

No monitoring of fundamental rights violations in Greece without independent and effective mechanisms

Athens, June 21, 2023: Greece must guarantee independent and effective monitoring of violations of the human rights of refugees and migrants to restore the rule of law, following the European Commission [request](#) to the Greek authorities for an investigation of a push back of refugees by the Hellenic Coast Guard on Lesbos island, [documented](#) by the New York Times. The Greek authorities have entrusted the National Transparency Authority (NTA) with the investigation.

[Effective](#) investigations of human rights violations and of ill-treatment by law enforcement bodies should ensure independence, impartiality, thoroughness and victim involvement in line with European and international law standards. Non-compliance of the Greek justice system therewith has led to a series of condemnations against Greece by the European Court of Human Rights, including in the recent cases of [Safi](#), [Torosian](#) and [B.Y.](#)

However, the investigations carried out so far by the NTA do not comply with effectiveness requirements, as illustrated in the case of investigations into the use of Predator spyware and of the [report](#) on allegations of push backs further to Lighthouse Reports publications. We recall that the NTA has not yet released its report on the investigation launched in December 2021 regarding the [push back of a Frontex interpreter](#) to Turkey from the Evros region, albeit completed since the end of November according to the Greek government.

Serious concerns as to the effectiveness of the NTA are corroborated by the European Parliament. Its Civil Liberties, Justice and Home Affairs (LIBE) Committee [noted](#) last March that the Authority “*does not seem to be effective and concerns have been raised about its independence*”, while the recent [report](#) of the PEGA inquiry committee urged the Greek government to “*ensure the independence of the National Transparency Authority (EAD) leadership*”.

Whereas the European Commission systematically [refers](#) to additional mechanisms for monitoring of push backs in Greece such as the Fundamental Rights Officer (FRO) of the Ministry of Migration and Asylum, the European Commissioner for Home Affairs recently [confirmed](#) that the independent monitoring mechanism promised by the Greek government to the EU is “*still not there*”.

As regards the FRO in particular, we recall the severe objections levelled by state [institutions](#) in relation to the body's impartiality and effectiveness. The FRO is a single-member administrative body selected by a commission composed by a majority of the competent Ministries of Migration and Asylum, Citizen Protection, and Shipping and Island Policy. Moreover, the FRO's [mandate](#) does not cover border management, as the legal framework solely refers to “*reception of third-country nationals and procedures for granting international protection*”. Finally, seven months after the [announcement](#) of the FRO's appointment on 2 December 2022, no

information or contact details have been published and secondary legislation specifying his functions and responsibilities has not yet been issued.

Without independent and effective institutions lawfully and credibly investigating human rights violations, Greece cannot guarantee monitoring in line with rule of law principles.

Amnesty International
Choose Love
Danish Refugee Council (DRC)
Doctors Without Borders – Greek Section
Equal Rights Beyond Borders
Fenix – Humanitarian Legal Aid
Greek Council for Refugees (GCR)
Hellenic League for Human Rights (HLHR)
HIAS Greece
Human Rights Watch (HRW)
I Have Rights
International Rescue Committee (IRC) Hellas
Legal Centre Lesbos
Lesvos Solidarity
Lighthouse Relief
Network for Children's Rights (NCR)
Project Armonia
Refugee Legal Support (RLS)
Refugee Support Aegean (RSA)
Vouliwatch
Yoga and Sports with Refugees