



**Permanent Mission of Greece  
to the United Nations Office and  
other International Organizations  
in Geneva**

**No.:** 6170.3/ 266

**NOTE VERBALE**

The Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honor to attach herewith the response of H.E. Mr. Nikos Dendias, Minister for Foreign Affairs of the Hellenic Republic, to the joint communication with Ref. No AL GRC 3/2022, addressed to him by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the human rights of migrants.

The Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, February 24, 2023

Encl: As stated

To:  
The Office of the High  
Commissioner for Human Rights  
In Town





THE MINISTER FOR FOREIGN AFFAIRS

Athens, February 23<sup>rd</sup>, 2023

E/103

*Dear Special Rapporteurs,*

*In response to the Joint Communication under Ref: AL GRC 3/2022, dated 28 December 2022, we have the honour to inform you of the following:*

*As you already know, Greece is steadfastly committed to the protection of Human Rights and has demonstrated a very proactive stance in this field. Based on our long-standing and solid democratic tradition and having functioning contemporary state, and independent institutions tasked with supporting and upholding the rule of law, Greece remains among the most advanced countries regarding the protection of Human Rights and Fundamental Freedoms. This commitment is enshrined in the Greek Constitution and relevant legislation. It is also evident by the standing invitation extended by the Greek Government to all thematic Special Procedures, already in March 2001.*

*Based on this standing invitation, country visits by mandate holders of the UN Human Rights Special Procedures have taken place; one of the most recent was that of Ms Lawlor under the mandate on the situation of human rights defenders. During that visit (13-22 June 2022), various meetings were held with competent Authorities from a broad range of State actors, as well as with members of civil society organizations.*

*Acknowledging the need for an integrated approach, which involves all State and Government Authorities, towards respect of Human Rights in their daily activities, the competent Greek Authorities have looked into the allegations raised in this Joint Communication in question and have informed us of the following:*

***Additional information and comments***

*Evidence regarding alleged criminal activities of any possible perpetrators, including any NGO members, is examined by competent Police Authorities on a case-by-case basis so as to be determined if criminal prosecution is called for. Such prosecution, when applicable and based on existing law, is grounded on relevant facts, or related complaints, or on information gathered during operational police work.*

***H.E. Ms Mary Lawlor  
Special Rapporteur on the situation of human rights defenders***

***H.E. Mr Felipe Gonzalez Morales  
Special Rapporteur on the human rights of migrants***

*Greek Law does not allow for non-substantiated, non-evidence-based criminal prosecution. That would be a violation of the principles of the Rule of Law. Relating to the particulars of this case, it should be noted that providing humanitarian aid does not constitute a criminal offence. However, criminal prosecution can be instigated in cases of suspicion of illegal collaboration between anyone, including by any NGO members, and cross-border criminal networks engaged in illegal activities.*

*The brutal and inhumane instrumentalisation of migration, a recent phenomenon utilized selectively for political purposes as a hybrid threat, as well as combatting the scourge of trafficking and smuggling people in need requires the coordinated action of competent State authorities, as well as of regional partners and relevant stakeholders, in order to bring to justice and ensure accountability and punishment of perpetrators.*

*Exercising its duties as a Law Enforcement Authority, the Hellenic Coast Guard is responsible, inter alia, for the prevention and suppression of criminal acts in its area of jurisdiction. According to relevant legal provisions, should a case of illegal activity be reported or discovered during regular patrols, then a case file is initiated under the supervision of the Prosecutor in charge who decides, based on pre-investigative material, whether criminal charges are applicable.*

*The mission of the Hellenic Coast Guard is carried out in full compliance with Greece's international obligations based on the United Nations Convention of the Law of the Sea, the International Convention for the Safety of Life at Sea, and the International Convention for Maritime Search and Rescue.*

*The strongest evidence, proving the continuous and unwavering commitment of Hellenic Coast Guard personnel to their mandate and mission, is the thousands of lives saved at sea since the migration / refugee crisis of 2015 - 2016; the numbers continue unabated as heartless criminals push innocent people to completely unsuitable for sailing, overcrowded and life-threatening dinghies.*

#### ***Information on investigations carried out***

*The case mentioned in this Joint Communication has already been forwarded to the competent Prosecutor and at this stage of investigations, no particular details can be provided.*

*At this point, it should be noted that, according to the Greek Constitution (Article 26), the separation of powers is a fundamental element of the Rule of Law in Greece. More specifically, the Constitution stipulates the following: "1. Legislative powers shall be exercised by the Parliament and the President of the Republic. 2. Executive powers shall be exercised by the President of the Republic and the Government. 3. Judicial powers shall be exercised by courts of law, the decisions of which shall be executed in the name of the Greek People".*

*Greek courts are composed of judges who enjoy functional and personal independence and are exclusively bound, throughout execution of their duties, by the Constitution and legal provisions; they are exempt from any interference.*

*In the light of the above and taking into account the separation of powers and independence of Justice, we refrain from providing any comments on pending cases or non-final decisions.*

***Information on measures taken to provide public support for those promoting and working for the realization of the rights of migrants, refugees and asylum seekers in Greece***

*Non-Governmental Organizations (NGOs) constitute valuable partners for Greek Authorities, which are working in collaboration with them in complex and demanding situations. This collaboration occurs in various sectors; prominently in migration, including protection of Unaccompanied Minors, provision of interpretation, accommodation, health, education etc. The significant role of NGOs has been highlighted in various occasions. One example is that the Hellenic Police is extremely active in providing safe conditions for NGO personnel to work in demanding situations such as those present in Reception and Identification Centres.*

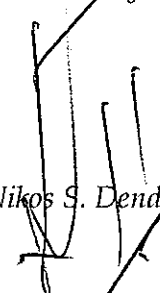
*Another such positive example is the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum which maintains excellent cooperation with Civil Society Organizations (CSOs). As the competent Authority for the protection of unaccompanied minors and minors separated from their families, it cooperates with CSOs specialized in child protection issues regarding their accommodation, their guardianship, the provision of specialized support services, including recreation activities, and also their education. Moreover, the National Guardianship System, designed by the Special Secretariat, will be implemented with the active contribution of CSOs based on their many years of experience in the field of protection and representation of unaccompanied minors.*

*Especially given the sensitive nature and delicate condition of children in need of protection, it becomes evident that special mechanisms for due diligence must be in place to prevent any harmful act or omission towards the final recipients of assistance. Hence, the Greek Government, tasked with the main responsibility of protecting those in need, must ensure that a proper framework establishing due diligence procedures is in place. This is achieved by attributing priority to the best interest of the child, to the recognition and implementation of positive measures for vulnerability that operate in a preventive as well as ensuring accountability.*

*In closing, we would like to assure you that Greece will continue to provide assistance, protection and support to those in need, in tandem with the provisions of the UN Declaration of Human Rights Defenders and the Rule of Law.*

*Sincerely,*

*Nikos S. Dendias*

A handwritten signature in black ink, appearing to read 'Nikos S. Dendias', is written over a long, diagonal line that extends from the bottom left towards the top right of the signature area.