

PROJECT:

EastMed Pipeline Project



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Document Subtitle	Annex 8J.2 – Report on Human Rights Baseline and Impact Assessment
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Abbreviations

Abbreviation	Description
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CED	International Convention for the Protection of all Persons from Enforced Disappearance
CEDAW	International Convention on Elimination of all Forms of Discrimination Against Women
CERD	International Convention on Elimination of All Forms of Racial Discrimination
CRC	International Convention on Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSR	Corporate Social Responsibility
EBRD	European Bank for Reconstruction and Development
ELSTAT	Hellenic Statistical Service
ESDA	National Waste Management Plan
ESIA	Environmental and Social Impact Assessment
FRA	EU Agency for Fundamental Rights
GNCHR	Greek National Commission for Human Rights
GSEE	General Confederation of Workers
HRC	Human Rights Council
HRIA	Human Rights Impact Assessment
HRDD	Human Rights Due Diligence
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ILO	International Labor Organization



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Abbreviation	Description
IPIECA	International Petroleum Industry Environmental Conservation Association
IPCC	Intergovernmental Panel on Climate Change
MWC	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
NDA	National Transparency Authority
NECP	National Energy & Climate Plan
NGO	Non-Governmental Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
PSDA	Regional Waste Management Plans
SAC	Special Areas of Conservation of the Natura2000 network
SDG	Sustainable Development Goals
SPA	Special Protection Areas of the Natura2000 network
TI	Transparency International
UNCAC	United Nations Convention against Corruption
UDHR	Universal Declaration of Human Rights
UNEPFI	United Nations Environment Programme Finance Initiative
UPR	Universal Periodic Review

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8 J.2.1. INTRODUCTION

8 J.2.1.1. Project background

The EastMed Pipeline Project aims to transport gas directly from the Eastern Mediterranean fields to the European Natural Gas System, via Greece.




The Project consists of a Southern Line and a Northern Line to deliver gas from Israeli and Cypriot sources, respectively, through Crete, Peloponnese and West Greece, to the Poseidon Pipeline Project in North-West Greece. Upstream of Crete these two lines are designed to work complementary as well as independently, foreseeing, in Cyprus, infrastructures dedicated to each line. Thanks to this, the system is highly flexible, contributing to security of supply.

8 J.2.1.2. HRIA Study Rationale and Objectives

Various international guidelines recognize that all Human Rights may be relevant to business or developmental projects. Examples of specific issues related to human rights that Human Rights Impact Assessment (HRIA) seeks to identify, include potential discrimination against vulnerable groups, impacts of the Project's activities on communities or households that are heavily reliant upon land resources for their livelihoods, significant population influx or other migration movement (e.g. refugees, seasonal migrants etc.) that might cause pressure on basic services, or any other issue that raises human rights concerns.

This document presents the findings arising from the HRIA for the EastMed Pipeline Project in Greece. The aim of HRIA is to identify the potential impact and/or opportunities of the Project activities on the enjoyment of internationally recognized human rights standards and complement the primary studies for impact assessment (i.e. Environmental and Social Impact Assessment and Land and Easement Acquisition process that cover parallel issues in relation to land and defined social rights), as well as the Study of Impacts on Vulnerable Groups.

The present study seeks to inform adherence to a range of commitments, including the principles contained in the International Bill of Human Rights, the Charter of Fundamental Rights of the European Union, the Voluntary Principles on Security and Human Rights, the International Labor Organization (ILO) Core Conventions, and other relevant standards which the Greek state has ratified, as well as the Performance Standards of the European Bank for Reconstruction and

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Development (EBRD), the standards of the national legislation and those of the Company. The methodology and implementation of HRIA shall respect human rights based principles of participation, inclusiveness, non-discrimination and accountability as well as the principle of rightholder engagement.

More specifically, the main objectives of the HRIA are to:

- Identify potentially affected rightholders;
- Evaluate the level of vulnerability of potentially affected populations;
- Identify and assess positive and negative impacts on human rights that may result from the Project’s activities;
- Propose mitigation measures to identified negative impacts and measures to maximize positive impacts and
- Suggest directions for monitoring the Project’s performance on human rights issues and promote greater rightholder trust and engagement.

8 J.2.1.3. Methodology and study sources

Over the last two decades, a wide range of HRIA methodologies has been developed, however, there is also considerable consensus about the key methodological steps in the majority of comparable HRIAs.¹ The methodology used in the present study was based on well-established HRIA tools that are common in most of the current methodological guides and on the more specific principles of good practice described in the EU “Oil and Gas Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights” (2012).² The key documents that provide the methodological basis of the present study, are listed in Table J.2.1-1 below.

¹ Harrison, J. & Stephenson, M.A. (2010). Human Rights Impact Assessment: Review of Practice and Guidance for Future Assessments. Available at: <https://fian-ch.org>

² Shift & The Institute for Human Rights and Business (IHRB) (2012). Oil and Gas Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights. E.U. Available at: <https://ec.europa.eu>






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Table J.2.1-1 Key documents used for the formation of HRIA methodology

Organization	Document
United Nations Human Rights Council (2011)	Guiding Principles on Business and Human Rights. ³ Implementing the United Nations “Protect, Respect and Remedy” Framework https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf
United Nations High Commissioner for Human Rights (2012)	The Corporate Responsibility to Respect Human Rights. An Interpretative Guide https://www.ohchr.org/documents/publications/hr.pub.12.2_en.pdf
European Commission, SHIFT Project, Institute for Human Rights and Business (2012)	Oil and Gas Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/oil_and_gas_2.pdf
European Bank for Reconstruction and Development (2019)	Environmental and Social Policy https://www.ebrd.com/who-we-are/our-values/environmental-and-social-policy/performance-requirements.html
The International Petroleum Industry Environmental Conservation Association & The Danish Institute for Human Rights (2013)	Integrating Human Rights into environmental, social and health impact assessments. A practical guide for the oil and gas industry https://www.ipieca.org/resources/good-practice/integrating-human-rights-into-environmental-social-and-health-impact-assessments-a-practical-guide-for-the-oil-and-gas-industry/
The International Petroleum Industry Environmental Conservation Association (2015)	Oil and Gas Industry Guidance on Voluntary Sustainability Reporting https://www.ipieca.org/news/third-edition-of-sustainability-reporting-guidance-for-the-oil-and-gas-industry/
The Danish Institute for Human Rights (2006)	Human Rights Compliance Assessment/Country Risk Assessment https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/hrca_quick_check_english.pdf
International Business Leaders Forum and the International Finance Corporation (2007)	Guide to Human Rights Impact Assessment and Management https://www.unglobalcompact.org/library/25

Prepared by: (ASPROFOS, 2022).

³ The Guiding Principles do not prescribe a specific methodology to be applied in HRIAs, however, they propose elements and steps that should be part of any HRIA.

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The study data were gathered from a number of relevant sources, including:

- Legal, policy and regulatory documents relevant to human rights, impacts assessment and general recommendations for mitigation measures
- Information regarding the enjoyment of rights in practice at a national or regional level according to the data available.
- An evaluation of Environmental and Social Impact Study (ESIA) data on project activities such as workforce recruitment, construction work stream, procurement of supplies and equipment and security
- Initial rightholder consultation at a national level
- Information provided by the study of potential impacts on vulnerable groups




It must be noted that not all impacts are necessarily foreseeable in large projects, even in HRIAs conducted with a good faith effort to identify and assess all actual and potential impacts. Thus, the assessment of the Project's impacts on human rights needs to be an on-going dynamic process and not a one-off event.⁴ As the Project's operating context may change, the risks to people can change too.⁵ Continuous monitoring and effective grievance mechanisms, where the affected people can file complaints and these are dealt with in a timely manner, are of major importance. Guiding Principle 31 of the UN, provides a list of relevant human rights-based criteria that must be taken into account in the design and implementation of a complaint or grievance mechanisms, i.e., the mechanism should be transparent, accessible, credible, predictable, non-discriminatory, effective, and employ human rights as the normative framework for addressing complaints.⁶

For this reason, the HRIA findings presented in this document, will be validated by further stakeholder consultation at the regional and local level.

⁴ Ruggie, J (2007). Business and Human Rights: Mapping International Standards of Responsibility and Accountability for Corporate Acts. U.N. Doc. A/HRC/4/035 (9 February 2007).

⁵ International Petroleum Industry Environmental Conservation Association (IPIECA) (2021). Human Rights Due Diligence Guidance. A practical guidance for the oil and gas, and alternative energy industry. Available at: <https://www.ipieca.org>

⁶Coopération Internationale pour le Développement et la Solidarité (CIDSE) (2015). Human Rights Implications of Climate Change Mitigation Actions. Available at: <https://carbonmarketwatch.org>




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8 J.2.1.4. Structure of the report

Section 8 J.2.2 that follows, presents information on the concept of human rights used in this report, the international and EU human rights standards, as well as the national framework of human rights. The section also presents data concerning issues of human rights from the perspective of policy and legal developments during the last few years in Greece, as well as from the viewpoint of rightholders, through data from opinion surveys and fieldwork on people's experience and views of their rights.

Section 8 J.2.3 identifies and qualitatively assesses the Project's key areas of potential interference with human rights issues and presents recommendation for prevention, elimination or mitigation of potential impacts, as highlighted by relevant literature and the ESIA results, including the study of Vulnerable Groups, i.e., environmental performance and management, labor practices and human resource management, impacts on local communities livelihoods, health, safety and cohesion, as well as the application of the principles of equality, transparency and participation.

Finally, the study's general conclusions are presented and discussed.

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8 J.2.2. INTERNATIONAL – EUROPEAN HUMAN RIGHTS STANDARDS AND THE NATIONAL CONTEXT

8 J.2.2.1. Human rights and obligations

According to the UN definition, “Human rights are inherent in all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status”.⁷ Human rights are all interrelated, interdependent and indivisible and every individual is entitled to enjoy them without discrimination.

Non-discrimination is at the heart of all work on human rights,⁸ as a central theme of several international human rights conventions.⁹ This principle applies in relation to all human rights and it prohibits discrimination on the basis of a list of properties such as race, color, sex, language, religion, political or other opinion, national or social origin, property etc. The principle of nondiscrimination is complemented by the principle of equality, which, as stated in article 1 of the Universal Declaration on Human Rights,¹⁰ lays down that all human beings are born free and equal in dignity and rights.

These two principles (non-discrimination and equality), inform the analysis of impacts experienced by different individuals and groups, including those that may be vulnerable. By disaggregating data on human rights impacts, HRIA can systematically analyze the differential distribution of impacts between groups.

In invoking human rights, it is important to identify not only the entitlements, but also the agents /duty bearers who are legally bound not to infringe on the fundamental human rights and to take action to realize them.¹¹ The Universal Declaration of Human Rights (UDHR) denounces basic human rights violations and most of the guarantees in the UDHR also appear in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR),¹² which are binding on state parties that have ratified them, Greece among them.

⁷United Nations, Human Rights Office (2012). The Corporate Responsibility to Respect Human Rights. An Interpretative Guide. UN, N.Y & Geneva. Available at: https://www.ohchr.org/documents/publications/hr.pub.12.2_en.pdf




⁸ United Nations (2012). Human Rights Indicators. A Guide to measurement and Implementation (p. 22). Available at: <https://www.ohchr.org>

⁹ Such as the Convention on the Elimination of All Forms of Discrimination against Women or the Convention on the Rights of Persons with Disabilities.

¹⁰ United Nations General Assembly (1948). *Universal Declaration of Human Rights (UDHR)*. Paris: (General Assembly resolution 217 A). Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹¹Sen, A. (1999). Development as Freedom (pp. 227-248). Oxford: Oxford University Press.

¹² Rubinson, A. (2006). Regional Projects Require Regional Planning: Human Rights Impacts Arising from Infrastructure Projects. Michigan PJournal of International Law, 28(1):175-205.

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As a key component of human rights due diligence, principles 17 and 18 of the UN Guiding Principles require companies to identify and assess both the potential (ex ante) and actual (ex post) impacts of their activities.¹³ International human rights law also establishes human rights obligations that arise in the context of infrastructure projects.¹⁴

In recent years, human rights are interrelated with the principle of Corporate Social Responsibility (CSR). The European Commission in its renewed EU strategy 2011-2014 for Corporate Social Responsibility¹⁵ describes CSR as “the responsibility of enterprises for their impacts on society” and clarifies that in order to fully meet their corporate social responsibility, enterprises should have in place a process to integrate social, environmental, ethical, human rights and consumer concerns into their business operations and core strategy in close collaboration with their rightholders, aiming at:

- the maximization of shared value for their shareholders and society at large; and
- the identification, prevention and mitigation of their potential negative impacts.¹⁶

8 J.2.2.2. International human rights standards

The normative framework of international human rights is contained in the following documents:

- The Universal Declaration of Human Rights¹⁷
- The European Convention for the Protection of Human Rights and Fundamental Freedoms¹⁸
- The International Convention on Elimination of All Forms of Racial Discrimination (CERD)¹⁹
- The International Covenant on Economic, Social, and Cultural Rights (ICESCR)²⁰

¹³Coopération Internationale pour le Développement et la Solidarité (CIDSE) (2015). Human Rights Implications of Climate Change Mitigation Actions. Available at: <https://carbonmarketwatch.org/>

¹⁴ Robinson, A. (2006). Regional Projects Require Regional Planning: Human Rights Impacts Arising from Infrastructure Projects. Michigan PJournal of International Law, 28(1):175-205.

¹⁵European Commission (2011). A renewed EU strategy 2011-14 for Corporate Social Responsibility (p.6). Available at: <https://www.europarl.europa.eu>




¹⁶ See also, International Training Center (2012). International Instruments and Corporate Social Responsibility A Booklet to Accompany Training on Promoting labour standards through Corporate Social Responsibility. International Labour Organization. Available at: <https://www.ilo.org>

¹⁷ United Nations General Assembly (1948). *Universal Declaration of Human Rights (UDHR)*. Paris: (General Assembly resolution 217 A). Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹⁸ Council of Europe (1950). *European Convention for the Protection of Human Rights and Fundamental Freedoms*. Rome: CE. Available at: https://www.echr.coe.int/documents/convention_eng.pdf

¹⁹ United Nations General Assembly (1965). *International Convention on Elimination of All Forms of Racial Discrimination*. Assembly Resolution 2106 (XX). Available at: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

²⁰ United Nations General Assembly (1966). *International Covenant on Economic, Social, and Cultural Rights*. Assembly Resolution 2200A (XXI). Available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

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- The International Covenant on Civil and Political Rights (ICCPR)²¹
- The International Convention on Elimination of all Forms of Discrimination Against Women (CEDAW)²²
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)²³
- The International Convention for the Protection of all Persons from Enforced Disappearance (CED)²⁴
- The International Convention on Rights of the Child (CRC)²⁵
- The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (MWC)²⁶
- The Convention on the Rights of Persons with Disabilities (CRPD)²⁷

As regards the international labor standards, the International Labor Organization (ILO) has adopted 189 Conventions and 202 Recommendations covering a broad range of subjects related to employment policy, human resources development, wages, working time, and occupational safety and health.²⁸ Among the ILO Conventions,²⁹ eight have been identified as fundamental, in that they cover subjects that are considered as fundamental principles and rights at work.

Table J.2.2-1 presents human rights included in the International Bill of Human Rights and some of the core international Human Rights instruments, including ILO Core Conventions, by category of right.

²¹ United Nations General Assembly (1966). *International Covenant on Civil and Political Rights*. Assembly Resolution 2200A(XXI). Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

²² United Nations General Assembly (1979). *International Convention on Elimination of all Forms of Discrimination Against Women*. Assembly Resolution 34/180. Available at: <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

²³ United Nations General Assembly (1984). *The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Available at: <https://treaties.un.org>

²⁴ United Nations General Assembly (1984). *International Convention for the Protection of all Persons from Enforced Disappearance Against Torture*. Available at: https://treaties.un.org/doc/source/docs/A_61_448-E.pdf

²⁵ United Nations General Assembly (1989). *International Convention on Rights of the Child*. Assembly Resolution 44/25. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4

²⁶ United Nations General Assembly (1990). *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*. Assembly Resolution 45/158. Available at: <https://www.ohchr.org>

²⁷ United Nations General Assembly (2006). *Convention on the Rights of Persons with Disabilities*. Assembly Resolution 61/106. Available at: <https://www.un.org>

²⁸ International Training Center (2012). *International Instruments and Corporate Social Responsibility A Booklet to Accompany Training on Promoting labour standards through Corporate Social Responsibility*. International Labour Organization. Available at: <https://www.ilo.org>

²⁹ www.ilo.org/normlex







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Table J.2.2-1 Human rights included in core international HR instruments

Category of right	Document	Human rights
Civil and Political Rights	International Covenant on Civil and Political Rights (United Nations General Assembly Resolution 2200A (XXI), 1966)	<ul style="list-style-type: none"> • Right of self-determination • Right to life • Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment • Right not to be subjected to slavery, servitude or forced labor • Rights to liberty and security of the person • Right of detained persons to humane treatment • Right not to be subjected to imprisonment for inability to fulfill a contract • Right to freedom of movement • Right of aliens to due process when facing expulsion • Right to a fair trial • Right to be free from retroactive criminal law • Right to recognition as a person before the law • Right to privacy • Rights to freedom of thought, conscience and religion • Rights to freedom of opinion and expression • Rights to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred • Right to freedom of assembly • Right to freedom of association • Rights of protection of the family and the right to marry • Rights of protection for the child • Right to participate in public life • Right to equality before the law, equal protection of the law, and rights of nondiscrimination • Rights of minorities
Economic, Social and Cultural Rights	International Covenant on Economic, Social and Cultural Rights (United Nations General Assembly Resolution 2200A (XXI), 1966)	<ul style="list-style-type: none"> • Right of self-determination • Right to work • Right to enjoy just and favorable conditions of work • Right to form and join trade unions, and the right to strike • Right to social security, including social insurance • Right to a family life • Right to an adequate standard of living and to the continuous improvement of living conditions




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Category of right	Document	Human rights
		<ul style="list-style-type: none"> • Right to the highest attainable standard of physical and mental health • Right to education • Rights to take part in cultural life and to benefit from scientific progress and of the material and moral rights of authors and inventors
Fundamental Labor Standards	International Labor Organization (ILO) 8 Core Conventions	<ul style="list-style-type: none"> • Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) • Right to Organize and Collective Bargaining Convention, 1949 (No. 98) • Forced Labor Convention, 1930 (No. 29) • Abolition of Forced Labor Convention, 1957 (No. 105) • Minimum Age Convention, 1973 (No. 138) • Worst Forms of Child Labor Convention, 1999 (No. 182) • Equal Remuneration Convention, 1951 (No. 100) • Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Protection of Vulnerable Groups	Specific UN conventions on the rights of vulnerable groups	<ul style="list-style-type: none"> • International Convention on the elimination of racial discrimination (1965) • Convention on the Elimination of All Forms of Discrimination against Women (1979) • Convention on the Rights of the Child (1989) • International Convention on the Rights of migrant workers and their families (1990) • Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) • Convention on the Rights of persons with disabilities (2006) • Declaration on the Rights of Indigenous Peoples (2007)

Prepared by: (ASPROFOS, 2022).

The Human Rights Council (HRC)³⁰ established in 2006, is an international forum for dialogue and coordination of the activities of UN organs on human rights issues, made up of 47 elected member states, responsible for the promotion and protection of all human rights around the globe. The

³⁰ See <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>

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Universal Periodic Review (UPR) mechanism, is an innovative process of the HRC, which involves a periodic review of the human rights records of all 193 UN Member States and provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and share the best human rights practices.




It is evident that infrastructure projects and activities can have a wide range of impacts on human rights. The UN Guiding Principles on Business and Human Rights that were endorsed by the Human Rights Council in 2011³¹ (see Box 2-1 below), have introduced the global standard that similar projects are expected to comply with and have been integrated into numerous other human rights frameworks, including the OECD Guidelines for Multinational Enterprises, the Performance Standards of the International Finance Corporation and the European Union’s Corporate Social Responsibility Policy.³²

These standards are grounded on three interrelated pillars (“Protect, Respect and Remedy”), which recognize the distinct and complementary roles of states and business in protecting human rights:

- the States’ obligation to respect, protect and fulfil human rights through effective policies, legislation, regulations and adjudication;
- the corporate responsibility to respect human rights, meaning that businesses enterprises are required to avoid infringing on the human rights and to address adverse human rights impacts with which they are involved; and
- the need for greater access to effective remedy for victims of business related human rights abuses, through judicial, administrative, legislative or other appropriate means.

³¹ United Nations Human Rights Council (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework. Available at: <https://www.ohchr.org>

³²United Nations Human Rights Council (2011), op. cit.

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Box 2.1: The United Nations Guiding Principles on Business and Human Rights (2011)

According to the UN Guiding Principles, when a business is assessing its human rights impacts, it should:

- Draw on internal and/or independent human rights expertise
- Undertake meaningful consultation with potentially affected rights-holders and other relevant parties
- Be gender-sensitive and pay particular attention to any human rights impacts on individuals and groups that may be at heightened risk of vulnerability or marginalisation
- Assess impacts from the perspective of risk to people rather than risk to business; and
- Repeat its risk and impact identification and assessment at regular intervals (e.g., before entering into a new activity, prior to significant decisions about changes in activities, and periodically throughout the project cycle).

International treaties, EU law and national legal order, may be considered to form «the backbone of human rights law»,³³ while other non-binding documents such as declarations, guidelines and principles contribute to its understanding, implementation and development at an international level.




Human rights are also intertwined with the implementation of the Sustainable Development Goals,³⁴ which are taken into consideration in the HRIA, as the SDG Agenda is grounded on international human rights treaties and captures data relevant to issues such as poverty, inequality, access to education etc. (Box 2-2).

The universal nature of human rights necessarily entails contextualized application through national laws, which creates a degree context dependency.³⁵ For instance, the realization of the UN resolutions and of the EU Charter of Fundamental Rights (see section 8 J.2.2.3 below), lies to a great extent on the political choices of their governments. International human rights law makes a distinction between the state's immediate obligations and those obligations that may be discharged

³³ United Nations (2012). Human Rights Indicators. A Guide to measurement and Implementation (p. 22). Available at: <https://www.ohchr.org>

³⁴United Nations (2015). Transforming our World: The 2030 Agenda for Sustainable Development. New York and Geneva: UN. Available at: <https://sustainabledevelopment.un.org>

³⁵Mantelero, A. & Esposito, M.S. (2021). An evidence-based methodology for human rights impact assessment (HRIA) in the development of AI data-intensive systems. Computer Law & Security Review, 41, 105561, ISSN 0267-3649. Available at: <https://doi.org/10.1016/j.clsr.2021.105561>.

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progressively if resources are lacking, so that the realization of human rights can be understood as a continuous course.³⁶




Box 2-2 Sustainable Development Goals

- End poverty in all its forms everywhere **(SDG 1)**
 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture **(SDG 2)**
 - Ensure healthy lives and promote wellbeing for all at all ages **(SDG 3)**
 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all **(SDG 4)**
 - Achieve gender equality and empower all women and girls **(SDG 5)**
 - Ensure availability and sustainable management of water and sanitation for all **(SDG 6)**
 - Ensure access to affordable, reliable, sustainable and modern energy for all **(SDG 7)**
 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all **(SDG 8)**
 - Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation **(SDG 9)**
 - Reduce inequality within and among countries **(SDG 10)**
 - Make cities and human settlements inclusive, safe, resilient and sustainable **(SDG 11)**
 - Ensure sustainable consumption and production patterns **(SDG 12)**
 - Take urgent action to combat climate change and its impacts **(SDG 13)**
 - Conserve and sustainably use the oceans, seas and marine resources for sustainable development **(SDG 14)**
 - Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss **(SDG 15)**
 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels **(SDG 16)**
- Strengthen the means of implementation and revitalize the global partnership for sustainable development **(SDG 17)**

8 J.2.2.3. EU human rights standards

At an EU level, there is a growing interest in the field of human rights, in the light of a systemic approach which envisages the integration of human rights in the political relations of the European

³⁶ United Nations (2012). Human Rights Indicators. A Guide to measurement and Implementation (p. 22). Available at: <https://www.ohchr.org>




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Union. The EU Charter of Fundamental Rights (Table J.2.2-2), defines the core human rights, having as its aim to strengthen their protection “in the light of changes in society, social progress and scientific and technological developments”, as well as “to promote balanced and sustainable development and ensures free movement of persons, services, goods and capital, and the freedom of establishment”.³⁷

Table J.2.2-2 Fundamental Rights according to the EU Charter

General category	Human rights
DIGNITY	<ul style="list-style-type: none"> • Human dignity • Right to life • Right to the integrity of the person • Prohibition of torture and inhuman or degrading treatment or punishment • Prohibition of slavery and forced labour
FREEDOM	<ul style="list-style-type: none"> • Right to liberty and security • Respect for private and family life • Protection of personal data • Right to marry and right to found a family • Freedom of thought, conscience and religion • Freedom of expression and information • Freedom of assembly and of association • Freedom of the arts and sciences • Right to education • Freedom to choose an occupation and right to engage in work • Freedom to conduct a business • Right to property • Right to asylum • Protection in the event of removal, expulsion or extradition
EQUALITY	<ul style="list-style-type: none"> • Equality before the law • Non-discrimination • Cultural, religious and linguistic diversity • Equality between women and men • The rights of the child • The rights of the elderly • Integration of persons with disabilities
SOLIDARITY	<ul style="list-style-type: none"> • Workers' right to information and consultation within the undertaking • Right of collective bargaining and action • Right of access to placement services • Protection in the event of unjustified dismissal

³⁷ European Union (2012). Charter Of Fundamental Rights Of The European Union. Available at: <https://eur-lex.europa.eu>

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General category	Human rights
	<ul style="list-style-type: none"> • Fair and just working conditions • Prohibition of child labour and protection of young people at work • Family and professional life • Social security and social assistance • Health care • Access to services of general economic interest • Environmental protection • Consumer protection
CITIZENS' RIGHTS	<ul style="list-style-type: none"> • Right to vote and to stand as a candidate at elections to the European Parliament • Right to vote and to stand as a candidate at municipal elections • Right to good administration • Right of access to documents • European Ombudsman • Right to petition • Freedom of movement and of residence • Diplomatic and consular protection
JUSTICE	<ul style="list-style-type: none"> • Right to an effective remedy and to a fair trial • Presumption of innocence and right of defence • Principles of legality and proportionality of criminal offences and penalties • Right not to be tried or punished twice in criminal proceedings for the same criminal offence

Prepared by: (ASPROFOS, 2022).

The Charter affords protection for political, social and procedural rights to individuals and legal entities and covers a wide range of issues, including human integrity, property and privacy rights, rights to conduct business, to free movement, equal treatment, children's rights, rights of citizens in their dealings with the institutions and much more.³⁸ The Charter rights are of relevance to all EU policies and the Institutions are bound to respect its provisions both in its internal and external action policies.

Some of the rights included in the Charter are considered to be absolute and cannot be limited no matter how important the objective pursued would be. The Charter itself does not explicitly list which rights are absolute, however case law of the European Courts indicates that the prohibition of torture and inhuman or degrading treatment or punishment, as well as the prohibition of slavery or servitude (Articles 4 and 5 of the Charter) are protected in absolute terms.

³⁸European Commission (2015). Better Regulation "Toolbox". Available at: <https://ec.europa.eu/>

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Other rights can be subject to limitations if necessary but only to the extent that such limitations observe the requirements of Article 52 of the Charter, i.e., “Any limitation on the exercise of the rights and freedoms recognized by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognized by the Union or the need to protect the rights and freedoms of others”.

The level of protection offered by the Charter cannot be less than that provided by international agreements to which the Union or all the Member States are a party and the Charter should be interpreted in line with such instruments.³⁹

To ensure the promotion of fundamental rights, EU has developed an assessment methodology,⁴⁰ which provides an overview of the most important points to consider when identifying issues relevant to fundamental human rights in impact assessments.⁴¹ The EU Agency for Fundamental Rights (FRA)⁴² also provides valuable information sources relating to fundamental rights as well as a “Fundamental Rights Check-list” that can be used in order to screen identified policy options.

Furthermore, the EU Oil and Gas Sector Guide (2012)⁴³ implements the UN Guiding Principles on Business and Human Rights (as mentioned in section 8 J.2.2.2), to the specific context of the oil and gas sector and offers a range of ideas and examples for how to put the Guiding Principles into practice. The Guide is not legally binding, neither does it propose a certain management system, but leaves companies the flexibility to implement its Principles in rights into their own systems, circumstances and “company cultures”.

8 J.2.2.4. National context of human rights

The Greek Policy on human rights is established on (a) the fundamental principles of the Greek Constitution and its special chapter on Civil and Social Rights (Part B’, articles 4-25); (b) the international conventions signed and ratified by Greece and EU law; and (c) the national legal order.

³⁹European Commission (2015), op. cit.




⁴⁰European Commission (2021). Impact Assessment. Available at: <http://ec.europa.eu>

Also see European Commission (2015). Better Regulation Toolbox. Available at: <https://ec.europa.eu>

⁴¹As suggested by the European Commission (2015, op. cit.), when assessing the impacts of projects with impact outside of the EU, additional consideration must be given to international Human Rights instruments, in addition to the requirements of the Fundamental Rights Charter.

⁴² <http://fra.europa.eu/en>

⁴³ Shift & The Institute for Human Rights and Business (IHRB) (2012). Oil and Gas Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights (p. 1). Available at: <https://ec.europa.eu>

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As regards the effect of international conventions signed and ratified by Greece, Article 28(1) of the Constitution reads “the generally recognized rules of international law, as well as international conventions as of the time they are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law”⁴⁴ i.e., ratified international conventions take precedence over any conflicting national legislation (except for the Constitution which is the highest source of binding law).

Since the 1960s Greece has signed and ratified the main international conventions protecting human rights in the context of the United Nations,⁴⁵ and participates actively in the main multilateral fora, such as the Third Committee of the UN General Assembly and the UN Human Rights Council, as well as in tasks related to the protection, promotion and integration of human rights into all policies and actions of the European Union, focusing on cross-regional initiatives aiming to tackle important social and economic rights such as the right to work, the drug problem and human rights, the enjoyment of cultural rights and the protection of cultural heritage.⁴⁶

The Greek National Commission for Human Rights (GNCHR),⁴⁷ established by Law 2667/1998 in accordance with the UN Paris Principles, is an independent advisory body to the Greek State on human rights protection issues. Its members are nominated by institutions whose activities cover the field of human rights: NGOs, trade unions, independent authorities, universities, bar associations, political parties, Parliament and the Administration. Its competencies, include the examination of the ways in which Greek legislation may be harmonized with the international law standards on human rights protection, the study of human rights issues in the country and the submission of recommendations and proposals, the maintenance of co-operation with international organizations and the drawing up of an annual report on human rights protection in Greece.




GNCHR includes in its statutory mission the enhancement of the awareness for human rights within the educational system (article 12 of Law 4780/2021), as human rights education is in itself a fundamental human right. In order to promote the integration of international human rights

⁴⁴ <https://www.hellenicparliament.gr/Vouli-ton-Ellinon/To-Politevma/Syntagma/>

⁴⁵ Greece has signed and ratified: 1965: International Convention on the Elimination of All Forms of Racial Discrimination, 1966: International Covenant on Civil and Political Rights (and the Optional Protocols), 1966: International Covenant on Economic, Social and Cultural Rights, 1979: Convention on the Elimination of All Forms of Discrimination against Women (and the Optional Protocols), 1984: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (and the Optional Protocol), 1989: Convention on the Rights of the Child (and the 1st and 2nd Optional Protocols), 2006: Convention on the Rights of Persons with Disabilities (and the Optional Protocol), 2014: International Convention for the Protection of All Persons from Enforced Disappearance.

⁴⁶ Hellenic Republic, Ministry of Foreign Affairs (2021). Human Rights. Available at: <https://www.mfa.gr>

⁴⁷ <https://www.nchr.gr/index.php>

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standards into people's daily lives, the GNCHR has been developing an annual open seminar on education in human rights.⁴⁸

Another national institution for the protection of human rights is the Ombudsman, an independent administrative authority, established by Act 2477/1977. The Ombudsman mediates between citizens and local authorities, public services and bodies or utilities covered by public law, “investigates problems caused by legislation or administrative acts or omissions and undertakes targeted initiatives, acts as guardian of the people’s rights in both the public and private sectors, with a special emphasis on monitoring and promoting the implementation of the principle of equal treatment, the rights of the child and the rights of vulnerable groups”.⁴⁹

As part of its interventions, the Ombudsman has created, in collaboration with relevant public services and NGOs, a rights and benefits guide for vulnerable groups, available in both print and electronic form and a corresponding website, in order to increase the accessibility of information for individuals belonging to vulnerable groups and encourage their utilization of the available public services.⁵⁰

8 J.2.2.4.1 Human rights issues at a national level

As stated by the Hellenic Ministry of Foreign Affairs, the constantly evolving framework of institutions and monitoring mechanisms of the obligations of states on issues of human rights, often have disproportionate effects on the practical level.⁵¹ The development of the National Human Rights Action Plan (2014-2016), has contributed to improved alignment with international human rights standards, however, the balance between the strategic vision and concrete action is not always easy to achieve.

The country’s practices on internationally recognized individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights and other international agreements are presented in the annual Country Report on Human Rights Practices,⁵² as well as in the relevant Reports submitted to the European Union Agency for Fundamental Rights (FRA).⁵³

⁴⁸ <https://www.nchr.gr/ekpaidefsi.html>



⁴⁹ <https://www.synigoros.gr/?i=stp.en.home>

⁵⁰ <https://www.synigoros-solidarity.gr/kategoria/profile/rolos-stp-stin-epoxi-tis-krisis>

⁵¹ Hellenic Republic, Ministry of Foreign Affairs (2021), op. cit.

⁵² The U.S. Department of State submits annual reports on all United Nations member states.

⁵³ European Union Agency for Fundamental Rights (FRA) (2020). Franet National contribution to the Fundamental Rights Report 2019 – Greece. Available at: <https://fra.europa.eu>

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The most important policy and legal developments in 2019 and 2020 as recorded in the corresponding FRA Reports,⁵⁴ are listed in the Table J.2.2-3. The general picture conveyed by these reports is that during the last 2 years a number of positive steps have been taken toward the protection of human rights, the empowerment of vulnerable groups and the enhancement of social awareness on issues of equality. However, there's still much more to be done in order to further advance human rights protection. According to the annual Report on Human Rights Practices,⁵⁵ the main issues of human rights in Greece, for 2020, included the existence of criminal libel laws, the living conditions for migrant and asylum-seeking populations at the country's reception and identification centers, as well as identified cases of corruption.

Table J.2.2-3 Human rights related policy and legal highlights in Greece, 2019-2020



Policy and legal highlights	2019	2020
Issues in the fundamental rights institutional framework	Developments concerning the Constitutional Review:	
	The Greek Parliament voted on the review of the Hellenic Constitution, with the articles proposed for review concerning, inter alia, the voting rights of Greek citizens living abroad. A proposal to amend Article 5 para. 2 of the Constitution on equal treatment in order to cover sexual orientation and gender identity as grounds, however, failed to pass.	No development in 2020.
EU Charter of Fundamental Rights	The EU Charter in the Greek Legislative process:	
	Only 3 laws were accompanied by an impact assessment making explicit reference to the EU Charter of Fundamental Rights, 4 were accompanied by legal scrutinies making explicit reference to the Charter and 7 debates included a reference to the Charter. Finally, 2 laws make reference to the Charter in their "finalized" text.	From 1st January 2020 to 30 November 2020, the Hellenic Parliament adopted 104 laws. Out of these, 3 make reference to the Charter of Fundamental Rights in its text, 8 were accompanied by an impact assessment making explicit reference to the Charter of Fundamental Rights, while 9 were accompanied by legal scrutinies making explicit reference to the Charter of Fundamental Rights. Concerning the national case law, the use of the Charter

⁵⁴FRA (2020), op. cit and (FRA) (2021). Franet National contribution to the Fundamental Rights Report 2019 – Greece. Available at: <https://fra.europa.eu>




⁵⁵US Department of State (2020). Country reports on human rights practices: greece. Available at: <https://www.state.gov>

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Policy and legal highlights	2019	2020
		remained limited and in the cases where provisions of the Charter were cited it is used only as reference.
Equality and non-discrimination	<p>Abolition of reference to the religion of students on high school diplomas: Following the decisions of the Greek Council of State and the National DPA which found that the inclusion of the religion of students on their high school diplomas and transcripts was unconstitutional and capable of leading to discrimination based on religion, the Ministry of Education issued in September 2019 a Ministerial Decision (43479/Δ2/2019) which abolished this practice.</p>	<p>LGBTI+: In an attempt to promote the equal treatment, rights, and freedoms of LGBTI+ persons in general, NGOs and personnel of the National Organization for Public Health implemented free molecular testing for covid-19.</p> <p>Older persons: Council of State Decision No.102/2020 issued an important judgement abolishing upper age limits in the public employment field.</p>
Developments on racism, social exclusion and Roma integration	<p>Abolition of Article 361B of the Criminal Code which punishes bias behavior and Introduction of Article 184 which punishes incitement to hatred: Following the reform of the Greek Criminal Code and the Greek Criminal Code of Procedure, Article 361B of the Criminal Code which punished bias behavior leading to the exclusion of individuals from the supply of goods or services based on specific characteristics they may have, was abrogated. Article 184 para. 2 of the CC which was introduced, punishes incitement to hatred based on grounds of race, color, ethnic origin, creed, religion, disability, sexual orientation, gender identity and characteristics.</p>	<p>Racism: For the first time the Supreme Court “Areios Pagos” examined a community hate-speech case in which the defendant was found guilty (Decision No. 858/2020). Also, in 2020 the leadership of the far-right National Socialist political party “Golden Dawn” was convicted to 13 years imprisonment for forming and operating as a criminal organization.</p>
	<p>National Operational Action Plan and awarding of citizenship to stateless Roma: In June 2019, the Special Secretariat for the Social Integration of Roma published its National Operational Action Plan for the Social Integration of Roma. Article 46 of Law 4604/2019 introduced a provision on</p>	<p>Roma Integration: Initiation of process for the preparation of a new National Strategy for Roma integration (2021-2027)</p>

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Policy and legal highlights	2019	2020
	<p>the awarding of Greek nationality to Stateless Roma who have a long historical presence in Greece.</p> <p>In the same year, the PanHellenic Confederacy of Greek Roma became a member of the Greek National Commission for Human Rights, following the amendment of its founding act.</p>	
Asylum & migration	<p>Unaccompanied minors held in “protective custody”: On February 28, 2019 the ECtHR issued its judgement on a case concerning the placement of nine migrants, unaccompanied minors, in different police stations in Greece, for periods ranging between 21 - 33 days. The Court stated that this practice could be regarded as a deprivation of liberty in violation of Article 5 § 1.</p>	<p>Extension of residence permits till the end of 2020: Due to suspension of services, Greece introduced a measure with which residence permits, residence cards and permanent residence cards, which had expired or would have expired in the period between 1 December 2019 up until 30 June 2020 and under normal circumstances could have been renewed, would be valid until 31 December 2020. Article 156 of Law 4764/2020 extended this date to 31 March 2021.</p>
Data protection and digital society	<p>Adoption of Law for the implementation and introduction of the General Data Protection Regulation (GDPR): On August 28, 2019, Law 4624/2019 which contained measures for the implementation and introduction of the GDPR was adopted.</p>	<p>Transposition of EU Directives: Greece transposed the provisions of EU Directives 2016/2102 (on the accessibility of the websites and mobile applications of public sector bodies), 2019/1024 (on open data and the re-use of public sector information) and 2018/1972 (European Electronic Communications Code (Recast)) through Law 4727/2020.</p>
Rights of the child	<p>Prosecutor Office of the Supreme Court issues Circular concerning child suspects and remedial measures: On June 25, 2019 the Prosecutor’s Office of the Supreme Court (Areios Pagos) issued Circular No 7/2019 addressed to all Greek Prosecutors and containing clarifications for the application of the remedial measure of reconciliation when the suspect is a child (under Article 122 of the Greek Criminal</p>	<p>Transposition of EU Directive on child-suspects/accused: Law 4689/2020 transposed, inter alia, EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. The law introduces provisions related to certain rights of children who are suspects or accused within the criminal procedure framework, or who are subject to a</p>

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Policy and legal highlights	2019	2020
Access to justice, including victims of crime	<p>Code).</p> <p>New Measures introduced for the rights of victims: On October 30, 2019 articles of Law 4478/2017 were amended by Article 164 of Law 4635/2019 improving the access of victims to the criminal justice system. A Ministerial Decision (No 7320/2019) was issued regarding the regulation of issues concerning the operation of the 'House for Children' and the Independent Children Protection Offices which are responsible for child victims.</p>	<p>European Arrest Warrant procedure.</p> <p>Amendment of rules for the compensation of victims of crime: In 2020, Greece amended its legislation in relation to provisions for the compensation of victims of crimes through Article 54 of Law 4689/2020. A new National Authority for the Compensation of victims of crime was established under the auspices of the Ministry of Justice.</p>
Rights of Persons with Disability	No development in 2019.	<p>New National Strategy for the Rights of Persons with Disability: A draft “National Action Plan for the Rights of Persons with Disabilities” was published and open for consultation on the Greek government’s public consultation website.</p>




Prepared by: (ASPROFOS, 2022). Source: Franet National contribution to the Fundamental Rights, Report 2020, 2021.

Human Rights Watch indicates that in 2021 the Covid-19 pandemic had a significant impact on human rights in Greece, with problems accessing online school and shortcomings in protection of women against domestic violence, while issues related to migration policies remain a concern.⁵⁶ According to the 2020 report of the European NGO network SOLIDAR,⁵⁷ civil space in Greece has narrowed. Also, despite the fact that Civil Society Organizations are actively involved in social dialogue, the National Strategy Group raised concerns that their opinions are rarely heard and requested the inclusion of these organizations in the design of proposals for policies and regulations on an equal footing to international organizations such as the UN Refugee Agency (UNCHR).

In terms of human rights in the context of working life, according to the Civil Code and Law No. 3304/2005 on equal treatment in employment, the principle of equal treatment regards both wages and working conditions (promotion systems, working hours, compensation due to retirement) as well as employers’ voluntary benefits. Gender-based discrimination is prohibited by Law No. 3769/2009

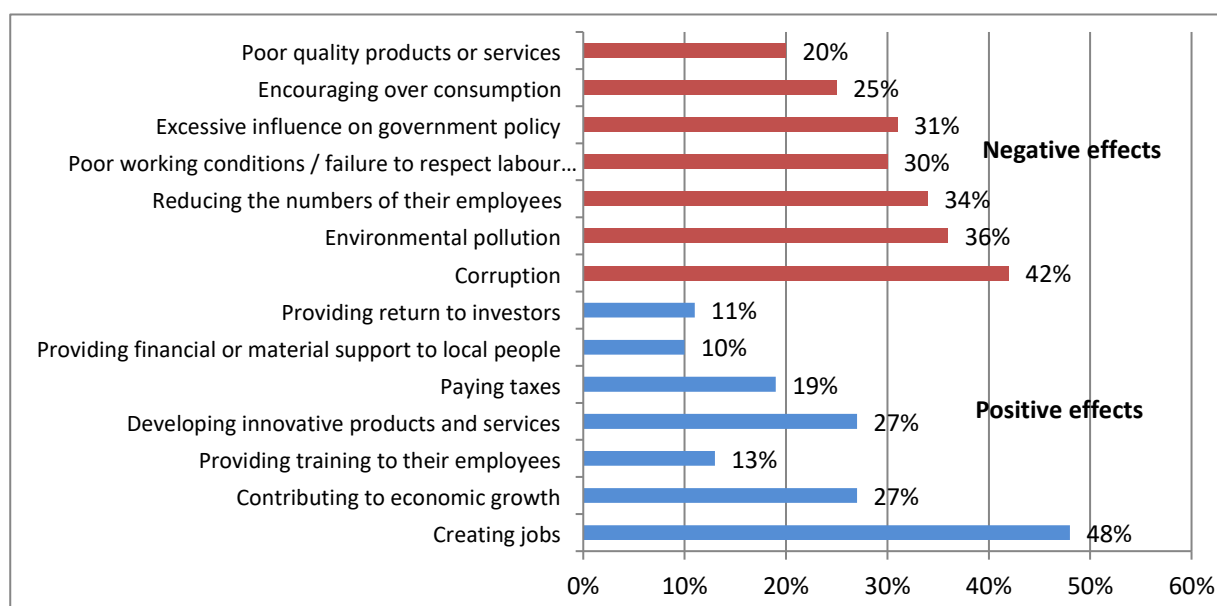
⁵⁶Human Rights Watch (2021). Country overviews – Greece. Available at: <https://www.hrw.org>

⁵⁷SOLIDAR (2020). Social Rights Monitor 2020. Available at: <https://www.solidar.org/>

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on equal access to goods and services, Law No. 3896/2010 on implementing the principle of equal opportunities and equal treatment between men and women at the workplace and Law No. 4097/2012 on equal treatment between men and women in exercising self-employed activities.

However, inconsistencies are sometimes observed between the legal framework that upholds standard labor rights and actual labor practices.⁵⁸ The ELSTAT survey on work organization and working time, conducted in 2015 among employed people (aged 15 years or over), assessed the extent to which employees have the ability to influence the content and the order of their work, to determine their working time and whether they are obliged to work under time pressure or beyond their normal working hours. According to the main findings of the survey, working hours are recorded for about seven out of ten employees and working under time pressure was an issue for all employees (“to some extent” or “to a large extent”), but more so for wage earners (67,7%) and foreign population (68,7%).⁵⁹



Prepared by: (ASPROFOS, 2022). Source: Eurobarometer 363, Oct. 2012.




Figure J.2.2-1 Public opinion on the effects of companies on Greek society.

A recent Eurobarometer country survey,⁶⁰ indicates that the European Pillar of Social Rights was well known to a relatively small percentage of the respondents (14%), while the vast majority stated that

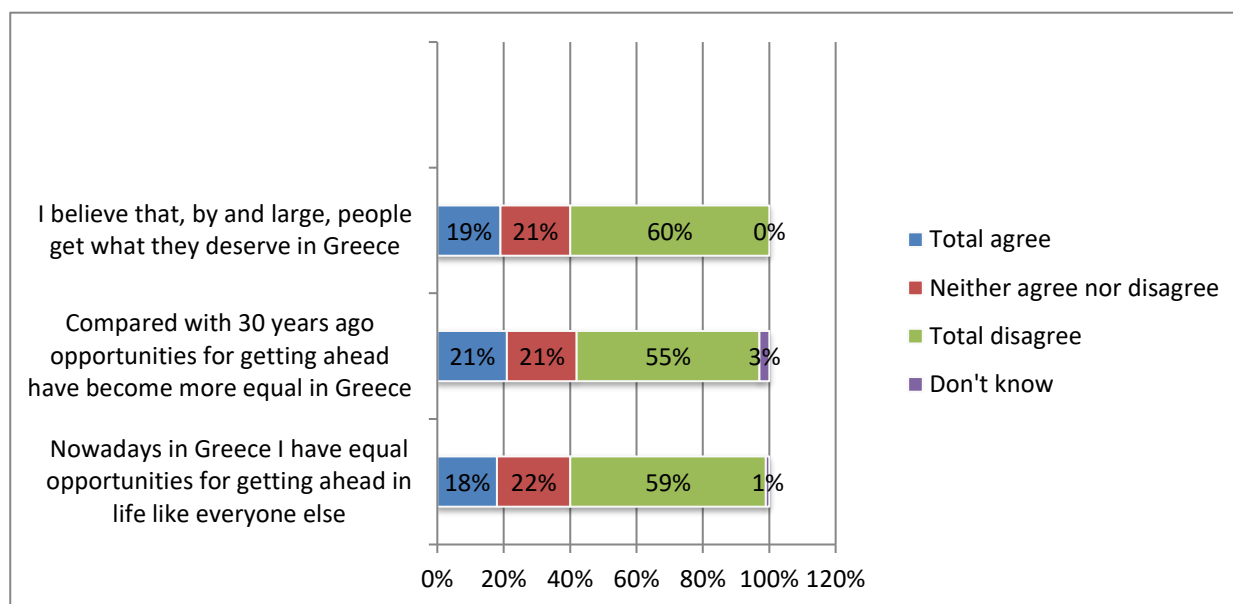
⁵⁸SOLIDAR (2020). Social Rights Monitor 2020. Available at: <https://www.solidar.org>

⁵⁹ Hellenic Statistical Authority (ELSTAT) (2015). Work Organisation and Working Time Arrangements (Ad hoc module 2015). Available at: <https://www.statistics.gr/en/statistics/-/publication/SJO28/->

⁶⁰Special Eurobarometer 509 (2020). Social issues. Available at: <https://data.europa.eu>

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had never heard, read or seen anything about the Pillar (47%), or that they had heard of it but didn't really know what it was (39%). As for public opinion on equal opportunities,⁶¹ the majority of participants in the 2017 country survey (59%) stated that they do not consider themselves to have equal opportunities for getting ahead in life and 55% did not believe that opportunities are more equally distributed in the country, compared with 30 years before (Figure J.2.2-2), while 80% agreed that there exist too great differences in peoples' incomes in the country. In the same survey, 88% of the respondents reported not having felt discriminated against on any ground during the past 12 months.






Prepared by: (ASPROFOS, 2022). Source: Special Eurobarometer 471, 2017.

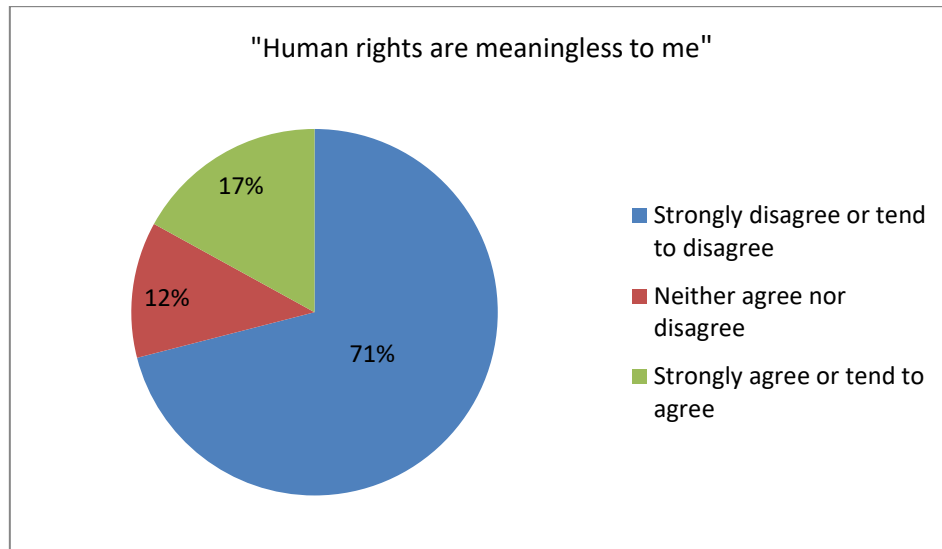
Figure J.2.2-2 Perceptions of society in relation to equal opportunities in Greece.

The first survey to collect comprehensive data on people's experiences and views of their rights in EU member states,⁶² with a representative sample of 1,000 -3,000 respondents from each country, indicates that, on a theoretical level, the vast majority of Greek people showed a strong interest in human rights (Figure J.2.2-3). Despite this interest, relatively few respondents were aware of the EU Charter of Fundamental Rights (39%), or the European Convention on Human Rights (42%) and the Universal Declaration of Human Rights (40%). These percentages are probably much lower for people belonging to vulnerable groups as they have less access to education and information sources.

⁶¹Special Eurobarometer 471 (2017). Fairness, Inequality and Inter-generational Mobility. Available at: <https://data.europa.eu>.




⁶²FRA (2021). the Fundamental Rights Survey. Available at: <https://fra.europa.eu>

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Prepared by: (ASPROFOS, 2022). Source: FRA (2021). the Fundamental Rights Survey. Available at: <https://fra.europa.eu>.

Figure J.2.2-3 Responses to the statement “Human rights are meaningless to me” - results for Greece.

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8 J.2.3. THE PROJECT’S POTENTIAL RISKS AND OPPORTUNITIES ON HUMAN RIGHTS

8 J.2.3.1. Human Rights Due Diligence (HRDD)

The responsibility of all Projects to respect human rights, independent of a state’s responsibility to protect human rights, was established by the United Nations Guiding Principles (UNGPs) in 2011.⁶³ UNGPs use the term “human rights due diligence” to describe a way to identify, address and proactively manage potential and actual adverse human rights impacts in Projects with which Companies are involved, either directly or through their business relationships, including their supply chains.⁶⁴ Companies and Organization are expected to “know and show” that they are protecting human rights, which means implementing HRDD to help them understand and address human rights risks and actual impacts from their operations and business relationships.⁶⁵

HRDD is relevant to every stage of a project’s lifecycle, from decision and design, through construction, operation and up to decommissioning stage. The four core components of HDDR are: (a) Identifying and assessing actual or potential adverse human rights impacts that the project may cause or contribute to through its own activities, (b) Integrating findings from impact assessments across relevant processes and taking appropriate action, (c) Tracking the effectiveness of measures and processes to address potentially adverse human rights impacts and (d) Communicating on how potential impacts are being addressed and showing rightholders (in particular affected rightholders) that there are adequate policies and processes in place.⁶⁶

The establishment of grievance mechanisms is essential for the realization of HRDD, as it allows for addressing complaints from affected communities and workers in a timely, fair and consistent manner, so as to promote good relationships with rightholders.⁶⁷ Grievance mechanisms must be accessible (e.g. in terms of language and process, access points etc.) and trusted by all rightholders (including local community members and vulnerable groups, contractors and workers in supply chains) and they should ensure anonymity and non-retaliation against those reporting complaints.⁶⁸

⁶³ United Nations (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework (document ref. A/HRC/17/31, March 2011). Available at: www.ohchr.org




⁶⁴ OECD (2018). OECD Due Diligence Guidance for Responsible Business Conduct. Available at: <http://mneguidelines.oecd.org>

⁶⁵ International Petroleum Industry Environmental Conservation Association (IPIECA) (2021). Human Rights Due Diligence Guidance. A practical guidance for the oil and gas, and alternative energy industry. Available at: <https://www.ipieca.org/>

⁶⁶ United Nations (2011), op. cit.

⁶⁷ EBRD (2012). Grievance Management. Available at: <https://www.ebrd.com>

⁶⁸ International Petroleum Industry Environmental Conservation Association (IPIECA) (2015). Community Grievance Mechanisms in the Oil and Gas Industry. Available at: <http://www.ipieca.org/>

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When a Project has caused or contributed to an adverse human rights impact, it should provide remedy for that impact. Remedy may be defined as equal and effective access to justice, adequate, effective and prompt repair for harm suffered and access to relevant information concerning reparation mechanisms.⁶⁹ Therefore, the decision of what remedy to apply, relates to HRDD. In cases where harm is directly linked to the Project's activities but was not caused by the Project itself, UNGPs state that "the responsibility to respect human rights does not require that the enterprise itself provide for remediation, though it may take a role in doing so",⁷⁰ i.e., the company is not responsible for remediation, however, it could decide whether it would be possible and appropriate to support remedy. IGI POSEIDON has also adopted EBRD Performance Requirements (PRs)⁷¹ as the international reference standard for their social and environmental strategies and will comply with these requirements throughout all stages of the project. Among EBRD's commitments is to respect human rights, avoid infringement on the human rights of others and address adverse human rights risks and impacts caused by the projects it finances. For these purposes, EBRD is guided by the International Bill of Human Rights and the eight core conventions of the International Labor Organization. The commitment to human rights is reflected in the PRs which cover key areas of environmental and social sustainability that projects are required to meet (Table J.2.3-1).

Table J.2.3-1 EBRD Environmental and Social Performance Requirements




PR no	Title
PR1	Environmental and Social Appraisal and Management
PR2	Labour and Working Conditions
PR3	Pollution Prevention and Abatement
PR4	Community Health, Safety and Security
PR5	Land Acquisition, Involuntary Resettlement and Economic Displacement
PR6	Biodiversity Conservation and Sustainable Natural Resource Management
PR7	Indigenous Peoples
PR8	Cultural Heritage
PR9	Financial Intermediaries
PR10	Information Disclosure and Stakeholder Engagement

Prepared by: (ASPROFOS, 2022).

⁶⁹ Office of the United Nations High Commissioner for Human Rights (2005). Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. Available at: <https://www.ohchr.org>

⁷⁰ United Nations (2011), op. cit.

⁷¹ European Bank for Reconstruction and Development (EBRD) (2019). Environmental and Social Policy. Available at: <https://www.ebrd.com>

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Quite recently (in March 2021), the European Parliament’s Legal Committee adopted a “Draft Directive on Corporate Due Diligence and Corporate Accountability” calling on the European Union to legally require companies to respect human rights including labor rights (such as minimum age requirements and occupational safety) in their supply chain.⁷² If the Directive is adopted by the EU, it would then have to be transposed into the national laws of the EU Member States, that are required to implement rules to ensure that companies carry out effective due diligence and designate independent national authorities responsible for the monitoring of the application of the Directive and for disseminating best practices.⁷³

8 J.2.3.2. Key aspects of the Project related to human rights

The main aspects of a gas pipeline project during its life-cycle (design, construction, operation and decommissioning) that are related to human rights issues, as indicated by various sources (UNEPFI,⁷⁴ IPIECA,⁷⁵ EBRD⁷⁶), are as follows:

- Environmental performance and management (environmental impact on local communities, including noise, waste and other forms of pollution, both during and after construction).
- Labour practices and human resources management (impacts in on-site operations or in supply chains)
- Occupational health & safety standards
- Local communities affected by land occupation or the designation of marine exclusion zones
- Impact on local communities and their traditional livelihoods, their health and safety, their access to resources and infrastructure
- Impact of potential influx of migrant workers in local communities during the construction phase.




⁷² The European Parliament’s Legal Affairs Committee uses the wider term “value chain” (rather than “supply chain”), defining value chain as “all entities with which the company has a direct or indirect, upstream or downstream, business relationship and which either (i) supply products or services that contribute to the company’s own products or services, or (ii) purchase products or services from the company.”

⁷³ Sharma, D. & Kaps, F. (2021). Human Rights and Environmental Due Diligence Legislation in Europe – Implications for Global Supply Chains. Available at: <https://www.dlapiper.com>

⁷⁴ United Nations Environment Programme Finance Initiative (UNEPFI) (2014). Infrastructure. Available at: <https://www.unepfi.org/>

⁷⁵ International Petroleum Industry Environmental Conservation Association (IPIECA) (2021). Human Rights Due Diligence Guidance. A practical guidance for the oil and gas, and alternative energy industry. Available at: <https://www.ipieca.org>

⁷⁶ European Bank for Reconstruction and Development (EBRD) Guidance Note on Category A projects for FI clients. <https://www.ebrd.com>

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8 J.2.3.2.1 Environmental impacts and human rights

THE RIGHT TO A HEALTHY AND ECOLOGICALLY SUSTAINABLE ENVIRONMENT

UN General Assembly has called the preservation of nature “a prerequisite for the normal life of man”.⁷⁷ Environmental sustainability and human rights are intertwined and complementary components of sustainable development.⁷⁸ A number of international legal standards including the European Convention on Human Rights, the European Social Charter and the Bern Convention on the conservation of European wildlife and natural habitats share this perspective and the European Commission is currently expected to table a directive introducing human rights and environmental due diligence for companies based and operating in the European Union.⁷⁹ The European Court of Human Rights has already applied concepts such as the right to life, family life and freedom of speech to various environment-related cases including pollution, man-made or natural disasters and access to environmental information.⁸⁰

At a national level, Article 24 of the Greek Constitution establishes the right of everyone to the natural and cultural environment and the State's obligation to protect and take preventive or enforcement action under the principle of sustainability, thus transporting the preventive principle of International Environmental Law into national law. The right to environment, including the preservation of natural resources and ecological balance, apart from ensuring human health and quality of life for present and future generations, is also considered to be a self-existent right, or “an independent protected commodity”.⁸¹

Despite the lack of educational programs to support the development of environmental awareness in local communities of the study area, local people are closely connected to the natural environment not only for subsistence but also as part of their culture, and their right to a healthy and ecologically sustainable environment (and consequently their right to the highest attainable standard of living and their cultural right) should be protected.




⁷⁷GA Res. 35/48 of 30 Oct. 1980

⁷⁸United Nations Environment Programme (UNEP) (2015). Factsheet on Human Rights and the Environment. Available at: <https://wedocs.unep.org>

⁷⁹CIDSE (2021). Putting the Environment in Human Rights and Environmental Due Dilligence. Available at: <https://www.cidse.org>

⁸⁰Council of Europe (2021). Protecting the Environment Using Human Rights Law. Available at: <https://www.coe.int>

⁸¹ Hellenic Ministry Of Justice, General Secretariat of Transparency and Human Rights (2014). Human Rights National Action Plan 2014-2016 (p. 304). Available at: <https://www.coe.int>




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According to ESIA data concerning the Project's potential impact on morphological and landscape characteristics, the construction of the temporary and permanent Project features might have an impact on natural landscape, including loss of trees in forest areas and loss of shrubs and grassland, resulting to physical modifications to the landscape unity. The selection of construction areas took into consideration landscape sensitivity criteria and therefore such impacts are expected to be limited and local.

All construction sites will be fully restored to pre-construction conditions as much as possible after the project is completed, including planting in the working strip (with the exception of the 8 m safety zone), as well as reforestation or other measures, in accordance with the institutional requirements and the needs of the Forest Services. In densely forested areas, the protection zone which will be left free from deep-rooting species will disrupt landscape unity, however, the zone's width (8 m) is much smaller than the one of the working strip, the remaining of which will be restored with local species, based on landscape reinstatement studies, in cooperation with the authorities and bodies involved. Measuring and compression stations can have a more intense impact on landscape, given their size, however they will be located in low-sensitivity and high-assimilation landscapes (rural landscapes), in areas with minimum visibility from sensitive receptors and without elements of natural environment of high aesthetic value.

Routing was selected so as to minimize the impact on ecosystems especially Priority habitats of Directive 92/43 / EEC, while the possibility of the presence of priority species of Directive 92/43 / EEC in its transit zone is also limited. The project will be implemented with the consent of the Management Bodies of the protected areas with which the project interacts and according to the necessary assessment studies for the Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) of the Natura 2000 network. The local presence of the construction sites is of limited duration (about 3 months), with the exception of special construction areas (e.g. crossing of rivers, highways) and sites of permanent facilities, so that the main source of nuisance to biodiversity will be of a very short-term nature. During the operation of the project, the safety zone that will remain clear of deep-rooted species is not expected to cause fragmentation of habitats for fauna of flora and the potential nuisance during the operation of the compression stations, is estimated not significant.

The benthic plant communities are expected to be affected by the mechanical works on the sea bottom and by the dispersion of sediments. However, with the completion of the construction work, there will be a gradual restoration. Specialized studies, including the chemical analysis of the sediments and the model for sediment dispersion caused by seabed intervention during construction activities, will be performed and update the Management Plan as necessary. The overall impact on marine biodiversity and especially priority species will be mitigated given that construction work will have a limited duration and the offshore section will be moving (at a rate of about 2km / day).

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Overall, the Projects’ impacts to natural environment will be limited in duration and extent and mostly reversible, therefore, with the application of the prementioned preventive and mitigation measures, no significant adverse impact on the human right to a healthy and ecologically sustainable environment is expected.

CLIMATE AND ATMOSPHERIC RELATED HUMAN RIGHTS IMPACTS

Climate and atmospheric changes in a rural area, may have an impact on agricultural income, water supply, food security, physical health and way of life, with the most vulnerable parts of the society (like children, the elderly and the marginalized groups) often being the most at risk. Rural areas are vulnerable to the effects of climate change due to their greater reliance on agriculture and natural resources and the concurrent vulnerabilities due to lower levels of education, poverty and in some cases geographical isolation.⁸² Negative impacts on climate and atmosphere affects their right to the highest attainable (or to an adequate) standard of living and may have an indirect impact on a range of other rights, including health, right to food, right to water and sanitation, right to property.

As recognized by the Intergovernmental Panel on Climate Change (IPCC) and by the World Bank, climate change will exacerbate existing poverty and inequality,⁸³ with the most severe impact in poor countries and regions and the places poor people live and work and with developing countries estimated to bear 75-80% of the climate change costs.⁸⁴ This asymmetry was recognized by the EU Committee on the Environment, Public Health and Food Safety, which called the Commission to prepare a comprehensive strategy for the pursuit of reduction of global greenhouse gas emissions and the reduction of general and specific vulnerability factors.⁸⁵



During the construction phase of the Project impacts from greenhouse gas emissions (exhaust fumes from the use of transportation vehicles and equipment or vessels used for construction activities), shall be locally limited and temporary, similar to those of regular traffic. According to the data presented in ESIA, potential impacts from the construction activities and the Compressor Stations

⁸² United Nations Environment Programme (UNEP, 2015). Climate Change and Human Rights (p. 6). Available at: <https://web.law.columbia.edu>

⁸³ Intergovernmental Panel on Climate Change (IPCC) (2018). Special Report: Global Warming of 1.5 °C. Available at: <https://www.ipcc.ch/sr15/> pp. 447, 452, 464. “Special Report” p. 451.

⁸⁴ World Bank (2010). World Development Report: Development and Climate Change. Available at: <https://openknowledge.worldbank.org>

⁸⁵ EU Committee on the Environment, Public Health and Food Safety (2020). Opinion for the Committee on Development on the Impacts of Climate Change on Vulnerable Populations in Developing Countries (2020/2042(INI)). Available at: <https://www.europarl.europa.eu>

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operation are estimated not significant on the greenhouse gas balance of the area and total concentrations will remain below the statutory limit value.

Other atmospheric-related impacts of the Project regard the dust suspension that is expected during the construction phase. Many common construction tasks can create high dust levels, with the Stations construction being the main dust-generating activity due to its duration and its fixed geographic location. The effects of other dust-generating activities on air quality will last for a number of days in each area (2-3 months in each section), with dust emissions expected to be higher during the dry summer months. The application of specific measures (work methods, materials and tools) will permit to prevent or adequately control construction dust risks.

As regards electromagnetic fields, the evidence for the potential effects of exposure to electromagnetic fields on health remains inconsistent.⁸⁶ However, according to the ESIA results, the construction of the project and the operation of project's facilities, do not relate to a source of electromagnetic fields that could have an impact on population health and wellbeing.

Noise is another “physical contaminant”⁸⁷ that may cause a range of adverse health effects from annoyance and sleep disturbance up to cardiovascular and immune effects.⁸⁸ Construction noise is also a common hazard of the workplace, though the unstable employment that characterizes the construction industry makes occupational noise exposure risk a more concealed problem.⁸⁹ The likelihood of causing noise and vibrations during the construction phase is considered certain and might induce and impact on the well-being of the workforce and the local population, especially of sensitive receptors (i.e., schools, hospitals, persons with heightened stress levels).




This impact will be reduced by adopting preventive measures within the work zone boundaries (applying appropriate equipment and noise abatement measures) and increasing the distance from sensitive receptors (where possible) and avoidance of intensive work at night or early in the morning. The expected impact from the noise caused by the operation of the Compression Stations is not considered significant given that the Compression Stations are located at a sufficient distance from settlements and sensitive receptors. In the Offshore Section, noise during the construction phase is expected to be caused by the ships and the operation of the machinery. Noise levels are also expected

⁸⁶ WHO (2019). Electromagnetic Fields (EMF) and Public Health. Shaping Research Agenda in the Wake of 5G Tech. Available at: <https://www.itu.int>

⁸⁷ Fernández, M.D., Quintana, S., Chavarría, N. & Ballesteros, J.A. (2009). Noise exposure of workers of the construction sector. Applied Acoustics, 70(5):753-760, Available at <https://www.sciencedirect.com>

⁸⁸ Li, X., Song, Z., Wang, T., Zheng, Y. & Ning, X. (2016). Health impacts of construction noise on workers: A quantitative assessment model based on exposure measurement. Journal of Cleaner Production, 135: 721-731. Available at: <https://www.sciencedirect.com>

⁸⁹ Li et al. (2016), op. cit.

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increased near the coast but the effect will be local and with a short duration. Noise during the maintenance phase by vessels is estimated negligible. During all phases and in all Sections, the Project will comply with maximum noise limits, as defined by Presidential Decree 1180/81 (GG 293/A/6-10-1981) and with the limits set on the operation of compressor stations by competent authorities.

According to the above, the construction and commissioning of the pipeline is expected to cause a degree of temporary nuisance to local environmental resources, but it is estimated that it will not lead to resource depletion or to a significant increase in man-made pressures in the wider project area and consequently to a significant impact on the human right to a healthy environment. Moreover, natural gas is considered to be a transition fuel for the sustainable transformation of coal-intensive regions, as an alternative that could lead to significant reduction of greenhouse gas emissions and pave the way for decarbonization and green transition with all its relevant benefits to environment related rights.⁹⁰ The right of people to have a say in environmental policies⁹¹ (right to information, right of expression, right to a remedy), must also be protected through transparency and participation policies (see Section 8 J.2.3.2.5).

WASTE MANAGEMENT, POLLUTION PREVENTION AND IMPACTS ON HUMAN RIGHTS



Living standards of local communities as well as of the Project's employees, could be compromised due to environmental degradation as a result of pollution. Hazardous waste and water and soil contamination are environmental threats with visible human rights implications.⁹² The UN Human Rights Committee recently recognized that pollution threatens the right to life and the right to a life with dignity⁹³ and that States have the obligation to prevent and reduce the populations' exposure to hazardous substances (including wastes), whether from the environment or from the workplace.

⁹⁰ Neel, F. (2021). There is no Green Transition without Natural Gas. Energy Industry Review, Apr. 2021. Available at: <https://energyindustryreview.com>

⁹¹ The 2012 United Nations Conference on Sustainable Development re-confirmed Principle 10 of the Rio Declaration (1992), stating that "Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided."

⁹² UN Human Rights Council (2011). Analytical Study on the Relationship between Human Rights and the Environment. Nineteenth Session, Agenda items 2 and 3. Available at: <https://www.ohchr.org>

⁹³ UN Human Rights Committee (2018). General comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life. Available at: <https://tbinternet.ohchr.org>

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UNICEF indicates that children’s rights are at greater risk from such environmental hazards than adults’ “due to their physical size, developing bodies, metabolic rate, natural curiosity and lack of knowledge about the threats in their environment and that common occurrences impact children differently and more severely than adults [...] for example, if children are exposed to pollutants they absorb a higher percentage of toxins and are less able to expel them from their bodies [...]. When children play on the ground, their potential intake of polluted soil and dust increases. If water contains residues of pesticides or other chemicals, for example, infants will receive more than double the dose taken in by an adult drinking the same water [...] As children breathe, they take in more air per unit of body weight than adults, resulting in greater exposure to pathogens and pollutants”.⁹⁴

The construction and the operation of the Project will generate certain quantities of waste (excavated waste, packaging materials, parts, consumables, etc.). The solid waste treatment plants located close to the Project will help making waste disposal more quickly. During operation, the pipeline has no solid waste generating activities, while metering stations also are expected to generate minimum quantities of waste. Only solid wastes from the Compressor Stations are noteworthy. Compressor Stations will be located in areas with connection to utilities and municipal networks, including waste management.




Waste management will be performed in line with adequate safety protocols, in compliance with the strategies and policies of the National Waste Management Plan (ESDA), the National Strategic Plan for the Prevention of Waste Generation and the approved Regional Waste Management Plans (PSDA) of the regions crossed by the pipeline. Waste management will be committed to providing healthy, safe, and secure workplaces and to promoting the health and safety of the local communities.

Accidental soil pollution along the route and from ground facilities could be a result of a direct leakage of materials such as oil or hydraulic fluids from vehicles and machinery, surface runoff and sewage from construction sites. Such potential leakages will generally be of very low quantity and of local nature, so the extent of this potential impact is considered low.

In regard to water resources, as recognized by the UN Human Rights Council,⁹⁵ development and the water environment are interconnected, with degradation in water quality, freshwater scarcity and stresses on oceans, being prevalent environmental problems with potential human rights implications. Access to safe, affordable and reliable drinking water is considered to be indispensable

⁹⁴ UNICEF (2014). Children's Rights In Impact Assessments. A guide for integrating children's rights into impact assessments and taking action for children (pp. 5, 40). UNICEF in collaboration with the Danish Institute for Human Rights. Available at: <https://sites.unicef.org>

⁹⁵ UN Human Rights Council (2011), op. cit.

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to sustaining healthy livelihoods and maintaining dignity, building prosperous societies, eradicating poverty and ensuring that “no one is left behind on the road towards sustainable development”.⁹⁶

The main legal instrument regulating water management and protection at the EU is the European Water Framework Directive.⁹⁷ Other EU legal and policy instruments of relevance include the Communication on Water Scarcity and Droughts,⁹⁸ the White Paper on Climate Adaptation,⁹⁹ and the Guidance document No. 24 River Basin Management in a Changing Climate.¹⁰⁰

The Project’s impacts on water quality in the study area might originate from possible accidents caused by poor machine management and maintenance (e.g., uncontrolled oil change in trucks and earthmoving machines and disposal directly on the ground). Oils disposal on the ground could have an impact on nearby water resources or on the local groundwater aquifer, resulting to chemical pollution. Specific preventive measures, emergency plans and mitigation measures must be developed in order to minimize/avoid this risk. During the Project’s operation, no works or activities could affect water resources and impacts on water resources can be considered to be practically negligible. The waste water produced by operation and maintenance processes will be disposed off after treatment in accordance with applicable legislation.

Impacts on aquatic ecosystems, water quality and morphology of Surface Water Systems may be caused at the crossings with the project. Crossings with surface water bodies were deliberately avoided and where crossing with water bodies is inevitable, mitigation measures will be implemented so as to minimize the impact on water resources and environmentally originating threats to human rights will be minimized.

Table J.2.3-2 summarizes potential environmental risks with impact on human rights, along with the relevant Project’s policies.

⁹⁶UN Human Rights Council (2021). OHCHR and the Rights to Water and Sanitation. Available at: <https://www.ohchr.org>

⁹⁷European Council (2000). Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 , Official Journal of the European Communities, L 327/1.

⁹⁸ European Council (2007). Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks. Official Journal of the European Union, L 288/27.

⁹⁹ European Council (2009). Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009, Official Journal of the European Union, L 285/10.

¹⁰⁰ European Council (2009). Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000, Official Journal of the European Union, L 327.

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Table J.2.3-2 Potential environmental risks with impact on human rights and relevant Project's measures and policies

Project activity	Rights affected	Potential risks/ impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
<ul style="list-style-type: none"> Construction of the temporary and permanent Project features 	<ul style="list-style-type: none"> Right to a healthy environment / Environmental protection Right to life Right to a life with dignity Right to the highest attainable standard of living Right to culture 	<ul style="list-style-type: none"> Potential impact on morphological landscape characteristics - modifications to the landscape unity (estimated not significant) Limited in duration and extent and mostly reversible impact on ecosystem 	<ul style="list-style-type: none"> Landscape sensitivity criteria Compression stations located in low-sensitivity and high-assimilation landscapes Permanent construction in areas with minimum visibility and without natural elements of high aesthetic value. Restoration of construction sites to pre-construction conditions 	<ul style="list-style-type: none"> EBRD¹ Performance Requirements (6) ChFR² 37 Directive 92/43 / EC Directive 2008 / 56 / EC ICESCR³ Art. 12 (b) Provisions of national institutional requirements and the Forest Legislation Law No 3983 (17/06/2011) National Strategy for the protection and management of the marine environment 	<ul style="list-style-type: none"> Corporate Social Responsibility implementation
<ul style="list-style-type: none"> Project's operation 		<ul style="list-style-type: none"> GHG emissions (estimated not significant) 	<ul style="list-style-type: none"> Monitoring, reporting and control measures during operation 	<ul style="list-style-type: none"> EBDR Performance Requirements (3) Directive 2008/50/EC 	




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Project activity	Rights affected	Potential risks/ impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
<ul style="list-style-type: none"> Construction activities 		<ul style="list-style-type: none"> Noise and vibrations High dust levels impact on air quality 	<ul style="list-style-type: none"> Appropriate equipment and noise abatement measures Increased distance from sensitive receptors, where possible. 	<ul style="list-style-type: none"> ChFR 37 Directive 2002/49/EC, as amended by Regulation 1137/2008/EC and Directive 2015/99/EU. ICESCR Art. 12 (b) Presidential Decree 1180/81 (GG 293/A/6-10-1981) Presidential Decree 149/2006 	<ul style="list-style-type: none"> Safety Protocols Emergency Plans Waste Management Plan
<ul style="list-style-type: none"> Construction tasks Project's operation 		<ul style="list-style-type: none"> Accidents due to poor machine management and maintenance or pipeline's leakage could result to soil pollution / degradation of water quality. 	<ul style="list-style-type: none"> Technical measures of prevention/avoidance of potential accidents Planning for the immediate identification and management of potential accidents 	<ul style="list-style-type: none"> Directive 2000/60/EC Directive 2004/35/EC 	
<ul style="list-style-type: none"> Generation of waste during the 		<ul style="list-style-type: none"> Generation of a limited quantity of 	<ul style="list-style-type: none"> Waste management according to 	<ul style="list-style-type: none"> Directive 2008/1/EC24 on integrated pollution 	

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Project activity	Rights affected	Potential risks/ impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
Project's construction and operation		waste that must be safely disposed	appropriate safety protocols	prevention and control (IPPC) <ul style="list-style-type: none"> • Directive 85/337/EEC • National Waste Management Plan • Regional Waste Management Plans 	
¹ EBRD: European Bank for Reconstruction and Development ² ChFR: The Charter of Fundamental Rights ³ ICESCR: The International Covenant on Economic, Social and Cultural Rights					

Prepared by: ASRPOFOS, 2022.

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8 J.2.3.2.2 Labor practices, human resources management and human rights

THE RIGHT TO WORK




According to the Greek Constitution “work constitutes a right and shall enjoy the protection of the State, which shall care for the creation of conditions of employment for all citizens and shall pursue the moral and material advancement of the rural and urban working population" (Article 22 (1)).¹⁰¹ The International Covenant on Economic, Social and Cultural Rights (Act 1532/1985), also protects the right to work and dictates the obligation of UN member states to develop employment programs. ILO Conventions no. 122, on employment policy, no. 111 on equal opportunities and non-discrimination in employment and occupation and no. 150 on labor administration, were respectively ratified by Legislative Decree 1423/84, Act 1424/84 and Act 1546/1985. Other provisions on the right to work and insurance are contained in the EU Charter of Fundamental Rights (articles 27-34), ratified by Law 1426/1484.

The right to work is the foundation for the realization of many other human rights. To protect this right, appropriate measures must be taken in order to provide productive employment opportunities and ensure non-discrimination in all aspects of work. International empirical studies demonstrate a positive and statistically significant employment effect from natural gas activity.¹⁰² The present Project has the potential of positive contribution on the right to work, as a result of workforce needs during construction and operations. There will be occasions for ongoing employment (about 1200 vacancies for unskilled labor) and the duration of employment for the construction workforce will be relatively short, with the most long-term job assignments being for work at Compression Stations (24-36 months). However, there will be a positive impact on both direct and indirect temporary employment, including persons directly employed by the main contractor and local companies supplying the goods and services needed to support the construction process (supply chain). Furthermore, employment in an international project will give the local workforce the opportunity to acquire new skills and enhanced future employment prospects.

Given the high percentages of unemployment, local communities may hold too high expectations of (direct or indirect) employment by the Project. The Company must inform all employees about the limited duration of employment contracts and the recruitment process must ensure non-

¹⁰¹<https://www.hellenicparliament.gr>

¹⁰²Mayfield, E.N., Cohon, J.L., Muller, N.Z., Azevedo, I. & Robinson, A.L. (2019). Cumulative environmental and employment impacts of the shale gas boom. *Nature Sustainability*, 2:1122–1131. <https://doi.org/10.1038/s41893-019-0420-1>

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discrimination or bias in favor of a particular ethnic or social group. Employment decisions must be made by placing the most qualified person in each position regardless of race, color, gender, sexual orientation, relationship, marital status, age, nationality, disability, or other status,¹⁰³ as defined by European and national legislation on non-discrimination. Credibility and transparency of the recruitment process might involve independent third parties and local partners.

Also, as mentioned above, procurement activities can make a positive contribution to local employment and the rights of the local people to work. However, if local businesses are unable to operate to the scale required and non-local suppliers are selected, this will reduce the contribution that the Project could make to the local economy. Procurement policies and procedures must ideally encourage the use of local suppliers and the use of small and medium enterprises. Operations and suppliers having risk for incidents of child labor or abusive practices must be identified and excluded through an effective initial screening process.




THE RIGHT TO FAIR AND JUST WORKING CONDITIONS

Labor law in Greece is governed by the collective bargaining between the state and the General Confederation of Workers (GSEE). However, after the 2010 reforms collective agreements have been assigned a less prominent role, favoring company-level agreements.¹⁰⁴ Under Law 4093/2012 the national minimum wage is now set by the government after consultation with employers and unions, while terms relating to issues other than pay continue to have universal application across the private sector. Articles 480 – 680 of the Greek civil code (“Contract of Employment”) include the main provisions of employment relationships.

Greece has also adopted Directives 78/2000/EC and 43/2000/EC concerning equal treatment in employment regardless of gender, nationality, race, religious or other beliefs, disability, age or sexual orientation. A number of special Authorities are responsible for inspection on specific issues of working conditions, such as the General Directorate of Working Conditions and Health, the

¹⁰³According to Law 4443/2016, the principle of equal treatment applies to all persons, both in the public and in the private sector, in terms of access to employment and employment in general and includes equal treatment in terms of selection criteria and recruitment conditions, access to all types and levels of vocational training and working conditions. Also, Article 21 of the EU Charter of Fundamental Rights prohibits “any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation”.

¹⁰⁴Παρατηρητήριο Οικονομικών και Κοινωνικών Εξελίξεων (2012). Οι Εργασιακές Σχέσεις στην Ευρώπη και στην Ελλάδα. Ετήσια Έκθεση 2012. Ινστιτούτο Εργασίας ΓΣΕΕ. Διαθέσιμο στο: <https://ineobservatory.gr>

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Directorate of Working Conditions, the Directorate for Information Management, Training and Monitoring of Policies on occupational safety and health etc.¹⁰⁵

Relevant to the right to fair and just working conditions is a number of labor practices, including the limitation of maximum working hours, daily and weekly rest periods, access to placement services, annual period of paid leave, as well as to workers' (or their representatives) right to information and consultation within the undertaking.

Contractors, sub-contractors and suppliers must ensure that all their employees are treated fairly with respect to working hours, pay, rest or leave, accommodation and freedom of assembly and association. The Company shall adopt policies and procedures prohibiting all forms of forced labor and ensuring that all workers (including migrants) are protected and provided with adequate facilities. An ethical and environmentally sustainable supplier screening policy will be adopted, covering issues of labor rights, sustainable/ethical sourcing of materials and transparency. The Company should communicate its policies regarding ethical conduct and labor rights to all appointed contractors and suppliers and have systems in place to monitor and evaluate contractors' and suppliers' compliance with these policies. A worker grievance mechanism, on the basis of international best practice standards, including EBRD/IFC standards and guidance will also contribute to the timely identification and management of potential impacts on the right of all employees to fair and just working conditions.

WORKFORCE RIGHT TO HEALTH AND SAFETY




All workers have the right to working conditions which respect their health and safety. In 2019, the UN Human Rights Council recognized the responsibility of business to prevent harmful exposures by all workers to hazardous substances.¹⁰⁶ However, according to UNEPFI data,¹⁰⁷ the construction industry has one of the worst health and safety records of any industrial sector.

Issues that might arise during the Project's activities, include:

¹⁰⁵ <https://osha.europa.eu/en/about-eu-osha/national-focal-points/greece>

¹⁰⁶ UN Human Rights Council (2019). Resolution on protection of the rights of workers exposed to hazardous substances (HRC/RES/42/21). Available at: <https://www.ohchr.org>

¹⁰⁷ United Nations Environment Programme Finance Initiative (UNEPFI) (2014). Human Rights Guidance tools. Available at: <https://www.unepfi.org>

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- Accidents or injuries caused by lack of proper procedures, failure to follow procedures, inadequate risk assessment, poor risk management, faulty or inappropriate tools and equipment, or excessively long working hours and strenuous conditions.

In order to prevent accidents in the workplace, all workers should have adequate preparation, information and training for appropriate use of protective clothing/equipment, as well as handling potential risks. A health and safety plan should be communicated to all workers and implemented by all parties on site. An emergency plan must also be in place, to ensure safety of workers in the event of a major incident and to limit the effects of the incident as far as possible. Health and safety delegates with a consultative role on the issues concerned can be elected in workplaces with more than 20 employees and a health and safety committee can also be set up in workplaces with more than 50 employees (Law 1568/1985).




- Spread of communicable disease among workers due to lack of information, advice and/or poor living conditions.

Housing conditions must ensure the health and safety of all employees in accordance with the Company's accommodation policy based on international best practice standards, including EBD standards and guidance (PR 4). All Project employees must have initial and follow up health checks as well as information on the prevention of communicable diseases, including covid-19 protection measures, according to the epidemiological situation at the time of the Project's construction and the relevant recommendations of WHO and the Greek government. Construction work is classified by WHO¹⁰⁸ as a "medium exposure risk work", in terms of close contact with the general public or other workers. WHO¹⁰⁹ suggests that workplaces should develop specific action plans to prevent and mitigate covid-19 and regularly monitor and update these plans. Contracts with local health facilities will ensure the availability of check-ups, emergency care and medical treatments when necessary.

- Lack of effective security can also lead to theft of potentially dangerous equipment and an unsafe environment for workers.
Security personnel that can be employed in order to promote workplace safety must have adequate training and be familiar with international standards on human rights, the Voluntary Principles on Security and Human Rights and their application in security duties (see Section 3.3.3.2).
- Employee exposure to protests from local people opposing the project.

¹⁰⁸WHO (2020). Coronavirus Disease (COVID-19): Health and Safety in the Workplace. Available at: <https://www.who.int>

¹⁰⁹ WHO (2020), op. cit.

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This effect is unexpected, as local communities maintain a generally positive attitude towards the Project. However, appropriate stakeholder engagement during all phases of the Project, will protect workers from receiving such protests.

The Project's design will ensure that in all phases all safety standards are met, in full compliance with the requirements arising from international, European and national commitments concerning health and safety of employees. Effective health and safety procedures need to be built into contractual arrangements.

POTENTIAL IMPACTS ON MIGRANT POPULATION AND NON-DISCRIMINATION POLICIES

Data concerning occupational distribution of migrant workers by nationality in Greece, indicate that male immigrants from Romania have the highest rate of employment in the construction sector, followed by immigrants from Poland, Albania and Ukraine (45%, 51% and 50% respectively). By contrast, immigrants from Asian and African countries have low rates of participation in this sector.¹¹⁰ Integration of migrants in the Greek labor market was affected by the economic downturn and the resulting high unemployment in sectors such as construction, transport and retail where male migrants were mainly employed, magnified barriers to their integration into the labor market.¹¹¹




Migrant workers may be more vulnerable as they often have limited education and language skills and a precarious legal status, or they may be unaware of national laws and they may be less likely to raise grievances for fear of losing their jobs.¹¹² There may also be lack of equal opportunities and discrimination with regard to working hours, pay, housing conditions and access to health care, training, occupational development or promotion. On this basis, ILO¹¹³ notes that a 'buyers' market' for labor has been developed in many European countries, with continuous downward pressure on wages and conditions of work.

¹¹⁰Eurofound (2007). Employment and Working Conditions of Migrant Workers — Greece. Available at: <https://www.eurofound.europa.eu>

¹¹¹ Skills and Integration of Migrants, Refugees and Asylum Applicants in European Labour Markets (SIRIUS) (2019). Labour Market Integration in Greece: Policy Barriers and Enablers. Available at: <https://www.sirius-project.eu>

¹¹² International Petroleum Industry Environmental Conservation Association (IPIECA) (2021). Labour Rights Risk Identification in the Supply Chain. Guidance document for identifying and screening labour rights risks in supply chains. Available at: <https://www.ipieca.org/resources/good-practice/labour-rights-risk-identification-in-the-supply-chain/>

¹¹³ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_008082/lang--en/index.htm

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Especially for migrant workers of a younger age, UNICEF advises companies that “young migrant workers are particularly vulnerable to abusive labor arrangements and trafficking because they are outside the protective environment of their community and (...) outside their home country. Furthermore, they often know little about their rights and they are more vulnerable to business related harm, to unfair wages and conditions that “take advantage of their age, inexperience and powerlessness”.¹¹⁴

Also, during covid-19 pandemic, xenophobia towards migrant workers (as potential carriers of the virus) is on the rise, while at the same time migrant workers face barriers to mitigating risks of covid-19 exposure, including fear of employment loss, lack of access to private transportation means and language barriers.¹¹⁵

Up to present Greece has not ratified ILO Conventions No 97 (1949) and No 143 (1975) which relate specifically to migrant workers, however, it has signed the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1965) that is of potential importance in terms of protecting migrants from discrimination and exploitation, as well as the EU Charter of Fundamental Rights, with provisions that are applicable to all persons irrespective of their nationality.¹¹⁶ According to Act 3996/2011 on “Reshaping the Labor Inspectorate, regulating social security issues and other provisions” (article 2), the Greek Labor Inspectorate monitors the implementation of the principle of equal treatment, irrespective of racial or ethnic origin, religious or other belief, disability, age or sexual orientation, taking into account the cases of multiple discrimination.

The Company must adopt policies and procedures around anti-discrimination, in order to ensure that migrant employees have equally good working conditions, they share the same health and safety standards with all other workers and they can exercise their human rights through safe access to basic services.

Table J.2.3-3 summarizes potential human rights impacts on the workforce and the relevant Project’s policies.

¹¹⁴ UNICEF (2014). Children's Rights In Impact Assessments. A guide for integrating children's rights into impact assessments and taking action for children (pp. 24-25). UNICEF in collaboration with the Danish Institute for Human Rights. Available at: https://sites.unicef.org/csr/css/Children_s_Rights_in_Impact_Assessments_Web_161213.pdf

¹¹⁵ Hennebry, J. & Harri, K.C. (2020). Quarantined! Xenophobia and migrant workers during the COVID-19 pandemic. International Organization for Migration (IOM). Geneva. Available at: <https://publications.iom.int>

¹¹⁶ Organization for Security and Co-operation in Europe (OSCE) (2015). International Legal Framework for the Protection of Migrant Workers. Available at: <https://www.osce.org/files/f/documents/b/a/19246.pdf>


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Table J.2.3-3 Potential human rights impacts on the Project's workforce and relevant Project's measures and policies

Project activity	Rights affected	Potential risk / impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
<ul style="list-style-type: none"> Recruitment and management of workers (foreign and internal migrant workers and workers recruited locally), predominantly through contractors and subcontractors Procurement of construction materials and other products, 	<ul style="list-style-type: none"> Freedom to seek employment, right to work Labor rights in the supply chain and contractors Right to just and fair working conditions Right to liberty Rights of the child Freedom of assembly and of association 	<ul style="list-style-type: none"> Poor / discriminative recruitment practices Forced labour and abusive practices Hiring of underage workers / trafficking Harassment in the workplace Poor working conditions regarding a range of labour standards, due to contractors and / or suppliers non-compliance with labour law (e.g. excessive overtime, underpaid, delayed or withheld wages, 	<ul style="list-style-type: none"> Supply chain management and screening of contractors and suppliers in order to ensure compliance with labour standards Prohibition of forced labour in its various forms, such as debt bondage, compelled involuntary overtime and trafficked labour Communication of the Company's expectations, Code of Conduct and regulations to contractors / suppliers Sensitization of contractors /suppliers in human rights protection Supply chain management and screening of contractors and suppliers in 	<ul style="list-style-type: none"> EBRD¹ Performance Requirements (1) and (2) ChFR² 15(2), 15(3) TFU³ Art. 26, 45, 49, 56 EBRD Performance Requirements (1) and (2) ChFR 5(1), 5(2), 5(3), 31(1) – 33(2) EU Framework decision on combating trafficking in human beings (OJ L 203, 1.8.2002, p. 1) ICCPR⁴ Art. 8 (1) and (2) UN Guiding Principles on Business and Human Rights (GP 11) EBRD Performance Requirements (1) and (2) 	<ul style="list-style-type: none"> Human Resources Policies in accordance with the requirements of EBDR PR (1) and (2) and National Law Procurement Management and Strategy Corporate Social Responsibility Policy implementation Code of Conduct

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Project activity	Rights affected	Potential risk / impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
goods and services from local companies		discrimination, barriers to freedom of association, collective bargaining etc.)	<p>order to ensure they are able to comply with the Project's commitments</p> <ul style="list-style-type: none"> Monitoring of contractors and suppliers to verify compliance with the Company's policies 	<ul style="list-style-type: none"> ChFR 12(1), 24, 28 CRC⁵ Art. 3, 9, 12, 13, 15 ICCPR Art. 8, 21, 22, 24 ICERD⁶ Art. 5 (d) National laws and practices 	
	<ul style="list-style-type: none"> Freedom of expression Workers' right to information and consultation within the undertaking 	<ul style="list-style-type: none"> Inability to voice concerns and grievances 	<ul style="list-style-type: none"> Periodic review of worker feedback (e.g. questionnaires, worker committees) Worker grievance mechanism 	<ul style="list-style-type: none"> EBRD Performance Requirements (1) and (2) ChFR 11(1), 27 ICCPR Art. 19 ILO conventions 	<ul style="list-style-type: none"> Third Party Grievance Mechanism
	<ul style="list-style-type: none"> Right to health and safety 	<ul style="list-style-type: none"> Unsafe or unhealthy working conditions (e.g., inadequate measures for the prevention of communicable diseases, use of 	<ul style="list-style-type: none"> Implementation of workplace health and safety policies and procedures (health and safety management) 	<ul style="list-style-type: none"> EBRD Performance Requirements (2) and (4) ChFR 35 Greek legislation 	<ul style="list-style-type: none"> Health and Safety Plan

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Project activity	Rights affected	Potential risk / impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
		potentially hazardous substances without training, extreme time pressure and stress etc.)			
-Workers' accommodation / housing (worker camps during construction or potential housing in local communities)	<ul style="list-style-type: none"> • Right to an adequate standard of living • Right to health and safety 	<ul style="list-style-type: none"> • Risk of poor quality worker accommodation, unsafe or unhealthy living arrangements with a negative impact on the enjoyment of labor and housing rights for those working for the Project 	<ul style="list-style-type: none"> • Worker accommodation audits • Implementation of a worker accommodation policy on the basis of international best practice standards (including EBRD/IFC standards) 	<ul style="list-style-type: none"> • EBRD Performance Requirements (2) • Greek legislation 	<ul style="list-style-type: none"> • Corporate Social Responsibility Policy implementation

¹EBRD: European Bank for Reconstruction and Development

²ChFR: The Charter of Fundamental Rights



³TFEU: Treaty on the Functioning of the European Union

⁴ICCPR: The International Covenant on Civil and Political Rights

⁵CRC: The Convention on the Rights of the Child

⁶ICERD: The International Convention on the Elimination of All Forms of Racial Discrimination

Prepared by: (ASPROFOS, 2022).

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8 J.2.3.2.3 Human rights impacts related to local community's livelihoods and standard of living

POTENTIAL IMPACTS ON HUMAN RIGHTS RELATED TO LAND ACQUISITION AND LIVELIHOODS

An adequate standard of living is recognized as a predominant human right by Article 11 of the International Covenant on Economic, Social and Cultural Rights, ratified by Greece by Act 1532/1985, whilst Article 17 of the European Charter of Fundamental Rights recognizes the right to property and states that “no one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss.”.




As regards these rights, the temporary occupation of land by the Project and the consequent loss of livelihood resources associated with agricultural / livestock activities, is one of the main issues that may arise during the construction phase of any infrastructure project. Temporary disruption of traditional livelihood activities may be experienced as a threat to the local populations' right to work and property, all the more so for vulnerable individuals without alternative means of livelihood.

Most of the times, some agricultural activities are limited or even stopped by the preparation of the work area and the construction activities. Depending on the construction schedule on each particular agricultural land, 1-3 growing seasons are usually lost, which may be a significant loss of livelihood for local farmers and seasonal workers. Secondary impacts within the community must also be considered; for example, loss of a person's livelihoods could also undermine his/her role in the family or in the community.

The construction of the pipeline may also affect the productivity of the land in the working strip zone, due to soil compaction, soil mixing and top soil loss. Proper soil handling techniques will permit reclamation of post-construction soil with capability equivalent of that of pre-disturbed land.

Concerning potential impacts on fishing activities, the establishment of the safety exclusion zone along the pipeline route during the construction and operation phase may pose a risk to the right to work for professionals in the fishing sector. However, given the short duration of the construction phase, as well as the fact that safety zones will take up a small part of the existing fishing grounds and will move with the progress of the pipeline installation (2 km/day), this impact is estimated as low and is not expected to affect the right to an adequate standard of living.

As land occupation during construction is the only aspect of the Project with temporary but potentially significant adverse impact on human rights, according to best practice standards,

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cumulative impacts must also be taken into consideration (for all significant impacts identified). In terms of cumulative impacts on agricultural practice and livelihoods, past detrimental impacts of the wildfires in the Peloponnese region on the environment and livelihoods of a number of local communities (see Appendix 8.9.1_ESIA Supporting Report on Vulnerable Groups_ed01_ERM.docx) renders the affected population vulnerable and sensitive to new losses and all the more so for households that rely on land for their subsistence.

The stakeholder engagement plan must ensure meaningful and effective consultation with all rightholders including vulnerable groups and a complaints mechanism must be available for local communities. Policy and procedures on consultation, and free, prior and informed consent of local populations will prevent negative impacts on local populations livelihood.




The context relating to land acquisition in the area must be detected and potential legacy issues must be identified.¹¹⁷ A census of affected people in accordance with EBRD Performance Requirements (PR 5), will permit the identification of persons who are affected by the project and the determination of persons who will be eligible for compensation and assistance. The census must also take into account seasonal agricultural workers or other seasonal land users who may not be present in the project area at the time of the census.

The livelihood of those affected (both landowners and land users), must be ensured by prompt and adequate mitigation measures or compensation for the resources affected and the loss of income, or other appropriate alternative provision of assets, land and resources as may be necessary to help them improve or at least restore their standards of living and livelihoods. Compensation scale must be defined and made known to the rightholders before starting the Project's construction. An effective grievance mechanism must be put in place, in order to address specific concerns, in accordance with the objectives and principles pertaining to grievance management contained in EBDR Performance Requirements (10).

Concerning the public opinion about the socio-economic impacts from the installation and operation of conventional and renewable energy sources, the results of an empirical investigation¹¹⁸ in areas where there were already power generation structures (Megalopolis, Gortynia, Ptolemaida, Evia - Central Greece) through interviews with 1,138 residents aged 18-85, suggest that the shift towards RES and natural gas is welcomed by the local communities (89% of the respondents) even in the lignite-bearing areas, with the exception of the case of Ptolemaida where a remarkable percentage

¹¹⁷ Tromp, D. (2016). Assessing Business-Related Impacts on Human Rights Indicators and Benchmarks in Standards and Practice. Institute for Development and Peace (INEP) Report 110/2016. Available at: <https://www.uni-due.de>

¹¹⁸ Tsiganou, I. & Kinti, R. (2018). An empirical investigation of the socio-economic impact of the installation and operation of conventional and renewable energy sources at a local level. In I. Tsiganou, & R. Kinti, R. (Eds.) *Energy and Local Communities* (pp. 237-310). National Centre for Social Research (EKKE). Available at: <https://www.ekke.gr>

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of 1/3 of the respondents opposed this idea. Local communities trusted mainly experts to make decisions about the establishment of energy infrastructure and the proposal of mitigation measures for local communities (39.2% of the respondents), thus recognizing the importance of preliminary studies of impacts assessment. Respondents also estimated that the opinion of local residents (overall 15.4%) and local community leaders (12.3%) should be taken seriously into account in the decision-making process regarding installation and operation of energy sources in local areas.

Based on the above data, the Project must allow sufficient time to consult meaningfully with local communities and/or their representatives throughout the planning, implementation, monitoring, and evaluation process, including livelihood improvement or restoration. The response and receptivity of the local communities is of major importance for a sustainable and human-rights sensitive approach. With the provision of adequate consultation, mitigation and fair remedy, no significant adverse impact or cumulative impact is anticipated.



POTENTIAL IMPACTS ON LOCAL COMMUNITIES' RIGHTS TO HEALTH AND SAFETY

The right to health is enshrined in Article 12 of the International Covenant on Economic, Social and Cultural Rights (Act 1532/1985), which recognizes the right of every person to enjoy the best possible physical and mental health and indicates the measures to be taken by the party states to permit their citizens to fully exercise this right. At the European Community level, article 35 of the Charter of Fundamental Rights establishes the right of every person to access quality health services and the duty of every State to protect this right.

In the Greek Constitution, Article 5, paragraph 5 guarantees the individual right to health, stating that «Everyone has the right to the protection of his/her health and his/her genetic identity», while Article 21, par. 3 establishes the social right to health and the obligation of the State take specific measures to protect citizen's health. The legislative framework for the protection and enjoyment of the right to health is complemented by the basic laws of the National Health System.

Health is also highly valued by the general population. Data on the concerns of people about the potential impacts of the establishment of RES or natural gas infrastructure¹¹⁹ indicate that the primary concern of the participants was the potential impact on their health (87.8%), followed by concerns about impacts on everyday life (83.9%), on environment (83.1%), on crops / livestock (80.9%) and on the natural landscape (78.7%). Potential impacts on local community health and

¹¹⁹ Tsiganou, I. & Kinti, R. (2018), op. cit.

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safety rights must be foreseen and mitigated, in accordance with the hierarchy of risk control (EBRD, PR 4), as follows: “(i) elimination of the risk; (ii) reduction of the risk by substituting the hazardous condition with a non or less hazardous one; (iii) isolation of the risk to prevent exposure; (iv) introduction of engineering controls which protect the workforce and community collectively; and (v) provision of information, instruction and training to workers and communities, as appropriate, on risks, safe systems of work, emergency plans, reporting requirements and mandatory supervision”.¹²⁰

The Project has indirect potential impacts on local communities’ health, insofar as environmental impacts (noise, dust, accidental pollutants, disturbance of ecosystems etc.) may be translated into health risks for local populations. As indicated in Sections 3.3.1.1 – 3.3.1.3, such impacts are assessed to be either preventable, or reversible and of short duration, so that they are not expected to have a significant negative impact on population right to health and wellbeing. With the application of appropriate prevention and mitigation measures, environmentally originating threats to health rights will be minimized or eliminated.

An additional potential impact of the Project on local communities’ health is related to the influx of workers during the construction phase; especially taking into consideration the recent covid-19 pandemic, the arrival of workers can be considered as a potential issue. Collaboration with health authorities, workforce health check-ups (see section 8 J.2.3.2.2) and implementation of measures for infection prevention (e.g., administrative control and provision of personal protective equipment according to the risk assessment), is essential for workplace-related prevention and control of covid-19 or other infectious diseases, according to the results of the risk assessments and the most recent epidemiological data. As the presence of a large number of workers in the local communities could also place burden on local health services, arrangements and contracts with local health facilities would ensure the availability of routine or emergency health care when necessary. In any case, the works usually take place in open space and any relevant instructions and/ or restrictions (eg due to covid-19) shall be followed.

As regards other measures for the protection of the right of health and safety of the local people, as well as the safety of the construction, during the design of the Project, sites presenting environmental constraints were avoided, in principle. For areas where the avoidance of geo-hazards was not possible, field work and thorough analyses will indicate special protection measures that will be implemented. The Project’s design will ensure compliance with the safety requirements for construction, operation and maintenance arising from European, national and local commitments

¹²⁰ European Bank for Reconstruction and Development (EBRD) (2019). Environmental and Social Policy. Available at: <https://www.ebrd.com>

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and the international good practices and all potential risks caused by natural hazards to which the project activities might contribute, will be avoided and/or minimized.

Security of the local populations and employees in sections near the pipeline and protection of the Project's property and facilities, may require the implementation of security arrangements, especially for sites that may present some degree of danger. The pipeline is located as far away as possible from residential areas, however, in order to prevent such risks, security personnel can be employed or security measures can be implemented, in accordance with good international practice and applicable laws in terms of hiring, rules of conduct, training, equipping and monitoring the conduct of such personnel. Policies and procedures around security should consider the safety of workers and local people beyond the boundaries of the project. Security contractors should be competent and the number of staff employed should be proportional to the need. The Company should communicate its policies regarding ethical conduct and human rights protection to security providers and ensure that the security personnel has received adequate and effective training and will act in a manner consistent with the above.

Under the general obligation to ensure that all reasonable steps are taken to eliminate or reduce any health and safety risks for local communities as well as for the workforce, road and traffic safety must also be managed. The Company must develop a complete Traffic Management Plan with measures for the minimization of the traffic related risks, taking into consideration the relevant EU road and traffic safety management standards and ensuring that all Project's employees are informed or trained and will comply with the Plan. The general Traffic Management Plan can be enriched in detail after consulting with local workers who are familiar with the site, health and safety representatives, etc. In identified areas which present heightened risks (e.g., areas where animals may appear in the road, or areas where pedestrians, especially children, or cyclists are circulating), additional risk controls must be implemented, such as warning signals, speed reduction systems, informing drivers on such hotspots.

As part of community oriented health and safety policies, an awareness training may be delivered to adults and children in settlements along the pipeline route, informing and consulting community members on health and safety precautions and procedures.

Finally, an Emergency Response Plan should be put to place, outlining the response procedures to be followed in order to contain, control, or end a potential emergency, no matter how low is judged the probability of such an incident. The emergency plan must be prepared in accordance with applicable regulatory requirements and good international practice and describe responsibilities, procedures, communication, resources and all other aspects required to respond effectively to emergencies associated with potential project hazards.

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RESOURCE EFFICIENCY AND POTENTIAL IMPACTS ON LOCAL COMMUNITIES RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF LIVING

Local communities right to the highest attainable standard of living is also related to the use of finite resources including water and energy, as well as the use of local infrastructure for everyday activities, according to local communities’ needs. As indicated by UNEPFI,¹²¹ major projects with national or international benefits, must not hinder the delivery of basic services to local communities. Access to water, energy and other community infrastructure, are necessary for the fulfilment of all other rights. Access to safe, sufficient, acceptable, affordable and physically accessible water for personal and domestic uses¹²² and to sufficient energy resources and infrastructure, are entwined with the right to life, health, education, etc.

In terms of finite resources, including water and energy, EBRD’s PR 3 includes provisions for resource efficiency, stating that “technically and financially feasible and cost effective measures must be adopted”, for minimizing the Project’s consumption and “improving efficiency in its use of energy, water and other resources and material inputs”.¹²³



The Project’s impact on local water and energy resources is not considered significant, as the quantities of water and energy required for the construction and operation phase are relatively small and the local networks will not be particularly burdened. However, in accordance with EBRD PR 3 and international best practice, all technically and financially feasible and cost effective opportunities for the minimization of resource use will be identified and applied. The implementation of measures to minimize consumption and improve efficiency in the use of energy, water and material inputs of the Project, as described in the ESIA, will allow the efficient and effective use of resources.

The construction of the pipeline at intersections with water supply, sewerage, irrigation, with renewable or traditional energy infrastructures and telecommunication networks, onshore or offshore, will not disrupt their operation. The safety distances specified in ESIA shall be adhered to, in accordance with the applicable legislation and the relevant safety regulations. In crossings with other existing infrastructure, the Contractor will agree designs for safe crossing with the owners of

¹²¹United Nations Environment Programme Finance Initiative(UNEPFI) (2014). Human Rights Guidance Tool. Available at: <https://www.unepfi.org>

¹²² UN Water (n.d.). Human Rights to Water and Sanitation. Available at: <https://www.unwater.org>

¹²³ European Bank for Reconstruction and Development (EBRD) (2019). Environmental and Social Policy (p. 20). Available at: <https://www.ebrd.com>

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the installations and implement the agreed design so that the operation of the infrastructure will not be impaired.

However, in case of damage to an existing network due to the pipeline construction works, such damage will be restored immediately working together with the network operator. Care must be taken so that the nuisance caused to the local community is as short as possible and that residents of the affected area are informed in a timely manner.




The construction of the Project could also cause a small short-term increase in maritime traffic due to the transportation of materials, but this effect is not expected to burden transportation and interfere with relevant human rights and may instead have a small positive impact to the local economy of sea transport.

Some degree of temporary strain is likely to be caused on the local road network, due to the increased traffic caused by the construction work, while heavy construction vehicles (in case of their transportation through the road network and not in the working zone, along the pipeline) may also cause some damage to the existing road network. These impacts could adversely affect residents' access to various services and other activities that are necessary to exercise many different rights. In order to minimize these potential impacts, during the Project's design, the intersections of the pipeline with the existing infrastructure were as limited as possible, while the results of the traffic study will indicate the temporary arrangements that are necessary in order to minimize the inconvenience of road users. After the pipeline has been installed, any potential damage to the road network will be repaired according to its construction specifications and, in order not to burden the local road networks in the long run, roads will be constructed to provide permanent access to compression stations during their operation, taking into account the local spatial planning provisions.

In general, given the low sensitivity of existing and planned infrastructure and the application of the aforementioned measures, the potential impacts of the Project on finite resources and infrastructure can be considered local, long-term and of low intensity, so that the overall magnitude of these impacts is estimated negligible.

POTENTIAL IMPACTS ON HUMAN RIGHTS RELEVANT TO COMMUNITY COHESION AND CULTURE

The areas where the necessary construction activities will take place are located, for the most part, outside residential areas. As a result, no impact is expected, in any way, in the existing residential environment of the area. The Project construction is also not expected to impact population dynamics, demographics, or social networks and structures of local communities or of the vulnerable

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groups. Employees working on the Project’s construction will stay in the area for a limited time, whilst local communities are already familiar with the presence of migrants or foreigners in general and seasonal residents may as well have a positive impact on cultural exchange and economy.

Potential positive or negative impacts can be controlled through an appropriate supply chain management, community / stakeholders relations management, grievance mechanism and Company’s policies and procedures around anti-discrimination and equal opportunities (see also Section 3.3.2 on labor practices and human resources management).

The Project’s potential of impacts on cultural identity will be further explored through the Cultural Heritage Impact Assessment and through communication with competent authorities and cultural heritage stakeholders for complementary data collection and recording of potential concerns. Policies and procedures for the protection of historical, religious and cultural sites (both declared and not declared), will be implemented, including intangible cultural heritage which reflects collective identity and makes a community socially cohesive, e.g., roadside shrines, or specific sites that are linked to a community’s traditional, folk culture and beliefs.¹²⁴ If during the construction works, chance finds are identified, the site should be evaluated by an archaeologist and all appropriate measures should be taken to protect the finds, or to avoid the site if necessary, in accordance with the specifications of Greek legislation.

Table J.2.3-4 presents an overview of the Project’s potential impacts on human rights for the local communities neighboring the pipeline construction and the relevant Project’s policies.

¹²⁴See ministry of culture & sports, General Directorate of Antiquities and Cultural Heritage Intangible Cultural Heritage of Greece, at: <http://ayla.culture.gr>

Table J.2.3-4 Potential human rights impacts on local community and relevant Project's measures and policies

Project activity	Rights affected	Potential risk / impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
<ul style="list-style-type: none"> Occupation of land by the Project 	<ul style="list-style-type: none"> Right to work, right to property Right to an adequate standard of living 	<ul style="list-style-type: none"> Loss of livelihoods /economic displacement Lack of free, prior and informed consent (FPIC) 	<ul style="list-style-type: none"> Landowners and land users identified in census and asset verification survey Livelihood restoration - rehabilitation of land disturbed or occupied by the construction must be performed in accordance with anticipated post-operation land uses Rightholder engagement process throughout project lifecycle Compensation scale must be defined and made known before starting operations in conjunction with customary authorities. Provisions for vulnerable groups 	<ul style="list-style-type: none"> EBDR¹ Performance Requirements (5) ChFR² 17 ICERD³ Art. 5(d) National legislation 	<ul style="list-style-type: none"> Land and Easement Acquisition Livelihood Restoration Framework with special provisions for vulnerable groups Rightholder Engagement Strategy
<ul style="list-style-type: none"> Use of road network for 	<ul style="list-style-type: none"> Right to safety 	<ul style="list-style-type: none"> Road network overload 	<ul style="list-style-type: none"> Information and consultation to Project's 	<ul style="list-style-type: none"> EBDR Performance 	<ul style="list-style-type: none"> Corporate Social Responsibility

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Project activity	Rights affected	Potential risk / impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
the construction activities		<ul style="list-style-type: none"> Access to land needed for agricultural work or to local services could be temporarily hindered due to Project activities Increase in traffic potentially leading to accidents 	employees, local population and road users <ul style="list-style-type: none"> Appropriate signage and lower speed limits where risk of accident is highest Rehabilitation of certain access infrastructures to and within the construction zone (e.g., restoration of dirt roads if damaged by passage of heavy vehicles) 	Requirements (4)	Policy implementation <ul style="list-style-type: none"> Traffic Study and Traffic Management Plan Community Awareness
<ul style="list-style-type: none"> Use of local water / energy resources for construction and maintenance 	<ul style="list-style-type: none"> Access to water is necessary for the fulfilment of all other rights 	<ul style="list-style-type: none"> Water and energy resources over-use Water quality and availability affects food sources Potentially future positive impact on rights through initiatives aimed at improving energy sources for local communities 	<ul style="list-style-type: none"> All technically, financially feasible and cost effective opportunities for water and energy use minimisation will be identified and applied, following international best practice 	<ul style="list-style-type: none"> EBDR Performance Requirements (3) Directive 2004/35/ EC Presidential Decree No 148/2009 	<ul style="list-style-type: none"> Corporate Social Responsibility Policy implementation Health and Safety Plan

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Project activity	Rights affected	Potential risk / impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
<ul style="list-style-type: none"> • Use of security measures and/or services around worksites and pipeline facilities to protect local population and the operation area 	<ul style="list-style-type: none"> • Right to liberty and security 	<ul style="list-style-type: none"> • While unlikely, there is some risk of poor conduct on the part of private security. 	<ul style="list-style-type: none"> • Ensure that the security practice follows international security principles and human rights standards. • Periodic reviews of security management procedures and of compliance with agreed principles • Monitoring and eradication of potential root causes of tension (e.g. local employment) 	<ul style="list-style-type: none"> • EBRD Performance Requirements (4) • Voluntary Principles for Security and Human Rights • ChFR 8(1) • Greek legislation 	<ul style="list-style-type: none"> • Corporate Social Responsibility Policy implementation • Code of Conduct • Health and Safety Plan / Risk Management Plan
<ul style="list-style-type: none"> • Construction activities • Influx of construction workers 	<ul style="list-style-type: none"> • Right to the highest attainable standard of living • Right to health • Right to Life, Liberty and Security of the Person 	<ul style="list-style-type: none"> • Altering existing community access to healthcare, livelihoods and cultural assets 	<ul style="list-style-type: none"> • Providing workforce with their own accommodations or other facilities (e.g. health care) • Rightholder engagement process throughout Project's lifecycle 	<ul style="list-style-type: none"> • ChFR 22, 34(1), 45 • EBRD Performance Requirements (4), (7) • Greek legislation 	<ul style="list-style-type: none"> • Social Impact Management plan • Corporate Social Responsibility Policy implementation • Health and Safety Plan




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Project activity	Rights affected	Potential risk / impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
					<ul style="list-style-type: none"> • Rightholder Engagement Strategy • Community Grievance mechanism
<ul style="list-style-type: none"> • Economic and social development projects for communities neighbouring the pipeline construction 	<ul style="list-style-type: none"> • Equal opportunities, non-discrimination and livelihoods 	<ul style="list-style-type: none"> • Risk that the Project's social development commitments could be applied unevenly across different communities and in such a way that discriminates against already disadvantaged groups 	<ul style="list-style-type: none"> • Further engage with representatives of communities in the pipeline corridor, ensuring full consultation among rightholders • Provisions for vulnerable groups 	<ul style="list-style-type: none"> • ChFR 21 • IFC⁴ principles on Social and Environmental Investment 	<ul style="list-style-type: none"> • Social & Environmental Investment Strategy • Rightholder Engagement Strategy
<ul style="list-style-type: none"> • Establishment of Project's permanent facilities • Construction activities 	<ul style="list-style-type: none"> • Cultural rights • Right to Self-Determination 	<ul style="list-style-type: none"> • Potential damage to sites or elements of cultural, religious or spiritual value • Influx of seasonal residents may have 	<ul style="list-style-type: none"> • Cultural heritage management plans 	<ul style="list-style-type: none"> • ChFR 22 • EBRD Performance Requirements (8) • Greek legislation 	<ul style="list-style-type: none"> • Cultural Heritage Management plan

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Project activity	Rights affected	Potential risk / impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
		positive contribution to cultural exchanges			
<ul style="list-style-type: none"> Engagement and consultation with affected rightholders, including vulnerable groups 	<ul style="list-style-type: none"> Right to remedy Equal opportunities, non-discrimination 	<ul style="list-style-type: none"> Risk that vulnerable individuals and communities may not be able to access an effective remedy for potential violations of rights in relation to the Project's activities 	<ul style="list-style-type: none"> Implementation of a Third Party Grievance Mechanism, providing access to individuals or groups affected by the pipeline through an understandable and transparent process 	<ul style="list-style-type: none"> EBRD Performance Requirements (10), (5) ChFR 20, 21 UN Guiding Principles on Business and Human Rights (GP 29) 	<ul style="list-style-type: none"> Corporate Social Responsibility Policy implementation Rightholder Engagement Strategy Third Party Grievance Mechanism
<p>¹EBRD: European Bank for Reconstruction and Development</p> <p>²ChFR: The Charter of Fundamental Rights</p> <p>³ICERD: The International Convention on the Elimination of All Forms of Racial Discrimination</p> <p>⁴IFC: International Finance Corporation</p>					

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8 J.2.3.2.4 Other equality and non-discrimination issues: Balancing national with local needs and addressing vulnerability

The principles of equality and non - discrimination is enshrined in article 26 of the International Covenant on Civil and Political Rights, article 2, par. 2 of the International Covenant on Economic, Social and Cultural Rights, article 14 of the European Convention on Human Rights and articles 20 - 21 of the Charter of Fundamental Rights of the European Union. In Greece, enactment of Act 3304/2005, “Application of the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation” transposed the relevant EC Directives (2000/43/EC and 2000/78/EC), into national law.

Several international organizations have highlighted the need for a "fair transition" to the global low-carbon economy. While there is no single universally accepted definition of this term, the focus is on achieving the energy transition in a non-discriminative way, i.e., without placing disproportionate burdens on some groups, and ensuring long-term social, economic, environmental and human rights benefits to all.¹²⁵

The Greek National Energy & Climate Plan (NECP),¹²⁶ includes the commitment to withdraw all lignite power plants by 2023 (with the exception of the "Ptolemaida V" unit which is expected to operate by 2028) and serves priorities related to the environmental protection, the promotion of competitive electricity generation methods and the diversification of the lignite-mining areas, namely Western Macedonia (NUTS 2) and Megalopolis (NUTS 3 / LAU 1). These are areas that face negative socio-economic and environmental impacts deriving from the one-sided focus on lignite activity, to the detriment of other economic activities. The Operational Program for the Just Transition of the new NSRF 2021-2027, aims to ensure an environmentally, economically and socially just transition for these regions, through the restructuring of their production model so as to safeguard employment and develop the existing human and natural resources in these areas.¹²⁷




At the same time, the transition to a low-carbon model may have less positive impacts on specific groups of the local communities who are less likely to access relevant benefits,¹²⁸ for instance, they

¹²⁵ International Petroleum Industry Environmental Conservation Association (IPIECA) (2021). Human Rights Due Diligence Guidance. A practical guidance for the oil and gas, and alternative energy industry. Available at: <https://www.ipieca.org>

¹²⁶ Hellenic Republic, Ministry of the Environment and Energy (2019). National Energy & Climate Plan . Available at: <https://ec.europa.eu>

¹²⁷ <https://sdam.gr/home-page>

¹²⁸ International Petroleum Industry Environmental Conservation Association (IPIECA) & Danish Institute for Human Rights (DIHR) (2013). Integrating human rights into environmental, social and health impact assessments A practical guide for the oil and gas industry. Available at: <https://www.ipieca.org>

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may not have access to gas networks, or may face difficulties in purchasing equipment and paying for cleaner energy as part of the policy of reducing greenhouse gas emissions. Therefore, poorer households and people living in disadvantaged areas with significant environmental and social problems and insufficient provision of social services, may be at risk of being excluded from the benefits of the transition to the low-emission economy, thus creating a vicious cycle of poverty, lack of access to energy and technology and reduced protection against damage due to climate change.¹²⁹

As OHCHR notes, while companies are not responsible for such wider social discriminations, “they should pay particular attention to the rights and needs of, and challenges faced by, these vulnerable and marginalized groups in order to ensure that [companies do] not contribute to, or exacerbate, such discrimination”.¹³⁰ From this perspective, all necessary measures must be taken, in order to ensure that the Project’s activity will not have a disproportionate impact on people that belong to certain groups and will protect, among others, their right to non-discrimination, to an adequate standard of living and to the highest attainable standard of health, to equal protection under the law and to an effective remedy in case of negative impacts.




Consequently, the Project’s response to human rights impacts could be prioritized, taking into account the groups or populations that may be at heightened risk of vulnerability or marginalization and “the risk that a delayed response to certain impacts could affect those groups disproportionately”.¹³¹ The groups that are called out for special attention due to vulnerability include migrants/refugees and especially seasonal agricultural workers, the Roma, as well as landowners and farmers that have already been impacted by past natural disasters (wildfires and earthquakes) who are particularly sensitive to loss of livelihoods and destabilization of their community’s natural and social environment (see Appendix 8.9.1_ESIA Supporting Report on Vulnerable Groups_ed01_ERM.docx).

In the study area, there are many other rightholders that could be considered vulnerable, including elderly people, children, long term unemployed persons, people with a chronic disease or disability, people living in geographically remote areas, single parent families, or others who, for whatever

¹²⁹ Giannakopoulos, D., Chatzilaou, Ch., Dolianitis, I., Plytas, N. & Karellas, S. (2018). Socio-economic impacts from the installation and operation of conventional and renewable energy sources. In I. Tsiganou, & R. Kinti, R. (Eds.) *Energy and Local Communities* (pp. 53-86). National Centre for Social Research (EKKE). Available at: <https://www.ekke.gr>

¹³⁰ United Nations, Human Rights Office (2012). The Corporate Responsibility to Respect Human Rights. An Interpretative Guide (pp. 40-41). UN, N.Y & Geneva. Available at: https://www.ohchr.org/documents/publications/hr.pub.12.2_en.pdf
Also see: United Nations (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework (document ref. A/HRC/17/31, March 2011), pp. 17-18. Available at: www.ohchr.org

¹³¹ United Nations Human Rights Office of the High Commissioner (2020). Identifying and Assessing Human Rights Risks related to End-Use. A B-Tech Foundational Paper. Available at: <https://www.ohchr.org>

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reason are at a disadvantage with respect to the general population. The identification of right-holders that were prioritized as vulnerable, was based on a contextualized assessment of vulnerability that takes into account the realities of local situation, instead of a labeling certain demographic categories as “vulnerable groups”. As stated by OHCHR,¹³² vulnerability is context dependent: “For example, while women are more vulnerable to abuse than men in some contexts, they are not necessarily vulnerable in all contexts. Conversely, in some situations women from marginalized groups may be doubly vulnerable: because they are marginalized and because they are women”. Therefore, the fact that a person falls within a given demographic category that is generally considered vulnerable, does not document vulnerability without taking into consideration the features of the specific socioeconomic, cultural and environmental context into which this person lives.¹³³

The human rights framework emphasizes that vulnerable groups must be protected by applying the empowering principles of on non-discrimination and participation¹³⁴ (also see Section 8 J.2.3.2.5). Meaningful consultation with vulnerable rights-holders is necessary in order to further elaborate plans for mitigation measures that will reduce the level of potential negative impact on these groups. Among the aforementioned vulnerable groups, the discourse of the migrant and the Roma population is rarely heard in public discussions and community consultations. These groups or their representatives should not be deprived of opportunities to advocate for their rights and exert an influence on the design and implementation of policies and programmes that could improve their status.¹³⁵

Non-discriminatory participation practices, also include a gender sensitive approach to rightholders engagement. In terms of gender equality, although the traditional patterns and family roles are still prevalent in Greece, there have been significant recent developments in the status of women’s rights. Women have made advances in university education with more than 50% of female Greek citizens obtaining university degrees, whilst women in urban areas are more likely to reject stereotypical traditional roles and seek employment opportunities.¹³⁶ In rural areas, the policies of endogenous and integrated rural development support small business initiatives for women and women




¹³²United Nations, Human Rights Office (2012). The Corporate Responsibility to Respect Human Rights. An Interpretative Guide (p. 11). UN, N.Y & Geneva. Available at: <https://www.ohchr.org>

¹³³Tromp, D. (2016). Assessing Business-Related Impacts on Human Rights Indicators and Benchmarks in Standards and Practice. Institute for Development and Peace (INEF) Report 110/2016. Availabe at: <https://www.uni-due.de>

¹³⁴International Council on Human Rights (2009). Corruption and Human Rights: Making the Connection. Available at: <https://reliefweb.int>

¹³⁵ International Council on Human Rights (2009). Corruption and Human Rights: Making the Connection. Available at: <https://reliefweb.int>

¹³⁶<https://borgenproject.org/womens-rights-in-greece/>

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cooperatives and despite the problems they face (small economic efficiency), they tend to increase in number and some of them have proven to be an example of good practice.¹³⁷

But this does not seem to apply to migrant and Roma women, who are, on average, at an even worse economic and educational disadvantage as compared to their male counterparts. The UN Committee on the Elimination of Discrimination against Women¹³⁸ and the Greek National Commission for Human Rights¹³⁹ point out that there is lack of data on the social exclusion and the difficulties that Roma women may face in their access to education, employment, healthcare and political and public participation and express concerns on the unfavorable position of Roma women within the Roma communities. In Greece, Roma women have higher levels of illiteracy than Roma men and lack of the necessary qualifications and expertise to participate actively in the formal labor market,¹⁴⁰ while they might be married and start family life at a very young age.¹⁴¹

The Project must work with local authorities, representatives / leaders of these groups, community groups and farmers in order to find out how to engage these vulnerable populations in consultation, without exposing them to any kind of risk (e.g., inter-group conflicts). This may require the creation of safe spaces for disclosure as well as awareness of the cultural sensitivities of the specific groups.¹⁴²

8 J.2.3.2.5 Transparency, Accountability, Participation

In recent years, numerous financial institutions, government agencies, international organizations and development experts addressed the subject of corruption, so that it is no longer a taboo. The United Nations Convention against Corruption (UNCAC), the UN Global Programme against

¹³⁷Gidakou, I. (2015). Women's entrepreneurship in rural Greece. *International Journal of Business and Management*, 10(10):129. doi:10.5539/ijbm.v10n10p129




¹³⁸UN, Committee on the Elimination of Discrimination against Women. (2013). Concluding Observations: Greece, CEDAW/C/GRC/CO/7, 1 March 2013, par. 26, 28, 32-33 and 36.

¹³⁹Greek National Commission for Human Rights (GNCHR) (2016). Written Information submitted by the Greek National Commission for Human Rights (GNCHR) in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece. Available at: <https://tbinternet.ohchr.org>

¹⁴⁰European Commission against Racism and Intolerance (2009). ECRI Report on Greece (fourth monitoring cycle). ECRI Secretariat, Directorate General of Human Rights and Legal Affairs, Council of Europe.

¹⁴¹Andrei, R. , Tkadlecova, T. & Martinidis, G. (2015). Challenges faced by Roma Women in Europe on Education, Employment, Health and Housing: focus on Czech Republic, Romania and Greece. *Balkan Social Science Review*. 4:323-351.

¹⁴²Community Tool Box (2021). Building Culturally Competent Organizations. Available at: <https://ctb.ku.edu>

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Corruption, Transparency International (TI) and other civil society actors have created a large forum for discussion around the issue.¹⁴³

Corruption is defined as the abuse of entrusted power for private gain.¹⁴⁴ A human rights based approach to anti-corruption means putting the international human rights entitlements and claims of the people (the ‘right-holders’) and the corresponding obligations of the ‘duty-bearer’ in the center of the anti-corruption efforts.¹⁴⁵ The United Nations Human Rights Committee sets out three key messages on the relation between corruption and human rights: (1) Corruption is a major obstacle to the realization of all human rights — civil, political, economic, social and cultural, as well as the right to development; (2) anti-corruption efforts must be strengthened through the application of a human rights based approach, founded on the principles of transparency, accountability, equality, non-discrimination and participation; (3) specific human rights, in particular the rights to information, freedom of expression and assembly, an independent judiciary and participation in public affairs, have a critical role in combatting corruption.¹⁴⁶

The Global Compact, which is the Corporate Social Responsibility initiative of the UN, also contains a general anti-corruption principle (Principle 10), reading as follows: “Business should work against corruption in all its forms, including extortion and bribery”.¹⁴⁷ The World Bank¹⁴⁸ also integrated anti-corruption into its work since the mid-1990s and embraced three human rights principles that are essential in tackling corruption, namely, social accountability, transparency and participation (Box 3-1).¹⁴⁹

¹⁴³ International Council on Human Rights (2009). Corruption and Human Rights: Making the Connection. Available at: <https://reliefweb.int>

¹⁴⁴ Transparency International (2009). The Anti-Corruption Plain Language Guide. Available at” <https://www.u4.no>




¹⁴⁵ United Nations Human Rights Committee (2020). The Human Rights Case Against Corruption. Available at: <https://www.ohchr.org>

¹⁴⁶ United Nations Human Rights Committee (2020). The Human Rights Case Against Corruption. Available at: <https://www.ohchr.org>

¹⁴⁷ United Nations Global Compact (n.d.). The 10 Principles of the UN Global Compact. Available at: <https://www.unglobalcompact.org>

¹⁴⁸ Organization for Economic Cooperation and Development (OECD) (2013). Integrating Human Rights into Development. Donor Approaches, Experiences and Challenges. OECD and International Bank for Reconstruction and Development / The World Bank.

¹⁴⁹ Raoul Wallenberg Institute of Human Rights and Humanitarian Law (2018). The Nexus Between Anti-Corruption And Human Rights. Lunde: Ministry of Foreign Affairs of Denmark. Available at: <https://rwi.lu.se>

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Box 3-1 Transparency, Accountability, Participation

Transparency: “The characteristic of governments, companies, organizations and individuals of being open in the clear disclosure of information, rules, plans, processes and actions. As a principle, public officials, civil servants, the managers and directors of companies and organizations, and board trustees have a duty to act visibly, predictably and understandably to promote participation and accountability”.

Accountability: The concept that individuals, agencies and organizations (public, private and civil society) are held responsible for upholding and respecting human rights and executing their powers properly.

Participation: The concept that all rightholders, including vulnerable groups, “are meaningfully involved in deciding how resources are used, protected, managed and allocated. Participation involves obligations as well as rights: it also implies that all rightholders have to adhere to and comply with legal rules and regulations”.

Source: Transparency International, 2009^{150,151}

A wide range of anti-corruption interventions have focused on improving information disclosure policies and transparency of projects / operations in various sectors as a prerequisite to improve monitoring and public oversight of development projects.¹⁵² In Greece, the fight against corruption and the enhancement of transparency are key goals of the National Transparency Authority (NDA), which was established in 2019, as an Independent Authority.¹⁵³

Access to information is a human right in itself, whilst it empowers people to exercise other human rights as well. The right to information is enshrined in the International Covenant on Civil and Political Rights (article 19) and in the UN General Assembly Resolution 59, stating that “freedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated”.¹⁵⁴ Freedom of expression and exchange of information or ideas is guaranteed in article 10 of the European Convention on Human Rights, article 11 of the EU Charter of Fundamental Rights and articles 5 and 14 of the Greek Constitution. The right of access to




¹⁵⁰Transparency International (2009). The Anti-Corruption Plain Language Guide. Available at” <https://www.u4.no> Also see: Transparency International (2011). Promoting Revenue Transparency. 2011 Report On Oil And Gas Companies. Available at: https://images.transparencycdn.org/images/2011_PRT_EN.pdf

¹⁵¹ Götzmann, N. (Ed.) (2019). Handbook on Human Rights Impact Assessment. The Danish Institute for Human Rights.

¹⁵²Transparency International (2009), op. cit.

¹⁵³<https://aead.gr/nta/apostoli-kai-armodiotites>

¹⁵⁴ United Nations General Assembly (1966). *International Covenant on Civil and Political Rights*. Assembly Resolution 2200A(XXI). Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

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information i.e. key facts and data from the government and any public body is also guaranteed by the Greek legal order (Law 184(1)2017 and Law 156(1)2018).

When information flows freely and people are able to expose their opinions without exposing themselves to risks to their personal security, it is easier to identify and denounce cases of human rights violations.¹⁵⁵ New information and communication technologies are considered to increase the reach of transparency at less expense and potentially create new opportunities for participation and accountability, as they facilitate the dissemination of information, decrease the chances for bribes and provide opportunities for exposing opinions or indications of corruption.¹⁵⁶

In the Project's context, disclosure materials (e.g. community pamphlets, posters etc.), as well as any information provided should be accessible and understood by the intended recipients. The Company should maintain an informative and user-friendly website with information available to public. The website should include active contact information for anyone who is interested in further information. Each corporate website should also have an English version, which allows for global comparisons and analyses. It is important for websites to be regularly updated with new information, including media releases and all published data.¹⁵⁷

The degree of rightholder participation can be assessed using quantitative indicators, including the number of individuals, the time invested in and the frequency of participation, the involvement of individuals and the extent of influence on the process with respect to the issues addressed that citizens are entitled to.¹⁵⁸

Rightholders must feel safe to participate in any form of engagement, without fear for retaliation or reproach for their opinion. Ideally, rightholders who are members of vulnerable groups should be engaged directly but where this is not possible because it might threaten their safety or privacy, engagement can occur through legitimate and credible representatives who can make their voices heard.¹⁵⁹ In case the views of vulnerable members of the community are represented by a local




¹⁵⁵ International Council on Human Rights (2009). Corruption and Human Rights: Making the Connection. Available at: <https://reliefweb.int>

¹⁵⁶ Harrison, T.M. & Sayogo, D.S. (2014). Transparency, participation, and accountability practices in open government: A comparative study. *Government Information Quarterly*, 31(4):513-525, Available at: <https://www.sciencedirect.com>

¹⁵⁷ Transparency International (2011). Promoting Revenue Transparency. 2011 Report On Oil And Gas Companies. Available at: https://images.transparencycdn.org/images/2011_PRT_EN.pdf

¹⁵⁸ Addink, H. (2019). The Principle of Participation Good Governance: Concept and Context. Oxford Scholarship Online. Available at: <https://oxford.universitypressscholarship.com>

¹⁵⁹ United Nations, Human Rights Office (2012). The Corporate Responsibility to Respect Human Rights. An Interpretative Guide. UN, N.Y & Geneva. Available at: https://www.ohchr.org/documents/publications/hr.pub.12.2_en.pdf

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leader or other persons, it must be assured that they truly represent these members, i.e., they have their permission and support.¹⁶⁰

Rightholders participating in consultation must be aware of how their inputs will be used in the HRIA process and be ensured that their identity can remain confidential if they wish so. The right of local people, including vulnerable groups, to express their views freely in consultation meetings or in personal communication with Project’s representatives, must not put at risk their right to personal data protection, according to the General Data Protection Regulation (GDPR), the Data Protection Law Enforcement Directive (EU 2016/680) national laws 4624/2019 and 3471/2006, as well as other regulations concerning the protection of the individual from the processing of personal data.

Table J.2.3-5 summarizes the Project’s activities with potential impact on human rights related to transparency, participation and freedom of expression and the relevant Project’s policies.

¹⁶⁰ International Petroleum Industry Environmental Conservation Association (IPIECA) (2021). Human Rights Due Diligence Guidance. A practical guidance for the oil and gas, and alternative energy industry. Available at: <https://www.ipieca.org>

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Table J.2.3-5 Transparency, Participation, Freedom of Expression and relevant Project's measures and policies

Project activity	Rights affected	Potential risk / impact	Measures to identify, prevent or mitigate human rights risks and impacts	Relevant benchmarks	Relevant policies
<ul style="list-style-type: none"> Engagement with local and national authorities 	<ul style="list-style-type: none"> Right to information – transparency 	<ul style="list-style-type: none"> Potential risk that community investment could be diverted to elites/ vested interest groups 	<ul style="list-style-type: none"> Implement and monitor the observance Company's Code of Conduct provisions on transparency and anti-bribery by workers and anyone acting on behalf of the Company Company policies on transparent hiring and contracting process Revenue transparency 	<ul style="list-style-type: none"> National Transparency Authority (Law 4622/2019) Greek legislation on Procurement and Public Procurement processes Penal Code, Articles 159, 159A, 235-237, 237A, 396 	<ul style="list-style-type: none"> Code of Conduct Due Diligence procedures for business partners, including suppliers and contractors
<ul style="list-style-type: none"> Rightholder engagement and community consultation 	<ul style="list-style-type: none"> Participation Non discrimination 	<ul style="list-style-type: none"> No negative impact is expected on enjoyment of the right to participation, but potential for rightholder engagement to discriminate against 	<ul style="list-style-type: none"> Identification and engagement with local representative rightholders in relation to social investment programmes - including provision of work skills training and infrastructure, as well as the development of a 	<ul style="list-style-type: none"> EBRD¹ Performance Requirements (10) ChFR² 21 IFC³ principles on Social and Environmental Investment 	<ul style="list-style-type: none"> Corporate Social Responsibility Policy Social & Environmental Investment Strategy Rightholder Engagement Strategy

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		already disadvantaged groups	community benefit monitoring system.		
	<ul style="list-style-type: none"> Freedom of expression Personal data protection 	<ul style="list-style-type: none"> Unlikely, but potential for restriction on freedom of speech / freedom of expression as a response to public criticism of project or fear of personal data misuse 	<ul style="list-style-type: none"> Active engagement of rightholders and public solicitation of their views through rightholder engagement Proactive application of Third Party Grievance Mechanism Protection of the engaged participants' personal data, according to the relevant legislation 	<ul style="list-style-type: none"> ChFR 8 General Data Protection Regulation (GDPR), the Data Protection Law Enforcement Directive (EU 2016/680) TFEU⁴ Art. 16, TEU⁵ Art. 39 Greek legislation, including laws 4624/2019 and 3471/2006 	<ul style="list-style-type: none"> Corporate Social Responsibility Policy Rightholder Engagement Strategy Third Party Grievance Mechanism
¹ EBRD: European Bank for Reconstruction and Development ² ChFR: The Charter of Fundamental Rights ³ IFC: International Finance Corporation ⁴ TFEU: Treaty on the Functioning of the European Union ⁵ TEU: Treaty on European Union					

Prepared by: (ASPROFOS, 2022).




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8 J.2.4. OVERALL ASSESSMENT AND CONCLUSIONS

Based on the review of the Project’s potential effects on human rights and identification of available mitigation measures, it is unlikely that the Project will result to significant adverse human rights impacts during its life-cycle. The Project’s aspects that may interfere with human rights issues, including the essential, expected and desirable priorities for the planning of mitigation measures, as identified in Section 3.3., are summarized in Table J.2.4-1 below.

Table J.2.4-1 Overview of the Project’s potential impacts on human rights




Category of rights	Likelihood	Intensity	Extent	Duration	Reversibility	Residual impact
Right to a healthy environment	Rare	Low	Regional	Short term	Avoidable	Medium (positive)
Right to work	Probable	Medium (positive)	Regional	Long term	n/a	n/a
Right to just and fair working conditions (in supply chain / contractors)	Probable	High	Regional	Short term	Preventable	Medium (positive)
Rights of the child (underaged workers)	Very rare	Low	Local	Short term	Avoidable	None
Right to health and safety (in the workplace)	Likely	High	Local	Short term	Preventable	Medium (positive)
Freedom of assembly and of association	Very rare	Low	Regional	Short term	Preventable	Medium (positive)
Right to property	Probable	Medium	Local	Long term	Reversible	None
Right to remedy	Likely	Low	Regional	Long term	Avoidable	Medium (positive)
Right to the highest attainable standard of living (local communities)	Likely	Low	Local	Short term	Preventable	None

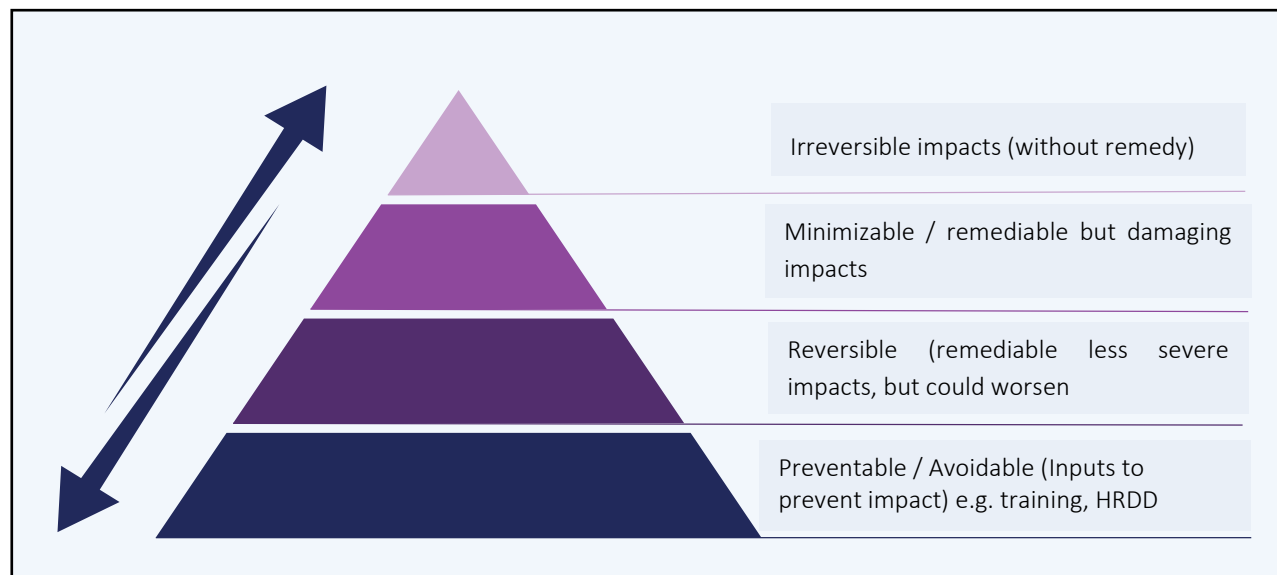
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Category of rights	Likelihood	Intensity	Extent	Duration	Reversibility	Residual impact
Right to health and safety (local communities)	Rare	Low	Local	Short term	Preventable	None
Vulnerable groups rights (non-discrimination)	Likely	Medium	Regional	Long term	Avoidable	Low (positive)
Equality, non-discrimination (livelihoods)	Rare	Low	Regional	Long term	Avoidable	Medium (positive)
Access to information / Transparency	Likely	Medium	National	Long term	Preventable	None
Freedom of expression / participation	Rare	High	National	Long term	Preventable	None
Personal data protection	Rare	High	National	Long term	Preventable	None

Prepared by: (ASPROFOS, 2022).

Based on the safety triangle that presents a categorization of indicators for human rights risks levels (Figure J.2.4-1), from indications/inputs to avoid or prevent incidents (bottom of triangle) to incidents of major consequences (top of triangle), it is concluded that most of the Project's human rights impacts are included at the bottom level of the diagram, i.e., they are potential impacts that can be avoided or prevented through the application of appropriate mitigation measures and performance assessment.

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Prepared by: (ASPROFOS, 2022). Source: IPIECA, 2021.¹⁶¹




Figure J.2.4-1 The safety triangle on human rights.

Human rights due diligence focuses first and foremost on the potentially adverse human rights impacts, as it should do,¹⁶² but, as described in previous sections, there's also the potential of generating Project benefits for rightholders. Strengthening gas supply is compatible with the national and European goals of improving energy security, transitioning to a low-carbon society and mitigating climate change. In the context of sustainable development, the transition to a lower-carbon global economy is expected to have long term environmental, economic, social and human rights benefits for all.¹⁶³ Additional human rights opportunities of the Project are relevant to equality and non-discrimination, with the opportunity to increase awareness of the discrimination risks faced by vulnerable populations and communicate the norms and practices relating to non-discrimination to its Contractors or Supply Chain, or even in the local communities. Also, the Project has the opportunity for positive impacts upon the application of labor rights, advocating for robust oversight

¹⁶¹International Petroleum Industry Environmental Conservation Association (IPIECA) (2021). Human Rights Due Diligence Guidance. A practical guidance for the oil and gas, and alternative energy industry. Available at: <https://www.ipieca.org>

¹⁶² The Danish Institute for Human Rights (2020). Human Rights Impact Assessment Guidance And Toolbox. Available at: <https://www.humanrights.dk>

¹⁶³ International Petroleum Industry Environmental Conservation Association (IPIECA) (2021). Human Rights Due Diligence Guidance. A practical guidance for the oil and gas, and alternative energy industry. Available at: <https://www.ipieca.org/>

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of working relations, as well as upon stakeholder relations, with transparent and accountable methods of project development and implementation.

It must also be noted that, according to the UN Guiding Principles, it is not acceptable to offset adverse impacts to human rights, through positive contributions in other domains¹⁶⁴ (e.g. negative environmental impacts mitigated by jobs being created): “Business enterprises may undertake other commitments or activities to support and promote human rights, which may contribute to the enjoyment of rights. But this does not offset a failure to respect human rights throughout their operations”.¹⁶⁵ Thus, human rights opportunities mentioned here are only the ones that result from effectively addressing the Project’s potential impacts and not by benefits provided in other domains.

The results of HRIA will complement the Project’s environmental and social management to ensure that avoidance, prevention and mitigation measures for Human Rights impacts identified in the HRIA are implemented. All Project activities will comply with national legislation and internationally accepted good practice standards, in order to apply consistent and effective management practices on workforce, community health and safety, contractors and suppliers screening, site safety and security. All necessary actions must also be taken to monitor the Project’s progress in addressing the potential impacts that have been identified, as well as to capture any unanticipated local impacts and ensure the timely and effective implementation of all the avoidance, prevention and mitigation measures as relevant.

¹⁶⁴ The Danish Institute for Human Rights (2020), op. cit.

¹⁶⁵ UN Guiding Principle 11, Commentary. Available at: <https://globalnaps.org/ungp/guiding-principle-11/>