



International Alliance for Peace and Development

The International Alliance for Peace and Development

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Universal periodic review of Greece

Report on human rights situation in Greece

Introduction:

The International Alliance for Peace and Development (IAPD) highly appreciates all efforts of the government of Greece to contained refugees, and to achieve indiscriminative policies against women and minorities.

In the last review for Greece in 2016, the government accepted the recommendation 136.9, which was related to the importance of the implementation of non-discriminative and non-racist policies against women and minorities. The Greek government advocated that, the legislation on equal treatment and the fight against discrimination is already being amended to enhance its effectiveness.

It also accepted the recommendation 136.10 On the use of the term “minority”,

It was noted by the state that, the anti-discrimination legislation is currently being amended and that the responsibilities of the Ombudsman pertaining to the investigation of alleged cases of discriminatory treatment will be strengthened. Furthermore, the recently established National Council against Racism and Intolerance is designing strategies to combat hate speech made in the media, and by public officials.

The state also accepted the recommendation 136.8, as It is to be noted that measures have already been taken to combat hate speech, such as the adoption of Law 4285/2014 amending Law 927/1979, as well as the establishment of the National Council against Racism and Intolerance (Law 4356/2015). Challenges, however, remain with regard to the implementation of the relevant legislation. The Greek government consider only one group of persons is qualified as a “minority”, namely the Muslim minority in Thrace, consisting of three distinct groups, whose members are of Turkish, Pomak and Roma origin. The status of

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the Muslim minority in Thrace was established by the 1923 Treaty of Lausanne, which qualifies this minority as a religious, not a national one. Relying on solid and objective legal and factual grounds, Greece does not recognize other groups as “minorities”. However, the members of groups which are not officially recognized as “minorities”, for lack of objective criteria, fully enjoy their rights under the relevant human rights treaties as the government had advocated during the last review.

On the other hand, the Greek government had rejected the recommendation related to the ratification of the optional protocol no 12 of the European council, and the European legal convention of the protection of migrants and minorities.

In the last review, the status of refugees was really great, the Greek state was receiving a huge number of refugees while other countries were applying the policy of closing borders which have led to the death of many refugees and asylum seekers.

In this report, we will examine the situation of refugees and women in the framework of the accepted recommendations by Greece in the last review, and in comparison, to the situation previously in 2016.

Situation of refugees in Greece:

In 2016, all states during the review welcomed the efforts of Greece related to receiving the refugees and migrants. Most of the states at that time applied the policy of closing borders in front of the refugees, but as a matter of fact, with regard of Greece, although it was applying austerity measures and it was experiencing a financial crisis, it was receiving a very high number of asylum seekers especially from Syria and some of them pushed from the Turkish borders.

The Greek authorities have provided refugees with needed assistance specially women and children, and Greece didn't receive any recommendation related to improving refugee's situation in the last review. **And this was parallel to the ratification of a huge number of UN conventions such as, convention on the rights of persons with disabilities, convention on the illumination of all forms of discrimination against women, and convention on torture and other cruel punishment.**

But currently, the situation is deteriorating, assaults and violence against asylum seekers by Greek security officers and unidentified armed men had been reported, aiming to push them back to the Turkish side of the border. Migrants who managed to cross the border were allegedly intercepted by Greek border guards, detained, stripped, confiscated of belongings and pushed back to Turkey. This alleged excessive use of force seems to have led to deaths and injuries, including the death of a Syrian asylum seeker. According to the special rapporteur on migrants, it has been noted the, increase in hostility and violence against humanitarian workers, human rights defenders and journalists working at the border area and in the Greek Aegean Sea.



Greece decided on 1 March 2020 to suspend access to asylum application for 30 days for individuals who have crossed the border irregularly. These individuals would be returned to the country they arrived from or to their country or origin without registration or individual assessment.

This discussion is considered as a huge violation for human rights, as each individual has the right to be protected from all ill treatment, torture, or any other cruel punishment, and all persons have the right to be assessed as refugees in case they are harmed in their countries under the international humanitarian law.

Arrivals of asylum-seekers and refugees by sea increased at the highest rate since 2016. Between January and October 2020, the International Organization for Migration recorded 66 deaths on the Eastern Mediterranean route.

From 2018 and throughout 2019, land arrivals at the northern border also rose significantly and were accompanied by consistent allegations of pushbacks to Turkey at the Evros River. Despite numerous reports, the authorities denied the allegations. In December, six people died of hypothermia along this route.

The EU-Turkey agreement of 2016 continued to shape the country's policy of containing new arrivals in the "hotspots" and facilities on the Aegean islands where people remained for long periods and in abysmal conditions. As of December 2019, the islands hosted more than 40,000 people, 35% of whom children. Hotspots were consistently extremely overcrowded, with Lesbos and Samos almost six and 11 times over capacity respectively at the end of 2019. People in camps continued to face insanitary conditions, lack of proper medical care and violence, including based on gender. In October 2019, the Council of Europe (CoE) Commissioner for Human Rights called on Greece to urgently transfer people from the islands and improve their conditions.

The situation of refugee and migrant children deteriorated sharply. Three children died in Moria camp and the NGO Médecins Sans Frontiers reported that many of the children in camps experienced mental health issues. Hundreds of school-age children living in the hotspots did not have access to formal education during the new school year. Following the filing of a collective complaint under the European Social Charter, in May the CoE Committee on Social Rights requested that the government take immediate measures including the provision of "age-appropriate shelters" for unaccompanied children in pre-removal and reception and identification centers.

Across police stations and detention facilities in Greece, 195 unaccompanied children were deprived of their liberty through "protective custody," as of 31 December 2019. In several cases, the European Court of Human Rights indicated interim measures and ordered Greece to release the applicant unaccompanied children from detention and transfer them to suitable accommodation. In February, in the case of H.A. and others v. Greece, the Court found lengthy "protective custody" of minors in unsuitable conditions to be degrading treatment under the European Convention on Human Rights and a violation of the applicants'



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rights to liberty and security.

Nowadays, and as a result of the COVID-19 pandemic, the refugee status is sharply deteriorating with a huge number of cases in the camps, which includes an enormous number of people living together.

Since 2019, the government in Greece started to implement policies that include strengthening borders and pushing refugees to Turkey, which has affected people vulnerable for help and assistance.

Thousands of newly arrived asylum-seekers were denied access to free health care in the public health system following changes in the social security system. The Ministry of Labor discontinued the procedure allowing asylum seekers to obtain a Social Security Number (“AMKA”), a prerequisite for their access to health care, without offering viable alternatives. A provision in the new asylum legislation proposing an alternative for asylum-seekers through a temporary social security number had not been implemented by the end of the year 2019.

The new Asylum Law requires NGOs working with refugees to obtain certification in order to access reception and detention centers. There were fears that this could unduly interfere with NGO work and undermine asylum-seekers’ right to receive information.

Individuals also continued to face charges in connection with their humanitarian work with refugees.

Violence against women and girls

In June 2019, the Ministry of Justice proposed amendments to the legal definition of rape in the Greek Criminal Code that were not compatible with international human rights standards and impeded even further victims’ access to justice. Strong reactions and intense advocacy by campaigning groups led to a swift reversal by the Ministry which amended the proposed reform so that sex without consent was criminalized as rape. Parliament approved the amended provision and Greece became the ninth country in the European Economic Area to introduce a consent-based rape law.

All these procedures are considered as a victory for women rights advocacy, and it is proving the respect of women rights. It is clear that Greece had applied the recommendation related to the end of discrimination against women, and the prevention of gender-based violence against women.

On the other side, In November 2019, parliament decided not to proceed with the revision of the constitutional provision on discrimination. The revised provision would have expanded the prohibited grounds of discrimination to include gender identity, sexual orientation, age, disability and membership of a national minority.



the Racist Violence Recording Network (RVRN) presented its 2018 Annual Report, documenting 117 incidents of hate-motivated violence involving more than 130 victims, **including 27 incidents where the targets were lesbian, gay, bisexual, transgender or intersex (LGBTI) people.**

The UN Working Group on discrimination against women and girls expressed concern, that survivors of domestic and family violence in Greece are routinely encouraged to engage in mediation with their abusers, noting that this is contrary to international standards, and that perpetrators are rarely prosecuted or punished. migrant and asylum-seeking women who are survivors of gender-based violence lack access to support and safety, and that there are insufficient shelters and emergency accommodations and inconsistent coordination of services.

Recommendations and best practices

- According to the information presented above: maat foundation for peace is condemning all forms of harm of refugees and asylum seekers, and it is worth to mention that, the government of Greece is fully responsible for preventing all human rights violations against asylum seekers and migrants.
- Maat foundation recalls that, all asylum seekers and refugees have the right to be assessed as refugees to the country under the human rights laws, and they should be protected from any kind of abuse, threats, or attacks.
- It is highly recommended for the government of Greece to provide all forms of protection and support for all human rights defenders and advocates, and for persons assisting the migrants to enter Greece.
- Maat foundation encourages the government to conduct investigations on the allergies about the violence and torture cases reported for some migrants on borders, and it is extremely important to ensure accountability for persons who committed this attack, and it would be appreciated if the government ensure the availability of health care facilities for refugees specially women and children.
- With regard to violence against women, it is highly recommended that, the government of Greece to stop resorting to mediation with perpetrators in the crimes related to sexual harassment and gender-based violence.
- Finally, maat foundation is appreciating all efforts exerted by the parliament to issue the new law about consent-based rape.