



International Covenant on Civil and Political Rights

Distr.: General
2 December 2021

Original: English
English, French and Spanish only

Human Rights Committee

List of issues prior to submission of the third periodic report of Greece*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations,¹ including examples of cases in which the provisions of the Covenant have been referred to by national courts. Please provide information on measures taken to raise awareness of the Covenant among judges, lawyers, prosecutors and the public in general. In the light of the Committee's previous concluding observations (para. 6),² please provide information on measures taken by the State party to give full effect to the Views, including providing victims with an effective remedy for the violation of their rights. In particular, please provide information on measures taken to ensure full compliance with the Committee's Views in the cases *Kouidis v. Greece*, *Kalamiotis v. Greece*, *Katsaris v. Greece* and "*I Elpida*" – *The Cultural Association of Greek Gypsies from Halandri and Suburbs*, and *Stylios Kalamiotis v. Greece*.³

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

State of emergency (art. 4)

2. Please provide information about the measures taken by the State party to address the coronavirus disease (COVID-19) pandemic, including among refugees. In particular, please specify whether any such measures derogate from the State party's obligations under the Covenant, including with respect to the right to freedom of assembly, the right to freedom of movement, the right to privacy and the right to leave the country. If so, please specify whether the measures were strictly required by and proportional to the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic.⁴

* Adopted by the Committee at its 133rd session (11 October–5 November 2021).

¹ [CCPR/C/GRC/CO/2](#).

² Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/GRC/CO/2](#).

³ For the Committee's Views on those cases, see [CCPR/C/86/D/1070/2002](#), [CCPR/C/93/D/1486/2006](#), [CCPR/C/105/D/1558/2007](#) and [CCPR/C/118/D/2242/2013](#).

⁴ [CCPR/C/128/2](#).



Anti-corruption measures (arts. 2 and 25)

3. Please provide information on the measures taken to prevent and combat corruption effectively, including statistical information on the number of investigations, prosecutions and convictions in cases of corruption during the reporting period and, in particular, information about cases involving officials at all levels of government, in particular in the areas of tax administration and public procurement.

Non-discrimination (arts. 2, 19–20 and 26)

4. With reference to the previous concluding observations (para. 14), please report on the implementation of Law No. 4478/2017 and indicate all the measures that have been taken to ensure respect for the principle of non-discrimination and to combat and prevent hate crimes, hate speech and other acts of discrimination, stigmatization and violence, particularly against migrants, refugees, lesbian, gay, bisexual, transgender and intersex persons and Roma. Please indicate whether there has been any increase in such crimes in the context of the COVID-19 pandemic and, if so, what specific measures have been taken in response. Please also provide statistical data on criminal investigations opened, prosecutions conducted and convictions secured during the reporting period on racially motivated crimes, including on the basis of article 81A of the Criminal Code.

Unaccompanied minors

5. In the light of the Committee's previous concluding observations (para. 32) and the report on follow-up to its concluding observations, please provide information on: (a) the implementation of Law No. 4760/2020, including on how it protects the best interest of unaccompanied minors and whether it has ended the practice of protective custody; (b) the steps taken to develop a standard protocol for assessing the age of any individual whose age is questioned; and (c) the recent amendments to Law No. 4756/2020 and its implementation, including whether adequate funding is provided for the procedure of guardianship.

Violence against women and children (arts. 2–3, 6–8 and 26)

6. Please provide information on Law No. 4800/2021 and describe how it protects women and children from violence and ensures that the best interest of the child is taken as a primary consideration. In particular, please explain how the provision upholding shared custody as a principle even during the court proceedings for determining cases of "poor exercise of parental responsibility", which may include domestic violence, is compatible with the Covenant.

7. With regard to the Committee's previous concluding observations (para. 20), please provide information on:

(a) Reports of significant violence, including domestic violence, against women and children, particularly during the COVID-19 pandemic;

(b) The use of alternative dispute-resolution processes in cases of domestic violence and measures taken to make complaint mechanisms accessible and effective to the victims of violence, in particular domestic violence;

(c) The number of investigations conducted into, prosecutions pursued, convictions secured and punishments imposed on perpetrators of acts of violence against women and children, including refugees, asylum seekers and migrants, as well as reparations awarded during the reporting period.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment and excessive use of force (arts. 6–7)

8. Please provide information on the current legislative framework on the use of force, firearms and less-lethal weapons by law enforcement officers and its compatibility with the Covenant, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Please indicate whether the State party has established an independent

accountability mechanism that receives and investigates allegations of excessive use of force by law enforcement and security forces.

9. In the light of the Committee's previous concluding observations (para. 9), please provide information on measures taken to address overcrowding in psychiatric and related institutions and indicate whether there is an independent inspection mechanism to oversee the quality of care and supervision in mental health and social welfare institutions, including private institutions. Please comment on information received about the widespread use of mechanical and chemical restraints, including the use of enclosed restraint beds, in psychiatric and related institutions.

Right to liberty and security of person and treatment of persons deprived of their liberty (arts. 6–7 and 9–10)

10. In the light of the Committee's previous concluding observations (para. 28) and the report on follow-up to its concluding observations, please provide updated information on measures taken to improve conditions in all reception and detention centres for migrants and asylum seekers, including with regard to overcrowding, lack and/or deficiencies in health-care services, food and sanitary conditions. Please comment on reports that the State party has a containment policy that mandates the confinement of asylum seekers to reception centres that are situated on islands in its territories, are overcrowded, are often too far removed from hospitals and other services, lack security safeguards and place individuals at risk of violence from riots and/or hate crime.

11. Please provide information on Law No. 4686/2022 and measures taken to ensure that detention of all irregular migrants is used only as a last resort, is proportionate and lasts for the shortest possible period of time, and that alternatives to detention are available in law and implemented in practice. Please report on the procedures in place to ensure respect for article 9 of the Covenant and comment on information received that a number of individuals were placed in detention, particularly in the Poros facility and the Tychemo border guard station, before being pushed back for periods ranging from a few hours to more than one day without being able to make telephone calls or having access to lawyers, registration procedures and available measures to challenge the decision. Please also comment on information received that COVID-19 quarantine sites for new arrivals may have become de facto detention centres.

12. In connection with the Committee's previous concluding observations (para. 26), please report on measures taken to ensure that all detained persons are afforded, in practice, all legal safeguards from the very outset of their deprivation of liberty. In this respect, please indicate whether access to counsel is guaranteed at all stages of the legal proceedings and whether medical examinations are accessible in all instances of detention. Please provide information on the State party's COVID-19 response with regard to detained populations, including women and the most vulnerable detainees.

Elimination of slavery and servitude and trafficking in persons (arts. 2, 7–8, 24 and 26)

13. With reference to the Committee's previous concluding observations (para. 22), please provide information on: (a) measures taken to prevent trafficking in human beings, including trafficking in children for the purposes of sexual exploitation and forced labour, and provide statistics for the period under review on the number of complaints of trafficking in persons received and the number of investigations conducted and their outcome, including the sentences handed down to the perpetrators; (b) measures taken to provide protection, rehabilitation, reparation and reintegration services to victims, including the number of shelters available in the country; and (c) whether the State party has reviewed its laws and regulations to ensure full protection against forced labour for all categories of workers and ensure effective oversight of labour conditions.

Access to justice, independence of the judiciary and right to a fair trial (art. 14)

14. In the light of the Committee's previous concluding observations (para. 24), please report and provide data, as applicable, on the measures adopted in the reporting period: (a) to simplify the calculation of court fees in order to ensure effective access to justice and the

courts, in particular by the more vulnerable sectors of society; and (b) to ensure effective access to free legal aid in a timely manner, particularly for those in situations of vulnerability, such as third country nationals, persons with disabilities and Roma.

15. Please provide information on: (a) the procedure and criteria for the selection, appointment and dismissal of judges, particularly with regard to the most senior judges and prosecutors; (b) the rules for the promotion of judges and prosecutors; and (c) the safeguards against undue interference with the judiciary.

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 6–7, 9, 12–13 and 24)

16. In the light of the large number of reports received on pushbacks in the Evros region allegedly performed by the Greek border control police, please:

(a) Respond to reports indicating that this practice has been established as the de facto border policy, including with regard to pregnant women, victims of torture and children;

(b) Comment on acts of violence committed against aliens during and after pushbacks, including arbitrary arrest, inhumane detention and violence, which in some cases have led to death;

(c) Provide information on measures taken to investigate cases of pushbacks and the alleged violations committed during and after their occurrence, and steps taken to ensure that perpetrators are brought to justice and victims are adequately compensated.

17. In the light of the Committee’s previous concluding observations (para. 34) and the report on follow-up to its concluding observations, please provide information on: (a) the recently adopted law on deportations and return (Law No. 4825/2021) and the measures taken to ensure that asylum claims and refugee status are determined on a case-by-case basis, in respect of the non-refoulement principle, and that a provision for appeals to be brought before an independent and impartial authority is guaranteed; (b) measures taken to ensure effective prevention of ill-treatment of refugees and asylum seekers and to ensure that perpetrators of such treatment are punished; and (c) measures taken to create an independent national border monitoring mechanism in Greece.

18. Please clarify whether the State party provides for a statelessness determination procedure and if applicants have access to legal aid, whether the procedure allows for an effective appeal mechanism and how staff members are trained on the statelessness procedures. Please provide information on the situation of stateless Roma and measures taken to address their particular situation and facilitate the acquisition of Greek citizenship. Please comment on information received that children born to stateless parents who wish to have access to Greek citizenship face difficult evidential and documentation thresholds owing to the statelessness determination procedure.

19. Please comment on the Joint Ministerial Decision of 7 June 2021, in which Turkey was declared a safe third country for asylum seekers from Afghanistan, Bangladesh, Pakistan, Somalia and the Syrian Arab Republic and on how the “admissibility procedure” often used in these cases is compatible with the Covenant, including with the principle of non-refoulement. Please also clarify whether in-merit asylum procedures are available to individuals who were not readmitted to Turkey and measures taken to avoid legal limbo situations and protracted detention.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

20. With reference to the Committee’s previous concluding observations (para. 38), please report on the measures taken to provide all conscientious objectors with an alternative to military service that is not punitive or discriminatory in terms of its nature, cost or duration. Please provide information on measures taken to ensure respect for the *ne bis in idem* principle and avoid inflicting repetitive punishments on conscientious objectors. Please provide information on the impact of Law No. 4361/2016, which ended prosecutions against those who had declared their conscientious objection before 1998, and indicate if the State party intends to provide adequate compensation to those who have already been sentenced and punished.

21. Following the decision of the Hellenic Data Protection Authority and of the European Court of Human Rights in the case *Papageorgiou and Others v. Greece*, please provide information on the measures taken to ensure freedom to participate or not in religious education classes, including information on whether the procedures in place providing exemptions from attending religious classes are easily available, are not subject to burdensome bureaucratic procedures and are fully respected once granted, and that students from non-orthodox communities have access to alternative religious education on a voluntary basis.

Right to freedom of expression, peaceful assembly and freedom of association (arts. 2, 17 and 19–22)

22. Please report on the successive attempts made since 2016 to introduce new rules on the registration of non-governmental organizations and other entities working in the areas of migration, asylum and social integration, in particular the recently adopted Law No. 4686/2020 and Joint Ministerial Decision No. 10616/2020, which introduced new legal requirements and conditions for the registration of non-governmental organizations working with migrants and refugees. Please comment on information received indicating that in practice some of the new legal requirements are very burdensome and prevent new and existing organizations in the State party to register or continue working with migrants on the ground. Please also respond to reports alleging attacks against human rights defenders working on human rights and humanitarian issues, particularly issues related to the rights of refugees, migrants and lesbian, gay, bisexual, transgender and intersex persons.

23. In the light of the Committee's previous concluding observations (para. 42), please indicate the measures in place, including legislative measures, to ensure the right to freedom of expression. Please explain the provisions contained in Law No. 4703/2020 and, in particular, how that Law is compatible with article 21 of the Covenant. Please also comment on information received that some of these legal provisions allow for a broad and arbitrary interpretation, in violation of article 21. Furthermore, please comment on articles 3 (3) and 7 of Law No. 4703/2020 and their compatibility with article 12 of the Covenant.

24. Please provide information on the restrictions imposed on the rights set out in article 21 of the Covenant during the COVID-19 pandemic and comment on information received that blanket bans on assemblies were imposed for political reasons and for excessively long periods. Please respond to allegations that excessive force was used by the police in the context of recent protests held during the COVID-19 pandemic. In particular, please respond to allegations of excessive use of force by the police on 17 November 2020 during a demonstration by members of the Greek Communist Party and its trade union (the All-Workers Militant Front) in Athens in which chemical irritants, stun grenades and water cannons were used against protesters.

25. Please provide information on the use of surveillance systems on demonstrations, as provided by the Presidential Decree 75/2020, and explain how the State party ensures respect for the freedom of peaceful assembly. Please also provide information on the implementation of a decision issued by the Head of the Greek police in December 2019 on the obligation of all police officers to carry their identification documents in their uniforms and comment on information received that riot police officers are often seen without such documents. Please also provide information on measures taken to ensure that all allegations of serious human rights violations by security forces against demonstrators are adequately and impartially investigated, perpetrators are brought to justice and victims are adequately compensated.

26. Please respond to reports indicating that the Government has attempted to directly or indirectly control the media, including by providing tax incentives, particularly regarding information on the COVID-19 pandemic and issues related to asylum seekers and refugees. Please clarify how the tax rebates to the media are granted and whether the manner in which they are granted ensures full respect of article 19 of the Covenant. Please also provide information on new regulations assigning specific areas where journalists can stay during demonstrations and allocating specific police officers to serve as journalists' main source of information and on how such regulations comply with the Covenant.

Right of minorities (art. 27)

27. Recalling the Committee's previous concluding observations (para. 44), please provide information on measures taken to ensure full compliance with article 27 of the Covenant, particularly with regard to Roma and Muslims, including by guaranteeing in law and in practice the equal and effective enjoyment by all persons of their culture, profession, religion and language. Please also clarify whether the State party intends to gather statistical data on the ethnic and cultural composition of the State party and on the mother tongues and languages commonly spoken in the State party. Please provide information on measures taken to proceed with the registration of associations of groups claiming minority group status and comment on the impact of Supreme Court decision No. 840/2021 in this regard.
