charges were built on this basis without any evidence for most (UN Special Rapporteur on HRDs, <https://bit.ly/3Hj3uJI>). In early 2023, Mytilene Appeals Court dropped the charges of espionage against these HRDs, due to procedural faults from the prosecution. While the espionage charges have been dropped, these HRDs still face a separate investigation into charges of fraud, membership of a criminal organisation, money laundering, and people smuggling. These charges, which the UN Human Rights Office, a European Parliament report, Amnesty International, and more have all condemned as baseless and unjust, have resulted in the accused HRDs being unable to conduct their life-saving human rights work for four and half years while awaiting trial (BBC News, <http://bit.ly/3WrQqGv>). These HRDs will have to wait longer still for the next investigation to unfold, and could potentially face up to 20 years in prison if found guilty.

Other - please specify → **Criminalisation of HRD**

The criminalisation of HRDs deters solidarity workers from supporting POM while simultaneously discouraging individuals from engaging in any work of a similar nature. BVMN member organisations have been increasingly targeted during the last years and have faced struggles in persisting with their work of enabling POM to access basic services

and exercise their rights. In some cases, anti-terror charges such as 'espionage' and 'violation of state secrets' have also been used against HRDs (BVMN <http://bit.ly/3iHhGTA>). Following their reports of pushbacks in the Aegean, BVMN members Mare Liberum and Josoor were accused of anti-terror charges by Greece (WSJ <http://bit.ly/3Xk207J>). While, until this day, no trial has taken place, the incident has created increasing pressure on the accused individuals and has initiated negative media coverage and defamation of the CSOs involved. As a result of these arbitrary yet severe accusations, Josoor dissolved in October 2022 (Josoor <http://bit.ly/3XzFW8R>).

The serious consequences stemming from this targeting and criminalisation of HRDs is not an isolated incident. Many CSOs are forced to change location or quit their support work altogether, while others have to spend considerable resources combatting criminalisation and smear campaigns. Since 2021, the criminalisation of HDRs has led to the withdrawal or reduction of funding for NGOs and CSOs, which severely impacted their operations (BVMN <https://bit.ly/3XtiQ3E>).

In 2018, 24 Search and Rescue (SAR) volunteers operating in Lesbos were arrested and detained for more than 100 days in pretrial detention. They were accused of charges including espionage, money laundering, and assisting illegal smuggling networks. In 2022, they still risk facing up to 25 years in prison for filling a vacant gap the EU and the Greek state refused to take responsibility for. This is what the unfounded use of law against humanitarian work looks like (FH <http://bit.ly/3X6riWR>).

Some BVMN member organisations have chosen to remain anonymous in order to protect their projects, and avoid being targeted due to their advocacy work. This fear is more than justified: 8 of 12 of BVMN's member organisations have been targeted by criminalisation, in both formal and informal ways. In February 2022, BVMN member Mare Liberum "had to halt [their] operations at sea due to a change in Greek law", (Mare Liberum <https://bit.ly/3lMyq6t>) resulting in the non-existence of independent monitoring

activities in the Aegean Sea (BVMN <http://bit.ly/3w84Nou>).

The intensification of criminalisation has mainly impacted POM by limiting their access to essential services and fundamental rights provided by and monitored by CSOs. Through the criminalisation of CSOs, POM are often left without the provision of crucial support and direct aid that governments are not supplying them with, while at the same time stifling monitoring activities and reports of fundamental rights violations.

▶ IV. Other institutional issues related to checks and balances

B. Independent Authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

Greek Ombudsman's Office

The Greek Ombudsman's (GO) mission includes promoting equal treatment in the public sector based on race, ethnicity, religious or other conviction, disability, age, or sexual orientation. They are tasked with monitoring the public sector, including the police and prisons. As a mediator, the GO makes recommendations to the public administration when illegal actions/ wrongful omissions are committed by the public administration in breach of the rights or legal interests of individuals or legal entities (Equinet, <https://bit.ly/3wf4UPc>).

The main relevant outputs of the GO in 2022 are: the GO's Annual report for 2021, and the special report on the return of third country nationals for 2021. Of particular importance is the GO's work on monitoring forced returns, as the GO has access to information regarding deportations and can make unannounced visits. In several reports, the GO made strong suggestions regarding substandard conditions, the lack of basic services in

detention facilities and procedural issues in the context of return procedures.

Greek National Commission for Human Rights

The Greek National Commission for Human Rights (GNCHR) is the NHRI in Greece, tasked with protecting human rights while acting as the independent advisory body on such matters. The main mission of GNCHR consists of:

- The monitoring of developments regarding human rights protection and the promotion of relevant research;
- Cooperation with IOs, with NHRI of other States, and with national/international NGOs; and
- Issuance of policy advice on human rights issues.

The GNCHR has conducted monitoring activities at borders, convened several meetings with stakeholders to address the critical situation faced by migrants, and advised the Greek government and Parliament on all amendments of laws on international protection. It also provided its expert opinion on national reports submitted before UN bodies for periodical review, took initiatives to harmonise national law and practice with international standards, and made public interventions in cases of immediate endangerment of migrants rights. In early 2022, the GNCHR founded the Recording Mechanism of Incidents of Informal Returns (RMIIFR) with other human rights organisations (ECRE, <http://bit.ly/3XmSlxb>). While the findings of this mechanism are yet to be published, the mechanism's existence is a positive development and will likely be a useful tool in maintaining accurate records of the number of informal forced returns in 2022 and beyond.

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

Ombudsman

In March, 2022, the GO released its annual report for 2021. This report covers the actions of the GO throughout the year as well as its

findings in relation to the most pressing issues facing Greece legally and politically in multiple areas (Greek Ombudsman, <https://bit.ly/3WfUV6J>). In part 4 of the section on “Specific Responsibilities” of the GO, the report describes the GO’s role as a mechanism for external control of forced returns of foreigners. The report uses data from the Hellenic police to compare the number of people on the move in administrative detention to the numbers reported in 2020, and finds a decrease of roughly 1,000. However, given the frequent disparities between testimonies of people on the move and statements made by the Greek authorities regarding their actions at the borders (Human Rights Watch, <http://bit.ly/3WpgT7o>), citing only numbers provided by the police offers an incomplete view of the situation at Greek borders.

In April 2022, the GO published a special report on the “Return of Third Country Nationals” for 2021 (Greek Ombudsman, <https://bit.ly/3iJt0yC>). The most relevant aspect of this report is the short section on the GO’s cooperation with the Frontex complaints mechanism and the investigations into illegal pushbacks. The report mentions two complaints received by the GO from Frontex and the two subsequent investigations. The first investigation was not carried out by the GO despite the GO reserving the right to carry out an independent investigation, but rather by the Hellenic police, an organisation whose frequent instigation of illegal pushbacks makes it an unreliable investigator into similar instances of illegal pushbacks. The second investigation was carried out by the GO alongside an administrative investigation by the Hellenic Police. This report discloses the findings of the administrative investigation, in which the police found evidence of third country nationals asking to apply for asylum but that desire not being recorded in a timely manner - this investigation conducted by the police also found no liability on the part of any police officers, and the GO in this report referred to these repeated instances of failure to record intention to apply for asylum as “phenomena” that “will be avoided in the future” where the GO has access to police investigation files. This report does not treat police investigations with adequate scrutiny given that the police found no liability for its own officers.

GNCHR

In 2022, the GNCHR responded to a call for submissions from the Special Rapporteur on the situation of Human Rights Defenders for

her report on Human Rights Defenders working on issues related to migration, refugees, and asylum (GNCHR, <https://bit.ly/3w9noAH>). In this submission, the GNCHR calls for a regulatory legal framework to protect Human Rights Defenders from criminalisation in Greece. The submission also calls for reform of the NGO Registry and highlights the founding of the RMIIFR.

C. Accessibility and Judicial Review of Administrative Decisions

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

Access to territory and asylum in Greece have become largely unattainable and POM often get stuck on islets in Evros while trying to enter the country. Despite persistent efforts from several CSOs to contact Frontex, The Office of the Greek Ombudsman, The Greek National Commission on Human Rights and other relevant actors for intervention, their efforts are futile in most instances. Authorities actively stand by until the loss of life has occurred. (BVMN <http://bit.ly/3QJWTeL>). For this reason, POM supported by legal aid organisations look increasingly to international bodies like the ECtHR for remedies to oblige Greece to comply with its human rights obligations. In March 2022, the ECtHR issued its first decision for a pushback from the Greek islands to not take place following the request for urgent measures (EUROMEDRIGHTS <http://bit.ly/3GKsc4l>). Pursuing legal avenues and receiving protection from pushbacks without the support of an international court has become near to impossible.

In April 2022, a group of 37 Syrian nationals became trapped on an islet. GCR applied to the ECtHR for interim measures to ensure they would not be pushed back. Although the application was granted, no SAR mission was launched and the group was pushed back.

During this time, a woman died as she could not access lifesaving medical attention(BVMN <https://bit.ly/3H87nBd>). By ignoring the Rule 39 measures, a life was lost at the hands of the Greek state.

Since March 2022, Rule 39 interim measures have been indicated in 13 Evros islet cases, affecting a total of 470 individuals(BVMN <http://bit.ly/3H87nBd>). Although legally binding, only 4 of these cases (30%) were actually acted upon by Greece(BVMN <https://bit.ly/3H87nBd>). In April 2022, Alarm Phone submitted a Rule 39 application when over 50 people got stuck on an islet. Despite its approval, the Greek authorities blatantly ignored its legally binding force and pushed the group back to Türkiye twice, violating numerous directives and articles of the ECHR(BVMN <https://bit.ly/3H87nBd>).

In March 2022, Greek authorities reportedly pushed a group of POM back to an islet where they were left stranded for almost a week without food or water. During the pushback, a 4 year-old boy drowned. Once a Rule 39 measure was granted, Greece rescued the group. However, the ECtHR found the pushback violated Article 2 of the ECHR by causing the death of the boy(BVMN <https://bit.ly/3H87nBd>).

According to Ioannis Ktistakis, a Judge in the ECtHR, "Greece is at the bottom of the list in terms of its compliance with convictions"(AYS <http://bit.ly/3w34V8W>). By systematically perpetuating illegal pushbacks and ignoring the binding force of Rule 39, Greece is contributing to deaths in one of the most dangerous routes in Greece, where in 2 months alone, 23 bodies were discovered (BVMN <https://bit.ly/3H87nBd>). Disregarding the rule of law also denies POM the right to international protection, legal aid, information and judicial remedy.

D. The Enabling Framework for Civil Society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

The Rule of Law Report of 2022 made a recommendation to ensure that the registration requirements for civil society organisations were "proportionate in view of maintaining an open framework for them to operate." No change has been made to the requirement that all NGOs working in asylum, migration, and social inclusion in Greece must be registered in the special "Register of Greek and Foreign NGOs", managed by the Ministry for Migration and Asylum (GNCHR, <https://bit.ly/3w9noAH>). An information note released in May 2021 by the Ministry of Migration and Asylum showed that the number of rejected applications by NGOs to be included on the register was more than twice that of the successful applications, and a further 97 applications were pending (Refugee Support Aegean, <http://bit.ly/3HdXMsB>). Despite the recommendations from the previous Rule of Law Report, this registry of NGOs retains its disproportionate conditions for inclusion, creating a significant barrier for NGOs in Greece that prevents them from carrying out their work.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks - verbal, physical or on-line -, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

The Greek government made no effort to safeguard or ensure the effective operation of CSOs and HRDs in 2022, and instead aggressively discredited and criminalised them. Following the legislative amendments made by the Greek government in recent years (Laws 4908/2022, 4855/2021, 4264/2019, 4622/2019, 4790/2021), it has become increasingly difficult to operate as a

HRD, particularly when working with people on the move, and the Greek government has introduced no safeguards to counter the hostile environment it has created for HRDs and CSOs.

In 2022, one of BVMN's member organisations, Josoor, was forced to dissolve due to, in part, being victims of a criminal investigation by Greek prosecutors (Josoor, <http://bit.ly/3iL62Hq>). This investigation was conducted against members of Josoor for "the offences of facilitating the illegal entry of foreigners into Greek territory, espionage, complicating investigations by the Greek authorities, as well as other violations of the immigration code" (Wall Street Journal, <http://bit.ly/3XHWBqJ>). Around 40,000 euros of funding was withheld following the accusations, and many staff members of Josoor were forced to leave the organisation. While there has not yet been a trial and no member of Josoor has yet been charged, the announcement of this investigation has done irreparable damage to the organisation's reputation, funding, and staff, and was a significant factor in its dissolution. It seems clear to BVMN that this is the intention of the Greek authorities in their targeting of human rights organisations - the Greek authorities are attempting to cause a chilling effect on civil society space by making it impossible for HRDs and CSOs to carry out their life-saving work due to the damage criminal investigations such as these have on NGOs (Amnesty International, <http://bit.ly/3XrR87Z>).

E. Other - please specify

In 2022, the Greek government introduced a legislative amendment to Article 187 of the Greek Criminal Code that removes a vital legal safeguard for Human Rights Defenders facing criminalisation. Article 187 of the Criminal Code deals with the formation of and participation in criminal organisations. Under Greek law, a criminal organisation is a group of two or more people who gather together with the intention of committing a crime. Under Greece's anti-smuggling legislation, this can include organisations of Human Rights Defenders who assist people on the move, as facilitation of illegal entry or transit is considered a felony offence under Law 4251/2014.

Previously, Article 187 allowed for the suspension of some prison sentences while a case was awaiting appeal. Specifically, Article 187 of the Criminal Code allowed judges to suspend sentences of up to five years at their own discretion, and shorter sentences could be suspended outright if the defendant could provide evidence that they were a Human Rights Defender, that they were unlikely to reoffend, that they would suffer in prison because of a mental condition, etc. This applied even to felony offences such as the facilitation of illegal entry or transit of migrants. Under the changes made by Law 4908/2022, however, anyone convicted of joining with another person or people to commit a felony offence will face a mandatory prison sentence of at least six months and up to three years that cannot be suspended owing to the circumstances of each individual case either under the scope of the conviction itself or while waiting for the judgement on the appeal against the decision. While it is rare that the criminalisation efforts made against Human Rights Defenders actually result in conviction, these amendments to the Criminal Code remove the safeguard that was previously available to Human Rights Defenders in the form of suspension of sentences. This makes conviction a much more serious prospect as it would carry mandatory jail time, further adding to the atmosphere of fear in Greece for Human Rights Defenders.