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Human Rights in Europe - Review of 2019 - Greece [EUR 01/2098/2020]

In June, in a historic victory for women’s rights, Greece became the ninth country in Europe to introduce a consent-based rape law. Refugee “hotspots” (EU-funded reception and identification centres for new arrivals) on the Aegean islands were consistently overcrowded and conditions remained dire. New asylum legislation adopted in October expanded asylum-related detention and rolled back safeguards for vulnerable groups. A spike was observed in reports of excessive use of force and ill-treatment by police. Austerity measures adopted over the past decade continued to severely impact access to health care.

Background

In July, the conservative New Democracy party won parliamentary elections. Greece’s general and youth unemployment rates (16.6% and 33.1% respectively as of October) remained the highest in the European Union (EU), despite a drop from the previous year.

Excessive use of force, torture and other ill-treatment

Allegations of excessive use for force, torture and other ill-treatment by law enforcement officials persisted. In the last quarter of 2019, there was a spike in reports of such incidents against individuals during arrest and detention, journalists and students protesting against the repeal of a long-standing law banning police from entering university campuses. In a number of cases, arbitrary strip-searches were reported as part of the ill-treatment. Serious concerns arose that these repeated incidents were not isolated and at the pervasive culture of impunity for such actions.

There were continuing delays in the criminal and disciplinary investigations into the death of queer activist and human rights defender Zak Kostopoulos in September 2018 following a violent attack. The initial criminal investigation resulted in six people, including four police officers, being charged with grievous bodily harm resulting in death, but no trial had commenced by the end of the year.

Refugees and asylum-seekers

Sea and land arrivals and conditions on the islands

From July onwards, arrivals of asylum-seekers and refugees by sea increased at the highest rate since 2016. Between January and October, 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 reportedly died of hypothermia along this route.

By the end of the year, land and sea arrivals stood at 74,482.

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, the Council of Europe (CoE) Commissioner for Human Rights called on Greece to urgently transfer people from the islands and improve their conditions.

Refugee and migrant children

The situation of refugee and migrant children deteriorated sharply. Three children died in Moria camp and the NGO Médecins Sans Frontières 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 centres.

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’ rights to liberty and security.

New migration and asylum policies

From July, the new government began implementing a more punitive migration policy, vowing to reduce the number of people arriving, increase the number of returns to Turkey and strengthen border control measures. As of September, a pledge was made to transfer more people from the islands to the mainland and two “transit centres” were established in Corinth and Karavomylos. However, the capacity and adequacy of facilities on mainland Greece remained unsatisfactory. In addition, transfers to the mainland did not proceed at a sufficient pace to actually reduce overcrowding on the islands.

In October, a new Asylum Bill (Law 4636/2019) introduced major changes to asylum procedures, the rights and obligations of asylum-seekers as well as detention, among other things. There was no significant consultation with civil society before its adoption and NGOs considered it an attempt to lower protection standards and create unwarranted procedural and substantive hurdles for people seeking international protection. Among the main concerns were the expansion of asylum-related detention, the rollback of safeguards for particularly vulnerable groups and the creation of a “safe third countries” list. After the bill was passed, the government announced the creation of closed facilities with entry/exit controls across Greece.

Access to health and housing

From August onwards, the government began clearing squats in Athens. Those affected were mainly refugee families who were evicted without proper prior consultation, adequate notice or the provision of adequate alternative accommodation.

In February and March, the authorities announced the gradual discontinuation of the provision of housing and cash support to recognized refugees living in camps and in accommodation provided by the UN High Commissioner for Refugees’- run ESTIA programme. The failure to provide adequate alternatives for their support or integration exposed many to uncertainty and in some cases destitution.

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 in July. The Ministry of Labour 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.

Criminalization of solidarity

The new Asylum Law requires NGOs working with refugees to obtain certification in order to access reception and detention centres. 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. The criminal proceedings against rescuers Sarah Mardini and Séan Binder, accused among other things of facilitating the smuggling of migrants into Greece, remained pending. There were serious concerns that the charges were baseless.

Violence against women and girls

In June, 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. In a historic victory for women's rights, on 5 June parliament approved the amended provision and Greece became the ninth country in the European Economic Area to introduce a consent-based rape law.

Discrimination

In November, 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.

In April, 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.

In December, the Prosecutor in the trial of 69 individuals linked to the Golden Dawn party proposed that all those charged with participating in a criminal organization be acquitted. She sought the conviction of party supporter, Giorgos Roupakias, for the murder of singer, Pavlos Fyssas, in 2013, but also proposed that those accused of complicity in the killing be acquitted, claiming their involvement could not be established. At the time of writing, the judges had yet to make a decision on whether to accept the proposal. Lawyers representing the family of Pavlos Fyssas expressed their serious concerns at the proposal and pointed to extensive evidence presented during the trial that highlighted the organized character of the offences committed by groups linked to the party. The trial started in 2015 and the court's verdict was expected in 2020.

Right to health

Austerity measures adopted over the past decade continued to severely impact access to health care. Amnesty International’s research noted that the austerity measures have continued to impact the accessibility and affordability of health care in Greece a decade after the crisis began and austerity measures were introduced. People interviewed spoke about the multiple barriers they faced accessing health care, including lengthy waiting times and the high costs of care. The economic crisis severely affected people in Greece, with huge increases in unemployment and poverty. Even though Greece exited from the bail-out agreements in 2018, the impacts of the crisis have been on-going. As per available data, even today, many of these levels remain worse than before the crisis began.

Conscientious objectors

Despite some positive legal amendments concerning conscientious objectors, serious violations of their rights continued, resulting in arrests, prosecutions, fines, trials in military courts, repeated punishment and suspended prison sentences.

In June, the then government reduced the length of full alternative service from 15 to 12 months, in line with recommendations by international human rights bodies. The full military service is nine months in the land army where the vast majority of conscripts serve. It also reduced the length of the three categories of reduced alternative service to almost the same length as for the reduced military service.

However, in October, the new government reinstated the previous punitive and discriminatory length of alternative service.

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