



Greek National Commission for Human Rights (GNCHR)

Submission
to the United Nations Committee on Enforced Disappearances
on the examination of the initial report of Greece
22nd session



March 2022



The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection and the National Human Rights Institution (NHRI). It was established in accordance with the UN Paris Principles and is governed by Law 4780/2021. Its members are persons appointed by forty-two institutions whose activities cover the field of human rights (independent Authorities, universities, third level trade unions, NGOs, political parties and the Administration).

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**SUBMISSION TO THE UNITED NATIONS COMMITTEE ON ENFORCED DISAPPEARANCES ON THE
EXAMINATION OF THE INITIAL REPORT OF GREECE (22ND SESSION)***

I. INTRODUCTORY NOTE

1. The Greek National Commission for Human Rights (hereinafter “GNCHR”) welcomes the opportunity to make this Submission to the Committee on Enforced Disappearances (hereinafter “CED”) ahead of the examination of the initial report of Greece during its 22nd session. The GNCHR had already submitted its Comments prior to the adoption of the List of Issues on June 2020. With the present Submission, the GNCHR wishes to supplement its positions on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter “ICPPED”) in Greece, based on recent developments, findings from *ad hoc* researches in relevant fields and information at its disposal.
2. The Greek National Commission does not purport to cover all issues raised by the CED rather focus on issues of particular interest where the GNCHR can effectively contribute to the examination procedure with its input. For ease of reference, this Submission will follow the structure of the List of Issues to the extent possible. State Party’s Reply to the List of Issues (hereinafter “SPR to LOIs”) has also been taken into consideration.

II. GENERAL INFORMATION

3. The GNCHR, as the national institution for the protection and promotion of human rights in Greece encourages the Greek state to ratify international human rights instruments that will enhance the national human rights protection framework. The GNCHR has issued (and regularly updates) a [List of International and European Conventions on Human Rights](#) (binding and non-binding) with the aim to promote the further ratification of international and European conventions not yet ratified by the Greek State and raise awareness of the general public on the general framework of human rights protection. The ICPPED is included in this handbook with links to the site of the CED and more information on the entry into force, the signing and the ratification by Greece (including the original text of ratifying law).
4. Furthermore, the GNCHR, as part of its [educational mission](#), organizes: (a) annual series of open seminars to the general public on a wide range of topical human rights issues (human rights education for all), as well as (b) *ad hoc* trainings for specific categories of professionals, such as prosecutors, judges, lawyers, public servants ago. after consultation with them in order to identify their needs (tailored capacity building activities). Indeed, we have identified a gap on the awareness of the public in general and the legal professionals in particular on the circumstances of the crime of enforced disappearance under the ICPPED. We are currently working on a training module to be able to offer such trainings in the future.
5. As mentioned in the SPR to LOIs, the Ministry for Foreign Affairs, prior to the submission of its initial report to the CED had asked for the GNCHR’s opinion pursuant to art. 12 (g) of L 4780/2021. In December 2018, the GNCHR communicated to the Ministry its comments on the draft initial report.

* The present submission was adopted by the GNCHR’s Plenary on 3 March 2022. Rapporteurs: Prof. Maria Gavouneli, GNCHR President and Eva Tzavala, GNCHR Legal Officer.

6. The Greek National Commission was established by L 2667/1998 as the independent advisory body to the Greek State in accordance with the UN Paris Principles, adopted by the United Nations (General Assembly Resolution A/RES/48/134, 20.12.1993, “National institutions for the promotion and protection of human rights”). The GNCHR, despite its limited human and financial resources,¹ has made, throughout the years, a significant impact on the strengthening of human rights protection system at national level. Its independence and effectiveness in carrying out its mission have been validated multiple times by the GANHRI Sub-Committee on Accreditation which is the competent organ for NHRIs accreditation in accordance with the Paris Principles. Our institution proudly holds status A (full compliance) uninterruptedly since its first accreditation in 2001.

7. In 2021, the operational framework of the GNCHR was amended to meet the future challenges on human rights protection. By virtue of L 4780/2021, the GNCHR was explicitly recognized as the National Human Rights Institution in Greece and acquired legal personality, functional independence, administrative and financial autonomy.²

II. DEFINITION AND CRIMINALISATION OF ENFORCED DISAPPEARANCE (ARTS. 1-7)

COVID-19 impact on human rights

8. The GNCHR has pointed out that the pandemic has caused an unprecedented health, economic, social and humanitarian crisis,³ exacerbating pre-existing systemic inequalities, discrimination and marginalisation, while disproportionately affecting the most vulnerable social groups, including Roma, refugees, asylum-seekers and migrants, detainees, persons with disabilities and chronic diseases and LGBTQI+ people.

9. The GNCHR has advocated with a strong voice for the imperative need to mitigate the adverse impact of both the financial and the COVID-19 pandemic crisis and accelerate the social and economic recovery,⁴ promoting the necessary "investment" in social rights and in their delivery, consistent with the use of maximum available resources.⁵ The Greek National Commission believes that human rights are key in shaping the pandemic response and they need to be at the centre of national strategies to combat COVID-19.⁶ Nonetheless, despite GNCHR's repeated recommendations for the need to effectively monitor and assess the impact of both austerity measures and restrictive containment measures taken to tackle the COVID-19 pandemic, the cumulative impact of these measures has never been assessed.⁷

10. With respect to **access to justice** during the pandemic, the GNCHR confirms that the pandemic has had a decisive impact on the functioning of all the significant aspects of the justice system on many levels, with multifaceted consequences not only for the courts, but also for the entire spectrum of the functioning of justice. The GNCHR particularly reiterates that there is an urgent need to address the systemic and chronic issue of delivering justice within reasonable time, which the European Court of Human Rights (ECtHR) has found Greece to be in violation of in many cases. At the same time, the GNCHR recognises that digitisation of Justice constitutes a significant challenge for Greece, welcomes the initiatives of the Ministry of Justice in cooperation with the Ministry of Digital Governance for the realisation of the National Strategy for the Digital Justice and encourages the increase of the use of digital tools to all the different stages of the functioning of justice. In its comprehensive *Report regarding the impact of the pandemic and the measures taken to address it on human rights*,⁸ the Greek National Commission addressed the following, among others, Recommendations to the State:

(a) Strengthen measures for the facilitation and the safety of the courts' functioning in view of the loosening of the restrictions that had been in place due to the pandemic, aiming at the immediate re-functioning of the justice system and the protection of the right to a fair trial and human dignity;

(b) In view of the increase of the courts' backlog, ensure that cases are distributed in such a way that the post-emergency case ranking does not focus on financial issues related to the protection of individuals' rights and follows fair and objective criteria, while encouraging mediation;

(c) Take special care of vulnerable groups who are at an even greater risk of having their rights infringed, by prioritising the cases concerning these groups;

(d) Ensure that IT is being deployed as an alternative means for the continuing of the functioning of justice during the pandemic, while ensuring, at the same time, the effective exercise of the right of access to justice without discrimination, for its use and accessibility by all users must have a clear legal basis, it must ensure cyber security and protect personal data.

11. With respect to **policing** during the pandemic, the GNCHR stressed that the pandemic does not exonerate the Police from its obligation to use its powers in a manner that is fully compliant with its mandate, which is no other than to serve and protect citizens while respecting their fundamental freedoms and human rights. The State should take the necessary measures to protect the victims of police violence, as well as those who report related incidents, including witnesses.

12. Finally, with respect to **detainees**, the COVID-19 exacerbated their vulnerability and the GNCHR urged the State for an immediate improvement of detention conditions (minimum hygiene conditions, provision of medical services, supply of personal protective equipment etc) in accordance with WHO's recommendations⁹ and decongestion of the penitentiaries by the use of alternative to detention measures.¹⁰ The already asphyxiating situation in the Greek prison institutions did not improve during COVID-19, rather it had worsened, since the parallel suspension of the courts' functioning due to the pandemic created additional difficulties in penitentiaries and delays in the examination of cases resulting to the extension of the detention period for some of them.

III. JUDICIAL PROCEDURE AND COOPERATION IN CRIMINAL MATTERS (ARTS. 8-15)

Missing migrants

13. On December 19th 2018, the UN General Assembly adopted the *Global Compact for Safe, Orderly and Regular Migration*, according to the provisions of the New York Declaration for Refugees and Migrants. Greece supported the adoption of the Global Compact for Migration at the United Nations.¹¹ The Global Compact establishes a framework of inter-state cooperation by setting 23 Objectives, each of which correspond to specific commitments undertaken by States for the implementation of the aforementioned objectives, based on recommended actions and good practices. Amongst these, *Objective 8 on Saving lives and the establishment of coordinated international efforts on missing migrants* provides that states "commit to cooperate internationally to save lives and prevent migrant deaths and injuries through individual or joint search and rescue operations, standardized collection and exchange of relevant information, assuming collective responsibility to preserve the lives of all migrants,

in accordance with international law. They further commit to identify those who have died or gone missing and to facilitate communication with affected families". To our knowledge, the Greek State has not yet proceeded with the elaboration of a National Implementation Plan.

14. In the meantime, on June 11th 2018, Greece joined a meeting in Rome with Cyprus, Italy and Malta in order to discuss the possibility of initiating of a **Joint Process to account for missing migrants in the Mediterranean region**. At the end of the meeting, the participating States signed a *Joint Statement on the issue of missing migrants*,¹² in which they firstly agreed upon the evaluation of existing investigatory capacities at a national level by the International Commission on Missing Persons (ICMP) and the submission of proposals, by the latter, aiming to redress possible shortcomings and enhance inter-state cooperation. A second meeting took place in June 2019. The representatives of Cyprus, Greece, and Malta, welcomed the Assessment and Proposal for Action and agreed to further explore cooperation, including identifying focal points in each country. A Joint Statement endorsed by Cyprus, Greece and Malta at the conclusion of the meeting reiterates that: "Locating missing migrants requires effective cooperation among States in a range of fields, including improving the utility of available data, forensic and other technical aspects, and support to families of the missing."¹³ On November 19th 2021, the 3rd meeting took place in Athens with the participation of representatives from Cyprus, Greece and Malta who have agreed on the following actions:

- (a) the Joint Process Secretariat together with the Focal Points of States will work towards the elaboration of a proposal on a secure way of data collection and exchange that can improve efforts to find missing migrants and reunite families;
- (b) the current Focal Points will meet periodically to develop a strategic work-plan for the Joint Process to be considered in the next meeting; and
- (c) to invite other countries to participate in the Joint Process to enhance its work.¹⁴

15. The GNCHR closely follows the issue of missing migrants in Greece. In February 2019, the GNCHR, noting that at an international level, there is no single document codifying the states' obligations towards deceased or missing migrants as well as the rights of their families and that national practice is dispersed with respect to these issues, adopted the Mytilini Declaration on the *Dignified Treatment of all the Missing and Deceased Persons and their Families as a Consequence of Migrant Journeys*¹⁵ to serve as a guide for national competent authorities to harmonise national practice with international norms. To this end, the GNCHR communicated its position to all competent central and local authorities and called upon them, when drafting migration policies and legislation or exercising their powers on deceased and missing migrants to take into account the rights and obligations that are thoroughly listed in the Mytilini Declaration and are compatible with the international obligations of states, as these have been stated in international instruments and have been interpreted by international and regional judicial bodies.

16. National law regulates the search, identification and registration procedures of dead and missing migrants, the participation of their relatives in such procedures as well as matters of dignified treatment of their bodies and their burial in marked graves. However, the application of the legislation in practice differs among competent authorities, despite GNCHR's recommendations and other actors' actions, such as the ICRC Office in Greece. In May 2019, the Greek National Commission participated in an event organised by the ICRC in the Greek Parliament to raise awareness and open the discussion with lawmakers on the needs of missing migrants and their families.¹⁶ A positive step towards harmonisation in identification is the operation of a central DNA database at the Hellenic Police Forensic

Science Division which helped towards the identification of dead migrant bodies during the last years.¹⁷ However, only DNA data are kept in the system and no other information (primary/secondary identifiers, ante mortem or post mortem data). As regards investigation, a duty to investigate the circumstances of disappearances/death derives from national and international law. Most disappearances/presumptions of death of migrants occur along their migration journey, at sea or land. The Hellenic Coast Guard is competent for search and rescue missions when there is a distress call from migrants' boats or when someone is declared missing at sea. Based on data from the Ministry of Migration and Asylum, the Hellenic Coastguard has rescued more than 230,000 third country nationals in the Mediterranean Sea from 2015 to 2021.¹⁸ For the search of missing persons, including migrants, the central Sub-Division for file and ID searches located at the Attica Security Division is competent. However, in the case of irregular migrants, data collection is difficult given the clandestine nature of migration journeys to avoid detection by the authorities. All relevant stakeholders in Greece agree that it is of pivotal importance the designation of a national authority as a focal point for missing migrants and their families. The Hellenic Police has neither the resources nor is capable of coordinating all matters on missing migrants (search of missing migrants, investigation over circumstances of death, identification/disposal/repatriation of dead bodies, tracing families abroad etc). Finally, taking into consideration additionally the profound psychological and psychosocial impact that the disappearance of a person has on his/her family members and the significant number of missing migrants along the Eastern Mediterranean route over the years,¹⁹ it is a matter of urgency for the Greek State to set up an effective mechanism to enable bereaved families to exercise their rights, such as access to information, participation in the investigation etc. For instance, the GNCHR recommends that the Greek law provides for a special visa for family members to enter Greece either for identification purposes or to pay their respects to their family members buried in Greece.

IV. MEASURES TO PREVENT ENFORCED DISAPPEARANCE (ARTS. 16-23)

Non-refoulement

17. The GNCHR brought to the attention of the State, as early as 2002, reports from NGOs, such as Amnesty International and the World Organization against Torture, on illegal practices of violent push backs at the Greek-Turkish maritime and land borders, which raise concerns about respect for the fundamental rights of third-country nationals and the *non-refoulement* principle.²⁰ In fact, in its *Opinion* on the Draft Law concerning the ratification of the Readmission Protocol between the Hellenic Republic and the Republic of Turkey the Greek National Commission underlined that the diplomatic assurances by the Greek Ministers of Foreign Affairs and Public Order were encouraging but not sufficient, given that in practice people are being summarily returned without ensuring prior access to asylum.²¹ In 2008, the GNCHR in its relevant *Report* on the basis of complaints concerning mistreatment of foreign nationals by the Greek Coastal Guard highlighted, inter alia, the obligation to rescue persons at sea and to refrain from behaviors that may result to a risk of life or may constitute inhuman or degrading treatment.²² Since then, the GNCHR closely monitors the situation and intervenes where appropriate.²³

18. In recent years, there has been an increase in incidents reported by international organisations,²⁴ civil society²⁵ and the press on individual or group pushbacks allegedly taking

place at the Greek-Turkish land and sea borders - which also constitute the EU's external borders. In addition, international and regional human rights monitoring bodies have repeatedly raised concerns to the Greek Government over reported incidents of push backs.²⁶

19. The GNCHR, deeply concerned with regard to the multiplication of reported incidents on pushbacks revealing a repeated methodology, issued a *Statement*²⁷ calling the Greek authorities to ensure that all State Authorities comply with the non-refoulement principle without exception by indicating a series of practical means to safeguard migrants' rights and bring those responsible to justice. In addition, the Greek National Commission called Frontex to ensure that its operations at the EU external borders with Turkey comply with the non-refoulement principle and the duty to rescue persons in distress at sea. An alarming development in this field is the introduction of a new provision in Law 4825/2021 on returns, whereby rescue activities at sea by non-state actors are, under certain conditions, criminalized. The GNHCR has raised the attention of the Greek State on the potential clash of this national provision with international obligations on search and rescue of people in distress at sea which bind both state and commercial vessels.²⁸

20. Unfortunately, no Greek Court had yet the opportunity to rule upon such a complaint; most of them are rejected as unsubstantiated or are still pending (for years).²⁹ Based on FRA's report on land borders, eight cases were investigated by the Greek Prosecutor in 2019 and 2020.³⁰ Likewise, complaints submitted by victims of alleged push-backs before international quasi-judiciary organs³¹ and the ECtHR³² are also pending. The Greek Ombudsman launched on 9 June 2017 an *ex officio* investigation into alleged push backs from Greece to Turkey, of Turkish citizens who had entered Greece seeking international protection. On 10 September 2018, he decided to broaden the scope of investigations to include alleged pushbacks also of third country nationals. On 28 April 2021, the Ombudsman issued an Interim Report whereby it acknowledged that he is not equipped by law with the necessary statutory tools and means to investigate effectively and comprehensively the factual basis of the complaints. Nevertheless, he found that the alleged pushbacks investigated appear to follow a standard practice, according with the complainants. Finally, he noted that the response of the authorities (police services) to the complainants and the Ombudsman are standardised.³³

21. Given the above and albeit repeatedly addressed Recommendations to the Greek authorities for the timely and thoroughly investigation of reported incidents, the Greek National Commission noted with regret that there has been yet no effective investigation on the alleged human rights violations by any national authority or judicial/disciplinary body. What is more, the Greek state firmly denies all relevant allegations (see also SPR to LOIs, Question 19) whereas reported incidents by international organisations, civil society and the press have been multiplied. Therefore, the GNCHR decided to establish an **Informal Forced Return Recording Mechanism**, which became operational in 2022. The Recording Mechanism is an autonomous body of the Greek National Commission whose members are non-governmental organisations and civil society organisations that have the mandate, the operational capacity and the experience in recording informal forced returns against third country nationals. The aims of the GNCHR's Recording Mechanism are:

- (a) the monitoring, recording and awareness-raising of the practices of informal forced returns of third country nationals from Greece to other countries;
- (b) the promotion and consolidation of respect for the principle of *non-refoulement* in Greece and the safeguarding of guarantees and legal procedures;

(c) the strengthening of accountability for alleged human rights violations occurring during informal forced returns of third-country nationals from our country to other countries; and

(d) the enhancing of the credibility of the reported incidents through the adoption of a common, transparent and scientific methodology in the recording.

Legal safeguards in detention

22. The GNCHR, within its monitoring mandate, closely follows all findings from inspections into detention/reception centers by competent national and regional/international organs. The Greek National Commission is also vested by law the power to conduct itself on-site monitoring visits when it deems it appropriate; we have used this extraordinary tool in exceptional circumstances.³⁴

23. The GNCHR is deeply worried by the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Despite the undeniable fact that all detained persons, regardless of their nationality or status, should enjoy the same basic rights that are fundamental safeguards against ill-treatment, namely the rights of notification of custody, access to a lawyer and access to a doctor, the CPT has highlighted time and again that these standards are still not effectively applied in Greece.³⁵ The GNCHR shares the concerns of CPT, which are also supported by the findings of the UN Committee against Torture (CAT) during its periodic examination of Greece's compliance with the Convention against Torture.³⁶ The CAT has referred to reports that detainees often have difficulty to gain access to counsel, a doctor, an interpreter or family members and that police detention registers are not properly maintained.³⁷ More particularly, in relation to foreign nationals, detained migrants were often denied fundamental legal safeguards, such as access to a lawyer and/or a doctor, the right to notify promptly a close relative or third party of their choice of their detention and the right to challenge the lawfulness of their detention.³⁸

24. Bearing in mind that access to legal aid is key to delivering access to justice for all through effective, accountable and transparent institutions, the Greek National Commission remains vigilant on the barriers for accessing legal aid, especially for third country nationals,³⁹ persons with disabilities⁴⁰ and Roma⁴¹ and most recently, it has expressed its concerns before the UN Human Rights Committee.⁴²

25. With regards to the deprivation of liberty of asylum seekers, Law 4636/2019 as amended, reinforced detention and expanded it to all asylum seekers, including vulnerable persons and unaccompanied minors.⁴³ Based on GNCHR's findings, detention has become *de facto* a mainstream measure with detention pilot programs being implemented in 2020 and 2021 in the Aegean Islands of Lesbos, Kos and Leros.⁴⁴ No individual assessment is carried out before the imposition of detention and this measure is implemented without exception, even against vulnerable persons, while alternative to detention measures are not examined or applied in practice. In addition, the possibility of challenging the legality of detention before administrative courts is limited.⁴⁵

26. In 2019-2020, the situation in the islands remained critical, based on GNCHR's findings.⁴⁶ Following the tensions at the Greek-Turkish land borders at the end of February 2020 and beginning of March, the CPT conducted a rapid reaction visit "to examine the way in which persons attempting to enter the country and apprehended by the Hellenic Police or Coast Guard have been treated".⁴⁷ The CPT found extremely worrying that in one of the detention centres visited in Evros area, there was a complete absence of any registration (Poros facility). In addition, during the CPT's visit, 400 migrants were being held in a vessel (Lesvos) whose

whereabouts were not being known to the delegation. Similarly, the United Nations High Commissioner for Refugees (UNHCR) has recently referred to incidents of informal detention (prior to push-backs).⁴⁸

27. It is noteworthy that after the events at the Greek-Turkish borders, Greek Public Prosecutors started filing criminal charges against third country nationals for illegal entry into the Greek territory. The cases were referred to the single-member Misdemeanours Court (Orestiada, Lesvos) under the procedure of *flagrante delicto* and the defendants were convicted to imprisonment, without suspension, for periods up to four years (and an administrative fine) exhausting the upper limits of national law (art. 83 of L 3386/2005). These cases are indicative of a shift in the standard practice of the Greek Public Prosecutors to abstain from instituting criminal charges against newly arrived undocumented migrants, in line with international refugee law. The CPT which, during its visit, pinpointed specific cases of criminalization of illegal entry for the above persons, commented that “at no stage were any of these persons, or others whom the delegation met, allowed to make a phone call to inform someone of their situation while held in police custody”.⁴⁹

28. Given the low number of new arrivals in 2020-2021 and the parallel decongestion of the islands, the overcrowding in the majority of the reception centers ceased. In 2021, the new Close Controlled Access Centers of Islands (CCACIs) were inaugurated in Samos, Leros and Kos. According to the Ministry for Migration and Asylum, third country nationals residing in these centers enjoy a right of free movement. However, they can enter or exit from the centers on specific hours pre-determined, for all CCACIs, by the Reception and Identification Service’s Governor. Based on information received by the Greek Council for Refugees, exit from the CCACIs is forbidden for those that do not possess an asylum seeker card, i.e. the newcomers after the registration of their asylum applications and until the issuance of their card; the rejected asylum seekers at second degree who have not filed a subsequent asylum application; those who have submitted a subsequent asylum application and the decision is pending on admissibility; and the rejected asylum seekers at first degree until the filing of an appeal.⁵⁰ The GNCHR has asked the Greek State to ensure that the status of asylum seekers residing in the CCACIs will not result in a *de facto* detention and is currently monitoring the situation in the new facilities in order to deliver its evidence-based opinion.

V. MEASURES TO PROVIDE REPARATION AND TO PROTECT CHILDREN AGAINST ENFORCED DISAPPEARANCE (ARTS. 24-25)

Child trafficking

29. The GNCHR, while acknowledging the significant efforts of the National Referral Mechanism for Victims and Potential Victims of Trafficking in Human Beings and its coordinated action and partnership building,⁵¹ identified certain gaps in practice, regarding the slowness of the screening procedures to identify potential victims (see also relevant CAT’s Observations⁵²) and assistance available to victims of trafficking and exploitation.⁵³ In addition, as regards the obligation of establishing and reinforcing effective policies and action plans to prevent trafficking in human beings and/or forced labour, the first evaluation by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) pointed out serious pathologies in the implementation of the relevant legal framework and

thereby in the implementation of the obligations contained in the Council of Europe Convention on Action against Trafficking in Human Beings and the Committee of the Parties.⁵⁴

30. Sharing the concerns of the Committee on the Rights of the Child (CRC) regarding the lack of a National Child Database, and particularly the lack of statistical data on children experiencing violence and other forms of abuse,⁵⁵ the Greek National Commission underlines that no particular improvement has been noted. According to the Annual Report 2019 of the Hellenic National Referral Mechanism for the Protection of victims of human trafficking, 49 out of the 154 referred victims of trafficking are children. Out of those 49 children-victims, 11 are unaccompanied, while 19 are victims of exploitation of begging.⁵⁶

Missing migrant children

31. In 2020, the Police Bureau for Missing Persons handled 992 cases of disappearances of unaccompanied migrant children – 42% of whom were found.⁵⁷ Disappearances may occur voluntarily or not. In the latter case, their disappearance might be linked to sex or labor trafficking. The precarious situation of unaccompanied children in Greece is linked to victimization.

32. The GNCHR had already identified in 2020 the following gaps in child protection in refugee situations: unsafe housing problems (insufficient places in hostels, unsafe "safe zones" in the RICs, maintenance of the "protective custody" measure in Police Departments, homelessness), insufficient to no access to formal education, absence of a state guardianship system, excessive delays in access to asylum, insufficient to no legal support during asylum procedures, problems in the age assessment process, reports of phenomena of exploitation and violence against minors and cases of disappearances of children from the RICs and the Accommodation Facilities for unaccompanied minors.⁵⁸

33. The situation of unaccompanied minors in Greece has been improved in recent years, given that the Greek Government has prioritised this issue, by establishing among others a Special Secretariat for the Protection of Unaccompanied Minors in the Ministry of Migration and Asylum aiming at supervising and coordinating different State Authorities involved in child protection matters, by boosting hosting capacities of shelters for unaccompanying minors and by relocating them from the Aegean Islands where the living conditions were not suitable for their age either to mainland Greece or to other European countries. An important safety net to prevent the disappearances of unaccompanied children is their timely identification and placement in safe hostels. For these reasons, the GNCHR welcomes the initiative of a **national tracing and protection mechanism for unaccompanied children in precarious conditions** launched by the Special Secretariat in 2021 together with the UNHCR Office in Greece, as a positive step which will substantially contribute to combatting homelessness and preventing children go missing.⁵⁹

¹ Indicatively, the budget allocated to the GNCHR for 2018 was 157,000.00 and in 2019 it was reduced to 146,000.000 Euros. Up to 2021, the GNCHR employed only one permanent staff (administrative department) and up to three temporary staff (scientific department). In order to cover its needs and in light of the restrictions imposed to all recruitments in the public sector as a consequence of the debt crisis, staff from other services of the public sector was seconded to the GNCHR. This situation drastically changed after the entry into force of L 4780/2021.

² For more information, see GNCHR, [Press Release](#): Law 4780/2021: The new law that amends the founding legislation of GNCHR was passed, 17. 3.2021.

- ³ GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 8; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 3
- ⁴ GNCHR, [Factsheet](#) on the Impact of Economic Reform Policies and Austerity Measures on Human Rights (2019), which summarises all relevant GNCHR statements, recommendations, reports and interventions. In this regard see also ECSR, [Statement](#) on COVID-19 and social rights, adopted on 24 March 2021, p. 2.
- ⁵ Addressing these issues will also support SDG Targets focused on reducing inequalities and the promotion of peace justice and strong institutions and, in particular, SDG targets 10.2 aiming at empowering and promoting by 2030 the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status; 10.3 aiming at ensuring equal opportunity and reducing inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard; 16.7 aiming at ensuring responsive, inclusive, participatory and representative decision making at all levels and 16.b on promoting and enforcing non-discriminatory laws and policies for sustainable development.
- ⁶ GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 10; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 3.
- ⁷ GNCHR, [Factsheet](#) on the Impact of Economic Reform Policies and Austerity Measures on Human Rights, 2019; GNCHR, [Observations](#) on the Draft Law of the Ministry of Labor and Social Affairs on the Protection of Labor - Establishment of an Independent Authority "Labor Inspection"- Ratification of the ILO Convention C190 on Violence and Harassment - Ratification of the ILO Convention C187 on the Promotional Framework for Occupational Safety and Health – Incorporation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 14 June 2021, p. 16-18; GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], p. 7, 61-62; GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021 [in English], p. 12.
- ⁸ GNCHR, Extraordinary times call for extraordinary responses – [Summary of Recommendations](#) to the State regarding the impact of the pandemic on human rights and the measures taken to address it, May 2021
- ⁹ WHO, [Interim Guidance](#): Preparedness, prevention and control of COVID-19 in prisons and other places of detention, 15 March 2020.
- ¹⁰ UNODC, [Position Paper](#): COVID-19 preparedness and responses in prisons, 31 March 2020.
- ¹¹ United Nations, Meetings Coverage and Press Releases, ‘World Leaders Adopt First Ever Global Compact on Migration, Outlining Framework to Protect Millions of Migrants, Support Countries Accommodating Them’, 10 December 2018, <https://www.un.org/press/en/2018/dev3375.doc.htm>
- ¹² For the text of the Joint Statement, visit <https://www.icmp.int/wp-content/uploads/2018/06/icmp-gr-mm-018-5-W-doc-joint-statement-on-the-issue-of-missing-migrants.pdf>
- ¹³ ICMP, [Cyprus, Greece, Italy and Malta meet at ICMP for the 2nd meeting of the Joint Process on Accounting for Missing Migrants](#), 13 June 2019.
- ¹⁴ ICMP, [Statement](#) on the issue of missing migrants by representatives of Cyprus, Greece and Malta at the conclusion of the 3rd meeting of the Joint Process, Athens, 19 November 2021.
- ¹⁵ GNCHR, Dignified Treatment of all the Missing and Deceased Persons and their Families as a Consequence of Migrant Journeys – [The Greek National Commission for Human Rights adopts the Mytilini Declaration](#), 7 February 2019.
- ¹⁶ ICRC, [Hellenic Parliament, ICRC address humanitarian needs of missing migrants, families](#), 10 May 2019.
- ¹⁷ In an ICRC event on “The searching of missing persons as a right” (Athens, 23.4.2021), the Hellenic Police Forensic Science Division mentioned that from 2016 to 2020, 62 identifications of dead migrant bodies were made.
- ¹⁸ Ministry of Migration and Asylum, [Press Release](#) – Statement by the Minister of Migration and Asylum, Mr. Notis Mitarachi, 22.2.2022.
- ¹⁹ Since 2014, 2,104 persons are reported dead or missing. UNHCR, Operational data portal – Mediterranean Situation: [Greece](#), last updated: 27.2.2022.
- ²⁰ GNCHR, [Proposals for the Reception of Asylum Seekers and their access to asylum procedures](#), 6.6.2002.

²¹ GNCHR, [Ratification of the Protocol for the Implementation of Article 8 of the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Turkey on Combating crime, Especially Terrorism, Organized Crime, illicit drug trafficking and illegal Immigration](#), 31.1.2002.

²² GNCHR, [Decision on the Situation of Aliens Trying to Enter Greece via the Aegean and the Practices of the Greek Coast Guard](#), 10.4.2008.

²³ GNCHR's [Statement](#) on complaints regarding illegal pushbacks in Evros, 22.7.2017 [in Greek]. GNCHR's [Statement](#) on complaints regarding informal pushbacks at the region of Evros, 29.11.2018.

²⁴ UNCHR, [Press Release](#): UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey, 12.6.2020; UNHCR, [Press Release](#): UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers, 21.8.2020; UNHCR, [Press Release](#): UNHCR warns asylum under attack at Europe's borders, urges end to pushbacks and violence against refugees, 28.1.2021; UNHCR, [Press Release](#): UNHCR warns of increasing violence and human rights violations at European borders, 21.2.2022; IOM, [Press Release](#): IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey, 11.6.2020; IOM, [Press Release](#): IOM Calls for End to Pushbacks and Violence Against Migrants at EU External Borders, 9.1.2021.

²⁵ Reports, information and complaints submitted by the Hellenic League for Human Rights, the Greek Council for Refugees and Amnesty International which are GNCHR's Members but also from Refugee Support Aegean, Human Rights 360, HIAS and ARSIS.

²⁶ United Nations Committee against Torture, Concluding Observations on the 7th Periodic Report of Greece, CAT/C/GRC/CO/7, 3.9.2019; Human Rights Council, Visit to Greece – Report of the Working Group on Arbitrary Detention, A/HRC/45/16/Add.1, 29.7.2020; Human Rights Council, Report on means to address the human rights impact of pushbacks of migrants on land and at sea, Report of the Special Rapporteur on the human rights of migrants, Felipe Gonzalez Morales, A/HRC/47/30; Council of Europe, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, CPT/Inf (2020) 35; Council of Europe, Statement of the Commissioner for Human Rights, "Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece", 3.3.2020; Council of Europe, Letter of the Commissioner for Human Rights to the Ministers of Citizen's Protection, of Migration and Asylum and of Shipping and Island Policy, 3.5.2021.

²⁷ GNCHR, [Statement](#) on the reported practices of push backs, 9.7.2020.

²⁸ See GNCHR's intervention at the Parliament before the Standing Committee on Public Administration, Public Order and Justice where draft law 4825/2021 was being discussed. Article 40 *Conditions for activities in an area of responsibility of the Coast Guard - Hellenic Coast Guard* reads as follows: "1. Greek and international voluntary organizations, civil society organizations and non-governmental organizations (NGOs), as well as their members, employees and associates, may be active in an area of responsibility of the Coast Guard - Hellenic Coast Guard if: a) are registered in the "Register of Greek and Foreign Non-Governmental Organizations (NGOs)" of article 58 of law 4686/2020 (A '169), which is kept at the Ministry of Migration and Asylum and respectively their members, employees and associates are registered in the "Register of Members of Non-Governmental Organizations (NGOs)" of par. 2 of article 191 of law 4662/2020 (A '27); b) act under the orders and instructions of the port authorities, provided that they have been included in advance in the Local Emergency Plans of the Port Authorities for search-and-rescue incidents and that they have not performed any voyage to provide assistance without their prior approval of activation by the competent port authority; and c) are active in an incident of managing irregular entry of persons by sea, provided that the action of Hellenic Coast Guard is impossible and the competent Port Authorities have been duly informed and they have given their written approval. 2. The violation of par. 1 by members, employees and associates of the bodies mentioned in it, is punished with imprisonment of up to one (1) year. If, due to the above violation, an accident is caused, especially in the case of a rescue operation at sea, a sentence of imprisonment of at least three (3) years is imposed, subject to the imposition of a more severe penalty under other provisions. 3.a) Irrespective of the imposition of criminal sanctions of par. 2, for the violation of par. 1, an administrative fine is imposed both against the institution and against the natural person, the amount of which ranges from three thousand (3,000) up to six thousand (6,000) euros for the institution and from five hundred (500) to one thousand (1,000) euros for each natural person. b) In case of a second violation of par. 1 and 2, the amounts of the above fines are increased by one hundred percent (100%) and the bodies of par. 1, as well as their members, employees and associates, are deleted from " Register of Greek and Foreign Non-Governmental Organizations (NGOs)" and the "Register of Members of Non-Governmental Organizations (NGOs)" respectively. 4. By joint decision of the Ministers of Shipping and Island Policy, Finance, and Citizen Protection, the manner and procedure of imposing fines are regulated, the competent

auditing bodies, the adjustment of the amounts of administrative fines, as well as any other necessary details for the application of this.”

²⁹ In June 2017, the Hellenic League for Human Rights a complaint was submitted before the Prosecutor of the Supreme Court Prosecutor regarding push-backs incidents against Turkish nationals during the period of May-June 2017. More recently, the Greek Council for Refugees submitted a criminal report to the Prosecutor of the Supreme Court, together with a file with information concerning allegations of illegal, informal and violent push-backs of refugees from the Evros region, which also concern Turkish citizens, in particular during the period from 27.4.2019 until 19.6.2019. See the relevant [Press Release](#) [in Greek] and the [text of criminal complaint](#) in English, published by Statewatch.

³⁰ FRA, [Report](#) - Migration: Fundamental rights issues at land borders, 2020, p. 23.

³¹ In 2020, a complaint was submitted before the UN Human Rights Committee with respect to a recognized Syrian refugee being allegedly pushed back in Turkey multiple times during 2016 to 2017 (Global legal action network, [Press release](#): International complaint against Greece’s violent pushbacks at the Evros border, November 2020). In this case, a specific claim on enforced disappearance has been raised by the applicant. Another complaint was recently submitted before the same organ by an Iranian woman claiming that she has been the victim of a summary expulsion, among other alleged human rights violations, to Turkey in 2020 (Human Rights 360, [Press Release](#): Bringing Greek Push-Backs to Justice, 3.2.2022).

³² The first case which was submitted before the European Court of Human Rights (ECtHR) concerned a shipwreck in 2014 at the Aegean Sea which resulted in the loss of lives of migrants (ECtHR, *Safi and others v. Greece*, application no. 5418/15, communicated). More recently, another complaint was submitted raising human rights violations from alleged push backs of third country nationals at land borders with Turkey (ECtHR, *L.A. and others v. Greece and A.A. v. Greece*, applications nos 12237/20 και 12736/20, communicated).

³³ The Greek Ombudsman, [Interim Report](#)- Own initiative investigation by the Greek Ombudsman on alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection, 28 April 2021.

³⁴ Regarding refugees’ and migrants’ rights, the GNCHR had previously conducted a series of monitoring visits in detention centers and border guards sectors in 2011 together with the Greek Ombudsman to monitor detention conditions, the application of asylum legislation as well as the management of migrant and refugee flows in entry points. In 2016, the GNCHR with the participation of the Greek Ombudsman, the ENNHRI and the European Migration Network visited reception and accommodation centers to monitor living conditions. The aim of the on-site visits scheduled for 2020 was to monitor the implementation of GNCHR’s previous Recommendations addressed to the Greek State, to draw preliminary conclusions on the state of implementation of the new Law 4636/2019 on International Protection –which entered into force on 1st January 2020- and finally to detect any new challenges and protection gaps in the field, as a result of the large number of refugees and migrants trapped in the Greek Islands, living inside or outside hosting facilities.

³⁵ The CPT has to conclude that the Greek Authorities had not taken sufficient measures since its 2015 and 2016 visits to implement its recommendations aimed at strengthening formal safeguards against ill-treatment in practice. CPT, [Report](#) to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019, 9 April 2020, CPT/Inf (2020) 10.

³⁶ GNCHR, [Information](#) relevant to the implementation of the Convention against Torture - Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019.

³⁷ CAT, [Concluding observations](#) on the seventh periodic report of Greece, 3 September 2019, CAT/C/GRC/CO/7.

³⁸ CPT, [Report](#) to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, CPT/Inf (2020) 35.

³⁹ Those deprived of their liberty by the Police under aliens’ legislation have limited or no access to legal aid. See CPT, [Report](#) to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, CPT/Inf (2020) 35.

⁴⁰ CRPD, [Concluding observations](#) on the initial report of Greece, 29 October 2019, CRPD/C/GRC/CO/1.

⁴¹ Based on the results of the Council of Europe’s JustRom2 project implemented in Greece in partnership with the GNCHR. See also GNCHR, [Contribution](#) in the context of the preparation of the New National Strategy for the Social Inclusion of Roma for the period 2021-2027, March 2021, p. 14-15 [in Greek].

⁴² GNCHR, [Submission](#) to the United Nations Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights, September 2021.

⁴³ GNCHR, [Observations](#) on Draft Law of Ministry for Migration and Asylum "Improvement of migration legislation, amendments of provisions of Laws 4636/2019, 4375/2016, 4251/2014 and other provisions", 23 April 2020. Law 4760/2020 that abolished detention of unaccompanied minors in police departments ("protective custody") is a positive step. However, the GNCHR advocates for the total abolition of the detention measure to vulnerable applicants for international protection, given that it constitutes, as a rule, a disproportionate measure. GNCHR, [Observations on the draft law of the Ministry for Migration Policy "Transposition into Greek legislation of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection \(recast, L180/96/29.6.2013\) and other provisions, Amendment of Law 4251/2014 \(A' 80\) regarding the transposition into Greek legislation of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, Amendment of asylum procedures and other provisions"](#) [in Greek], 7 May 2018.

⁴⁴ GNCHR, [National Report](#) on the situation of human rights of migrants at borders, July 2021.

⁴⁵ CAT, [Concluding observations](#) on the seventh periodic report of Greece, 3 September 2019, CAT/C/GRC/CO/7.

⁴⁶ GNCHR, [Press release](#): In Samos, the system has collapsed, 23 January 2020. For more information on the findings of the GNCHR see GNCHR, [National Report](#) on the situation of human rights of migrants at the borders, July 2021.

⁴⁷ Council of Europe, News: [Anti-torture Committee undertakes rapid reaction visit to Greece to examine treatment of migrants](#), 17.3.2020.

⁴⁸ UNHCR, [Press Release](#): UNHCR warns asylum under attack at Europe's borders, urges end to pushbacks and violence against refugees, 28.1.2021.

⁴⁹ See more information on CPT's report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, CPT/Inf (2020) 35, pp. 9-10.

⁵⁰ GCR, [Press Release](#): Closed Structure of Samos: the confinement continues, 10.2. 2022 [in Greek].

⁵¹ Such as the Strategy to tackle Trafficking in Human Beings (THB) 2021-2025, launched by the Ministry of Citizen Protection and presented in an online press conference, on July 29 2021, in the presence of the National Rapporteur for Combating Trafficking in Human Beings, Iraklis Moskof. See Ministry of Citizen Protection, [Press Release](#). The Ministry's of Citizen Protection Strategy to tackle Trafficking in Human Beings 2021-2025, 29 July 2021; The Ministry's of Citizen Protection [Strategy](#) to tackle Trafficking in Human Beings 2021-2025, 29 July 2021.

⁵² CAT, [Concluding observations](#) on the seventh periodic report of Greece, 3 September 2019, CAT/C/GRC/CO/7, par. 50-51.

⁵³ CEDAW, [Concluding observations](#) on the seventh periodic report of Greece adopted by the Committee at its fifty fourth session (11 February – 1 March 2013), 26 March 2013, CEDAW/C/GRC/CO/7, par. 22-23.

⁵⁴ In fact, GRETA Experts, taking into account the dimensions of the refugee/migration crisis, had stressed the need for the initiatives and preventive actions to be realised mainly through social and economic protection measures, mostly of the most vulnerable groups such as unaccompanied minors. Council of Europe, GRETA, [Report](#) concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece, First evaluation round, Adopted on 7 July 2017, Published on 18 October 2017, GRETA(2017)27, par. 113 et seq. In this regard see also Council of Europe, Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, [Recommendation CP\(2018\)3](#) on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece, adopted at the 22nd meeting of the Committee of the Parties, on 9 February 2018, Addendum: List of GRETA's proposals concerning the implementation of the Convention by Greece.

⁵⁵ CRC, Consideration of reports submitted by States parties under article 44 of the Convention, [Concluding observations](#): Greece, 13 August 2012, CRC/C/GRC/CO/2-3, par. 9-10, 70. In this regard see also CEDAW, [Concluding observations](#) on the seventh periodic report of Greece adopted by the Committee at its fifty fourth session (11 February – 1 March 2013), 26 March 2013, CEDAW/C/GRC/CO/7, par. 36-37 and CAT, [Concluding observations](#) on the seventh periodic report of Greece, 3 September 2019, CAT/C/GRC/CO/7, par. 50-51.

⁵⁶ In addition, it should be clarified that the exploitation of begging is related almost exclusively to children victims. See Office of the National Rapporteur on Trafficking in Human Beings, Hellenic National Referral

Mechanism for the Protection of victims of human trafficking, [Annual Report 2019](#). The Report covers the period from 1st January 2019 to 31st January 2020.

⁵⁷ This is an average percentage of cases that are being successfully closed each year, according to the Greek authorities who participated in the ICRC event on “The searching of missing persons as a right” (Athens, 23.4.2021).

⁵⁸ GNCHR, [Reference Report](#) on the refugee and migrant issue [in Greek], September 2020, p. 82 et seq; GNCHR, National [Report](#) on the situation of human rights of migrants at borders, July 2021, p. 50. Based on information received during the GNHCR delegation’s visit in Samos (January 2020), 29 migrant children have been reported missing the last 6 months.

⁵⁹ UNHCR, [Joint press release](#): Greece launches national tracing and protection mechanism for unaccompanied children in precarious conditions, 6 April 2021.