

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and UN system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms](#); [A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION

GREECE

- Period of contribution: January - December 2024
- Contents of contribution:
 - The Committee on the Elimination of Discrimination against Women (CEDAW) adopted its concluding observation on Greece on 6 February 2024 and the report ([CEDAW/C/GRC/CO/8-9](#)) was published on 20 February 2024.
 - The Human Rights Committee (CCPR) adopted its concluding observation on Greece on 21 October 2024 on 5 November 2024 and the report ([CCPR/C/GRC/CO/3](#)) was published on 28 November 2024.
 - The Human Rights Committee (CCPR) adopted an individual communication on right to trial ([CCPR/C/141/D/3582/2019](#)) on 26 August 2024
 - The UN Subcommittee on Prevention of Torture (SPT) conducted its first visit to Greece from 6 to 17 October 2024 ([Press release](#)). The report is confidential.
- Forthcoming relevant information (January - May 2025):
 - The Committee on the Elimination of Racial Discrimination (CERD) considered State party report on Greece on during its 114th session (25 November 2024 - 13 December 2024). The report is forthcoming.
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - OHCHR country page - [Greece](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Efficiency of the justice system

- The Human Rights Committee adopted an individual communication on right to trial ([CCPR/C/141/D/3582/2019](#)):
 - The Committee notes the author's claims, among others, that the omission of the court to keep the minutes of the proceedings by voice recording, as prescribed by the law for felony cases, the outdated practice of the registrar keeping the minutes in longhand, and the late publication of the minutes of the proceedings by the first-instance and second-instance courts, without access to the minutes during the trial, have violated the author's rights of defence and of a fair trial before an impartial and independent tribunal. ([CCPR/C/141/D/3582/2019, para 10.2](#))
 - The Committee observes that the minutes of the proceedings were published some 29 months after the first-instance judgment, and 21 months after the second-instance judgment. Following the author's petition of November 2009 for correction, the minutes of the first instance court's criminal trial were only partially rectified by that court regarding the author's and witness' statements, while the rest of the author's requests for correction were rejected by the first-instance court with the reasoning that the petition for correction had been submitted a long time after the publication of the judgment. The Committee notes that domestic authorities accepted the submission of the requests of the author to have the trial minutes corrected, and they neither rebutted the substance of the claims nor commented on the practice of keeping handwritten notes by the registrar instead of using voice recordings. [CCPR/C/141/D/3582/2019, para 10.3](#))
 - The Committee recalls its jurisprudence that adequate resources provided to defendants for the preparation of their defence should include access to documents and other evidence. Such resources should include any material that the prosecution plans to present to the court against the defendant or that is exculpatory. Such material includes not only documents that prove the innocence of the accused, but also other evidence that may help the defence. With regard to the availability of the trial minutes or transcript, the Committee recalls that under article 14 of the Covenant, the State party should provide the convicted person with access to the judgments and

documents necessary to enjoy the effective exercise of the right to defence, including the full and verified transcripts or records of the judicial proceedings and the right to appeal. The Committee is, therefore, of the opinion that the State party violated its obligations under article 14 (3) (b) of the Covenant by failing to secure for the author the adequate time and facilities for the preparation of his defence, in particular by not ensuring him timely access to accurate and complete trial minutes of the courts of both instances, including in the context of his cassation appeal, which limited the author's ability to defend himself against the charges he faced, since the arguments offered by him and witnesses before the trial courts could not be verified. Given the obstacles faced by the author in gaining access to complete and verified transcripts of the judicial proceedings in a timely manner, the Committee concludes that the State party has violated the author's right to defence, pursuant to article 14 (3) (b) of the Covenant. In the light of this finding, the Committee will not consider the author's claims under article 14 (1) separately. [CCPR/C/141/D/3582/2019, para 10.4](#)

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

Prevention – measure to ensure whistleblower protection

- The Human Rights Committee welcomes the legislative and institutional measures taken by the State party to combat corruption, including Law No. 5090/2024, which amended the Whistleblower Protection Law (No. 4990/2022), and the establishment of the National Transparency Authority in 2019, which oversees the implementation of the National Anti Corruption Action Plan for 2022–2025. Nevertheless, the Committee regrets the lack of specific information on the measures taken to guarantee independent and impartial investigations into and prosecutions of corruption cases, reports of public officials accused of corruption and the resulting proceedings that may have been launched (arts. 2 and 25). ([CCPR/C/GRC/CO/3, para. 8](#))
- The State party should fully implement the recommendations in the 2024 report on Greece of the Working Group on Bribery in International Business Transactions of the Organisation for Economic Co-operation and Development. It should also fully implement the National Anti-Corruption Action Plan for 2022–2025 and provide the National Transparency Authority with sufficient human and financial resources. The State party should also:
 - (a) Take legislative and institutional measures to guarantee the protection of whistle-blowers from reprisals, in law and in practice, and to ensure the independence, effectiveness, transparency and accountability of all public officials and anti-corruption bodies, including the National Transparency Authority;

- (b) Guarantee the prompt and timely investigation of all complaints of corruption, including those concerning high-level public officials accused of corruption, and ensure that perpetrators are prosecuted and, if convicted, punished with sanctions appropriate for the seriousness of the offence;
- (c) Raise awareness of the economic and social costs of corruption and the mechanisms in place to address it, including the Whistle-blower Protection Law. ([CCPR/C/GRC/CO/3, para. 9](#))

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

Framework for journalists' protection

- The Human Rights Committee takes note of the adoption of Law No. 5005/2022 on strengthening the publicity and transparency of print and electronic media, which provides for the establishment of an independent committee in charge of overseeing the compliance of print and online media with journalistic ethics. Nevertheless, the Committee is concerned that the law may be misused to exclude media that are critical of the Government from receiving State advertising revenue. It is also concerned about reports that local officials file strategic lawsuits against public participation to suppress critical news reporting and put financial and psychological pressure on journalists. While noting the adoption in January 2021 of the National Plan for the Management of Public Outdoor Assemblies, which authorizes police to demarcate a specific area for voluntary use by journalists during public demonstrations, the Committee is also concerned that it unduly restricts freedom of expression and limits journalists' access to critical information about matters of public concern (art. 19). ([CCPR/C/GRC/CO/3, para. 30](#))
- The State party should take all the measures necessary to guarantee the full enjoyment by everyone of the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and to guarantee that any restrictions comply with the strict requirements of article 19 (3) of the Covenant. In particular, the State party should:
 - (a) Effectively prevent and combat acts of harassment, intimidation and violence against journalists and media workers to ensure that they can carry out their work without fear of violence or reprisals;
 - (b) Fully implement the April 2022 recommendation of the European Commission concerning the protection of journalists from strategic lawsuits against
 - (c) public participation and revise its national legal framework to protect journalists against retaliatory lawsuits;
 - (d) Ensure that Law No. 5005/2022 on strengthening the publicity and transparency of print and electronic media does not discriminate against online media. ([CCPR/C/GRC/CO/3, para. 31](#))

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

The enabling framework for civil society – registration and organization of financial support

- The Human Rights Committee remains concerned about the stringent registration and financial requirements imposed on civil society organizations, in particular those working in the areas of migration, asylum and social integration. It notes that in Law No. 4825/2021 on the deportations and return procedures of third-country nationals, article 40 requires organizations and their natural persons to register with the Greek registries in order to be able to conduct their operations legally (art. 22). ([CCPR/C/GRC/CO/3. para. 36](#))
- The State party should take all steps necessary to guarantee, in law and in practice, the effective exercise of the right to freedom of association and to ensure that any restrictions imposed are in strict compliance with article 22 of the Covenant. It should also take appropriate measures to ensure a safe and enabling environment for civil society organizations, including by considering reviewing article 40 of Law No. 4825/2021 on the deportations and return procedures of third-country nationals with a view to removing unduly restrictive requirements regarding the registration and funding of such organizations. ([CCPR/C/GRC/CO/3. para. 37](#))

Independent authorities

- The Committee on the Elimination of Discrimination against Women welcomes the fact that the Greek National Commission for Human Rights was reaccredited with category A status by the Global Alliance of National Human Rights Institutions, in 2017. However, it notes that the Subcommittee on Accreditation encouraged the Greek National Commission for Human Rights to: (a) publicize vacancies broadly; (b) maximize the number of potential candidates by including a wider range of societal groups and educational qualifications; (c) promote broad consultation and participation in the application, screening and selection process; (d) assess applicants on the basis of predetermined, objective and publicly available criteria; and (e) select members to serve in their individual capacity rather than on behalf of the organization they represent. ([CEDAW/C/GRC/CO/8-9, para. 17](#))
- The Committee on the Elimination of Discrimination against Women recommends that the State party implement the recommendations of the Subcommittee on Accreditation to strengthen the Greek National Commission for Human Rights and ensure that it is provided with adequate human, technical and financial resources to be able to carry out its mandate effectively and independently, in line with the

principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, annexed to General Assembly resolution [48/134](#) of 20 December 1993) and seek the advice and technical support of the Office of the United Nations High Commissioner for Human Rights in this regard. ([CEDAW/C/GRC/CO/8-9, para. 18](#))

- The Human Rights Committee is gravely concerned about reports of the use of excessive and deadly force by the police and other law enforcement officials, particularly against peaceful protesters and journalists, including the deployment of tear gas, chemical irritants, water cannons and stun grenades, causing serious injuries. While noting that the Ombudsman's Office is authorized to investigate and file cases against law enforcement officials, the Committee has received reports that the Office does not investigate all allegations of excessive use of force in a timely and effective manner (arts. 2, 6 and 7). ([CCPR/C/GRC/CO/3, para. 16](#))
- The State party should:
 - (a) Ensure that all allegations of excessive use of force and ill-treatment by law enforcement officials are promptly and thoroughly investigated by an independent authority, that alleged perpetrators are prosecuted and, if found to be responsible, are appropriately punished and that victims and/or their families receive adequate compensation;
 - (b) Provide the Ombudsman's Office with adequate resources to ensure timely and effective investigations into allegations of excessive use of force by the police and other law enforcement officials;
 - (c) Take measures to prevent and eliminate the excessive use of force by law enforcement officials, including by enhancing training programmes focusing on the Covenant, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and on de-escalation techniques ([CCPR/C/GRC/CO/3, para. 17](#))

The enabling framework for civil society – intimidation, repression

- The Human Rights Committee is concerned at reports of an increasingly hostile environment towards human rights defenders, particularly those working with refugees, asylum-seekers and migrants, including reports of smear campaigns, intimidation, harassment and threats. The Committee is particularly concerned about the legal harassment of and criminal charges against human rights defenders, in particular the travel ban and asset freezing imposed on Panayote Dimitras from the Greek Helsinki Monitor. In this regard, the Committee regrets the fact that the State party did not provide information on the case of Mr. Dimitras (arts. 19 and 22). ([CCPR/C/GRC/CO/3, para. 32](#))
- The State party should take appropriate measures to ensure a safe and enabling environment for human rights defenders, including:
 - (a) Enhancing its efforts to combat and prevent all forms of violence and threats against, and the harassment and intimidation of, human rights defenders and other civil society actors, taking all measures necessary to guarantee their effective protection and ensuring that they can freely carry out their work without fear of violence or reprisals, including arbitrary detention, travel bans, asset freezing or prosecution;
 - (b) Ensuring that all human rights violations, including harassment and attacks, against human rights defenders are promptly and thoroughly investigated, that perpetrators brought to justice and, if found guilty, duly punished, and that victims receive sufficient reparations;
 - (c) Adopting legislation and policies to protect human rights defenders and guaranteeing their rights, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. ([CCPR/C/GRC/CO/3, para. 33](#))

SPECIAL THEME - Freedom of assembly

Freedom of expression and the right to peaceful assembly are fundamental to society – particularly when there is sharp disagreement on major issues. Any restrictions to freedom of expression and right to peaceful assembly must be strictly guided by the principles of legality, necessity and proportionality. These standards must also be applied without discrimination. It must be clear that legitimate exercises of the freedom of expression cannot be conflated with incitement to violence and hatred. The exercise of these rights and freedoms is essential to the functioning of a democratic society and the equitable application of the rule of law.

For more info:

- [The right of peaceful assembly | OHCHR](#)
- [Special Rapporteur on freedom of peaceful assembly and of association](#)
- [General comment No. 37 \(2020\) on the right of peaceful assembly \(article 21\) \(CCPR/C/GC/37\)](#)

- The Human Rights Committee notes that, while Law No. 4703/2020 provides for an exception to the requirement to provide notification for spontaneous assemblies, the conditions for the exception are vague, which raises concerns about the suppression of such assemblies. The Committee is also concerned about other provisions in that law that impose financial liability on assembly organizers for any harm suffered or for damages to property inflicted by assembly participants. It is further concerned about the imposition on peaceful assemblies of blanket bans, which are presumptively disproportionate (art. 21). ([CCPR/C/GRC/CO/3. para. 34](#))
- In the light of the Human Rights Committee’s general comment No. 37 (2020) on the right of peaceful assembly, the State party should:
 - (a) Establish strict safeguards and effective oversight for identifying individuals and locations subjected to surveillance and limit the length of storage of the surveillance data;
 - (b) Amend Law No. 4703/2020 with a view to ensuring that all individuals fully enjoy their right to freedom of assembly, including the right of spontaneous assembly, and that any restrictions imposed are in compliance with the strict requirements of article 21 of the Covenant;
 - (c) Ensure that any limitations placed on the right of peaceful assembly are in full compliance with articles 17 and 21 of the Covenant and adhere to the principles of legality, proportionality and necessity. ([CCPR/C/GRC/CO/3. para. 35](#))