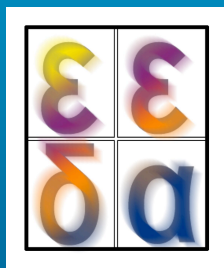


HELLENIC REPUBLIC
NATIONAL COMMISSION FOR HUMAN RIGHTS

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Statement by
the Greek National Commission for Human Rights (GNCHR)
to the
UN Working Group on the issue of human rights and transnational corporations and
other business enterprises global consultation on the role of national human rights
institutions (NHRIs) in facilitating access to remedy for business related human rights
abuses

Geneva, 10-11 October 2019

The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection. It was established by Law 2667/1998 in accordance with the UN Paris Principles. Forty-one institutions whose activities cover the field of human rights are currently represented in the GNCHR (independent authorities, departments of university-level educational institutions, workers' and disabled persons' confederations, NGOs, political parties and ministries).

The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State, established in accordance with the Principles relating to the Status of National Institutions (Paris Principles), endorsed by the United Nations General Assembly in its Resolution 48/134 on “National Institutions for the promotion and protection of Human Rights (NHRI)” of December 20th 1993. Given that the GNCHR’s mandate does not encompass an individual complaint mechanism, the GNCHR’s engagement with Business and Human Rights and particularly the access to remedy pillar of the Guiding Principles on Business and Human Rights has been indirect, such as through advocacy and raising awareness activities, public hearings, reporting etc.

Regarding reporting, the GNCHR is accredited with status A (full compliance) by the competent international Sub-Committee on Accreditation of the GANHRI, operating under the auspices and in cooperation with the Office of the UN High Commissioner for Human Rights, thus enabling the GNCHR to participate in a range of UN mechanisms, such as the Human Rights Council, monitoring bodies (Treaty Bodies), Special Rapporteurs and Independent Experts (Special Procedures), the Universal Periodic Review or of the Council of Europe, such as the Commissioner for Human Rights, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Committee against Racism and Intolerance (ECRI) or even of the EU, such as the European Commission, the Agency for Fundamental Rights (FRA). Therefore, the GNCHR’s alternative reports could provide additional information regarding state conduct in the area of human rights and transnational corporations and other business enterprises.

Regarding public hearings and advocacy initiatives, the pluralistic and polyphonic composition of the GNCHR, which is comprised by 41 stakeholders, facilitates the dialogue between different stakeholders of the civil society and the state. Indeed, the GNCHR plays a central role as a bridge builder between the state and the civil society. In the context of this role, the GNCHR is also entrusted with the competence to “invite [at its discretion] persons to be heard before it who can assist its work by an account of personal experiences or the expression of views in connection with the protection of human rights” (Article 4 (5), Law 2667/1998). This entails the possibility to invite stakeholders from the business sector and trade unions.

In particular, the GNCHR has actively advocated the protection and promotion of labor rights and social security, such as the prompt adoption of regulations for the restoration of the principles of collective bargaining, as well as the respect for/of the freedom to unionize, of the principles of social dialogue, wage protection and job protection, combating undeclared work, social security and safety, the elimination of systematic discriminations against young people in employment (e.g. wages) etc.

In 2017, the GNCHR organized a notable hearing of stakeholders and persons on the full compliance of the Greek State with the ECtHR judgment *Chowdury and Others v. Greece* (the “Manolada” case). Particular emphasis was placed on the issues of preventing phenomena of forced labor and human trafficking, access to justice, health, social security and accommodation of workers. The GNCHR made use of Rule no 9 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, whereby the GNCHR communicated its report to the Committee of Ministers. Although the GNCHR report did not involve business enterprises, it highlighted a systematic breach of human rights due to certain practices in the agricultural sector, particularly as regards the access of victims of trafficking and forced labor in Greece to

effective remedy, and particularly effective investigation and prosecution of human trafficking crimes. According to the public hearing carried out by the GNCHR, there is a lack of inspection in open rural areas, whereas, according to the civil society actors who participated in the GNCHR hearing and the lawyers who represented the victims of trafficking in the courts, the lengthy procedures before the Greek courts, as well as the repeated and unnecessary postponements often prevent victims from claiming the punishment of the perpetrators and seeking moral and material satisfaction. Accordingly, the GNCHR called for effective inspections, investigation and prosecution of human trafficking crimes for the purpose of labor exploitation or/and forced labor.

There is of course a cross-border component in international trafficking and forced labor. To that extent, the GNCHR called upon national authorities to strengthen their efforts to detect cases of human trafficking in the context of border controls, including through further training of border guards on the identification of victims of human trafficking; discourage demand for the services of victims of human trafficking for the purpose of labor exploitation and/or forced labor and to take concrete measures to encourage businesses to eliminate human trafficking and forced labor from their supply chains. The GNCHR also urged national authorities to pay increased attention to detecting victims of human trafficking among migrants and asylum seekers in first-line reception centers and persons detained as irregular migrants and provide additional training to staff who come into contact with them, as well as to adopt measures to facilitate and guarantee access to compensation for victims of trafficking and/or forced labor.

Whilst developing its human rights impact assessment comprehensive methodology, the GNCHR is eager to incorporate a business and human rights component into its strategic planning, with particular emphasis on corporate accountability, the right to environment and the activation in Greece of non-State-based grievance mechanisms such as those described in the OECD Guidelines for Multinational Enterprises.