

HELLENIC REPUBLIC

GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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GNCHR Public Statement¹

On the procedure regarding the establishment of the Appeals Committees under Law 3907/2011.

The Greek National Commission for Human Rights (GNCHR) expresses its deep concern about the most serious and multiple consequences of the obvious legality issues arising from the recent procedure regarding the establishment of the Appeals Committees under Law 3907/2011, as amended.

Pursuant to this legislation, the GNCHR, in response to an invitation by the competent Ministry for Public Order and Citizen Protection, drew up, by the deadline provided by law, a list of suggested members for 8 Appeals Committees, following a relevant selection procedure conducted by a Selection Committee composed of eminent members of the GNCHR. After several months of undue delay, during which the international protection of second degree was actually non-existent, while the GNCHR had not been officially informed, Ministerial Decision No 9541/25.9.2014 (OJ 583/25.9.2014) was issued, which resulted in:

1. The establishment of the Committees with the participation of persons not included in the list submitted by the GNCHR, by the deadline provided by law.
2. The increase of the number of Appeals Committees by two, without the GNCHR having ever been asked to contribute thereto by suggesting additional Chairmen and members, as provided by law in order for these Committees to be legally established. It must be pointed out that the law provides that in only two cases (expiry of the deadline for submitting the list or failure of the GNCHR to draw up the list) the Appeals Authority or the Minister for Public Order and Citizen Protection is competent to conduct the selection procedure, obligatorily applying the same criteria as the GNCHR, so as to ensure the protection of the rights of the applicants for international protection.

In the above cases, however, the aforementioned exceptional conditions for the continuation of the procedure without the GNCHR contribution were not met. Therefore, it is obvious that the Ministry acted beyond its lawful competence, exercising unlimited discretion and following a procedure that raises serious questions of legality and of operational and substantive independence of the Appeals Committees. It is clear that the participation of the GNCHR (as well as of the Office of the UN High Commissioner for Refugees) in the establishment of these Committees, as provided by law, is precisely aimed at avoiding such phenomena.

The GNCHR attaches particular importance to the institution of international protection and has issued a series of relevant Decisions and Recommendations. To this effect, it has also demonstrated in practice its active support to the new Asylum Service and has actively participated in the procedures laid down by law, thus expressing its trust, particularly in the work of the Appeals Authority. Unfortunately, recent acts on the part of the Ministry for Public Order and Citizen Protection have seriously undermined the GNCHR's trust in the new Appeals Committees.

The GNCHR, in the context of its institutional role as an independent advisory body to the State on Human Rights issues, will continue to closely monitor the issues of international protection.

¹ *Adopted unanimously by the Plenary of the GNCHR at its session of 9 October 2014.*