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# Submission by the Greek National Commission for Human Rights (GNCHR) to the UN Human Rights Council's Universal Periodic Review of Greece

**September 2015**

*The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection. It was established by Law 2667/1998 and is functioning in accordance with the UN Paris Principles. Its 32 members are nominated by institutions whose activities cover the field of human rights (NGOs, trade unions, independent authorities, universities, bar associations, political parties, Parliament and the Administration).*

## I. CURRENT CONTEXT

1. The submission of the Report comes at a time when Greece remains plagued by a financial crisis and the continuous effect of austerity measures. The Greek National Commission for Human Rights (hereinafter GNCHR) recalls that already in 2010 it conveyed to the State the "need for constant respect of human rights during the implementation of the fiscal and social exit strategy from the debt crisis", whilst 18 months later it issued a Recommendation "on the imperative need to reverse the sharp decline in civil liberties and social rights". In June 2013, the Plenary of the GNCHR recalled in its Report entitled "Recommendation and decisions of international bodies on the conformity of austerity measures to international human rights standards" its concerns about the rapid deterioration of living standards coupled with the dismantling of the welfare state. Most recently, in July 2015 the Plenary adopted the "GNCHR Statement on the impact on human rights in Greece of the continuing austerity measures".

## II. CURRENT NORMATIVE AND INSTITUTIONAL FRAMEWORK

### A. Scope of International Obligations

2. The GNCHR has expressed its concern regarding the inadequate legislative compliance with the Convention on the Rights of Persons with Disabilities[1]. The Ministry of Labour, Social Security and Welfare was designated[2] as focal point for the monitoring of the implementation of the Convention, and as coordinating mechanism for facilitating relevant activities, in accordance with Article 33 (1) of the Convention. Due to the inadequacy of the enabling statute[3], independent mechanisms, which shall promote, protect and monitor the implementation of the Convention as required by Article 33(2) thereof, have not been established,. GNCHR would like also to emphasize the need of interoperability between all competent State authorities for the effective monitoring of the rights of persons with disabilities across the board.

3. The GNCHR has recommended that Greece ratifies the International Convention on the Rights of All Migrant Workers and Members of their Families; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms[4]; the European Social Charter (revised)[5]; the CoE Convention on preventing and combating violence against women and domestic violence[6]; the European Convention on Nationality[7]; the Framework Convention for the Protection of National Minorities[8]; the ILO conventions: C129 - Labour Inspection (Agriculture) Convention; the C097 - Migration for Employment Convention (Revised); the C183 - Maternity Protection Convention; the C189 - Domestic Workers Convention; the C121 - Employment Injury Benefits Convention; the C118 - Equality of Treatment (Social Security) Convention; the C094 - Labour Clauses (Public Contracts) Convention; the 2002 Protocol to the Occupational Safety and Health Convention.

### B. Action Plans on Human Rights

4. The GNCHR has welcomed the National Human Rights Action Plan, the National Action Plan for Children's Rights, the Integrated Action Plan (IAP) for the Social Inclusion of the Greek Roma, as well as the Revised National Action Plan on the reform of the asylum system and migration management, which included a certain number of legislative and policy components, while the absence of a National Action Plan against Racism remains a problem. The GNCHR reiterates that national Action Plans should include concrete objectives, in order for their implementation to be effectively monitored.

5. The GNCHR has also offered to work closely with the competent authorities during the evaluation and implementation of the Action Plan for Children's Rights on the basis of its Report issued on 23.1.2015.[9]

## III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### Equality and Non Discrimination

*Gender Equality*

6. The GNCHR has repeatedly commented on the disproportionate impact of the crisis and austerity measures on women[10]. No progress has been recorded. According to the ECSR[11] and other treaty-bodies findings, fiscal consolidation decisions and austerity measures are continuously taken without any *ex ante* or even *ex post* impact assessment[12].

7. The GNCHR expresses its concern about the marginalization of women in the labour market as reflected, among others, in the high female unemployment rates.[13] Pension cuts affecting widows and other categories of women have also had a negative impact. Moreover, the multiple State interventions to collective autonomy, especially as to the scope and mandatory character of both general and sectoral Collective Agreements (CAs) setting uniform labour standards, resulted in the widening of the gender pay gap. The rapid growth of flexible forms of employment and the replacement of contracts of indefinite duration by fixed term or rotation work contracts unilaterally imposed by the employers have led to a significant reduction in wages. A significant source of concern is the lack of adequate public day-care structures for children and dependent persons, limiting women's ability to take up employment or keeping them in jobs with reduced rights.

*Discrimination on Grounds of Age*

8. The GNCHR has repeatedly highlighted the findings of monitoring bodies regarding the disproportionate impact of the crisis and austerity measures on young people and the systematic discrimination against them in the area of employment[14], in conformity with ECSR decisions, which found that such provisions –still in force– violate the ESC[15].

9. Many of these violations are also likely to constitute violations of both the CESCR and EU law, in particular of the principle of non-discrimination embodied in Article 21 of the EU Charter of Fundamental Rights, which prohibits discrimination in employment on several grounds, including age. However, the Conseil d'Etat (the Supreme Administrative Court - Symvoulio tis Epikrateias) remains reluctant to make preliminary references to the CJEU to settle important questions of compatibility of the austerity measures with EU law (e.g. StE 2307/2014, 668/2012 and 1285/2012).

*Discrimination on Grounds of Sexual Orientation and Gender Identity*

10. The GNCHR has repeatedly expressed its regret that the State fails to take into consideration the Commission's recommendations concerning the exclusion of same-sex couples from the regulatory framework on civil partnership[16] and welcomes the recent initiative of the Ministry of Justice to establish a law-drafting committee to work on a bill amending the civil partnership legislation, including legal gender recognition. Although there is a growing tendency to include considerations of 'gender identity' in recent legislation, such as Law 4285/2014[17], in the Greek legal order the concept of 'gender identity' remains almost unknown: the GNCHR has just issued a Report on "Transgender persons and legal recognition of gender identity" (14.9.2015).

*Racism and Xenophobia*

11. The GNCHR has repeatedly reiterated the need to address and combat racism and xenophobia by extended recommendations to the Greek Authorities[18]. The GNCHR had welcomed Joint Ministerial Decision No. 30651/2014 providing for the protection to victims and essential witnesses of racist crimes. We

are gratified that provisions granting victims of or material witnesses against racist acts a residence permit on humanitarian grounds, until such time judgment has been delivered or the case has been closed, have been included in Law 4332/2015, fully integrated in the Immigration and Social Integration Code, for reasons of legal certainty[19].

12. The Racist Violence Recording Network, established in 2011 by the GNCHR and the UNHCR office in Greece, insists on the necessity of "the investigation of bias motivation both at the stage of preliminary investigation ordered by the Public Prosecutor and at the stage of *ex proprio* initial investigation by the police"[20].

**Right to a Fair Trial**

13. The GNCHR has repeatedly addressed various aspects of the right to a fair trial, rationalisation and acceleration of judicial proceedings being one of the most important. Albeit fully appreciating the need to accelerate the conclusion of penal proceedings, as Greece has been found in breach of the relevant ECHR provisions in several cases, the GNCHR has continuously expressed its concern that such the measures might create more problems than those they would solve[21]. The GNCHR remains particularly concerned that the rapid increase in court fees may have an adverse impact on access to courts especially for those heavily afflicted by unemployment and job insecurity: it has therefore recommended that litigation costs be abolished, at least for employment and social security cases, and drastically reduced for the other cases.

**Freedom of Religion or Belief**

14. The GNCHR welcomed Law 4301/2014 on the Organization of the Legal Form of Religious Communities and their organizations in Greece and underlined the need to regulate the relations between the State and the Church with a view to establishing distinct roles on the basis of the freedom of religion and international human rights standards. Moreover, in light of the relevant ECtHR case-law[22], the GNCHR has reiterated that the choice of a religious or political oath in courts be replaced with a political one, so that the negative religious freedom may also be protected[23] The GNCHR is also concerned with the implementation of the right to abstain from religious educational courses, which involves a requirement of full prior justification to be granted.[24]

**Right to Life, Liberty and Security of the Person**

*Domestic Violence*

15. The GNCHR welcomed Law 3500/2006 "on combating domestic violence" as well as the National Action Plan on Preventing and Combating Violence against Women 2009-2013. However, the Law fails to address the essence of the phenomenon of violence against women and its root causes. Moreover, it does not create legal certainty, as most of its provisions are not incorporated in the relevant Codes[25]. Raising awareness efforts are still needed, mainly due to persisting patriarchal attitudes and deeply rooted stereotypes regarding the role and responsibilities of women and men, as well as discriminatory practices. There are also no statistical data on violence based on gender, age, minority/ethnic origin and the relationship between the perpetrator and the victim. A targeted and effective strategy for women's rights protection and promotion should be integrated in a framework of steadily provided and state-funded public services, a situation unlikely to happen in the present economic environment.

*Arbitrary Conduct of Law Enforcement*

16. The GNCHR remains concerned about the frequency, volume and character of internationally recorded cases of police arbitrary conduct. Law 3938/2011 provided for the establishment of an independent and effective mechanism for the investigation of complaints of police maltreatment. Nevertheless, the Office for Combating Cases of Arbitrariness is inactive and the GNCHR notes that its overall institutional structure is

deficient to fulfill its scope and purpose. Any effective response to this phenomenon must include a comprehensive, both formative and periodic, human rights training of the security forces. The GNCHR has already proposed to the Ministry of Internal Affairs such a comprehensive programme for the HR training of police officers[26].

**Right to Work and Social Protection**

17. In seven decisions[27], the ECSR found that several austerity measures taken in Greece violate ESC labour and pension rights, thus driving workers and pensioners below the poverty threshold. These provisions allowed for dismissal without notice and severance pay for certain categories of workers, introduced sub-minima for young workers; limited their social security coverage; deprived certain categories of young workers of the annual leave; and, through successive amendments to social security schemes, either reduced or suppressed retirement benefits. None of these measures was modified or repealed, as the GNCHR highlighted in its Observations submitted to the ECSR and which the latter ascertained in its Conclusions XX-3 (2014) - Greece. The GNCHR also notes that several ILO Bodies have expressed their serious concerns on the impact of austerity policies on the due implementation by Greece of ILO conventions and standards. Following the Committee on Application of Standards (CAS) Report in 2014, the CEACR, in its recent report on the application of Convention No. 102[28], still doubts that the measures adopted by Greece will be sufficient to preserve the viability of the social security system in the current economic situation of the country

*Wage Protection*

18. As stated in the GNCHR reports[29], the CEACR has deplored wage cuts and delays in wage payment due to many enterprises facing financial problems, a fact that also affects pensions. The CEACR took note of the deep concern of the GNCHR "at the ongoing drastic reductions in even the lower salaries and pensions" and "the drastic reduction or withdrawal of vital social benefits"[30].

*Trade Union and Collective Bargaining Rights*

19. The ILO Committee of Freedom of Association, the CEACR and the CAS have found numerous violations of these rights in both the public and private sector,[31] The austerity measures introduced repeated and extensive State's interference, which has seriously weakened collective bargaining and collective agreements (CAs) while violating the autonomy of social partners.

**Right to Health**

20. The GNCHR remains alarmed that in 2014 the drastic reduction in public health expenditure led to longer waiting times, higher admission fees, and the closure of hospitals and health centres[32]. An increasing number of residents - especially poor citizens and marginalized groups - are without adequate, if any, access to health care, the quality of which has degenerated[33]. People unemployed for longer than one year lose their access to health coverage.

21. Besides, the state of child and adolescent mental health is now appalling[34]. The number of new cases is increasing along with the need to provide reinforcing services within the community, but also in schools, where psychiatric services are not provided[35].

**Roma Rights**

22. The GNCHR observes, along with the Greek Ombudsman, that little progress has been made in the general situation of Roma, and particularly on issues pertaining to housing, education, access to employment and public services[36] as well as access to clean and clear water[37]. The GNCHR considers the segregation of

Roma children unacceptable but finds that their dispersion in schools located in neighbouring areas as a means to avoid it remains controversial.

23. The GNCHR has highlighted that the Integrated Action Plan (IAP) for the Social Inclusion of the Greek Roma, already defunct, lacked solid legal guarantees[38]. There is no integrated institutional framework in place to ensure the effective participation/integration of Roma in Greek social life, a conclusion shared by ECRI[39] and the Greek Ombudsman[40].

**Rights of Migrants-Refugees-Asylum Seekers**

Greece faces an unprecedented refugee emergency with new record arrival numbers: a total number of almost a quarter of a million people arrived in 2015, an increase of 1017, 42% over the previous year. Congestion on islands has further increased[41] with 56.610 people arriving in July 2015 and 109.940 people in August 2015. The GNCHR recently called the European Union to urgently assume its responsibilities and redesign its asylum policy (31.8.2015), so that, along with the UN, can act in a consistent and effective manner, in order to show the human face of the EU and so that the values and principles which form the foundation of European civilization are not simply words on paper. It is not merely by providing financial assistance to Greece that the EU will fulfil its primary duty to protect human rights. The Dublin III Regulation does not effectively implement the fundamental EU principles of solidarity, human dignity and fair sharing of responsibility among the EU Member States proclaimed by the Treaties and the EU Charter[42]. The GNCHR also attaches itself to the Open Letter addressed by Professor Alan Miller, President of the European Network of National Human Rights Institutions (ENNHRI) to the European Council on 10 September 2015 on the occasion of the Extraordinary Council of Interior Ministers on 14 September 2015[43].

The GNCHR had also expressed its deep concern regarding the recurring sea tragedies and the loss of human lives in the Mediterranean (20.4.2015). It has also contributed to the drafting of the ENNHRI Statement on the continuing tragedies in the Mediterranean Sea, a human rights approach (April 2015).

24. Even prior to the summer 2015 influx, the GNCHR welcomed the establishment of the new autonomous Asylum Service and the Appeals Authority[44]. However, the new Asylum System remains understaffed (25% of the foreseen posts are not filled) and not all the Regional Asylum Offices are established. Such deficiencies were further exacerbated in crisis conditions, as a considerable number of those who want to seek asylum but are unable to register in a timely manner may be at risk of removal and, potentially, refoulement[45]. The GNCHR called on the Greek Authorities to investigate claims included in reports by international and European bodies, according to which operations of repulsion and refoulement of third country nationals constitute standard policy for addressing the immigration problem[46].

25. The GNCHR has repeatedly called[47] on the Greek authorities to comply with the recommendations of international bodies[48] and guarantee that detention conditions are in line with the right to health and human dignity.

[1] GNCHR, "International Convention on the Rights of Persons with Disabilities: Problems regarding its implementation", 9.10.2014.

[2] Prime Minister's decision No. 426/2.20.2014 "Designation of a focal point for monitoring the implementation of the United Nations Convention on the rights of persons with disabilities (Law 4074/2012, GG A 88) along with a coordination mechanism for facilitating related action" (GG B 523/02.28.2014).

[3] Article 3 of the ratification law (Law 4074/2012, GG A 88/11.4.2012) reads as follows: "By decision of the Prime Minister, in accordance with Article 33(1) of the United Nations Convention on the Rights of Persons with Disabilities, a focal point is

designated in the Government for monitoring the implementation of the Convention along with a coordination mechanism for facilitating related action." This provision constitutes inadequate compliance with the obligations undertaken by the Greek State upon ratification of the Convention, since it enables the Prime Minister to only implement Article 33(1) of the Convention and not the remaining paragraphs thereof.

[4] Greece has signed it on 4.11.2000.

[5] Greece has signed it on 3.5.1996.

[6] Greece has signed it on 11.5.2011.

[7] Greece has signed it on 6.11.1997.

[8] Greece has signed it on 22.9.1997.

[9] GNCHR, "Observations on the National Action Plan on Children's Rights", 23.1.2015 [in Greek].

[10] GNCHR, "Statement of the Greek National Commission for Human Rights (GNCHR) on the impact of the continuing austerity measures on human rights", 15.7.2015; GNCHR, "Observations on the 24th Greek Report on the application of the European Social Charter and on the 9th Greek Report on the application of the Additional Protocol to the European Social Charter", 9.10.2014; GNCHR, "Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR)", 5.12.2013.

[11] Most recently, Observation (CEACR) - adopted 2014, published 104th ILC session (2015), *Equal Remuneration Convention, 1951 (No. 100)*, Greece (Ratification: 1975).

[12] See GNCHR, "The NCHR Recommendation and decisions of international bodies on the conformity of austerity measures to international human rights standards", 27.6.2013; GNCHR, "NCHR Recommendation: On the imperative need to reverse the sharp decline in civil liberties and social rights", 8.12.2011 and GNCHR, "The need for constant respect of human rights during the implementation of the fiscal and social exit strategy from the debt crisis", 10.6.2010.

[13] ELSTAT, *Press Release*, 6 August 2015.

[14] GNCHR, "The NCHR Recommendation and decisions of international bodies on the conformity of austerity measures to international human rights standards", 27.6.2013; GNCHR, "Observations on the 24th Greek Report on the application of the European Social Charter and on the 9th Greek Report on the application of the Additional Protocol to the European Social Charter (Reference Period 1.1.2009-12.31.2012)", 9.4.2014.

[15] ECSR 23.05.2012, Complaints Nos. 65/2011, *General Federation of Employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece* and 66/2011, *General Federation of Employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece.* CEACR, *Observation (CEACR) - adopted 2012, published 102nd ILC session (2013), Social Security (Minimum Standards) Convention, 1952 (No. 102) – Greece.*

[16] GNCHR, "Letter to the Ministry of Justice for drafting a bill on same-sex civil partnership", *Annual Report 2010*; GNCHR, "Comments on the Bill 'Reforms for the Family, the Children and the Society", *Annual Report 2008*. Moreover, the GNCHR, has since 2004, with its "Resolution on issues pertaining to discriminatory treatment and behaviour vis-à-vis gays, lesbians, bisexuals and transsexuals and the extension of the right to civil marriage to same-sex couples" underlined the need for legal recognition of the same-sex partnerships. See *Annual Report 2004*.

[17] Aiming at adapting Law 927/1979 to Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.

[18] GNCHR, "Press Release: Memorandum of the Greek National Commission for Human Rights (GNCHR) on the Antiracist Legislation", 16.9.2013, *Annual Report 2012-2013*; GNCHR, "Press Release: Memorandum of the Greek National Commission for Human Rights (GNCHR) on the Bill on Combating Racism and Xenophobia", 17.12.2013, *Annual Report 2012-2013*; GNCHR, "Comments on the bill by the Ministry of Justice, Transparency and Human Rights on "Combating certain forms and expressions of racism and xenophobia by means of criminal law", *Annual Report 2011*; GNCHR, "Report: Dealing with racist violence: Legislative, Judicial and Police Responses", *Annual Report 2011*; GNCHR, "Report: Extremist Groups, Public Discourse and Racism in Sports", *Annual Report 2011*.

[19] See GNCHR, "Observations on the Bill by the Ministry of Internal Affairs entitled "Incorporation in the Greek legal order of Directives 2011/98/EC on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State and 2014/36/EC on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, regulations regarding citizenship issues and other provisions"", 12.11.2014.

[20] RVRN, "Press Release on recent legislative amendment on combating racist crimes", 8.1.2015.

[21]GNCHR, "Proposals on the Bill of the Ministry of Justice aimed at "providing fair satisfaction for exceeding the reasonable duration of proceedings in civil and criminal courts and in the Court of Audit"", 30.1.2014, *Annual Report 2014*, to be published; GNCHR, *Observations and Proposals on the Bill of the Ministry of Justice on "the fair trial and its reasonable length"*, 26.1.2012, *Annual Report 2012-2013*; GNCHR, *Comments on the Bill of the Ministry of Justice entitled*

*"Improvement of the criminal justice system"*, 21.10.2010, *Annual Report 2010*; GNCHR, "Comments on the Bill of the Ministry of Justice entitled "Acceleration of proceedings in administrative courts and other provisions", 21.10.2010.

[22] ECtHR, *Dimitras and others v. Greece*, 8.4.2013; *Dimitras and others v. Greece (Nº 2)*, 3.2.2012; *Dimitras and others v. Greece*, 3.9.2010; *Alexandridis v. Greece*, 21.5.2008.

[23] GNCHR, *"*Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR)", 5.12.2013; GNCHR, "Decision on the Replacement of Religious Oath by Civil Oath", 29.5.2008, *Annual Report 2008;* GNCHR, "Proposals on State-Church Relations", 19.1.2006, *Annual Report 2006*.

[24] GNCHR, *"*Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR)", 5.12.2013; "Recommendations on the Bill on "Fair satisfaction due to the excess of the reasonable length of proceedings in civil and criminal courts and the Court of Auditors"", 30.1.2014

[25] GNCHR, "Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the ICCPR", 5.12.2013.

[26] GNCHR, *"*Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR)", 5.12.2013.

[27] ECSR 23.05.2012, Complaints Nos. 65/2011, *General Federation of Employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece* and 66/2011, *General Federation of Employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece*.

[28] ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations, Application of International Labour Standards 2015 (I), International Labour Conference, 104th Session, 2015. See also Observation (CEACR) - adopted 2014, published 104th ILC session (2015), *Social Security (Minimum Standards) Convention, 1952 (No. 102) – Greece*.

[29] GNCHR, "Observations on the 24th Greek Report on the application of the European Social Charter and on the 9th Greek Report on the application of the Additional Protocol to the European Social Charter", 9.10.2014.

[30] ILO, *Observation (CEACR) - adopted 2014, published 104th ILC session (2015), Protection of Wages Convention, 1949 (No. 95) – Greece.*

[31] Committee on Freedom of Association, *365th Report (November 2012), case 2820*; Committee on the Application of Standards, *2014 Report (103rd ILC)*; Committee on the Application of Standards, *2013 Report (102nd ILC)*; Committee on the Application of Standards, *2011 Report (100th ILC)*; Observation (CEACR) - adopted 2014, published 104th ILC session (2015); C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – Greece; Observation (CEACR) - adopted 2013, published 103rd ILC session (2014); C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – Greece; Observation (CEACR) - adopted 2012, published 102nd ILC session (2013) C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98*)* – Greece.

[32]See also CEACR/statements made during the discussion of the case of Greece at the CAS.

[33] *Ibid*.

[34] GNCHR, "Recommendations of the National Commission for Human Rights (NCHR) for Childhood Protection: «Health and Welfare»", 8.5.2014, *Annual Report 2014*, to be published.

[35] D. Anagnostopoulos, E. Soumaki, «Child and adolescent psychiatry in Greece during the crisis: a brief report», *ECAP Journal*, February 2013.

[36] Ombudsman, *Combatting discrimination-Special Report 2014*, p. 118.

[37] GNCHR, "The Right to Water. GNCHR Recommendations for its effective protection", 20.3.2014.

[38] GNCHR, "Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR)", 5.12.2013; GNCHR, "Observations on the Draft Report of Greece on CERD", 14.2.2008.

[39] ECRI, Report on Greece, February 2015.

[40] The Greek Ombudsman expresses the same concerns in their recent Report (2014), thus concurring with the GNCHR`s findings and concerns. Ombudsman, *Combatting discrimination-Special Report 2014*, p. 119.

[41] UNHCR, Greece, *UNHCR Operational Update*, August 2015, http://www.unhcr.gr/fileadmin/Greece/Extras/Arrivals/operational/Greece_Operational_Update_2.pdf.

[42] Art. 1 EU Charter, Arts. 2 and 3(3) TEU, 80 TFEU–asylum policies.

[43]ENNHRI, " Open Letter from the Chair of ENNHRI to all its Members within the European Union", 10.9.2015.

[44] The GNCHR itself contributed to the staffing of the Appeals' Committees. See GNCHR in a Public Statement (9.10.2014) expressed its deep concern about the obvious legality issues arising from the procedure regarding the establishment of the Appeals Committees under Law 3907/2011, as amended.

[45] UNHCR, *UNHCR observations on the current asylum system in Greece*, December 2014.

[46] GNCHR, "Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR)", 5.12.2013.

[47] GNCHR, "Detention Conditions in Police Stations and Detention Facilities for Aliens", *Annual Report 2010*, p. 82; GNCHR, "Findings of the in situ visit undertaken by the GNCHR and the Greek Ombudsman in detention facilities for aliens in the Evros Region", *Annual Report 2011*, p. 85; GNCHR, "Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR)", 5.12.2013.

[48] Council of Europe, Committee for the Prevention of Torture (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 4 to 16 April 2013, 16 October 2014, CPT/Inf (2014) 26, §§ 57 – 92. Several ECtHR judgments have found a violation of Article 3 ECHR due to inadequate conditions of detention and systemic deficiencies in the asylum procedure.E.g. *E.A. v. Greece*, No 74308/10, 30 July 2015 ; *Mahammad and others v. Greece*, No 48352/12, 15 January 2015; *Al. K. v. Greece*, No 63542/11, 11 December 2014; *Mohamad v. Greece*, No 70586/11, 11 December 2014; *A.E. v. Greece*, No 46673/10, 27 November 2014; *MD v. Greece*, No 60622/11, 13 November 2014; *H.H. v. Greece*, No 63493/11, 9 October 2014; *F.H. v. Greece*, No 78456/11, 31 July 2014; *Tatishvili v. Greece*, No 26452/11, 31 July 2014; *Los Santos and de la Cruz v. Greece*, No 2134/12, 2161/12, 27 June 2014; see also *Tabesch v. Greece*, No. 8256/07, 26.11.2009; *S.D. v. Greece*, No. 53541/07, 11.6.2009; *Rahimi v. Greece*, No. 8687/08, 1.04.2011; *M.S.S. v. Belgium and Greece*, No. 30696/09, 21.01.2011. See also, CJEU Judgments: Joined Cases C-411/10 and C-493/10 N.S. [2011] ECR I-13905, where the CJEU agreed with the ECtHR regarding systemic deficiencies in the asylum procedure and in the reception conditions of asylum seekers in Greece.