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**Human Rights Council**

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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights, including
the right to development**

 Visit to Greece

 Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor[[1]](#footnote-2)\*, [[2]](#footnote-3)\*\*

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|  *Summary* |
|  The Special Rapporteur on the situation of human rights defenders, Mary Lawlor, visited Greece from 13 to 22 June 2022. The main objective of the visit was to assess the situation of human rights defenders in the context of the State’s obligations and commitments under international human rights law. In the present report, the Special Rapporteur analyses the context in which human rights defenders operate in the country, including consideration of the relevant legal framework and whether the environment in which they work is safe and enabling. The report focuses, in particular, on the situation of human rights defenders working in the area of migration, promoting and defending the rights of migrants, refugees and asylum-seekers. The Special Rapporteur makes a number of recommendations, with a view to assisting the Government and other relevant actors in their efforts to create a safe and enabling environment for human rights defenders. |
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Annex

 Report of the Special Rapporteur on the situation of human rights defenders on her visit to Greece

 I. Introduction

1. The Special Rapporteur on the situation of human rights defenders, Mary Lawlor, conducted an official visit to Greece from 13 to 22 June 2022, at the invitation of the Government. The objective of the visit was to assess the situation of human rights defenders in the context of the State’s obligations under international human rights law, including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders). An examination of the legal, institutional and administrative framework in the country for the promotion and protection of human rights was of particular importance in the course of the visit of the Special Rapporteur.

2. During her visit, the Special Rapporteur held meetings in Athens and Thessaloniki, as well as on the islands of Lesvos, Chios and Samos. The Special Rapporteur met with the Minister for Migration and Asylum and representatives of the Ministry of Maritime Affairs and Insular Policy and the Hellenic Coast Guard. At the Supreme Court, she held meetings with the Vice Prosecutor-General of the Office of the General Prosecutor and his colleagues. The Special Rapporteur also met the head of the Directorate for the Council of Europe, Human Rights, Minorities, Refugees and Migrants of the Ministry of Foreign Affairs, the Secretary General for Public Order of the Ministry of Citizen Protection and the head of the Directorate for Human Rights and Pardons of the Ministry of Justice. She also had the opportunity to meet the President and representatives of the Athens Bar Association. In addition, she visited several camps housing asylum-seekers, including the Malakasa facility near Athens, the Mavrovouni camp in Lesvos and the closed control access centre in Samos. The Special Rapporteur also met the head of the General Police Directorate of the North Aegean in Lesvos, representatives of the courts of first instance, police chiefs and leaders of bar associations in Lesvos and Samos and the prosecutor of the Court of Appeal and representatives of the Bar Association in Thessaloniki.

3. The Special Rapporteur also met with over 100 human rights defenders, including representatives of national and international non-governmental organizations (NGOs), individual human rights defenders, grassroots activists, journalists and media workers, lawyers, LGBTI defenders and humanitarian workers and volunteers in Athens, Chios, Lesvos, Samos and Thessaloniki.

4. The Special Rapporteur thanks the Government of Greece for extending an invitation to her and for its full cooperation, transparency and support throughout her visit, including in securing all requested meetings with stakeholders, providing relevant data and information and ensuring unimpeded access to migrant camps. She also thanks the staff of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Greece for their valuable support prior, during and after her visit. She expresses her gratitude to the individuals and groups who took the time to meet with her and to share their valuable testimonies, insights and recommendations.

5. The Special Rapporteur shared her preliminary findings on 22 June 2022. She intends to continue her constructive dialogue with the Government on the issues discussed in the present report.

 II. International and national legal frameworks

 A. International legal framework

6. Greece is party to most major international human rights instruments, including the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Convention on the Rights of the Child and two of its Optional Protocols; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.

7. In addition, Greece has ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention relating to the Status of Refugees and the Protocol thereto; the Convention relating to the Status of Stateless Persons; the Geneva Conventions of 12 August 1949 and the Protocols additional thereto; the Rome Statute of the International Criminal Court; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

8. Greece is not party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure nor the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

9. Greece has ratified all eight conventions of the International Labour Organization (ILO) that cover four categories of principles and rights: freedom of association and the right to collective bargaining; the elimination of forced labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation. It has also ratified the Convention for the Protection of Human Rights and Fundamental Freedoms (also known as the European Convention on Human Rights).

10. Greece has participated in three cycles of the universal periodic review, in 2011, 2016 and 2021. Its fourth-cycle review is scheduled for 2026. The report on the 2021 review contained eight recommendations directly concerning human rights defenders,[[3]](#footnote-4) six of which were supported by Greece and two of which were noted. Among the situations relating to defenders raised in the recommendations were concerns about: the legal framework for migrants’ rights defenders; the situation of those involved in search and rescue activities; and the safe and enabling environment for journalists and humanitarian workers.

11. The membership of Greece in the Council of Europe and the European Union is contingent upon respect for the set of common principles on which the Council was founded: human rights, democracy and the rule of law.

12. The Special Rapporteur commends Greece for its engagement in the work of the Human Rights Council. The commitment of the Government to cooperation with international human rights mechanisms is also demonstrated by its standing invitation issued to special procedures mandate holders, its acceptance of their visits and its high rate of response to inquiries addressed to it by the mandate holders.

13. In line with international human rights law, the primary duty to promote and protect human rights and fundamental freedoms lies with the State. This obligation includes guaranteeing the right of everyone, individually and in association with others, to strive for the protection and realization of human rights.

 B. National legal framework

 1. Constitutional framework

14. The current Constitution of Greece was adopted in 1975 and revised most recently in 2019. According to article 28 (1) of the Constitution, international treaties ratified by Greece are an integral part of domestic law and prevail over any contrary provision of the law.

15. The Constitution guarantees respect for and protection of several important rights for the work of human rights defenders, including: the value of the human being (art. 2); full protection of life, honour and liberty, irrespective of nationality, race or language and of religious or political beliefs, for all persons living within the Greek territory (art. 5 (2)); and the inviolability of personal liberty (art. 5 (3)). Furthermore, the Constitution provides for the right to form non-profit associations and unions (art. 12) and to freedom of opinion, expression, speech and the press (art. 14 (1) and (2)).

 2. Laws concerning migration

16. The introduction of Law No. 4636/2019 on international protection, which codifies national legislation on international protection, aiming to reinforce legal certainty and efficiency, featured more restrictive provisions concerning the detention of applicants for international protection as compared with previous legislation. Certain of its provisions were amended by Law No. 4686/2020, article 46 (2) of which introduced the possibility of the detention of applicants, even in cases where they had not been detained in relation to return and deportation procedures prior to seeking asylum. Previous legislation provided for the issuing of a detention order only upon the recommendation of the Asylum Service, unless detention was to be ordered on the basis of the applicant constituting a danger for national security or public order. However, article 46 (4) of the new law provides that the Asylum Service is merely to be informed about the detention order, which is to be issued by the competent police director in all cases, without the requirement for a prior recommendation by the Asylum Service. Moreover, article 46 (5) (b) of the new law removes the requirement for an automatic judicial review of initial detention orders and retains that remedy only for cases in which prolongation of detention is sought. Article 46 also provides for an increase in the maximum period of initial detention for asylum-seekers, from 45 to 50 days. The same change applies to orders to extend the initial period of detention. It also significantly extends the total maximum detention period from 3 months to 18 months. Furthermore, the law explicitly provides that periods in pre-removal and asylum detention are to be counted separately for the purpose of calculating the maximum detention period (art. 46 (5) (b)).

17. The Ombudsperson, as a constitutionally enshrined independent authority, represents an institutional guarantee of the right to petition and a national mechanism for the protection of the fundamental rights of every person, providing an independent control mechanism over the potential forced return of citizens of third countries provided for under return directive 2008/1115/EC adopted by the European Parliament and national Law No. 3907/2011. The Ombudsperson, among other tasks: carries out checks on the legality of return and readmission procedures; monitors return procedures; has unfettered access to transit areas and files; conducts sample checks; and cooperates with the complaints mechanism of the European Border and Coast Guard Agency (Frontex) to examine complaints related to its operations.

 3. Other relevant frameworks

18. The national law of Greece does not currently have a law specifically aimed at the protection of human rights defenders or that recognizes the legitimacy of their work, nor does it contain a concrete definition of human rights defenders.

 III. Situation of human rights defenders

 A. General context

19. Human rights defenders are generally free to conduct their work in Greece. Constitutional provisions and a solid legal framework that generally guarantee the rights and freedoms relevant to the work of defending and promoting human rights are in place. In most thematic areas, human rights defenders are able to carry out their work without intimidation or harassment. Overall, Greece is a safe country for human rights defenders.

20. The Special Rapporteur wishes to acknowledge the difficult and particular geopolitical circumstances pertaining to Greece, in particular those affecting responsibilities relevant to migration and the uneven support received from the European Union in this regard. While she was aware of most of the concerns and constraints before her visit, witnessing the reality on the ground significantly contributed to her understanding of the context. She underlines, however, that such challenges do not exempt Greece from its obligations under international human rights law.

21. By advocating freedom of expression, justice and equality of rights for women and men and by courageously speaking out against corruption, injustice and discrimination, human rights defenders contribute to ensuring inclusive, just and prosperous societies. However, from her discussions with a broad range of interlocutors, the Special Rapporteur feels that the concept of human rights defenders is not sufficiently known, understood or recognized in Greek society. A number of interlocutors, in particular human rights defenders themselves, described the negative perceptions concerning the role and work of representatives of civil society in the country and even a negative connotation attached to the term “NGO”.

22. The Special Rapporteur firmly believes that this situation could be addressed through the adoption of a law recognizing the important role played by human rights defenders in Greece, including but not limited to the role of those who defend the human rights of migrants, women and children, investigative journalists, trade unionists, anti-corruption advocates and whistle-blowers. Such a law would not duplicate existing legal protections stemming from the Constitution or from other laws, but would add legal guarantees, visibility and recognition for individuals and groups dedicated to human rights, shielding them from attacks, including undue restrictions on their work. While protective guarantees may well be contained in other laws, they are rarely designed to address the specific needs of human rights defenders, nor are they intended to provide adequate redress for retaliation suffered in response to peaceful human rights work, as set forth in article 9 of the Declaration on Human Rights Defenders.

23. The Special Rapporteur is of the opinion that the adoption of a specific law on the role and protection of human rights defenders would significantly improve the context and environment in which human rights defenders work in Greece.

24. In addition to the adoption of a specific law on human rights defenders, awareness-raising about the role of human rights defenders in the school curriculum and in public discourse, in particular through supportive statements by authorities recognizing their important role and contributions, would promote understanding of their beneficial role in society.

 B. Context of migration

25. Since 2015, Greece has witnessed the arrival of an unprecedentedly high number of asylum-seekers in search of international protection in Europe. Despite a substantial decrease in arrivals from 2020 onwards, pressure on the reception and asylum processing systems, as well as the social structures of everyday life on those islands hosting refugees, has remained high.[[4]](#footnote-5)

26. The responsibility for responding to the situation and ensuring respect for the rights of all those arriving in Greece has tested successive Governments and Greek society as a whole. While Greece has made important efforts to improve the conditions under which migrants and asylum-seekers are received, it is concerning that such efforts have been carried out alongside the installation of a policy that prioritizes security and prevention over solidarity and human rights, leading to the now well-documented practice of statutory return, or pushbacks, whereby people seeking to enter Greece to seek asylum are pushed back to the land and sea borders of Türkiye.[[5]](#footnote-6) During her visit, the Special Rapporteur noted that improvements in reception facilities appear to have been accompanied by a progressive move towards more securitized structures, which, in combination with the remote locations of such facilities, appear to be having a negative impact on the movement both of asylum-seekers and those trying to assist them.

27. With regard to its migration policy, focusing on security and prevention, the Special Rapporteur holds the view that certain practices of the Government, as well as the rhetoric of some government officials, have created an environment in which individuals and organizations wishing to support migrants, asylum-seekers and refugees increasingly find the space in which they might do so suffocated as a result, in particular, of restrictive legislation and smear campaigns aimed at delegitimizing their legitimate human rights work.

28. During her visit, the Special Rapporteur was repeatedly informed that the nature of cooperation between the Government and civil society, including the overall perception of the role of civil society and human rights defenders in Greece, has undergone a significant shift since May 2019. Since that time, human rights defenders have found it increasingly difficult to carry out their work, especially in fields that might be considered controversial, geopolitically complicated or otherwise sensitive.

29. As stated by the Special Rapporteur on the human rights of migrants in his report on the right to freedom of association of migrants and their defenders, restrictions on civil society organizations, which are often combined with States scaling back their asylum and integration services, “has had a profound effect on the safety and rights of migrants, endangering their rights to life, to seek asylum, information and humanitarian assistance, to other basic services such as legal assistance, housing and education, and to enjoy protection from human traffickers and smugglers”.[[6]](#footnote-7)

 C. Freedom of expression

30. The Constitution includes provisions guaranteeing freedom of the press, which are generally upheld in practice, although the law imposes some limits related to defamation, hate speech and related content. Journalists have been subject to assault and other mistreatment, mainly as a result of police violence, particularly in attempting to cover protests or to report on migration issues. In April 2021, crime reporter and journalist Giorgos Karaivaz was shot dead outside his home in Athens.

31. Citizens continue to enjoy access to a diverse array of print, online and broadcast news outlets, although concerns have been expressed about the diversion of funds by the Government to friendly private media. The concentration of ownership as well as editorial interference from owners remain a key concern. Some journalists, including foreign correspondents, informed the Special Rapporteur of incidents of their equipment being taken away when they were reporting on pushbacks of migrants, with the authorities forcing them to delete photos.

32. Given the focus of the Government on security in the migration process, access to information on migration-related issues has continued to be difficult for those seeking to report on it, with information from migrant camps often only available through preorganized media tours. The Special Rapporteur spoke to a number of journalists during her visit who reported feeling under pressure as a result of their work related to migrants’ rights. There have been several reported cases about the use of strategic litigation against public participation lawsuits against journalists, in particular those covering migration, although others, including a journalist working on mining in Greece, have been targeted. The Special Rapporteur also heard of orchestrated campaigns aimed at discrediting journalists, including in traditional outlets, and of such reporting being reproduced on social media. Those reporting on issues relating to migration, including on pushbacks, are often labelled as traitors or as serving foreign interests, and one journalist reporting on corruption is facing charges. On 19 January 2022, [Kostas Vaxevanis](https://mappingmediafreedom.ushahidi.io/posts/24526), a veteran investigative journalist and publisher of the newspaper *Documento*, was called before the Special Highest Court to testify on four criminal charges of conspiracy to abuse power through his newspaper’s reporting on the Novartis pharmaceutical scandal.[[7]](#footnote-8) Under the penal code, Vaxevanis faces five years in prison if found guilty, with a maximum sentence of 20 years. His newspaper has condemned the criminal charges as politically motivated. [Ioanna Papadakou](https://mappingmediafreedom.ushahidi.io/posts/24527), a former investigative journalist and television host, faces separate but similar charges of being part of a criminal organization that purportedly conspired to fabricate news stories about the Novartis case and the “Lagarde list”, including the alleged extortion of a businessman through critical coverage. Ms. Papadakou has rejected the charge as a “blatant violation of the rule of law”.[[8]](#footnote-9)

33. Smaller, independent outlets doing investigative reporting face bureaucratic hurdles and obstructions to access to information. As one of the journalists explained, “we are not only denied commentary, but also documentation”.

34. In November 2021, Parliament approved an amendment to the Penal Code and the Code of Criminal Procedure, which, by extending the definition of “false information” and reinforcing the penalties attached to it, may violate the right of journalists to disseminate information of general interest.[[9]](#footnote-10)

35. Under [article 191](https://collab.lawspot.gr/sites/default/files/mashup/feka/2021/fek-215-2021.pdf) of the Penal Code, the dissemination, in public or online, of any information that “causes concern or fear among citizens” or “disturbs public confidence in the national economy, defence or public health” is punishable by a prison sentence ranging from three months to five years. If the offence is committed repeatedly in the media or online, the minimum sentence is increased to six months in prison. These penalties are not limited to the person who is the source of the information, they also apply to the owners and directors of the media that publish it, or simply publish links to it.[[10]](#footnote-11)

36. Public health is a recent addition to the list of sensitive subjects identified in the Penal Code. The new amendments may have a chilling effect on journalists and media workers in the country, since, as “false information” is not defined in the law, its interpretation could be left to the police or the prosecution services.

37. Criminal sentences for spreading false information are contrary to applicable standards on freedom of opinion and expression and are not the right way to combat the spreading of such information.

 D. Freedom of association and freedom of peaceful assembly

 1. Freedom of association

38. In Greece, NGOs generally operate free from the imposition of undue interference or excessive administrative burdens by the authorities. However, recent legislative initiatives have introduced significant changes to the registration requirements for NGOs working on migration and asylum.

39. Beginning in 2019, the adoption of series of legislative measures severely impinged on the right of freedom of association of human rights defenders active in the areas of asylum and migration. The additional registration requirements, which built on pre-existing restrictions in place since 2018, introduced further requirements, specifically for NGOs working in the areas of asylum, migration and social inclusion, purportedly to promote their accountability. In particular, in 2020, Law No. 4662/2020 and Law No. 4686/2020, as well as the Joint Ministerial Decision 3063/2020, subsequently replaced by Joint Ministerial Decision 10616/2020, introduced progressively stringent requirements for NGOs and individuals working in those fields, producing a chilling effect on civil society.[[11]](#footnote-12)

40. The Expert Council on NGO Law of the Council of Europe has concluded that the measures introduced through the above legislative initiatives raise both procedural and substantive difficulties with respect to freedom of association and the protection of civil society space.[[12]](#footnote-13) According to the opinion of the Council, the requirements introduced are vague, disproportionate and do not satisfy the requirements of the principle of legality.[[13]](#footnote-14)

41. Law No. 4825/2021 imposes limitations and conditions on private persons and NGOs volunteering to work on search and rescue operations. The new terms of cooperation limit the involvement of civilian search and rescue operations and prescribe a system of registration and authorization with the Hellenic Coast Guard. Currently, organizations seeking to engage in search and rescue may only operate under the orders and instructions of port authorities and rescuers risk significant fines and imprisonment if they act on their own initiative to save lives. These measures amount to the de facto prohibition of civilian search and rescue.

42. Laws regulating closed controlled access centres and reception and identification centres are also of concern, as they have a direct impact on the scope of work NGOs and human rights defenders are able to carry out.

 2. Laws on the registry of non-governmental organizations

43. Registries of NGOs, which have been employed by different ministries in Greece for a number of years, were introduced as part of anti-money laundering efforts to facilitate financial audits. A general Register of Greek and Foreign Non-Governmental Organizations has been in place since 2018, and in 2019, the first additional registration requirements for NGOs working in the areas of asylum, migration and social inclusion were adopted.

44. Article 66 of Law No. 4636/2019 provides that only NGOs certified by the Ministry of Citizen Protection can have access to reception and detention centres, transit zones or border crossings, including crossing zones on external borders (subject to national security considerations).

45. In 2020, additional registration and certification requirements applicable to NGOs working in the field of asylum, migration and social inclusion were introduced by Law No. 4662/2020, Joint Ministerial Decision 3063/2020 and article 58 of Law No. 4686/2020.

46. Law No. 4662/2020 sets out new general requirements for the registration of NGOs working in areas of asylum, migration and social inclusion. The law made provisions for an NGO register that contains information not only about the organizations themselves but also on its members, employees and associates. In accordance with the law, the registration and certification of NGOs and related persons have become a necessary precondition for both their activity within Greece and for their cooperation with public bodies.

47. The subsequent Joint Ministerial Decision 3063/2020 sets out conditions for the registration, re-registration and certification of NGOs working in the above areas. Under its provisions, which are of a nature ordinarily reserved for duly enacted laws, NGOs that have already been registered under prior schemes are obliged to re-register in accordance with the scheme set out in the decision. Article 58 of Law 4686/2020 stipulates further details on the legal requirements for NGO registration, making it clear that only registered NGOs can undertake activities in the field of asylum, migration and social integration, in particular in the provision of legal, psychosocial and medical services and in the provision of information and advice.

48. The Register of Greek and Foreign Non-Governmental Organizations was established under and operates within the Ministry of Immigration and Asylum. In accordance with article 1 of Joint Ministerial Decision 3063/2020, registration is compulsory and, as set out in article 58 of Law 4686/2020, NGOs that are not registered are barred from certain activities.

49. In September 2020, Joint Ministerial Decision 10616/2020 was issued, replacing Joint Ministerial Decision 3063/2020 and introducing additions, including the requirement for applicant NGOs to submit detailed audit reports by State-licensed accountants when applying for registration.[[14]](#footnote-15)

50. Under the new decision, applicants for registration are required to present extensive documentation and personal information, including detailed financial data (inter alia, financial statements dating back two years; audit reports; information on activities, including past projects and past work in government structures (camps) and services provided, including beneficiaries; and translated and certified copies of foreign documents). These requirements are applicable for all NGOs seeking to work in the areas of asylum, migration and social inclusion, not only for the smaller subset of NGOs that work in controlled zones, such as refugee camps.

51. The certification of an NGO is only possible once it has been satisfactorily registered. Certification is a requirement for NGOs that wish to work in State-sponsored facilities or to receive funding for reception projects or for broader activities. The individuals who are members, employees or volunteers of such NGOs and/or operate on their behalf in government structures must also be specifically registered. Natural persons must supply a number of documents, to be updated annually, in order to comply with the requirements of registration. Many of the criteria for certification are assessed on the basis of documents submitted during the registration process.

52. The Ministry of Migration and Asylum has the power to deny registration to NGOs on vague, arbitrary and ambiguous grounds, which, potentially, leave the registration process subject to abuse. The Special Rapporteur has received information about the review of the certification of at least one NGO previously admitted to the register that left the organization in a situation of extreme uncertainty as to how it might continue its operations. Many human rights defenders who are members of NGOs working on migration and asylum have expressed concerns about extensive delays in the processing of their applications for registration.

 3. Freedom of assembly

53. The right to freedom of assembly, which is guaranteed by the Constitution, is generally protected.

54. Law No. 4703/2020, on public, outdoors gatherings and other provisions, introduced certain restrictions on the exercise of the right of peaceful assembly, as enshrined in article 11 of the Constitution. It should be noted that the introduction of restrictions on public gatherings was part of the Government’s election programme and was unrelated to the coronavirus disease (COVID-19) pandemic.[[15]](#footnote-16)

55. The most important changes introduced by the law included obligations imposed on organizers of gatherings or protests to notify the local Hellenic Police or Coast Guard authority of their intent to invite people to participate in a public gathering, as well as to provide details as to the specific time, place and route to be followed by protestors, in “due time”, prior to the protest. Under the law, organizers must also provide the authorities with their identification and contact details and must cooperate with them in maintaining peace and order. Spontaneous public gatherings are permitted, exceptionally, provided that they are not deemed to pose a threat to public safety or to present a risk of seriously disrupting social and economic activities.

56. The Hellenic League for Human Rights has issued a press release (in Greek), stating that the law was adopted without the necessary dialogue with social partners, unions or civil society. The League notes that the law does not specify the conditions under which it is possible to ban a protest. Furthermore, the provisions on spontaneous gatherings reverse the presumption of legality for peaceful protests, while the provisions on organizers establish a liability for any damages incurred during the protest, ultimately discouraging persons from assuming this role and creating a chilling effect on the organization of peaceful gatherings.

57. The Special Rapporteur is concerned about reports of excessive use of force by law enforcement officers acting to disperse demonstrators, including cases of police violence and the extensive use of tear gas against migrants and asylum-seekers protesting in reception centres, including those on Lesvos and Samos.[[16]](#footnote-17) The Special Rapporteur joins the Committee against Torture in recommending that Greece review the crowd control procedures applied by the police in the context of demonstrations, ensure effective investigations into all allegations relating to the excessive use of force and increase efforts to provide training to all law enforcement officers on the use of force.[[17]](#footnote-18)

58. During the visit, many human rights defenders working in the field of migration and humanitarian assistance reported a consistent pattern of intimidation and harassment of human rights defenders, humanitarian workers and volunteers. This is consistent with the findings of the Committee against Torture[[18]](#footnote-19) and the Special Rapporteur on the human rights of migrants.

 E. Access to justice and remedies

59. Article 20 of the Greek Constitution underlines that “every person shall be entitled to receive legal protection by the courts and may plead before them his views concerning his rights or interests, as specified by law. The right of a person to a prior hearing also applies in any administrative action or measure adopted at the expense of his rights or interests”.

60. Responsibility for legal aid is shared between the Ministry of Justice, the courts and the bar associations. In civil, administrative and criminal cases, a person who lacks the financial means to pay for legal aid submits an application to the Ministry of Justice. A judge or justice of the peace reviews the application and decides whether to grant legal aid.[[19]](#footnote-20)

61. Greek law provides for legal aid during trial proceedings and proceedings before the investigating judge, including the determination of bail and remand in custody. However, legal aid is not available at the police investigation stage or when the suspect is questioned by the police. Theoretically, suspects have the right to consult with a lawyer prior to and during custodial interrogation, but the unavailability of legal aid at that stage means that, for the majority of people, the right is illusory.[[20]](#footnote-21)

62. Anyone arrested or detained on a criminal charge has the right to be brought promptly before a judicial authority. Individuals are normally presented before the Public Prosecutor within 24 hours of arrest. In its report on its visit to Greece in 2019, the Working Group on Arbitrary Detention considered that presentation before the prosecutorial authorities, whose role is to prosecute rather than adjudicate individual cases, cannot be equated with presentation before a judge, as required under article 9 (3) of the International Covenant on Civil and Political Rights.[[21]](#footnote-22) Given their role and interest in prosecuting cases, the Working Group considered that prosecutorial authorities do not possess the requisite degree of independence to assess the necessity and proportionality of detention.[[22]](#footnote-23)

63. Human rights defenders working on matters related to domestic violence and rape have reported concerns about difficulties they faced when reporting cases to the police.

64. People residing in Greece with unstable status, including irregular migrants, face difficulties in accessing justice. Lengthy judicial proceedings and the protracted appeal process sometimes leaves individuals in a precarious legal situation. Lawyers reported difficulties in accessing reception and identification centres during the first 25 days after the arrival of migrants.

 IV. Specific groups of human rights defenders at risk

 A. Defenders of the rights of migrants, refugees and asylum-seekers

65. Since 2019, human rights defenders and NGOs working in the field of migration have reported an increasingly hostile environment for their work. Defenders active in this area, including lawyers and journalists, have been facing criminalization, intimidation, harassment and smear campaigns.

66. While human rights defenders working in the field of migration have previously enjoyed an overall conducive environment for their activities, the current policy framework has resulted in a number of constraints. The Special Rapporteur heard from various interlocutors about the pervasive fear that is felt by human rights defenders, which seems to be a direct result of the criminalization of migration itself, as well as the work of defenders advocating for the rights of migrants, refugees and asylum-seekers.

67. The main domestic laws and policies in place that affect the work of migrants’ rights defenders in Greece are: Law No. 4662/2020, which included additional requirements for the registration of NGOs, and the two associated Joint Ministerial Decisions (No. 10616/2020 and No. 3063/2020); the amendment to Law No. 4825/2021 on deportations; the amendment to article 191 of the Civil Code, imposing a prison sentence for the dissemination of false news; and Law No. 4251/2014 on migration and social integration.

68. One of the biggest concerns is an increasingly restrictive legislative environment, which, among other requirements, obliges NGOs working in the field of migration, asylum and social inclusion to apply for inclusion on the Register of Greek and Foreign Non-Governmental Organizations maintained by the Ministry of Migration and Asylum. The imposition of a registration requirement on a specific segment of civil society and the burdensome requirements within the registration process itself are in violation of the obligations of Greece under international human rights law and are discriminatory. The onerous registration requirements, coupled with the wide discretion afforded to the competent authorities to refuse to register applicant NGOs, further restrict civil society space and augment significantly and disproportionately the control of the State over the work of NGOs in the field of migration.

69. NGOs supporting refugees and migrants who are not registered by the Ministry of Migration and Asylum are not able to access asylum-seekers and migrants in the facilities where they are held in order to provide legal assistance and other serviced to populations that greatly need them. The administrative burden of registration, often followed by disproportionate delays and unjustified rejections, also puts a significant financial and bureaucratic strain on NGOs, and on small organizations in particular. Individual human rights defenders are not able to obtain registration.

70. Lawyers whose organizations have not been registered are only able to access migrants’ facilities using their bar association identification cards, and only after submitting a prior request. While the Special Rapporteur acknowledges the need to control the flow of access to the facilities, especially those housing children, she feels that the current arrangements result in depriving the beneficiaries of important assistance, including but not limited to legal aid.

71. Some human rights defenders mentioned that the unregistered status is a serious impediment mainly for those working on the islands as, without being registered, they cannot enter the camps, work with the Ministry of Migration and Asylum or receive funding from the European Union. Furthermore, even registered NGOs can be denied access, unless their work concerns legal aid.

72. Civil society organizations that specifically mention “offering services to undocumented migrants” in their applications for registration reported that they had been rejected. Search and rescue operations can only be carried out by NGOs that are registered on and are included in the local operational plan of the Hellenic Coast Guard. Even while meeting both of these criteria, relevant organizations need to be specifically called to participate in a search and rescue operation. Carrying out such an operation without being called can result in criminal charges.

73. As mentioned above, Law No. 4825/2021, in particular in article 40, further restricted the ability of civil society actors to operate within areas under the jurisdiction of the Hellenic Coast Guard. Article 40 of Law No. 4825/2021 provides, inter alia, that, in order to be active in areas of competence of the Hellenic Coast Guard, national and international NGOs should be on the Register of Greek and Foreign Non-Governmental Organizations and under the orders and instructions of the Coast Guard Authorities. Further, NGOs may operate only under the condition that they have already been included in local emergency plans for search and rescue operations; that they have not previously gone to sea with the aim of providing support without prior approval, and in circumstances that make it impossible for the Hellenic Coast Guard to take action; and that they have previously received written approval from the Coast Guard authorities.

74. Non-compliance with the above conditions may lead to deprivation of liberty (up to one year and up to three years in case of an accident) and a fine (€3,000 to €6,000 for entities and €500 to €1,000 for individuals), which may be increased by 100 per cent in case of a second infringement.

75. Access to reception and identification centres is particularly difficult, while human rights defenders have reported fewer impediments in accessing detention centres and asylum centres. New arrivals are being kept in reception and identification centres for 25 days, during which time civil society organizations have little to no access to them and they have no access to lawyers until their first interview, which normally takes place very quickly.

 1. Criminalization of human rights defenders

76. Some human rights defenders, including humanitarian workers and journalists, have faced criminal charges as a result of their peaceful work to support migrants and asylum-seekers. The humanitarian exception guaranteed under Law No. 4251/2014 on immigration is rarely implemented and the actions of human rights defenders are sometimes conflated with those of traffickers and people smugglers. It is felt by many that the police misuse the law by using the time between opening an investigation, pressing charges and the court decision as a tool to apply pressure, often through leaks about the initiation of investigations to the media.

77. The Special Rapporteur notes that while international and regional instruments designed to counter the smuggling of human beings, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), stipulate that the facilitation of entry and stay for non-profit purposes, including for humanitarian assistance, should be exempted from criminalization. Nevertheless, the European Union, in its facilitators package, left it optional for member States to exempt individuals or civil society groups that provide humanitarian assistance to irregular immigrants from criminal penalties. While Greek legislation provides for the humanitarian exemption, this is not consistently applied by the police, prosecutors and the courts.

78. In some cases, the mere fact of receiving information about people in distress on the sea has put human rights organizations in a difficult position, leading to criminal charges, as it is considered illegal information and equated with people smuggling.

79. Seán Binder and Sarah Mardini are human rights defenders and members of Emergency Response Centre International, a Greek NGO providing emergency response and humanitarian aid to migrants and others. They are currently on trial for forgery, facilitation of illegal entry, violation of State secrets and espionage under the Penal Code and a lesser charge related to the use of very high frequency radios.[[23]](#footnote-24)

80. Binder, a national of both Germany and Ireland, and Mardini, a national of the Syrian National Republic and a refugee, were active volunteers with the Emergency Response Centre International, operating in Greek waters, helping refugees and asylum-seekers to disembark in Lesvos. The two volunteers provided search and rescue services, patrolling the coasts, spotting vessels in distress and providing assistance to people arriving on shore. On 17 February 2018, they were stopped by the police and allegedly found in possession of two unlicensed radios, while the car they were using, leased by the NGO, was allegedly found to have fake military plates.

81. In August 2018 they were arrested on accusations of facilitating people smuggling and kept in pretrial detention for more than 100 days. The core charge of the prosecution, the facilitation of the irregular entry of third-country nationals, is based on the European Union facilitator’s package[[24]](#footnote-25) and Greek anti-smuggling laws, which are both at variance with international law standards related to smuggling.[[25]](#footnote-26)

82. Both Binder and Mardini faced trial on the misdemeanour charges on 10 January 2023. No final judgment has yet been reached in the case. If convicted on all the charges against them, they face up to 25 years in prison. Sarah Mardini has been placed under a travel ban and has not been able to attend her trial.

83. The Special Rapporteur also received reports about a criminal investigation carried out by the National Intelligence Service and the Counter-Terrorism Service targeting 35 individuals, all foreign nationals, working with four different NGOs on Lesvos. They are reportedly accused of forming and joining a criminal investigation, the violation of State secrets and espionage, as well as violations of the immigration code. The criminal investigation was announced in a press release in 2020, with further details allegedly leaked to the press subsequently. None of those under investigation have been notified or formally charged.

84. Some human rights defenders, including women human rights defenders, have reported being stopped by the police, strip-searched and, in some cases, questioned for hours in police precincts. The questioning is often intimidating and hostile.

85. New arrivals are often questioned about which NGO gave them information or who has assisted them, alongside having their phones seized and searched.

 2. Smear campaigns against human rights defenders

86. Some human rights defenders, including those who have spoken out against the policies of the Government in bodies of the European Union and in other forums have faced smear campaigns. Human rights defenders feel that the Government rarely responds to the evidence produced in their reports but rather resorts to launching smear campaigns against those producing the evidence.

87. In May 2022, Isasonas Apostolopoulos, a human rights defender, was labelled as a traitor for having raised concerns during a hearing in the European Parliament. The spokesperson for the Government of Greece and the Deputy Prime Minister claimed that he had insulted Greece by making accusations about the Hellenic Coastguard, describing his words as slander. These comments were subsequently picked up by Greek media outlets, following which, stigmatizing comments targeting Apostolopoulos, including death threats, were posted on social media[[26]](#footnote-27)

88. The Special Rapporteur previously raised concerns about an article, published on 11 November 2021 on the website of the Greek media outlet Capital.gr, which referred to Apostolopoulos[[27]](#footnote-28) as a “humanitarian-for-hire” who collaborates with human traffickers and which implied that he was engaged in espionage and was responsible, along with other humanitarian actors, for the deaths of people crossing the Aegean Sea. Instead of removing the article from its website, Capital.gr published a letter addressed to it from Apostolopoulos and, in doing so, failed to redact his personal data, as a result of which his family address was shared on social media, including a photograph of his front door.

89. In December 2020, the Minister of Migration and Asylum, accused unnamed NGOs of facilitating the illegal crossing of dozens of undocumented Somali migrants from Türkiye into Greece.[[28]](#footnote-29) In November 2022, Panayote Dimitras, spokesperson of the Greek Helsinki Monitor and one of the human rights defenders allegedly referenced by the Minister, received a summons from the investigating judge of Kos to submit his defence against accusations concerning the facilitation of entry and of forming and joining a criminal organization. Human rights defender, Tommy Olsen, founder of the Norwegian NGO Aegean Boat Report, was also targeted in the same investigation. Both human rights defenders have been involved in documenting pushbacks by the Greek authorities. Mr. Olsen has not yet been notified of the substance of investigations against him.

90. Complaints about attacks on human rights defenders and humanitarian workers are sometimes not sufficiently investigated by the police. The Special Rapporteur heard of a general lack of trust between civil society and the police.

91. As a consequence, a number of human rights defenders and NGOs working in the field of migration have cut back their operations for fear of penalties or have decreased their visibility. In some cases, volunteers have ceased operations altogether.

 B. Lawyers

92. Article 27 (2) of Joint Ministerial Decision No. 7433/2019 grants lawyers access to reception and identification centres in order to provide legal services. Authorities can only restrict access to a centre in the interest of national security and if it does not deprive applicants of their right to legal representation.

93. Similarly, the decision of the Secretary General for the Reception of Asylum-Seekers governing the new closed controlled access centres (decision of 25.0/118832) establishes the same restrictions but does not require lawyers to be working with a registered NGO to enter the facility. Although lawyers must request access to the facility, the authorities may only restrict their access for reasons of public order and security.

94. While access to the camps has been generally restricted and limited to NGOs who have been successfully included in the register, Greek lawyers can enter migrant camps in their personal capacity and can only be prevented from doing so under Greek law in the interests of national security. However, lawyers also face increased restrictions accessing their clients.

95. The Reception and Identification Service denies access to facilities to lawyers working in organizations not included in the register. While Greek lawyers can enter in their individual capacity, lawyers from outside Greece who are providing legal assistance through civil society organizations are more affected by this policy.

96. Given the fast pace of the asylum procedures on the Aegean islands, lawyers who cannot enter reception and identification centres cannot effectively represent asylum-seekers in the first – and most important – stage of procedures. In instances where lawyers from NGOs have gained access, they have experienced harassment from officials of the Reception and Identification Service, including questioning about their right to be in the facility, repeated requests for proof of approval to enter and pressure to end meetings with clients quickly.

 C. Women human rights defenders

97. The Special Rapporteur is concerned about reports of the arrest, intimidation and mistreatment of women human rights defenders in police precincts. There are reports of women being brought in for questioning following demonstrations and being held for several hours, without access to layers, in retaliation for their peaceful activities.

98. While some women human rights defenders reported that the social environment they currently work in is positive, others have been called bad feminists for their work and some have faced hate speech in social media. Some women-led organizations have been attacked by extreme right-wing groups. They face misconception, prejudices, misogyny and legal harassment.

99. Women human rights defenders, including female lawyers working in the field of migration, have reported a gender dimension to the harassment they face in the course of their work, including when detained and when accessing asylum facilities.

 D. Young human rights defenders

100. Overall, children and young people are able to carry out activities in the field of promoting and protecting human rights. However, some young human rights defenders, in particular those participating in humanitarian assistance to migrants and in search and rescue efforts, have faced smear campaigns and derogatory comments both by members of the Government and on social media.

101. More worryingly, some young human rights defenders have also faced criminal charges related to their peaceful activities in protecting and promoting human rights.

 E. Lesbian, gay, bisexual, transgender and intersex rights defenders

102. Defenders of LGBTI communities have faced anonymous threats, online attacks and physical attacks for their work, including by far-right extremists and others. They reported a lack of access to funding and support from the Government and a general unconducive climate for their work. Some organizations working on LGBTI rights have reported attacks on their offices, including arson, as well as hateful comments on social media, often by far-rights extremists.

103. Volunteers of LGBTI organizations have been photographed and their photos published on extremist and anti-LGBTI websites. Relationships with the police are often difficult and LGBTI organizations sometimes find it futile to file a complaint. One lawyer protecting LGBTI migrants and asylum-seekers has received threatening phone calls and negative messages on social media.

104. Defenders of LGBTI persons have also faced threats in connection with pride marches, including having their personal information published on extreme right-wing websites, as a result of which they must change their phone numbers and take their names out of the phone registry.

 F. Journalists, media workers and whistle-blowers

105. News reports that are inconvenient or unflattering for the Government, including reporting on serious human rights violations, do not get sufficient coverage on many media outlets. This creates an obstacle for public access to information and is the result of the polarization and fragmentation of the media landscape.[[29]](#footnote-30) Smaller media outlets feel that their investigative reporting is not reproduced or reflected in mainstream media.

106. Migration policy, human rights violations committed in its implementation, including pushbacks, and the humanitarian crisis that the refugee stream has created are highly sensitive topics for the Government. Reporting on the issue is increasingly difficult, as journalists face obstructions, including arbitrary arrest and detention, restriction of access to migration hotspots, surveillance and harassment.[[30]](#footnote-31)

107. Journalists who counter the Government’s narrative on the management of migration flows are often under pressure and lack access to mainstream media outlets. Their access to information is limited, requests for information and data from authorities, including from local governmental entities, often go unanswered. This is the case for smaller, independent outlets and journalists in particular.

108. In addition, journalists have very limited or no access to facilities where migrants, refugees and asylum-seekers are being held, further contributing to a general lack of transparency regarding Government policies in this area. Journalists reporting on corruption sometimes face threats and even charges. They also face campaigns aimed at discrediting them, including on certain foreign media outlets that have carried out investigative reporting on migration management and pushbacks.

109. Some journalists have reported surveillance, including the use of predatory malware and wiretapping against them. Those who have filed criminal complaints against suspected wiretapping feel that there was impunity for the police in such instances. Some police were involved in publicly providing [personally identifiable information](https://en.wikipedia.org/wiki/Personal_data) about journalists and disseminating their private information (doxing).

110. There have also been reports of police violence against journalists covering protests, accompanied by a lack of recognition of the role of journalists at protests and no unequivocal condemnation of police violence against journalists by the Government.

111. Journalists travelling to landing sites have reported on the confiscation and/or checking of their equipment and, in some cases, requests to delete photos. Photojournalists covering migration felt they were particularly targeted. In March 2022, Norwegian photographer Knut Bry was arrested on Lesvos on suspicion of espionage. Bry was arrested for allegedly taking pictures of the Hellenic Coast Guard and navy vessels and his electronic archives were subsequently seized during a search of his home.

112. In November 2020, when asylum-seekers arrived in Lesvos by boat, a photojournalist gave them water. He and other journalists were detained by the police, who refused his request to be given access to a lawyer. The photojournalist was charged and sentenced to 14 months in prison on charges of facilitating illegal stay in the country and disobedience. His sentence was overturned on appeal. All his work was confiscated. His only contact with the migrants was to offer them water.

113. Journalists have also faced criminal lawsuits and strategic lawsuits against public participation for their investigative reporting on corruption and environmental pollution, some of which concerned reporting on open trials and convictions in front of courts.

 V. Conclusion and recommendations

114. **Human rights defenders promoting and protecting the rights of migrants, asylum-seekers and refugees, including human rights lawyers, humanitarian workers, volunteers and journalists, have been subjected to smear campaigns, a changing regulatory environment, threats and attacks and the misuse of criminal law against them to a shocking degree. In other areas, there is a generally favourable environment in Greece for civil society and human rights defenders.**

115. **In the light of her findings, the Special Rapporteur recommends that the Government of Greece:**

 (a) **Ensure that human rights defenders can carry out their work in a conducive legal and administrative framework, promptly implement outstanding recommendations and decisions of international and regional human rights mechanisms and courts and fully implement the provisions of the Constitution;**

 (b) **Show support and solidarity with human rights defenders, including through public statements;**

 (c) **Publicly acknowledge and recognize the legitimate work of and fundamental role played by human rights defenders and the innumerable contributions they have made to the promotion and protection of human rights and condemn any intimidation of them or any attempt to discredit them;**

 (d) **Adopt a zero-tolerance policy in cases of intimidation and stigmatization of human rights defenders, journalists and lawyers, investigate promptly, independently, impartially and effectively any act of reprisal intimidation or stigmatization against them, bring their perpetrators to justice and ensure effective remedies for victims;**

 (e) **Put an end to the misuse of criminal law for the peaceful and legitimate activities of human rights defenders, in particular those working in the context of migration and asylum;**

 (f) **Drop outstanding criminal charges and investigations against human rights defenders, including members of NGOs and volunteers, rescind travel bans and unblock their bank accounts;**

 (g) **Ensure no retaliation, including stigmatizing statements by public officials and threats of criminal proceedings, including investigations, against human rights defenders on the basis of their engagement with regional human rights mechanisms, in particular the European Court of Human Rights;**

 (h) **Ensure genuine, meaningful and regular dialogue and consultation between the authorities and civil society organizations, including on legislative and policy processes;**

 (i) **Promote the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) in society through a long-term, public-facing educational campaign, disseminate the Declaration and Fact Sheet No. 29 on human right defenders**[[31]](#footnote-32) **within public agencies and raise awareness about the concepts contained therein with the police, Hellenic Coast Guard, prosecution services and reception and identification services;**

 (j) **Make the registration of organizations and associations, in particular those working on migrants, asylum-seekers and refugees, less onerous and expeditious, adopt a notification procedure and review the current legislation (Law No. 4684/2020) on the Register of Greek and Foreign Non-Governmental Organizations maintained by the Ministry of Migration and Asylum, to bring it into conformity with international standards concerning freedom of association and ensure that the registration procedure is transparent, accessible, non-discriminatory, expeditious and inexpensive;**

 (k) **Review and amend administrative and legislative provisions that restrict the rights of civil society organizations, including the rights to freedom of expression, peaceful assembly and association;**

 (l) **Consider drafting and adopting a national law on human rights defenders based on international standards, aiming at recognizing the legitimacy of the work of human rights defenders and providing them with effective protection;**

 (m) **Reshape migration policy, from a security paradigm to one that fully respects the human rights obligations of the State, including to protect those within its jurisdiction from human rights violations and to ensure their human rights, in particular the right to seek asylum and to be protected from refoulement;**

 (n) **Increase the measures to effectively protect the rights of lesbian, gay, bisexual, transgender and intersex persons and defenders, particularly by ensuring the effective investigation of bias-motivated crimes and hate speech, access to a fair trial and remedies, and by taking steps to prevent discrimination on grounds of sexual orientation and gender identity;**

 (o) **Provide continuous training to the Hellenic Police, the Hellenic Coast Guard and prosecution services on the role of and applicable international standards on human rights defenders;**

 (p) **Guarantee the right to a fair trial, in particular by taking immediate and effective measures to ensure that undue or disproportionate criminal proceedings are not brought about through fabricated accusations and that selective justice is not used against human rights defenders, lawyers and journalists;**

 (q) **Put in place or improve, if already in place, training within all reception and identification centres, including controlled/closed access centres, on the role and applicable legal regime concerning lawyers and the rights of those seeking asylum, including to legal aid;**

 (r) **Ensure that complaints concerning officials obstructing the work of lawyers, including instances of alleged harassment, as well as on the basis of gender, are promptly and thoroughly investigated and followed by disciplinary proceedings where violations of the applicable legal regime are identified;**

 (s) **Set up an independent national mechanism to research and monitor the way the migration is handled across the State;**

 (t) **Bring the current law against the smuggling of migrants (Law No. 4251/2014 on immigration), in particular articles 29 and 30, fully into compliance with the Protocol against the Smuggling of Migrants by Land, Sea and Air, including in relation to the definition of people smuggling, safeguards against the criminalization of those subject to smuggling operations and the inclusion of an exception for the provision of humanitarian assistance or interventions aimed at safeguarding human rights;**

 (u) **In consultation with human rights defenders working in the area of migration, revise Law No. 4825/2021 to remove the current obstacles placed by it on the work of human rights defenders at sea, including on civilian search and rescue operations, and address, in particular, the vague definitions, overly restrictive provisions and related penalties included in article 40 of the law;**

 (v) **Transpose, without further delay, European Union directive 2019/1937 on the protection of persons who report breaches of the legislation of the European Union (the “whistle-blowers” directive’) into national law;**

 (w) **Adopt a progressive, supportive and active position on the proposed directive of the European Union on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (including strategic lawsuits against public participation) and ensure its swift transposition into national law upon its adoption;**

 (x) **Develop legislation at the national level to address strategic lawsuits against public participation without a cross-border character and in all proceedings to cover cases not expected to be addressed by the initiative of the European Union;**

 (y) **Encourage and support, at the highest levels of Government, including through public statements, the work of journalists covering human rights issues, in particular those working on issues related to migration and corruption;**

 (z) **Actively support the movement towards an immediate moratorium on the global sale and transfer of private surveillance technology until guarantees can be put in place to ensure that such technologies are not used to target human rights defenders, including journalists, and create an independent commission of inquiry to investigate the use of spyware in Greece;**

 (aa) **Revise Law No. 4855/2021, introducing amendments to the article 191 of the Civil Code of Greece, to ensure that human rights defenders, including journalists working on human rights issues, are not targeted for the dissemination of false information following legitimate acts of expression concerning human rights.**

116. **The Special Rapporteur recommends that human rights defenders:**

 (a) **Publicize the Declaration on Human Rights Defenders widely among all sectors of society;**

 (b) **Continue to make full use of the human rights mechanisms of the United Nations, the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe in connection with human rights monitoring and protection;**

 (c) **Continue to develop and strengthen national and local networks and outreach in order to contribute to the protection of human rights defenders and to facilitate coordination.**

117. **The Special Rapporteur recommends that political parties, politicians, the media, private companies and other actors refrain from inciting, organizing or participating in the harassment, intimidation or stigmatization of human rights defenders.**

1. \* The summary of the present report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only. [↑](#footnote-ref-2)
2. \*\* The report was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-3)
3. [A/HRC/49/5](http://undocs.org/en/A/HRC/49/5) and [A/HRC/49/5/Add.1](http://undocs.org/en/A/HRC/49/5/Add.1). [↑](#footnote-ref-4)
4. [A/HRC/WG.6/39/GRC/1](http://undocs.org/en/A/HRC/WG.6/39/GRC/1), paras. 116–117. [↑](#footnote-ref-5)
5. See <https://rm.coe.int/letter-to-mr-michalis-chrysochoidis-minister-for-citizens-protection-o/1680a256ad>. [↑](#footnote-ref-6)
6. [A/HRC/44/42](http://undocs.org/en/A/HRC/44/42), para. 83. [↑](#footnote-ref-7)
7. See <https://ipi.media/greece-concern-over-criminal-charges-against-investigative-reporters/>. [↑](#footnote-ref-8)
8. Ibid. [↑](#footnote-ref-9)
9. See <https://rsf.org/en/new-greek-law-against-disinformation-endangers-press-freedom>. [↑](#footnote-ref-10)
10. Ibid. [↑](#footnote-ref-11)
11. See <https://www.hias.org/blog/strict-new-regulations-limit-ngos-helpingrefugees-greece>; <https://www.amnesty.org/en/documents/eur25/2821/2020/en/>; and <https://rm.coe.int/expert-council-conf-exp-2020-4-opinion-ngo-registrationgreece/16809ee91d>. [↑](#footnote-ref-12)
12. See <https://fra.europa.eu/sites/default/files/fra_uploads/franet_greece_civic_space_2021.pdf>. [↑](#footnote-ref-13)
13. See <https://rm.coe.int/expert-council-conf-exp-2020-4-opinion-ngo-registration-greece/16809ee91d>. [↑](#footnote-ref-14)
14. See <https://ecre.org/wp-content/uploads/2021/12/Expert-opinion-NGO-Registry-final.pdf>. [↑](#footnote-ref-15)
15. See <https://fra.europa.eu/sites/default/files/fra_uploads/franet_greece_civic_space_2021.pdf>. [↑](#footnote-ref-16)
16. [CAT/C/GRC/CO/7](http://undocs.org/en/CAT/C/GRC/CO/7), para. 26. [↑](#footnote-ref-17)
17. Ibid., para. 27. [↑](#footnote-ref-18)
18. Ibid., para. 48. [↑](#footnote-ref-19)
19. See <https://www.justiceinitiative.org/uploads/997f9adc-0614-4ed3-a027-cefe721007bc/eu-legal-aid-greece-20150427.pdf>. [↑](#footnote-ref-20)
20. Ibid. [↑](#footnote-ref-21)
21. [A/HRC/45/16/Add.1](http://undocs.org/en/A/HRC/45/16/Add.1), para. 35. [↑](#footnote-ref-22)
22. Ibid. [↑](#footnote-ref-23)
23. See communication GRC 4/2021 (available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>). [↑](#footnote-ref-24)
24. In 2002, the European Union sought to harmonize the legislation of member States on human smuggling and issued a facilitators’ package, consisting of the facilitation directive and the framework decision of the Council of the European Union. The directive defines the facilitation of unauthorized entry, transit and stay, while the framework decision strengthens the relevant penal framework. Two types of conduct are criminalized under article 1 of the directive: (a) the intentional assistance of a person who is not a national of a member State to enter, or transit across, the territory of a member State in breach of the laws of the State; and (b) the intentional assistance, for financial gain, of a person who is not a national of a member State to reside within the territory of a member State in breach of the laws of the State. [↑](#footnote-ref-25)
25. See <https://verfassungsblog.de/in-court-for-saving-lives/>. [↑](#footnote-ref-26)
26. See communication GRC 2/2022 (available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>). [↑](#footnote-ref-27)
27. Ibid. [↑](#footnote-ref-28)
28. See <https://www.ekathimerini.com/news/260035/greek-minister-says-ngos-facilitating-illegal-crossing-of-somalis-from-turkey/>. [↑](#footnote-ref-29)
29. See <https://www.ecpmf.eu/controlling-the-message-challenges-for-independent-reporting-in-greece/>. [↑](#footnote-ref-30)
30. Ibid. [↑](#footnote-ref-31)
31. See OHCHR, “Human rights defenders: protecting the right to defend human rights”, Fact Sheet No. 29, 1 April 2004. [↑](#footnote-ref-32)