

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Independent Expert on human rights and international solidarity; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on trafficking in persons, especially women and children

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19 February 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Independent Expert on human rights and international solidarity; Special Rapporteur on the human rights of migrants and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 52/4, 59/4, 53/5, 52/20 and 53/9.

In this connection, we would like to provide some analysis **of the Law on “the promotion of legal migration policies (...)” amending the Greek Migration Code and its practical application to human rights defenders supporting migrants, refugees and asylum seekers in Greece.** The law was adopted on 5 February 2026.

At the outset, we would like to recall that concerns on the misuse of criminal law against human rights defenders working in the field of migration in Greece have been communicated to your Excellency's Government on several previous occasions, notably through communications sent by Special Procedures mandate holders on 16 September 2025 (GRC 2/2025), 28 December 2022 (GRC 3/2022), 19 July 2022 (GRC 2/2022), 16 November 2021 (GRC 4/2021), 31 March 2021 (GRC 1/2021) and 1 May 2020 (GRC 2/2020).

Further concerns were expressed in the report of the Special Rapporteur on the situation of human rights defenders following her country visit to Greece in 2022 (A/HRC/52/29/Add.1), in which she documented how restrictive legislation regulating non-governmental organisations, the NGO Registry of the Ministry of Migration and Asylum, have led to restrictions on the work of migrants' rights defenders, and criminalisation.

We hereby would like to call your attention to certain aspects of the Law on “the promotion of legal migration policies transposition of Directive (EU) 2024/1233 on a uniform application procedure for third-country nationals for a single permit 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; amendments to the Immigration Code and other provisions” (hereafter the Law) that appear not to be in line with Greece's obligations under international human rights law.

Background and the stated aim of the Law:

The EU Directive 2024/1233 was adopted on 24 April 2024 with the aim of reforming how third-country national can enter EU countries to live and work

there under fair and streamlined procedures, including a single permit covering both residence and work; a common set of rights and equal treatment standards. EU member states are obliged to transpose the Directive into national law by 21 May 2026.

The stated aim of the Law is to create a modern, coherent, and effective legal framework for legal migration and to reshape the existing system of legal migration. It is also aimed at simplifying procedures and reducing bureaucracy for third-country nationals, speeding up processing; and supporting labour market needs, among others.

Requirements for the registration of NGOs working in the field of migration:

Under the provisions of the Law, the registration of NGOs in the NGO Registry is maintained as a marker of “compliance with the minimum requirements for participation in activities relating to international protection, migration and social integration”. The failure to register on the Registry bars NGOs from seeking state or EU funding and from performing any activity inside facilities managed by the Ministry of Migration and Asylum. The process of registration involves complex, costly, and intrusive documentation (including personal data of members and staff), which burdens smaller NGOs disproportionately.

Moreover, the scope of the NGO Members Registry remains intact. Registration of individual members, employees and partners of NGOs active in Greece on the latter Registry is a prerequisite for their performance of any activity on the Greek territory and for their engagement with public authorities.

Importantly, the Law sets stricter registration requirements for NGOs.

- The prohibition on receiving regular state subsidies exceeding 50 per cent of the budget is amended to 30 per cent, excluding staff costs.
- The 1,000€ per annum cap for permitted contracts between the NGO and the entities controlled by its management or family members thereof is repealed.
- The list of criminal offences barring registration is expanded to cover (i) any prosecution of managers of legal representatives of the NGO for any felony and (ii) final conviction thereof for an array of misdemeanours including defamation, theft, forgery, breach of trust, breach of duty, false certificates, drug-related offences, sexual offences.
- The government retains discretion to enact additional registration requirements for NGOs by way of secondary legislation.

Exclusion of NGOs from framework contracts

Article 48 of the Law amends article 61 L 4609/2019 regarding programme contracts concluded by the Ministry of Migration and Asylum. It repeals the

possibility for the Ministry to conclude such contracts with NGOs and foundations.

Aggravated sentences for members of registered NGOs in immigration offences

Articles 15 and 16 of the Law amend the Migration Code by introducing substantially heavier sentencing against members of organisations registered in the NGO Registry in cases of offences criminalised under articles 24 and 25 of the Migration Code.

- *Aggravated sentences for members of registered NGOs in cases of facilitation of entry or exit of the Greek territory of a third-country national*

Under article 24(4) of the Migration Code, facilitation of entry into or exit from the Greek territory of a third-country national is a felony punishable by a term of imprisonment of at least five years and a fine of at least 20,000€ regardless of whether the perpetrator sought profit.

Under the new version of article 24 of the Migration Code, as amended by article 15 of the Law, the commission of the act by a member of an NGO registered in the NGO Registry would constitute an aggravated version of the felony subject to a term of imprisonment of at least ten years and a fine of at least 50,000€.

- *Aggravated sentences for members of registered NGOs in cases of facilitation of illegal stay of a third-country national on the territory*

Under article 24(5) of the Migration Code facilitation of a third-country national on the territory or hindrance of police investigations aimed at locating them is a misdemeanour punishable by a term of imprisonment of at least two years and a fine of at least 5,000€ regardless of whether the perpetrator sought profit.

Under the new version of article 24 of the Migration Code, as amended by article 15 of the Law, commission of the aforementioned acts by a member of an NGO registered in the NGO Registry converts the offence into a felony punishable by a term of imprisonment of up to ten years and a fine of at least 20,000€.

- *Aggravated sentences for members of registered NGOs in cases of withholding or refusing to hand to the authorities a passport or travel document belonging to another person*

Under article 24(6) of the Migration Code, withholding or refusing to hand the authorities a passport or travel document belonging to another person is a misdemeanour punishable by a term of imprisonment of at least one year and a fine of at least 3,000€ regardless of whether the perpetrator sought profit.

Under the new version of article 24 of the Migration Code, as amended by article 15 of the Law, commission of the act by a member of an NGO registered in the NGO Registry converts the offence into a felony punishable by a term of imprisonment up to ten years and a fine of at least 50,000€.

- *Aggravated sentences for members of registered NGOs in cases of facilitation of transport or securing shelter for concealment*

Under article 25 of the Migration Code, acts by captains or drivers of any means of transport consisting in transport into the Greek territory of third-country nationals without a right to enter, collection thereof from points of entry with a view to further move them within the territory or to other EU Member States, facilitation of transport or securing shelter for concealment, are punished as felonies regardless of whether the perpetrator sought profit.

Under the new version of article 25 of the Migration Code, as amended by article 16 of the Law, commission of any of those acts by a member of an NGO registered in the NGO Registry constitutes an aggravated version of the felony punishable by a term of imprisonment of at least ten years and a fine of at least 60,000€ per transported person.

- *Removal of the organisations from the NGO registry*

Under the new version of article 24(c)(8) of the Migration Code, as amended by article 15 of the Law, if the alleged perpetrator of the aforementioned criminal acts is a member of a Non-Governmental Organization registered in the Register of Greek and Foreign NGOs, the Minister of Migration and Asylum may order the deletion of the specific NGO from the Register after that prosecution has been brought against the alleged perpetrator.

Human rights concerns

We are very concerned that the Migration Code, as amended by the Law would impose unfair restrictions on the work of NGOs working in the field of migration in Greece, while criminalising their activity of defence of human rights. It is argued that the Law would undermine humanitarian and civil society work, including broad definitions that could capture humanitarian acts.

The Migration Code in its current version includes a process of registration of NGOs in the NGO Registry involving a complex, costly, and intrusive documentation (including personal data of members and staff), which burdens smaller NGOs disproportionately. As such, we fear that the access to the NGO Registry may be used as a way of controlling and restricting the activity of NGOs working in the field of migration. In this respect, we recall that United Nations Human Rights Council resolution 22/6 calls upon States to ensure that procedures governing the registration of civil society organizations are transparent, accessible, non-discriminatory, expeditious and inexpensive and in conformity with international human rights law.

We wish to recall that international standards stipulate registration and oversight regimes must apply equally to all components of civil society, ensuring equality of treatment and non-discrimination, in accordance with the provisions of the ICCPR under articles 2(1) and 21.

Moreover, we would like to draw attention that criminalization of certain behaviours under the aforementioned Articles of the Migration Code, regardless of whether the perpetrator sought profit, is inconsistent with the UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, both ratified by Greece in 2011.

Regarding the Migration Code as amended by the Law: we note with concerns that the imposition of stricter criteria for their registration of NGOs working in the field of migration into the NGO registry will increase the obstacles to the activity of these organization and as such would be inconsistent with the obligation of Greece to facilitate the work of human rights defenders, as enshrined in the UN Declaration on Human Rights Defenders. (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, GA resolution 53/144).

In the same vein, we wish to note that the right of associations to freely access financial and other resources is inherent to the right to freedom of association. We are therefore concerned that the prerequisite of registration for NGOs to seek or receive funding for their activities, particularly in conjunction with strenuous requirements to obtain such registration, is not compatible with the right to freedom of association as enshrined in article 22 ICCPR. Furthermore, the former Special Rapporteur on freedom of peaceful assembly and of association has explicitly stated that both registered and unregistered civil society organizations must be able to seek, secure and use resources without prior authorization or other undue impediments (A/HRC/53/38/Add.4, para. 1; A/HRC/23/39, para. 82(d)). It follows that any restrictions on civil society organizations' right to access funding and resources must comply with international human rights requirements of legality, legitimate aim, necessity and proportionality in a democratic society, as set out in article 22(2) ICCPR (A/HRC/53/38/Add.4, para. 22)

In light of the proposed reduction of permissible state subsidies to 30 per cent of the budget, we wish to recall that the former Special Rapporteur on freedom of peaceful assembly and of association has found percentage limits to constitute undue restrictions to funding, and thus a violation of the right to freedom of association (A/HRC/23/39, para. 82(c)). Similar concerns arise in view of the exclusion of NGOs from framework contracts with the Ministry of Migration and Asylum, as well as the threat of removal from the NGO Registry following criminal prosecutions brought against a staff member, as both may factually render the concerned NGO unable to obtain the funds necessary to continue carrying out its activities.

Further, we express concerns that imposing heavier sanctions on staff of NGOs registered in the National Registry for offences under the Migration Code would be inconsistent with article 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Greece in 1997, consecrating the principle of equality before the law. Under this article, the law shall prohibit any discrimination and guarantee to all

persons equal and effective protection against discrimination on any ground such as political or other opinion and other status. Providing heavier sanction for workers of NGOs registered in the National Registry of Greek and International NGOs would thus constitute a *de jure* discrimination against them, to which we lack any justification.

Regarding the possibility for the Minister of Migration and Asylum to order the deletion of a specific NGO from the Register following the prosecution of one of its workers, as provided under article 24(c)(8) of the Migration Code, amended by article 15 of the Law, we observe with great concern that such a measure would constitute an extremely severe restriction on the work of NGOs. Indeed, deletion from the Register would drastically curtail an organisation's ability to operate and should therefore be regarded as an *ultima ratio* measure.

In this respect, we recall that under article 22 of the ICCPR, the right to freedom of association implies a wide range of positive and negative obligations for the State to ensure its enjoyment. The article foresees that: "No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others". While States may have a legitimate interest in establishing reporting requirements to registered associations to ensure their compliance with the law, these requirements should not limit associations' functional autonomy and operation, by adding costly and protracted burdens.

In this sense, we recall the findings of the former Special Rapporteur on the right of freedom of peaceful assembly and of association, indicating that the suspension or involuntary dissolution of an association – which includes the de-registration of NGOs, making it impossible for them to continue their legitimate work – are the most severe types of restrictions on freedom of association, and should therefore only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law. As an *ultima ratio* measure, it should furthermore be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient (A/HRC/20/27, para. 75)

Moreover, the fact that such deletion may occur in cases of an alleged violation of the Migration Code, prior to the conclusion of judicial proceedings, appears to amount to a blatant violation of the principle of the presumption of innocence, as enshrined in article 14(2) of the International Covenant on Civil and Political Rights. Under this provision, everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. In this context, restricting the operational capacity of an entire NGO on the sole basis that criminal charges have been brought against one of its members not only undermines the presumption of innocence of the prosecuted individual, but also the one of the other members of the NGO; and as such would constitute a form of collective sanction that is manifestly disproportionate.

We would also like to further refer to the report of the Special Rapporteur on the right to freedom of peaceful assembly and of association, which states that where a registration license has been rejected, the organization "should have the opportunity to challenge the decision before an independent and impartial court" (A/HRC/20/27, para. 61).

Finally, the above-detailed amendments to the Migration Code raise serious concerns regarding the risk of further criminalization of humanitarian assistance. By maintaining the scope of criminal liability for acts related to the facilitation of entry, stay or movement of third-country nationals, without clearly excluding activities of a humanitarian, legal or solidarity-based nature, the newly adopted provisions create a substantial risk that individuals and organizations providing essential assistance in good faith may be exposed to criminal prosecution.

Such ambiguity is likely to generate a chilling effect on humanitarian actors and NGOs working in the field of migration, undermining their ability to carry out lawful and legitimate activities, including the provision of legal aid, shelter, medical assistance and information. In the absence of clear, precise and narrowly tailored safeguards, these provisions risk infringing the rights to freedom of association, the rights of human rights defenders as well as the obligation of States to ensure access to humanitarian assistance in line with international human rights and refugee law.

We would furthermore like to recall that the Special Rapporteur on the situation of human rights defenders noted in his report to the Human Rights Council (A/64/226) that the only legal grounds upon which an interference with the freedom of association that is prescribed by law can be justified is if it meets the test as outlined by article 22(2) ICCPR. These provisions require the interference in question to be pursuant to ‘legitimate aims’, such as in the interests of national security or public safety; public order (*ordre public*); the protection of public health or morals, or the protection of rights and freedoms of others. Without such a legitimate aim, interference is rendered contrary to international human rights law, and in the context of the activities of NGOs, the Special Rapporteur has argued that “difficulties in the formation and registration of human rights associations; criminal sanctions for unregistered activities; government interference, supervision and monitoring of NGO activities; and difficulties in accessing funding may restrict the right to freedom of association and therefore must reach the very high threshold under article 22(2) ICCPR in order to be admissible.” (A/64/226, para. 58.)

We recall to Your Excellency’s Government that, in the context of mass forced migration transiting through Greece, NGOs and human rights defenders play a crucial role in the support of migrants, refugees and asylum seekers. They act in line with international human rights law and uphold the right to seek asylum as enshrined in article 14 of the Universal Declaration of Human Rights, the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol, which were ratified by Greece in 1960 and 1968 respectively.

In this regard, we would also like to refer to the principles set forth in the Declaration on Human Rights Defenders, which article 1 states that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. Article 5(b) of the Declaration holds that everyone has the right to form, join and participate in non-governmental organisations, associations or groups with the purpose of promoting and protecting human rights and fundamental freedoms. Article 12 complements this, holding that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental

freedoms. Article 12 further provides that the State shall take all necessary measures to ensure the protection of any persons exercising their rights as referred to in the Declaration from violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action they are subjected to as a consequence.

The Special Rapporteur on the situation of human rights defenders presented a report to the 77th session of the General Assembly on the situation of human rights defenders working on the rights of migrants, asylum-seekers and refugees. In the report, the Special Rapporteur recommended to States to provide, in law and in practice, a safe, accessible and supportive environment for individuals and organizations that work to promote and protect the human rights of migrants, asylum-seekers and refugees, and to desist from targeting human rights defenders working on issues related to migration, refugees and asylum-seekers and stop treating them as national security threats. Additionally, the report stressed that States ensure that criminal law is not misused to punish migration-related humanitarian acts or to harass civil society organizations that work with migrants.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned analysis.
2. Please provide information on the measures taken to ensure that the access to the NGO Registry is transparent, accessible, non-discriminatory, expeditious, inexpensive and in conformity with international human rights law, as recalled in the United Nations Human Rights Council resolution 22/6, in light of the Law amending the Greek Migration Code and our analysis thereof.
3. Please provide information on the reasons for establishing stricter conditions for the registration of NGOs in the NGO Registry. Explain how this measure would be consistent with Greece's obligations under international law and standards, in particular article 22 of the International Covenant on Civil and Political Rights, which enshrines the right to freedom of association.
4. Please indicate how the imposition of more severe sanctions on NGO workers for offences under the Migration Code would comply with international law and standards, including article 26 of the International Covenant on Civil and Political Rights enshrining the principle of equality before the law.
5. Please indicate how the deletion of NGOs from the NGO Registry in cases of criminal charges brought against one of their member would comply with international law and standards, in particular with article 22 of the International Covenant on Civil and Political Rights on the right to freedom of association, foreseeing that no restrictions may be placed

on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others, and with article 14 c on the presumption of innocence.

6. Please outline the judicial remedies open to NGOs whose registration has been denied or who have been deleted from the registry, under the new version of article 24(c)(8) of the Migration Code, as amended by article 15 of the Law, allowing for the deletion of an NGO by the Minister for Migration and Asylum, as well as any other measures intended to ensure adequate access to funding for NGOs in accordance with article 22 ICCPR.
7. Please indicate the measures taken to avoid the criminalisation of humanitarian assistance, in line with Greece's obligations under international law and standards, notably the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol, the International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders, given that the amended Migration Code maintains the scope of criminal liability for acts related to the facilitation of entry, stay or movement of third-country nationals, without clearly excluding activities of a humanitarian, legal or solidarity-based nature.

This communication, as a comment on recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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