EXPERT COUNCIL ON NGO LAW
CONF/EXP(2026)3

18 March 2026

EXPERT COUNCIL ON NGO LAW

OPINION ON THE LAW OF GREECE "LAW ON THE PROMOTION OF LEGAL MIGRATION POLICIES"

Adopted by the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe

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EXECUTIVE SUMMARY

This Opinion examines the compatibility with European standards protecting freedom of association and related human rights of provisions in the Law on the Promotion of Legal Migration Policies ("the Law") which amends the Greek Migration Code, adopted by the Hellenic Parliament on 5 February 2026.

It first outlines the stated rationale for the Law considering the migration situation in the country and within the context of other legislative and regulatory measures undertaken by Greece in recent years in the fields of migration and border security. It then considers the provisions of the Law which are focussed or have a particular impact on NGOs and NGO workers engaged in the support of migrants in Greece and assesses the compatibility of those provisions with relevant European standards.

The Opinion finds that the provisions in the Law which pertain to or have a particular impact on NGOs and NGO workers impede the right to freedom of association and several other rights guaranteed under the European Convention on Human Rights ("the ECHR"). The Opinion considers that even if these provisions have a legitimate aim as required by the ECHR (such as combatting unlawful entry and migrant smuggling), having regard to the inevitable effect of the Law's provisions on the curtailment of civil society space, the measures taken in pursuit of that aim cannot be considered strictly necessary or proportionate in a democratic society.

In the circumstances, the Opinion finds that the implementation of the Law will cause grave and unjustified damage to civil society who provide humanitarian and related support to migrants in Greece. Given the central role played by civil society in Greece to address migrants' most basic humanitarian needs, these provisions will also result in the rights and needs of some of the most vulnerable people in Greece going unmet.

The provisions are inconsistent, not only with Article 11 of the ECHR which guarantees respect for freedom of association, but also with relevant standards including Recommendation CM/Rec(2007)14 of the Council of Europe Committee of Ministers to member states on the legal status of non-governmental organisations in Europe ("Recommendation CM/Rec(2007)14"), the Joint Guidelines on Freedom of Association of the European Commission for Democracy through Law (Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights ("the Joint Guidelines") and the Guidelines on Protecting NGO Work in Support of Refugees and other Migrants, adopted by the Expert Council in May 2020.

As a result, the Expert Council finds that it would be appropriate for Greece to repeal those provisions of the Law that violate Greece's obligations to respect, protect and fulfil freedom of association and to desist from any steps to enforce their implementation.

A. INTRODUCTION

1. This Opinion examines the compatibility with European standards protecting freedom of association and related rights of the provisions in the Law on Promotion of Legal Migration Policies adopted by the Hellenic Parliament on 5 February 2026 ("the Law").

2. 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 as well as to contribute to the prevention and combating of illegal immigration.[1]

3. The Law covers a wide range of issues related to strengthening migration management including streamlining procedures, the administration of temporary residence permits and special visa regimes and also introduces more punitive provisions like the removal of opportunities for persons who enter Greece irregularly to regularise their status.

4. This Opinion is concentrated on the part of the Law that impacts on civil society space, and specifically on the ability for non-governmental organisations ("NGOs") who provide support to refugees and other migrants to continue to operate on a humanitarian basis to provide such support without being criminalised, and/or subjected to harsh penalties. In this regard, the Opinion assesses the compatibility of those provisions of the Law which consider membership in an NGO as an aggravating factor giving rise to more serious crimes and harsher penalties for several of the offences set out therein. It also considers challenges facing NGOs associated with the new measures imposed through the Law for NGOs to be registered in the NGO Registry of the Ministry of Migration and Asylum.

5. The relevant European standards are to be found in the European Convention on Human Rights ("the ECHR"), Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe ("Recommendation CM/Rec(2007)14"), the Joint Guidelines on Freedom of Association of the European Commission for Democracy through Law (Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights ("the Joint Guidelines"), the Expert Council's Guidelines on Protecting NGO Work in Support of Refugees and Other Migrants,[2] and the case law of the European Court of Human Rights ("the ECtHR").

6. The Opinion first outlines the rationale claimed for adopting the Law's provisions pertaining to NGOs and NGO workers. This rationale is considered in the context of Greece's past legislative and regulatory reforms in this area, some of which have been the subject of past Opinions of the Expert Council,[3] as well as the wider practice as set out in

[1] Article 1 of the Law.

[2] CONF/EXP(2020)3, May 2020.

[3] See, Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration CONF/EXP(2020)4, 2 July 2020) and Addendum to the Opinion on the Compatibility

judgments of the ECtHR, expert reports and related materials. Thereafter, the Opinion sets out the main provisions in the Law which pertain to NGOs and NGO workers and then assesses their compatibility with relevant European standards before concluding with an overall evaluation of them.

7. The analysis in the Opinion is based on an unofficial translation of the Law.

B. CONTEXT

8. Greece continues to receive large numbers of asylum seekers and other migrants arriving mainly by sea, in search of protection or the prospect of a better future. The response to this situation has been difficult, with border enforcement forces

> facing a complex and challenging environment, where life-saving operations are frequently required.[4]

9. There have been steady reports of human rights violations as well as judgments of the ECtHR, which have held Greece responsible for the degrading treatment of migrants and the denial of basic services,[5] summary unlawful returns by Greek law enforcement officers (pushbacks) in violation of the principle of non-refoulement,[6] the use of lethal force on migrants during border control operations[7] and other right to life violations associated with failed rescues of ships in distress resulting in significant loss of lives.[8] Some shipwreck survivors have been prosecuted as smugglers.[9] In July 2025, the Hellenic Parliament temporarily suspended the possibility to lodge an asylum application for persons arriving in Greece from North Africa.[10]

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with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration CONF/EXP(2020)5, 23 November 2020).

[4] Council of Europe Commissioner for Human Rights, Memorandum on migration and border control, following the Commissioner's visit to Greece from 3 to 7 February 2025, para. 9.

[5] *B.F. v. Greece*, no. 59816/13, 14 October 2025.

[6] *A.R.E. v. Greece*, no. 15783/21, 7 January 2025 and *G.R.J. v. Greece* (dec.), no. 15067/21, 3 December 2024.

[7] *Alkhatib and Others v. Greece*, no. 3566/16, 16 January 2024.

[8] *Safi and Others v. Greece*, no. 5418/15, 7 July 2022. See also, Stavros Malichudis, Iliana Papangeli and Corina Petridi, 'Under the unwatchful eye of the authorities' deactivated cameras: dying in the darkest depths of the Mediterranean', 6 July 2023; Refugee Support Aegean (RSA), 'Chios, Greece: Deadly tragedy following collision between Coast Guard vessel and boat carrying refugees', 4 February 2026.

[9] Amnesty International, Greece: Trial of Pylos shipwreck survivors must not be a shield in the investigation of the alleged responsibilities of the Greek authorities, News, 17 May 2024.

[10] Conference of INGOs of the Council of Europe, Statement on the Suspension of the Right to Asylum in Greece, 25 July 2025.

10. Efforts undertaken by NGOs and civil solidarity networks that seek to fill the protection gaps left by Greece' active migration deterrence strategies and inadequate service provision have led these actors to be criminalised or rebuked in other ways. NGO activities are stymied when the NGOs are perceived to disrupt migration policies and securitised border practices. This contributes, and has already contributed, to a shrinking civil society space. It also heightens the vulnerability of refugees and other migrants, persons who already face extreme risks.

11. As has been reported by the Expert Council and also by others, it has become increasingly difficult for civil society groups supporting migrants to operate in Greece.[11] Civil society groups providing support to migrants have faced intimidation in relation to their activities,[12] including with statements by the Minister of Migration and Asylum commenting adversely on NGOs that legally represent asylum seekers affected by the suspension of the right to asylum in court proceedings and suggesting that they will be subjected to an administrative audit and controls of their activities.[13]

12. Most recently, on 9 February 2026, the Minister of Migration and Asylum, Mr Thanos Plevris, made public insinuations that registered Greek lawyers Mr Dimitrios Choulis and Mr Alexandros Georgoulis who represent one of the individuals prosecuted in relation to the 3 February 2026 shipwreck off the coast of Chios, were acting in bad faith:

> What was the interesting part I saw? [...] That one of the two lawyers, I assume a respectable colleague, is also a member of an NGO for refugee and migrant rights. There is therefore an NGO – put the names in and google them... so you can see what I am interested in when I say I should control the NGOs – so we have an NGO that works for the rights of refugees and migrants.
>
> The logical thing would be for us to see that NGO today with those who lost their people. He is saying 'I believe the alleged smuggler, that he is saying the truth, and I am going to support him and to accuse the Coast Guard' because according to the alleged smuggler's line of defence the Coast Guard is to blame for everything. [...]
>
> So here we have a fellow lawyer whom – you will find the names – you can google and see with which NGO he works and specifically he is on Samos, an alleged smuggler who is able to have a lawyer both on Chios and outside Chios, and that NGO that is interested in the pain and the problems of illegals, of

[11] Expert Council, Civil Society Support to Refugees and Other Migrants in Europe: The Need to End the Backlash on Civil Society Space (CONF/EXP(2024)3, 21 June 2024) paras. 67, 79, 80 and Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor: Visit to Greece, UN Doc A/HRC/52/29/Add.1, 2 March 2023.

[12] See, e.g., Human Rights Legal Project, Public statement on the targeting and intimidation of HRLP and our staff, 11 February 2026, https://www.humanrightslp.eu/post/public-statement-on-the-targeting-and-intimidation-of-hrlp-and-our-staff.

[13] Letter from the President of the Conference of INGOs and the President of its Expert Council on NGO Law to the Permanent Representative of Greece to the Council of Europe dated 5 September 2025. See also, UN 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 and the Special Rapporteur on the human rights of migrants, Communication to State of Greece, 16 September 2025, ref. AL GRC 2/2025, AL GRC (2.2025).

> refugees and migrants appearing, undertaking the alleged smuggler's defence and its first line of defence being that it is the Coast Guard's fault.[14]

13. Notably, the UN Human Rights Committee in its concluding observations on Greece's third periodic report, expressed concern '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.'[15]

14. Furthermore, as respondents to an Expert Council consultation on the stigmatisation of NGOs noted, human rights defenders, humanitarians and activists in Greece

> are accused of belonging to criminal networks of smugglers, facilitating the illegal entry of exiles, and even of espionage.[16]

15. Humanitarian aid workers who have been involved in search and rescue operations at sea have faced criminalisation. This criminalisation has been made possible through use of domestic legislation seeking to align itself with the UN Protocol against the Smuggling of Migrants by Land, Sea and Air ("the Palermo Protocol") and with EU law (which requires EU Member States to criminalise certain acts associated with smuggling and trafficking including the intentional assistance of illegal entry or transit through a Member State).[17] However, these texts were never meant to result in the criminalisation of humanitarian actors who operate without financial or material motives. The Palermo Protocol stipulates that State Parties must prosecute the smuggling of migrants as a criminal offence, 'when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit.'[18] Ostensibly there is no such obligation when the financial or material benefit is absent. Relevant EU legislation is silent on humanitarian actors, which has led some States including Greece to refrain from affording clear exceptions in cases characterised as facilitating illegal immigration.

16. While the longstanding prosecution of Sara Mardini and Séan Binder and other Emergency Response Center International (ERCI) volunteers and staff for charges

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[14] https://www.youtube.com/watch?v=lFI5_kC2r60.

[15] UN Human Rights Committee, Concluding observations on the third periodic report of Greece, UN Doc. CCPR/C/GRC/CO/3, para. 32.

[16] Expert Council, Stigmatisation of Non-Governmental Organisations in Europe, CONF/EXP(2024)1, 20 March 2024, para. 125.

[17] See EU Directive 2002/90/EC and Framework Decision 2002/946/JHA, adopted in 2002. These rationales are discussed at length in Expert Council, Using Criminal Law to Restrict the Work of NGOs Supporting Refugees and Other Migrants in Council of Europe Member States (CONF/EXP(2019)1, December 2019) and Civil Society Support to Refugees and Other Migrants in Europe: The Need to End the Backlash on Civil Society Space (CONF/EXP(2024)3, 21 June 2024).

[18] Article 6 of the Palermo Protocol.

associated with trafficking resulted in an acquittal in January 2026, other aid workers in Greece continue to be criminalised for their humanitarian work.[19]

17. Enhanced registration and certification procedures for NGOs supporting migrants were introduced by Greece in 2020.[20] Given their onerous, complex, time-consuming and costly requirements, they have already produced a chilling effect on civil society space which has led many humanitarian actors to stop carrying out vital activities in the service of migrants.[21]

18. Thus, the new provisions considered in this Opinion exacerbate an already fraught situation producing new hardships for humanitarian actors who are simply trying to help vulnerable people.

C. PROVISIONS PERTAINING TO NGOS AND NGO WORKERS

i. The criminalisation of NGO workers

19. Articles 24 and 25 of the Greek Migration Code 5038/2023 already criminalise the facilitation of entry to, exit from, or stay in, the Greek territory of nationals from other countries and associated offences. Under Greek law, financial or material gain are considered as aggravating circumstances of those offences, not a necessary element of the offences.

20. What the Law does is to introduce an enhanced sentencing regime for those offences already set out in the Migration Code, when the said offenders are members of NGOs registered in the Register of Greek and Foreign NGOs.[22]

21. In particular:

- When a member of such an NGO facilitates for a foreigner, the entry into or exit from the Greek territory, the aggravated sentences of at least ten years [as opposed to the

[19] OMCT, Greece: Continued judicial harassment against migrants' rights defender Panayiota Dimitras, 26 February 2026 and Frontline Defenders, Greece must stop the judicial harassment and intimidation of migrant rights defenders, 24 February 2026.

[20] Ministerial Decision 3063/2020 of 14 April 2020 and associated legislative reforms were the subject of prior Opinions of the Expert Council. See, Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration CONF/EXP(2020)4, 2 July 2020); Addendum to the Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration (CONF/EXP(2020)5, 23 November 2020).

[21] Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration para. 83.

[22] Articles 15 and 16 of the Law.

standard sentence of at least five years] imprisonment and a fine of at least EUR 50,000 [as opposed to the standard sentence of at least EUR 20,000] regardless of whether the perpetrator sought profit would apply.

- When a member of such an NGO facilitates for a foreigner, the illegal stay in Greek territory, the aggravated sentences of up to ten years [as opposed to the standard sentence of at least two years] imprisonment and a fine of at least EUR 20,000 [as opposed to the standard sentence of at least EUR 5,000] regardless of whether the perpetrator sought profit would apply.

- When a member of such an NGO withholds or refuses to hand to the authorities a passport or travel document belonging to another person, the aggravated sentences of up to ten years [as opposed to the standard sentence of at least one year] imprisonment and a fine of at least EUR 50,000 [as opposed to the standard sentence of at least EUR 3,000] regardless of whether the perpetrator sought profit would apply.[23]

- When a member of such an NGO facilitates transport or secures shelter for concealment of a foreigner, the illegal stay in Greek territory, the aggravated sentences of at least ten years imprisonment and a fine of at least EUR 60,000 per transported person regardless of whether the perpetrator sought profit would apply.[24]

22. With respect to some of these aggravated offences, there is also a reclassification of the offence from a misdemeanour to a felony offence. For example, where a member of an NGO withholds or refuses to hand to the authorities a passport or travel document belonging to another person, this offence is converted from a misdemeanour offence (applicable to ordinary offenders) to a felony offence. In addition, when a member of an NGO facilitates the illegal stay of a third-country national on the territory or hinders police investigations aimed at locating them, this shifts what would have been a misdemeanour offence (for ordinary offenders) into a felony offence.

ii. Administrative sanctions

23. The administrative consequences for NGOs who have members that have been accused of one of the previously mentioned criminal offences are severe. The Minister of Migration and Asylum may order the removal of the organisation from the NGO Registry where the alleged perpetrator of one of those offences is a member of that organisation. There is no requirement that the member concerned was convicted of the offence or that

[23] See Article 15 of the Law revising Article 24 of the Migration Code.

[24] See Article 16 of the Law revising Article 25 of the Migration Code.

a role in the offence can be attributed to the NGO.[25] The NGO can request to be re-registered in the NGO Register only after there has been an irrevocable acquittal of the member concerned. Taking into account past practise, this may take many years.[26]

24. The Law also provides that a legal migrant who is accused of one of the said offences may face the immediate loss of their resident status.[27] The Law specifies that in those circumstances, such a person's permanent residence permit may be revoked or their application for the grant or renewal of a residence permit may be rejected for reasons of public order and security.[28]

iii. NGO registration and de-registration

25. Registration in the NGO Register, including individual members, employees and partners is a condition precedent for NGOs to operate in the service of international protection, migration and social integration in Greece.

26. The registration process involves complex, costly, and intrusive documentation (including personal data belonging to members and staff).[29] When NGOs are not featured in the Register (because they chose not to seek registration given the onerous requirements, they were denied registration or were removed from the Register for failing to comply with the requirements) they are barred from seeking state or EU funding and from performing any activity inside facilities managed by the Ministry of Migration and Asylum.[30]

27. As the Expert Council has documented in prior Opinions, and as has been reported by others, the registration and certification criteria were already overly onerous for NGOs working in the areas of migration, asylum and social integration.[31] This new Law makes

[25] Article 15 of the Law amending Article 24(c)8 of the Migration Code.

[26] The ERCI proceedings took almost eight years from start to finish.

[27] Article 15 of the Law amending Article 24(c)9 of the Migration Code.

[28] Ibid.

[29] Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration.

[30] Article 54 of the Law which introduces Article 78(1) of the Migration Code: "Non-profit organizations, voluntary organizations and any corresponding organization, Greek or international, that has not been registered in the register may not receive state or EU funding or operate in any way within the structures of the Ministry of Immigration and Asylum."

[31] See, Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration CONF/EXP(2020)4, 2 July 2020); Addendum to the Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration CONF/EXP(2020)5, 23 November 2020). See also, UN Human Rights Committee, Concluding observations on the third periodic report of Greece, UN Doc. CCPR/C/GRC/CO/3, para. 36.

the registration procedure and criteria for acceptance on the Register more onerous because:

- It expands the circumstances which would lead an NGO to be barred from registering. The Law expands the list of criminal offences which bars NGOs from registering in the NGO register. In cases where a manager or legal representative of the NGO has been subject to a prosecution for any felony offence (no final conviction is required), the NGO would be barred from the NGO Register. Additionally, following a final conviction for listed misdemeanour offences (including defamation, theft, forgery, breach of trust, breach of duty, false certificates, drug-related offences, sexual offences).[32]

- It sets stricter registration requirements for NGOs wishing to register. For instance, NGOs on the Register are now prohibited from receiving state subsidies which exceed 30% of their annual budget (excluding staff costs).[33] Before the enactment of the Law, the maximum percentage was 50%.

28. Additionally, under the Law, the government has discretion to enact additional requirements for registration of civil society organisations by way of secondary legislation.[34]

D. EVALUATION OF THE PROVISIONS

i. The importance of civil society space

29. Civic society space is central to good governance and democracy. Indeed, in its Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe, the Committee of Ministers of the Council of Europe expressly recognised and valued:

> the work of all human rights defenders, including NHRIs and civil society organisations, which each make important contributions to an environment of respect for and the active promotion of human rights, democracy and the rule of law in Europe.

30. The right to act in solidarity and support of others is reflected in numerous international declarations such as 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*, which recognises that 'everyone has the right, individually and

[32] Article 54 of the Law which introduces Article 78(2)(e) of the Migration Code.

[33] Article 54 of the Law which introduces Article 78(2)(d) of the Migration Code.

[34] Article 54 of the Law which introduces Article 78(3) of the Migration Code.

in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.'[35]

31. In accordance with the Expert Council's Guidelines on Protecting NGO Work in Support of Refugees and Other Migrants, activities in support of refugees and other migrants are a manifestation of the right to freedom of association and an essential contribution to securing the human rights of refugees and other migrants, including the rights to be treated with dignity and respect for their humanity, to be provided with adequate food, shelter and health care, to liberty and security, to seek asylum, to protection against torture and other ill-treatment and against refoulement and collective expulsion.

32. The regulation of NGO activities must comply with Greece' obligations under human rights law, and particularly the obligations to respect, protect and fulfil freedom of association.[36] Freedom of association is one of the qualified rights afforded by the ECHR. It applies to both informal and formal associations, i.e., those with legal entity status.[37] The right to freedom of association protects individuals and associations against unjustified State interference which may include the unjustified refusal to register or the decision to dissolve an organisation, hampering an association from carrying out its activities (e.g., by inappropriately criminalising activity that should be lawful, imposing excessive administrative burdens or limitations on activities or restrictions on financing).

33. In addition to the requirement on States not to interfere with the right to freedom of association without legitimate justification, States also have a positive obligation to ensure the effective enjoyment of the right to freedom of association. This obligation is particularly important for NGOs advocating for minority groups and more broadly for those holding views which may be considered hostile or unpopular with the government or the public at large.[38]

ii. Greece's restrictions on civil society space and freedom of association

34. Although the right to freedom of association is not absolute, national authorities are in all circumstances bound by the obligation to enforce any interference with that right only if it is prescribd by law, pursues a legitimate aim and is necessary and proportionate in a democratic society.[39]

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[35] UN General Assembly Resolution 53/144 (9 December 1998) Art. 1.

[36] Art. 11(2) ECHR. See also, Article 22(2) of the International Covenant on Civil and Political Rights.

[37] Recommendation CM/Rec(2007)14, para. 3 and the Joint Guidelines, paras. 38 and 48.

[38] *Zhdanov and Others v. Russia*, no. 12200/08, 16 July 2019, paras. 139 and 162-163.

[39] See *Rafah Partisi (the Welfare Party) and Others v. Turkey* [GC], no. 41340/98, 31 July 2001, paras. 47 and 86.

Prescribed by law

35. Any limitation or restriction on freedom of association must have a basis in domestic law, which

> does not only require that the impugned measure should have some basis in domestic law, but also refers to the quality of the law in question.[40]

36. The ECtHR has clarified that for a measure to be prescribed by law, it 'must be sufficiently clear and foreseeable in its terms to give individuals an adequate indication as to the circumstances in which and the conditions on which public authorities are entitled to resort to the impugned measures. Domestic law also must protect against arbitrary interference by public authorities with the rights guaranteed by the Convention.'[41]

37. The Law was adopted by the Hellenic Parliament following a limited consultation. While the revision to the applicable terms of imprisonment and fines for the offences of facilitation of entry to, exit from, or stay in, the Greek territory of nationals from other countries and associated offences which are set out in the Law are sufficiently clear, the offences themselves (most of which were already set out in the Migration Code and not the subject of the most recent reforms) are overly broad and vaguely framed and have already led to arbitrary enforcement.

38. By significantly increasing the penalties associated with offences which lack a clear legal basis, this latest Law exacerbates the pre-existing problem of illegality associated with the criminalisation of the facilitation of entry to, exit from, or stay in Greece and associated offences.

39. The Law also provides that the government has discretion to enact additional requirements for registration of civil society organisations by way of secondary legislation.[42] It is as yet unclear whether the secondary legislation would satisfy the requirements of legality.

Legitimate aim

40. Even where interferences to freedom of association are prescribed by law, they will only be justifiable if they pursue one or more of the legitimate aims set out in Article 11(2) of the ECHR: national security or public safety, the prevention of disorder or crime, the protection of health or morals, and the protection of the rights and freedoms of others.

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[40] *Koretsky and Others v. Ukraine*, no. 40269/02, 3 April 2008, para. 46.

[41] *Coherence and Others v. Russia*, no. 9988/13, 14 June 2022.

[42] Article 54 of the Law which introduces Article 78(3) of the Migration Code.

41. These aims (and the interferences or exceptions related to freedom of association they give rise to) must be narrowly interpreted.[43] The existence of a "legitimate aim" must not be used as a pretext to control NGOs or to restrict their ability to carry out their legitimate work nor as a means to hinder persons from applying for asylum.[44]

42. The control of immigration has been considered as a legitimate aim for limitations of Article 8 ECHR (respect for private and family life),[45] though it is less clear whether it would serve as a legitimate aim for restrictions on Article 11(2) (freedom of association).

43. As one of the stated objectives of the Law is the prevention and combating of illegal immigration, the provisions of the Law would ostensibly contribute to the prevention of disorder or crime, or the promotion of national security or public safety. However, as a focus of the NGO provisions of the Law is on significantly increasing the sentences and fines for humanitarian actors (who ostensibly should have been exempted from criminal liability when acting without financial gain), the conduct has been criminalised and is now subject to more severe sanctions without a sound criminological basis that is capable of achieving the aim. Consequently, there is little merit to the claim that those provisions are aimed genuinely at preventing crime or increasing security.[46] States cannot impede freedom of association for an illegitimate or ulterior purpose like retaliating against NGOs who are trying to fill gaps that states do not wish to be filled.

Necessary in a democratic society

44. An open, plural, and vibrant civic space is a pre-condition for democratic, cohesive, and resilient societies. Consequently, only interferences on civil society space which correspond to a 'pressing social need' will be countenanced.[47] The interference must be proportionate to the legitimate aim pursued.

45. A principal consideration is whether the restrictions adopted were needed at all, and if so, whether they constituted the least intrusive of all possible means that could have been adopted. The degree of interference must be assessed in the particular context of the case. The (risk of) institution of criminal proceedings is considered one of the most serious forms of interference with the right to freedom of association.[48]

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[43] *Sidiropoulos and Others v. Greece*, no. 26695/95, 10 July 1998, para. 38. See also, the Joint Guidelines, para. 34.

[44] Venice Commission and OSCE/ODIHR, 'Joint Opinion on the Provisions of the So-Called "Stop Soros" Draft Legislative Package Which Directly Affect NGOs', [Hungary] CDL-AD(2018)013, Strasbourg (25 June 2018), para. 80.

[45] *Berrehab v. Netherlands*, no. 10730/84, 21 June 1988, para. 26

[46] Greek civil society groups have contended that these provisions have been enacted to intimidate civil society. See, 'Joint Civil Society Statement on the Migration Ministry bill,' January 2026.

[47] *Erdoğdu and İnce v. Turkey* [GC], no. 25067/94, 8 July 1999, para. 47.

[48] *Yordanovi v.* Bulgaria, no. 11157/11, 3 September 2020, para. 75.

46. There is no logical rationale by which the Government can justify imposing an aggravated sentencing scheme to punish members of NGOs for offences for which they should ostensibly be exempted from punishment. The measures are therefore unnecessary in a democratic society.

47. Moreover, to remove an organisation from the NGO Registry where the alleged perpetrator of one of those offences is a member of that organisation is disproportionate to the Government's stated aims and thus again unnecessary in a democratic society.

48. The right to freedom of association applies to all persons and groups within a State without discrimination, including refugees and other migrants.[49] Causing a legal migrant who is accused of one of the said offences to lose their resident status (without any requirement that the member concerned was convicted of the offence) and/or causing their application for the grant or renewal of a residence permit to be rejected for reasons of public order and security, is excessively punitive and will simply result in migrants refraining from participating in humanitarian activities, thus impeding their freedom of association. Such measures are again unnecessary in a democratic society.

iii. Greece's positive obligations to foster an enabling environment in which civil society can operate effectively

49. Not only is Greece obligated to refrain from unjustifiably restricting freedom of association; it is also required to foster an enabling environment in which civil society can operate effectively.

50. This positive obligation to foster freedom of association applies even when the Government or others disagree with the ideas or claims the organisation is seeking to promote.[50]

51. Thus, in a case concerning the Russian Federation, the ECtHR held that:

> the domestic authorities had a wide discretion in the choice of means which would have enabled the applicant organisations to function without disturbance, such as for instance making public statements to advocate, without any ambiguity, a tolerant, conciliatory stance, as well as to warn potential aggressors of possible sanctions. There is no evidence that the Russian authorities considered taking any such measures. Instead, they decided to remove the cause of tension and avert a risk of disorder

[49] UN Human Rights Council, 'Right to freedom of association of migrants and their defenders', Report of the Special Rapporteur on the human rights of migrants, UN Doc A/HRC/44/42 (13 May 2020) para. 33. See also, the Joint Guidelines, para. 30; Art. 15, Convention on the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 and *Cisse v. France*, no. 51346/99, 9 April 2002, para. 50 [regarding freedom of peaceful assembly].

[50] *Ouranio Toxo and Others v. Greece*, no. 74989/01, 20 October 2005 and *Zhdanov and Others v. Russia*, no. 12200/08, 16 July 2019.

by restricting the applicant's freedom of association. In such circumstances the Court cannot accept that the refusal to register the applicant organisations was "necessary in a democratic society".[51]

52. In contrast, by issuing public threats against Greek NGOs supporting migrants,[52] Greek officials have positively contributed to the challenging operating environment facing NGOs working in this sector. Instead, Greece should define concrete steps to improve and protect the operating environment facing NGOs including by removing the threat of inappropriate criminalisation of their activities, making it easier for NGOs to register and maintain their good standing with the NGO Register of the Ministry of Migration and Asylum, countering hostile discourse, and engaging in positive public communications about NGOs' contributions to society.

E. CONCLUSIONS

53. The provisions of the Law dealing with NGOs and their members restrict freedom of association in ways that are not prescribed by law, do not serve a legitimate aim and are unnecessary in a democratic society.

54. By significantly increasing the penalties associated with offences which lack a clear legal basis, the Law exacerbates the pre-existing problem of illegality associated with the criminalisation of the facilitation of entry to, exit from, or stay in Greece and associated offences. The Law provides that the government has discretion to enact additional requirements for registration of civil society organisations by way of secondary legislation, the Law introduces. It is unclear whether such secondary legislation would satisfy the requirements of legality.

55. Even if the provisions of the Law dealing with NGOs and their members had a legitimate purpose, having regard to the inevitable effect of the Law's provisions on the curtailment of civil society space, the measures taken in pursuit of that aim cannot be considered strictly necessary or proportionate in a democratic society.

56. Furthermore, the environment in which these reforms were adopted is not conducive to civil society space, contravening Greece's positive obligations to foster an enabling environment in which freedom of association can flourish.

57. As a result, the Expert Council finds that the provisions violate Article 11(2) ECHR.

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[51] *Zhdanov*, *ibid*, at para. 164.

[52] See, e.g., Human Rights Legal Project, Public statement on the targeting and intimidation of HRLP and our staff, 11 February 2026 and Letter from the President of the Conference of INGOs and the President of its Expert Council on NGO Law to the Permanent Representative of Greece to the Council of Europe dated 5 September 2025. See also, UN 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 and the Special Rapporteur on the human rights of migrants, Communication to State of Greece, 16 September 2025, ref. AL GRC 2/2025, AL GRC (2.2025).

58. It would be appropriate for Greece to repeal those provisions of the Law that violate Greece's obligations to respect, protect and fulfil freedom of association and to desist from any steps to enforce their implementation.

59. Any future law to be enacted should be in line with European standards.