

HELLENIC REPUBLIC



NATIONAL COMMISSION  
FOR HUMAN RIGHTS

# ANNUAL REPORT

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## 2016

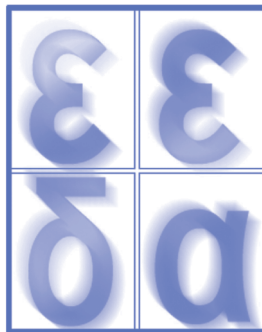
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SUMMARY IN ENGLISH



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## REPORT OUTLINE



**REPORT OUTLINE**

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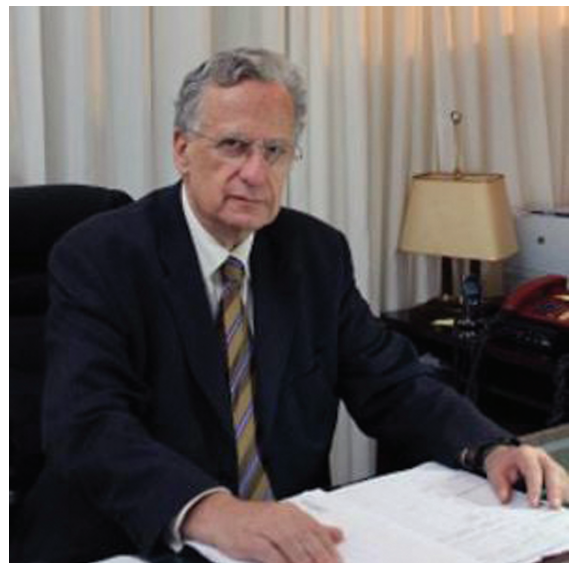
MESSAGE BY THE GNCHR PRESIDENT  
MR GEORGIOS STAVROPOULOS





**MESSAGE BY THE GNCHR PRESIDENT  
MR GEORGIOS STAVROPOULOS**

*The socio-economic crisis, as well as the refugee issue, have left their mark in 2016, a year which has been particularly difficult as far as human rights protection in Greece is concerned. The Greek National Commission for Human Rights (GNCHR), notwithstanding its limited financial and organisational capacities, was particularly active during this period. With reports, statements, recommendations, public debates, comments on draft laws, interventions in international fora, etc., the GNCHR has formulated its own scientifically articulated, impartial and courageous discourse. Moreover, with in situ visits to hotspots and accommodation sites for migrants and refugees, the GNCHR explored the major problems faced by migrants and refugees with regard to the poor living conditions in the accommodation facilities. The GNCHR, as the independent advisory body to the State on matters pertaining to human rights protection, fulfilled once more the important mission the State has entrusted it with, with faith, loyalty, constant vigilance and remarkable militancy. It hasn't always been easy. The challenges are numerous and awaiting to be lifted. The most important intellectual creation of the last centuries, human rights, by serving human value, constitute a source of inspiration and power for their supporters.*



Georgios Stavropoulos

President, Greek National Commission  
for Human Rights

May 2017



SECTION I.  
ABOUT THE GNCHR



The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the State on matters pertaining to human rights protection and promotion.

### The GNCHR mandate

The creation of the GNCHR emanated from the need to constantly monitor developments regarding human rights promotion and protection on the domestic and international plane, to inform Greek public opinion about human rights-related issues and, above all, to provide guidelines to the Greek State aimed at the establishment of a modern, principled policy of human rights protection.

The GNCHR has a general duty to promote awareness, understanding and respect for the whole spectrum of human rights – economic, social, cultural, civil and political – to everyone, everywhere in the Country, as well as to encourage best practice in relation to human rights. The GNCHR full duties and powers are set out in its founding Law (law 2667/1998 as amended).

### The GNCHR main mission

The GNCHR main mission is:

- The constant monitoring of developments regarding human rights protection, the continuous briefing and the promotion of the relevant research.
- The maintenance of permanent contact and co-operation with international organisations, such as the United Nations, the Council of Europe, the OSCE, with NHRIs of other States, as well as with national or international non-governmental organisations.
- The formulation of policy advice of human rights issues.

### The GNCHR as an *A status* NHRI and the Paris Principles

The original source of inspiration for the creation of GNCHR were the Paris Principles adopted by the United Nations (General Assembly Resolution A/RES/48/134, 20.12.1993) and later on by the Council of Europe, international organisations whose mission is to promote the establishment of NHRIs.

The GNCHR is accredited as an *A Status* (full compliance) National Human Rights Institution (NHRI) within the United Nations (UN) system, recognising – among other criteria set by the Paris Principles – its institutional independence and the broadness of its mandate. This means that the GNCHR can report directly to the UN on human rights issues.

The Paris Principles require the GNCHR and other NHRIs to:

- have a foundation in national law
- be independent from government
- have a mandate to cover a broad range of international human rights standards
- demonstrate pluralism and independence in the selection and appointment of members
- have a responsibility to work with both civil society and the State.

### GNCHR and networking

The GNCHR is a member of the European Network of National Human Rights Institutions (EN-NHRI) and the Global Alliance of National Human Rights Institutions (GANHRI) – sharing and learning from best practice around the globe. Moreover, the GNCHR, as an *A status* NHRI, was elected in the European Coordinating Committee (ECC), the Board of the European Network of National Human Rights Institutions (ENNHRI). ECC drives ENNHRI's strategic priorities and is responsible for the management and administration of ENNHRI.



SECTION II.  
GNCHR PUBLICATIONS





## GNCHR PUBLICATIONS

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## GNCHR Thematic Reports

### **GNCHR Report on the EU-Turkey Agreement of the 18th of March 2016 regarding the refugee/migration issue in Europe in light of Greek Law No. 4375/2016 (25.4.2016)**

The GNCHR, as the independent advisory body to the State on matters pertaining to human rights protection, attaches great importance to the protection of refugees and asylum seekers and has adopted a number of relevant decisions and recommendations, while closely monitoring the level of international protection in Greece. In this context, the GNCHR issued, on April 25, 2016, a Report on the EU-Turkey Agreement of the 18th of March 2016 regarding the refugee/migration issue in Europe in light of Greek Law No. 4375/2016. In this Report, the GNCHR cautioned that the Agreement contains several ambiguities and gaps that can cause interpretative as well as practical problems and expressed its deep concern regarding the content of the Agreement and particularly the manner in which the latter will be implemented.

For this purpose, the GNCHR evoked for the umpteenth time fundamental international and European human rights instruments, in particular the EU Charter of Fundamental Rights and most notably Article 18 thereof; the 1951 Geneva Convention; the Protocol Relating to the Status of Refugees of 31 January 1967; Resolution 1821 (2011) of the Parliamentary Assembly of the Council of Europe on the interception and

rescue at sea of asylum seekers, refugees and irregular migrants, and recalled that the right of access to asylum and the prohibition of refoulement constitute fundamental pillars of the Refugee Law and the Universal Principles of human rights' protection upon which the international and European communities have been built.

Finally, the GNCHR called upon the Greek authorities to be particularly attentive to the implementation of the 18<sup>th</sup> of March Agreement between EU and Turkey, in order to make sure that the latter will not infringe fundamental rights of refugees, migrants and asylum seekers –as these are guaranteed under European and international law and interpreted by the international and European judicial bodies. Furthermore, the GNCHR called upon the EU, which is after all the party to the Agreement with Turkey, not to pass the legal and moral responsibility of the refugee and migration crisis on to Greece. The EU must assume her own share of liability and responsibility and take all necessary measures so that the Agreement with Turkey will not be to the detriment of the rights of refugees and migrants.

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This is a summary in English of the *GNCHR Report on the EU-Turkey Agreement of the 18th of March 2016 regarding the refugee/migration issue in Europe in light of Greek Law No. 4375/2016* [in Greek language], available at: [http://www.nchr.gr/images/pdf/EKTHESI\\_PROSFYGIKO.pdf](http://www.nchr.gr/images/pdf/EKTHESI_PROSFYGIKO.pdf).

## GNCHR Report on the rights to social security

The GNCHR, the independent advisory body to the Greek State on issues pertaining to Human Rights protection, has repeatedly underscored since 2010 through its decisions and recommendations the economic crisis impact on a whole series of rights, one of them being the right to social security.

In this context, the GNCHR issued, on May 5, 2016, a Report on the right to social security, in which it underlines anew that its specific observations on the impact of continuing austerity measures also regard the social security right and still remain topical. In particular, the GNCHR stressed that the long standing application of austerity measures, gradually becoming permanent, undermines human rights protection finally driving to their non fulfillment, underestimates the State's capability to guarantee basic economic and social rights due to drastic cuts in social expenditure, destructures the Social State and intensifies the downgrading of people's living standards; as a result, an increasing part of the population becomes poorer and miserable; the social gap is getting deeper and the social fabric is broken down, as stressed by international supervisory Bodies.

Taking into account that the right to social security remains topical in the light of additional limiting interventions, the GNCHR took steps to remind the basic axes of the social security right and set the framework for social security protection; in addition, it outlined the fundamental elements and the principles governing such protection.

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This is a summary in English of the *GNCHR Report on the right to social security* [in Greek lan-

guage], available at: [http://www.nchr.gr/images/pdf/nea\\_epikairothta/Asfalistiko\\_ekthesi.pdf](http://www.nchr.gr/images/pdf/nea_epikairothta/Asfalistiko_ekthesi.pdf).

## GNCHR Recommendations: Freedom of information and presumption of innocence: seeking the necessary balance (1.6.2016)

The right to a fair trial has always been of particular interest to the GNCHR. Building on earlier observations of the protection of this right both at the legislative level as well as in practice, the GNCHR specifically examined in a separate report the issue of Freedom of information and presumption of innocence.

Seeking the right balance between the rights linked to the freedom of information and the rights stemming from the right to fair trial, the GNCHR aspires, through the present report, to enhance the protection of the right to fair trial in general, with a special focus on the need for the effective implementation of the rights, freedoms and principles enshrined in human rights instruments at international, European and national level with regard to this fundamental right. At the same time, the GNCHR aims at contributing to the consolidation of the protection of the presumption of innocence, by recommending a set of initiatives and measures, which will allow its effective functioning.

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This is a summary in English of the GNCHR Recommendations: *Freedom of information and presumption of innocence: seeking the necessary balance* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/dikaih\\_dikh/EEDA\\_2016\\_Tekmirio%20Athwotitas.pdf](http://www.nchr.gr/images/pdf/apofaseis/dikaih_dikh/EEDA_2016_Tekmirio%20Athwotitas.pdf).

## GNCHR Observations on Draft Laws and Draft Ministerial Decisions

### GNCHR Observations on Article 12 of the Draft Law of the Ministry of National Defence on Regulation of the issues of soldiers' permutations, staff care and other provisions (Consentious Objectors) (20.1.2016)

The GNCHR has shown sustained interest in matters relating to freedom of conscience. In particular, it has repeatedly dealt with chronic violations of the rights of conscientious objectors while constantly underscoring the need for harmonization of the Greek legislation with international and European human rights' standards. In the context of its institutional role as the independent advisory body to the State on matters pertaining to human rights protection, the GNCHR issued on January 20, 2016 the present Observations, reiterating *inter alia* its previous *Recommendations regarding Conscientious Objectors and the Scheme of Alternative Civil-Social Service*<sup>1</sup>.

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This is a summary in English of the *GNCHR Observations on Article 12 of the Draft Law of the Ministry of National Defence on Regulation of the issues of soldiers' permutations, staff care and other provisions (Consentious Objectors)* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/antiriseis\\_suneidisis/EEDA%20SxN\\_Antiriseis%20suneidisis\\_2016.pdf](http://www.nchr.gr/images/pdf/apofaseis/antiriseis_suneidisis/EEDA%20SxN_Antiriseis%20suneidisis_2016.pdf).

### GNCHR Observations on the Draft Law on the amendment of Law 3907/2011 and 4251/2014 and on the adaptation of Greek legislation to the Directive 2013/32/EU (7.3.2016)

The GNCHR attaches great importance to

the protection of refugees and asylum seekers and has adopted a number of relevant decisions and recommendations, while closely monitoring the level of international protection in Greece. In this context, the GNCHR issued, on March 7, 2016, Observations on the Draft Law on the amendment of Law 3907/2011 and 4251/2014 and on the adaptation of Greek legislation to the Directive 2013/32/EU aiming at contributing to the effective operation of the international protection system in Greece.

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This is a summary in English of the *GNCHR Observations on the Draft Law on the amendment of Law 3907/2011 and 4251/2014 and on the adaptation of Greek legislation to the Directive 2013/32/EU* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/prosfuges\\_metanastes/Paratiriseis%20EEDA%20N%203907\\_2011\\_N%204251\\_2014\\_Odigia%202013\\_32\\_EE.pdf](http://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/Paratiriseis%20EEDA%20N%203907_2011_N%204251_2014_Odigia%202013_32_EE.pdf).

### GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on the "Establishment of a National Mechanism for investigating incidents of arbitrariness in security forces and in detention facilities" (July 2016)

The GNCHR, as the independent advisory body to the State on matters pertaining to human rights protection, has repeatedly addressed to the competent state authorities recommendations regarding the establishment of an independent and effective mechanism for investigating complaints for police violence. In this context, the GNCHR issued in July 2016 Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on the "Establishment of a National Mechanism for investigating incidents of arbitrariness in security forces and in detention facilities", which *inter alia* aims at replacing the Office for the Investigation of Incidents of Arbitrariness, set up by Article 1 of Law 3938/2011.

1. For more details on the GNCHR Positions-Decision on Consentious Objectors see GNCHR, Consentious Objectors, available at: <http://www.nchr.gr/index.php/en/2013-04-03-10-23-48/2013-04-03-10-27-55>.

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This is a summary in English of the *GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on the "Establishment of a National Mechanism for investigating incidents of arbitrariness in security forces and in detention facilities"* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/astunomia/Mixanismos\\_Anexartitos2016.pdf](http://www.nchr.gr/images/pdf/apofaseis/astunomia/Mixanismos_Anexartitos2016.pdf).

### **GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on "Providing Legal Assistance to Individuals" (July 2016)**

"Providing legal aid to particularly vulnerable persons in order to ensure their legal protection, and more specifically the effective protection of their rights in the framework of a modern Rule of Law, has been established in Europe as fundamental human right"<sup>2</sup>. In this context and bearing in mind its institutional role as the independent advisory body to State on matters pertaining to human rights protection, the GNCHR has repeatedly expressed its concern regarding the inadequacy of legal aid as it was structured and applied in Greece and stressed that legal aid should be available to every person who is in need of it, in all jurisdictions and all procedural stages.

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This is a summary in English of the *GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on "Providing Legal Assistance to Individuals"* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/dikaih\\_dikh/NomikiVoithia\\_2016.pdf](http://www.nchr.gr/images/pdf/apofaseis/dikaih_dikh/NomikiVoithia_2016.pdf).

2. GNCHR, *Recommendations for a comprehensive legal aid system*, 25.6.2001, available at: [http://www.nchr.gr/images/English\\_Site/DIKAIHDIKH/Nomiki%20sindromi%202001.pdf](http://www.nchr.gr/images/English_Site/DIKAIHDIKH/Nomiki%20sindromi%202001.pdf).

### **GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on "Fees and charges of remedies and procedural acts and court fees" (July 2017)**

The GNCHR, as the independent advisory body to the State on matters pertaining to human rights protection, has repeatedly stressed the need to tackle the problem of high litigation costs impeding access to justice. In this context, the GNCHR issued, in July 2016, Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on "Fees and litigation costs", reiterating its previously formulated recommendations aiming at overcoming barriers to access to court and to effective judicial protection.

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This is a summary in English of the *GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on "Fees and charges of remedies and procedural acts and court fees"* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/dikaih\\_dikh/Paravola2016.pdf](http://www.nchr.gr/images/pdf/apofaseis/dikaih_dikh/Paravola2016.pdf).

### **GNCHR Observations on the Draft Ministerial Decision of the Minister of Health on the "Framework of the organisation and operation of the Office for the protection of the rights of the users of the health services in hospitals of the National Health System (ESY)" (1.9.2016)**

In the framework of its institutional role as an advisory body to the State on matters pertaining to human rights protection, the GNCHR has previously been extensively concerned with the necessity to enhance the protection of the fundamental right to health and its implementation, formulating, thus, proposals and recommendations. In this context, the GNCHR issued, on September 1<sup>st</sup>, 2016, Observations on the Draft Ministerial Decision of the Minister of Health on the "Framework of the organisation and operation of the Office for the protection of the rights of the users of the health services in

hospitals of the National Health System (ESY)", which inter alia attempts to regulate specific issues with regard to the organisation and operation of the Offices for the protection of the rights of the users of the health services in the NHS hospitals, which were first established by Article 9 of Law 3868/2010 for the amelioration of the National Health System.

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This is a summary in English of the *GNCHR Observations on the Draft Ministerial Decision of the Minister of Health on the "Framework of the organisation and operation of the Office for the protection of the rights of the users of the health services in hospitals of the National Health System (ESY)"* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/ygeia/EEDA\\_Grafeo\\_prostasias\\_dikaigmatwn\\_liptwn\\_ygeias.pdf](http://www.nchr.gr/images/pdf/apofaseis/ygeia/EEDA_Grafeo_prostasias_dikaigmatwn_liptwn_ygeias.pdf).

**GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on the "Implementation of the principle of equal treatment irrespective of race, colour, national or ethnic origin, descent, religious or other beliefs, disability or chronic disease, age, marital or family status, sexual orientation, gender identity or gender characteristics and other provisions" (20.9.2016)**

The GNCHR, in the context of its institutional role as the independent advisory body to

the State on matters pertaining to human rights protection, has repeatedly dealt with the issue of the implementation of the equal treatment principle and the prohibition of discrimination, formulating thus recommendations with regard to the adaptation of Greek legislation to the letter and ratio of the directives on equal treatment. For this purpose, the GNCHR issued, on September 20, 2016, *Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on the "Implementation of the principle of equal treatment irrespective of race, colour, national or ethnic origin, ancestry, religious or other beliefs, disability or chronic disease, age, marital or family status, sexual orientation, gender identity or gender characteristics and other provisions"*.

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This is a summary in English of the *GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on the "Implementation of the principle of equal treatment irrespective of race, colour, national or ethnic origin, descent, religious or other beliefs, disability or chronic disease, age, marital or family status, sexual orientation, gender identity or gender characteristics and other provisions"* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/isothta\\_fullwn/EEDA\\_SxN\\_Isi\\_Metaxeirisi\\_2016.pdf](http://www.nchr.gr/images/pdf/apofaseis/isothta_fullwn/EEDA_SxN_Isi_Metaxeirisi_2016.pdf).



## GNCHR Observations on National Reports before International Monitoring Bodies

### GNCHR Observations on the Draft Report of Greece in consideration of the examination of the human rights sector in the frame of the second circle of the mechanism of Universal Periodic Review j-I U.N. (Universal Periodic Review, UPR), Geneva, May, 2016 (25.1.2016)

The submission of the second periodic report of Greece to the United Nations Human Rights Council, in the frame of the mechanism of Universal Periodic Review of the states (Universal Periodic Review, UPR), constitutes a procedure of outstanding importance for the examination of the human rights' condition in our Country. In the context of its institutional role, as the national institution for the protection of human rights (NHRI) in Greece, the GNCHR submitted written observations to the Office of the High Commissioner for Human Rights (OHCHR), in view of the examination of Greece in the frame of the second circle of the mechanism of Universal Periodic Review (UPR). These observations have been addressed to the competent authorities, in order to be taken into account during the preparation of the State Report.

The GNCHR has *inter alia* pointed out the need for the State reports to international human rights monitoring bodies to accurately reflect the situation of human rights in the Country avoiding any embellishments, while noting with satisfaction that the State increasingly puts into practice the recommendation of the GNCHR.

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This is a summary in English of the *GNCHR Observations on the Draft Report of Greece in consideration of the examination of the human rights sector in the frame of the second circle of the mechanism of Universal Periodic Review* [in Greek language], *Annual Report 2016*, pp. 174 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

## GNCHR Monitoring Reports

### GNCHR Report: Living conditions in hotspots and accommodation sites for migrants and refugees (December 2016)

The GNCHR, as the independent advisory body to the Greek State on matters pertaining to human rights protection and in the context of its fundamental mission which consists *inter alia* in monitoring human rights issues and formulating policy proposals on these matters, bearing in mind the Belgrade Declaration (25.11.2015), conducted a series of visits to six accommodation sites in Greece (Elliniko, joint visit with the Greek Ombudsman on 2.6.2016, Elaionas, Elliniko, Schisto and Skaramagkas on 14-15.7.2016, and Kos Island on 13.8.2016). The GNCHR delegation who visited Elliniko on 2.6.2016 included the GNCHR Board, GNCHR members and staff, as well as representatives of the ENNHRI Permanent Secretariat and the European Migration Network Myria (EMN).

The findings of these visits were presented and discussed on October 24, 2016 at a Conference organised by the GNCHR and are available at the present Report on the *Living conditions in hotspots and accommodation sites for migrants and refugees*.

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This is a summary in English of the *GNCHR Report: Living conditions in hotspots and accommodation sites for migrants and refugees*, available at: [http://www.nchr.gr/images/English\\_Site/PROSFYGES/GNCHR%20REPORT%20RECEPTION%20CENTERS.pdf](http://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR%20REPORT%20RECEPTION%20CENTERS.pdf).

## GNCHR Public Statements and Releases

### GNCHR Statement regarding the serious dimensions that the refugee/migration problem has taken in Greece (16.3.2016)

The GNCHR, the independent advisory body to the State on matters pertaining to human

rights protection, given the serious dimensions that the refugee/migration issue has taken in Greece, reiterated in the present Statement the need for immediate coordination for the best possible management of the refugee and migration crisis. The GNCHR reminded for the umpteenth time that basic human rights of migrants and refugees are at risk as well as the rights of the Greek citizens, especially on the border areas, that cannot as first reception areas and within an already strained socio-economic climate manage the constantly increasing migration and refugee flows. Furthermore, the GNCHR recalled that there is an urgent need, now more than ever, for the EU, its member states as well as the United Nations, to consider their share of responsibility; to undertake the burden placed upon them in such a critical juncture in human history and work together for the best possible management of the ever increasing migration flows, while ensuring respect for human life and dignity.

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This is a summary in English of the *GNCHR Statement regarding the serious dimensions that the refugee/migration problem has taken in Greece*, available at: [http://www.nchr.gr/images/English\\_Site/PROSFYGES/GNCHR\\_Statement\\_Refugee\\_Crisis.pdf](http://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR_Statement_Refugee_Crisis.pdf).

#### **GNCHR Statement on the amendment regarding the composition of the Independent Appeals' Committees (17.6.2016)**

The GNCHR attaches great importance to the protection of refugees and asylum seekers and has adopted a number of relevant decisions and recommendations, while closely monitoring the level of international protection in Greece. In this context, the GNCHR issued, on June 17, 2016, Statement on the amendment regarding the composition of the Independent Appeals' Committees aiming at contributing to the effective operation of the Independent Appeals' Committees in Greece.

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This is a summary in English of the *GNCHR Statement on the amendment regarding the composition of the Independent Appeals' Committees* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/prosfuges\\_metanastes/Dimosia%20dilwsi%20EEDA.pdf](http://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/Dimosia%20dilwsi%20EEDA.pdf).

#### **GNCHR Statement in response to the Draft Law on Proportionate representation of political parties, extension of the right to vote and other provisions on the election of members of the Parliament" (20.7.2016)**

The GNCHR has a broad mandate (Article 1(1) of its founding law), in accordance with the Paris Principles, covering – pursuant to the interpretation the NHRI makes of its founding law – the whole range of human rights, as they are enshrined in the Constitution, in international and European treaties and directives, as well as in soft law instruments such as declarations and guidelines, including *inter alia* political rights. In the context of its institutional role as the independent advisory body to the State on matters pertaining to human rights protection, therefore, the GNCHR issued, on July 20, 2016, a Statement in response to the Draft Law on Proportionate representation of political parties, extension of the right to vote and other provisions on the election of members of the Parliament", formulating thus concrete observations.

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This is a summary in English of the *GNCHR Statement in response to the Draft Law on Proportionate representation of political parties, extension of the right to vote and other provisions on the election of members of the Parliament"* [in Greek language], available at: [http://www.nchr.gr/images/pdf/nea\\_epikairothta/ektos\\_epikrateias.pdf](http://www.nchr.gr/images/pdf/nea_epikairothta/ektos_epikrateias.pdf).



### **GNCHR Statement to ensure the timely start of the school year for children with disabilities and/or special educational needs (22.7.2016)**

In the context of its institutional role not only as the National Human Rights Institution (NHRI) but also as part of the international institutional framework for the protection of human rights and bearing in mind its special concern for two of its priorities: childhood protection and promotion of the rights of persons with disabilities and/or special educational needs, the GNCHR issued the present Statement in order to express its deep concern for the partial implementation of the existing legislation on the special education of students with disabilities, as well as for the late start of the school year for children with disabilities and/or special educational needs.

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This is a summary in English of the *GNCHR Statement to ensure the timely start of the school year for children with disabilities and/or special educational needs* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/ekpaideush/Dilosi\\_EAE\\_2016.pdf](http://www.nchr.gr/images/pdf/apofaseis/ekpaideush/Dilosi_EAE_2016.pdf).

### **GNCHR Statement on the occasion of the examination of the applications for international protection of the eight Turkish military (July 2016)**

On the occasion of the ongoing examination of the applications for international protection of the 8 Turkish military asylum seekers and bearing in mind the publicity their case received, the GNCHR, in the context of its institutional role as the independent advisory body to the State on matters pertaining to human rights protection, the GNCHR issued the present Statement in order to express its deep concern for the early public comments of institutional actors, creating the impression that they reflect assessments of the outcome of the process of the examination of the applications for international protection. The GNCHR seized the opportunity to remind

that the right of access to asylum and the non-refoulement principle constitute a fundamental pillar of the universal principles and the international human rights law, on which both the World and the European community have been built.

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This is a summary in English of the *GNCHR Statement on the occasion of the examination of the applications for international protection of the eight Turkish military* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/prosfuges\\_metanastes/dilosi\\_gia\\_toys\\_okto.pdf](http://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/dilosi_gia_toys_okto.pdf).

### **GNCHR Press release on the occasion of another conviction of Greece for conscientious objectors' issues [ECtHR, Papavasiliak v. Greece, 15.9.2016] (27.9.2016)**

The GNCHR has shown sustained interest in matters relating to freedom of conscience. In particular, it has repeatedly dealt with chronic violations of the rights of conscientious objectors while constantly underscoring the need for harmonization of the Greek legislation with international and European human rights' standards. In the context of its institutional role as the independent advisory body to the State on matters pertaining to human rights protection, the GNCHR issued on September 27, 2016 the present press release, reiterating *inter alia* its previous *Recommendations regarding Conscientious Objectors and the Scheme of Alternative Civil-Social Service*<sup>1</sup> and assuring the State of its readiness to contribute to eliminating any discrimination against conscientious objectors.

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This is a summary in English of the GNCHR Press release on the occasion of another conviction of Greece for conscientious objectors' issues

1. For more details on the GNCHR Positions-Decision on Conscientious Objectors see GNCHR, Conscientious Objectors, available at: <http://www.nchr.gr/index.php/en/2013-04-03-10-23-48/2013-04-03-10-27-55>.

[ECtHR, Papavasiliakis v. Greece, 15.9.2016] [in Greek language], available at: [http://www.nchr.gr/images/pdf/nea\\_epikairothta/deltia\\_tupou/DT\\_antirises\\_syneidisis\\_papavasiliakis\\_2016.pdf](http://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/DT_antirises_syneidisis_papavasiliakis_2016.pdf).

### **GNCHR Statement on the implementation of the Curriculum for Religious Education in schools (10.10.2016)**

On the occasion of the implementation of the Curriculum for Religious education in Primary and Secondary education, the GNCHR, in the context of its institutional role as the National Human Rights Institution (NHRI), as well as part of the international institutional framework for the protection of human rights which constantly monitors issues with regard to the freedom of religion and the adaptation of the Greek legislation to the international, European and national human rights law, the GNCHR issued the present statement aiming at reiterating its previously formulated recommendations. In particular, the GNCHR stressed that the exercise of the right to abstain from religious education courses is regulated in a way which is not compatible with religious freedom, as it is made subject to prior formal justification, while underlining that religious education should include an introduction to the history and the main principles of each religion, so as to comply with constitutional and international law requirements and modern European cultural reality.

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This is a summary in English of the *GNCHR Statement on the implementation of the Curriculum for Religious Education in schools* [in Greek language], available at: [http://www.nchr.gr/images/pdf/apofaseis/thriskeutikh\\_eleutheria/Dilosi\\_Thriskeftika.pdf](http://www.nchr.gr/images/pdf/apofaseis/thriskeutikh_eleutheria/Dilosi_Thriskeftika.pdf).

### **GNCHR Statement on the Draft Law of the Ministry of Justice, Transparency and Human Rights, submitted to the Parliament on November 9, 2016, on the "Incorporation of Directive 2000/43/**

**EC implementing the principle of equal treatment irrespective of racial or ethnic origin, of the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and the Directive 2014/54/EC on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers [...] and, IV) Establishment of the National Mechanism for investigating incidents of arbitrariness in security forces and in detention facilities" (17.11.2016)**

The GNCHR, in the context of its institutional role as the independent advisory body to the State on matters pertaining to human rights protection, has repeatedly dealt with the issue of the implementation of the equal treatment principle and the prohibition of discrimination, formulating thus recommendations with regard to the adaptation of Greek legislation to the letter and ratio of the directives on equal treatment. The GNCHR has also addressed to the competent state authorities recommendations regarding the establishment of an independent and effective mechanism for investigating complaints for police violence. For this purpose, the GNCHR issued, on November 17, 2016, a statement on the Draft Law of the Ministry of Justice, Transparency and Human Rights, submitted to the Parliament on November 9, 2016, on the "Incorporation of Directive 2000/43/EC implementing the principle of equal treatment irrespective of racial or ethnic origin, of the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and the Directive 2014/54/EC on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers [...] and, IV) Establishment of the National Mechanism for investigating incidents of arbitrariness in security forces and in detention facilities".

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This is a summary in English of the GNCHR Statement on the Draft Law of the Ministry of

Justice, Transparency and Human Rights, submitted to the Parliament on November 9, 2016, on the "Incorporation of Directive 2000/43/EC implementing the principle of equal treatment irrespective of racial or ethnic origin, of the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and the Directive 2014/54/EC on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers [...] and, IV) Establishment of the National Mechanism for investigating incidents of arbitrariness in security forces and in detention facilities" [in Greek language], available at: <http://www.nchr.gr/images/pdf/apofaseis/astunomia/polynomosxedio2016.pdf>.

**GNCHR Statement in response to the recommendation of the European Commission to reactivate the refugee return mechanism under the Dublin system (19.12.2016)**

The GNCHR attaches great importance to the international protection system and has adopted a number of relevant decisions and recommendations, while closely monitoring the issues rising during the procedures of granting international protection in Greece. Moreover, there

has been a clear commitment on the occasion of the recent Belgrade Declaration of 25.11.2015 among National Human Rights Institutions (NHRIs) to condemn and publicly oppose the violation of the rights of migrants and refugees.

In this context, the GNCHR, with regard to the fourth consecutive recommendation by the European Commission to reactivate the refugee return mechanism under the Dublin system, issued a statement on December 19, 2016, in which it reiterates its established positions, insisting that the only possible and effective solution is the immediate modification of the EU migration policy and in particular of the Dublin system, which was proven to be inconsistent with the current needs and incompatible with the effective protection of human rights as well as the principles of solidarity and burden-sharing among the EU Member-States.

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This is a summary in English of the *GNCHR Statement in response to the recommendation of the European Commission to reactivate the refugee return mechanism under the Dublin system*, available at: [http://www.nchr.gr/images/English\\_Site/GNCHR\\_Dublin\\_Statement\\_en.pdf](http://www.nchr.gr/images/English_Site/GNCHR_Dublin_Statement_en.pdf).

SECTION III.  
GNCHR CONTRIBUTION TO EUROPEAN AND  
INTERNATIONAL MONITORING BODIES AND FORA



## GNCHR CONTRIBUTION TO EUROPEAN AND INTERNATIONAL MONITORING BODIES AND FORA

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## GNCHR Contribution to International fora

### GNCHR Views on the Draft General Comment on Article 24 CRPD (15.1.2016)

In view of the fundamental role played by the GNCHR in promoting and protecting human rights, safeguarding the rights of persons with disabilities has always been high on the GNCHR agenda. Within the framework of its mission, the GNCHR submitted to the Committee on the Rights of Persons with Disabilities its comments on the draft General Comment on Article 24. In its Views the GNCHR assured the Committee that it is in full agreement with the general principles of the Committee's Draft General Comment on Article 24 of the CRPD, while considering them as a valuable tool in the interpretation and implementation of the right to inclusive education.

That being said, the GNCHR emphasised the importance of the challenges arising out of the current socio-economic crisis, which exacerbate the chronic problems observed in the education of children with disabilities, while recalling that it had already voiced its concern for the impact of austerity measures on the outbreak of discrimination on multiple levels and the sharp decline in social rights and suggesting that the very strong link between poverty and disability should be highlighted in the draft general comment. Furthermore, the GNCHR draw attention to the imperative need to continuously assess, in consultation with the relevant stakeholders, the human rights impact of austerity measures. For this purpose, it reiterated that it is of crucial

importance, especially in times of crisis, for protecting and promoting human rights, to create a permanent mechanism, which would evaluate and assess effectively the impact of economic crisis and austerity measures on both the enjoyment of and access to the rights of persons with disabilities, crucial aspect of which is the right to inclusive education.

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This is a summary of the *GNCHR Views on the Draft General Comment on Article 24 CRPD, Annual Report 2016*, pp. 229 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

### GNCHR Written submission on Article 11 of the Convention on the Rights of Persons with Disabilities on situations of risk and humanitarian emergencies (19.2.2016)

The present submission by the GNCHR came at a time when Greece remained plagued by a financial and external debt crisis and the continuous adoption of austerity measures. Since 2010 the GNCHR through various reports and recommendations consistently and constantly expressed its concern regarding the severe impact on human rights by the prolonged implementation of austerity measures of permanent character, which may eventually evolve to a situation of a humanitarian emergency that leads to the degradation of the protection of the rights of persons with disabilities. Furthermore, Greece was facing an unprecedented influx of refugees

and migrants. Under these circumstances, the GNCHR submitted written information on Article 11 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on situations of risk and humanitarian emergencies, in which it stated that it was particularly concerned about the implementation of Article 11 of the CRPD. More specifically, the GNCHR shared information with regard to the humanitarian emergencies in Greece (I), the implementation of Article 11 CRPD in Greece (II) and the need for the EU to share its responsibilities with Greece as far as the implementation of Article 11 CRPD is concerned (III).

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This is a summary of the *GNCHR Written submission on Article 11 of the Convention on the Rights of Persons with Disabilities on situations of risk and humanitarian emergencies, Annual Report 2016*, pp. 231 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

**GNCHR Video statement on the Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights on his mission to Greece (23.2.2016)**

In the present video statement, echoed what had been already affirmed by competent international and European monitoring bodies, namely that austerity measures violate rules of international and European human rights law; and, moreover, that the financing rules of International Financial Institutions (IFIs), including the International Monetary Fund or of other international or European mechanisms relating to the economic or financial support of a State, cannot circumvent the obligation to respect international and European human rights law, especially as these rules are also binding on all States participating in these mechanisms.

In this regard, the GNCHR urgently appealed to the Greek authorities, the EU institu-

tions and the EU member-States to immediately and jointly mobilise towards the preservation of the universal values on which the international society has been founded, while reiterating the need a comprehensive human rights impact assessment to be undertaken.

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This is a summary of the *GNCHR Video statement on the Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights on his mission to Greece, Annual Report 2016*, p. 235, available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

**GNCHR Statement UPR Pre-sessions - Geneva, 31 March 2016 (31.3.2016)**

The present intervention came at a time when Greece was facing an unprecedented influx of refugees and migrants. The GNCHR, given the serious dimensions that the refugee/migration issue has taken in Greece, reiterated the need for immediate coordination for the best possible management of the refugee/migration crisis, which was about to get out of control, with grave and imminent dangers for both the persons involved as well as the receiving countries. The GNCHR once again reminded all concerned that are at risk fundamental human rights of migrants and refugees, as well as of the Greek citizens, especially in the border areas, where -in an already strained socio-economic climate- they are also called upon to act as first reception areas for the constantly increasing migration and refugee flows. Moreover, the GNCHR recalled that is an urgent need, now more than ever, for the EU, its member states as well as the United Nations, to consider their share of responsibility; to undertake the burden placed upon them in such a critical juncture in human history and work together for the best possible management of the ever increasing migration flows, while ensuring respect for human life and dignity. The GNCHR shared



the concerns of the United Nations High Commissioner for Refugees, the European Council for Refugees and Exiles (ECRE) as well as other organisations concerning the widespread European measures aiming at the detaining of asylum seekers and refugees in Greece, as well as in countries neighboring the EU such as Turkey.

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This is a summary of the *GNCHR Statement UPR Pre-sessions – Geneva, 31 March 2016, Annual Report 2016*, pp. 236 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

**GNCHR Submission on the Report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, HRC 32nd session (27.6.2016)**

The GNCHR has repeatedly affirmed that austerity measures of indeterminate duration violate rules of international and European human rights law and that the financing rules of International Financial Institutions (IFIs) relating to the economic or financial support of a State cannot circumvent the obligation to respect international and European human rights law. Moreover, and with regard to the complex challenge of mass refugee and migration flows towards Greece, the GNCHR fully agreed with the UN Special Rapporteur's conclusion that countries already severely affected by the economic crisis cannot address on their own this challenge. In this regard, the GNCHR has repeatedly insisted on the need to re-design the EU asylum system along with the Dublin System, with a focus on human dignity and the safeguarding of long established human rights, while expressing its serious reservations about the content and implementation of the EU-Turkey Agreement.

In the field of combating racist hate speech and violence with racist motives, the GNCHR called upon the State to take effective measures. It has maintained this line of action by establishing the Racist Violence Recording Network, in collaboration with the UNHCR and with

the participation of more than 35 NGOs and other bodies, widely acknowledged for its methodology and data. Furthermore, the GNCHR welcomed, both in terms of institutional as well as civil society initiatives, the establishment by the Greek Ministry of Justice of the National Council against Racism and Intolerance, in which both the GNCHR and the Racist Violence Recording Network are represented, and the creation of the Golden Dawn (trial) Watch, as very positive steps.

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This is a summary of the *GNCHR Submission on the Report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, HRC 32nd session, Annual Report 2016*, p. 236, available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

**GNCHR Written Information in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece (July 2016)**

The GNCHR submitted written information to the Committee on the Elimination of Racial Discrimination regarding Greece's combined twentieth and twenty-first periodic report on the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD). The present report, following the same form of presentation as the report submitted by the Greek State party and taking into account both the list of themes issued by the Committee on June 7, 2016, as well as the Greek State party's report following up to the Concluding Observations of the Committee issued on 14 September 2009, focuses on the main challenges faced by the Greek State party in implementing the ICERD. Additional information and background can be found in the GNCHR Observations, dated 15 January 2015, submitted to the Greek State party prior to the submission of its final twentieth and twenty-first periodic



reports. In this regard, the GNCHR express its satisfaction that its input has been taken into account for the drafting of the report<sup>1</sup>.

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This is a summary of the *GNCHR Written Information in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, Annual Report 2016*, pp. 239 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

### **GNCHR Oral Statement on the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece (4.8.2016)**

In its Oral Statement on the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, the GNCHR presented its views during the examination of Greece on the implementation of the Convention. The number of issues the GNCHR addressed could be summarised in two major points, one of which relates to the particular circumstances of the country at the present time and the second relates to the established procedures and practices of the Greek State.

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This is a summary of the *GNCHR Oral Statement on the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, Annual Report 2016*, pp. 285 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

1. GNCHR, Observations on the draft of the twentieth to twenty-first periodic report of the Hellenic Republic regarding the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) [in Greek language], 15.1.2015, available at: <http://www.nchr.gr/images/pdf/apofaseis/diakriseis/EEDA%20CERD%202015.pdf>.

### **GNCHR Oral Statement before the Human Rights Council, Adoption of Greece's UPR report, 33rd session, 21 September 2016 (21.9.2016)**

In its Oral Statement before the Human Rights Council, during its 33<sup>rd</sup> session, for the adoption of Greece's UPR report, the GNCHR acknowledged the Greek Government's critical self-assessment but underlined at the outset that the protection of human rights must be proved in practice and many measures for the protection of human rights in Greece should be adopted as a matter of urgency. Moreover, considering the recommendations made during the dialogue, the GNCHR stated that it is monitoring closely, in its capacity as the National Human Rights Institution, the relevant issues and the State's due compliance to its human rights obligations. In the light of the multiple crisis that Greece is facing, the GNCHR particularly called on the Greek Government to address the existing deficiencies in the investigation and awareness-raising on racism and intolerance against marginalised groups which remains a general issue of concern in Greece and reiterated its call for the effective implementation of the CRPD and the current policies for the social inclusion of Roma.

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This is a summary of the *GNCHR Oral Statement before the Human Rights Council, Adoption of Greece's UPR report, 33rd session, 21 September 2016, Annual Report 2016*, p. 287, available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

### **GNCHR submission to the ECSR regarding the continuous violation of Article 1 § 2 of the European Social Charter in the case of alternative service for conscientious objectors in Greece (11.11.2016)**

The GNCHR, in light of the recent judgment *Papavasiliakis vs Greece* of September 15, 2016 by the European Court of Human Rights (ECtHR,

Chamber judgment) and in view of the upcoming Conclusions XXI-1 (2016) by the European Committee of Social Rights, took the opportunity to pick up and re-address an issue to which the GNCHR has repeatedly commented upon: the freedom of conscience. Indeed, the GNCHR has shown sustained interest in matters relating to freedom of conscience. In particular, it has repeatedly dealt with chronic violations of the rights of conscientious objectors while constantly underscoring the need for harmonisation

of the Greek legislation with international and European human rights' standards.

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This is a summary of the *GNCHR submission to the ECSR regarding the continuous violation of Article 1 § 2 of the European Social Charter in the case of alternative service for conscientious objectors in Greece, Annual Report 2016*, pp. 288 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

## **GNCHR Contribution to European and International Bodies**

### **ENNHRI Statement on Human Rights concerns regarding the ongoing crisis of Europe's Migration System (21.3.2016)**

The GNCHR contributed to the adoption of the *ENNHRI Statement on Human Rights concerns regarding the ongoing crisis of Europe's Migration System*, which reiterates ENNHRI's serious concerns regarding the human rights situation of migrants, asylum seekers, refugees and persons in need of international protection in Europe, while underlining that any plan to address the current situation, including the EU Turkey deal and its implementation, must not breach the right to fair asylum hearings and effective access to justice.

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This is a summary of the *ENNHRI Statement on Human Rights concerns regarding the ongoing crisis of Europe's Migration System*, *Annual Report 2016*, pp. 293 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

### **GANHRI Statement on the occasion of the United Nations Summit for Refugees and Migrants (New York, 19.9.2016)**

The GNCHR contributed to the adoption of the *GANHRI Statement on the occasion of the United Nations Summit for Refugees and Migrants*, which welcomed the United Nations General Assembly High Level Summit on Migrants and Refugees as a great milestone in addressing the plight of those forced to migrate out of their countries of origin and the root causes to this complex issue, while recognising that, notwithstanding the circumstances and/or causes for

migration, international human rights standards particularly those relating to the fundamental right to dignity apply to all migrants and refugees and that member states commit to according them these rights at origin, transit and final destinations.

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This is a summary of the *GANHRI Statement on the occasion of the United Nations Summit for Refugees and Migrants*, *Annual Report 2016*, pp. 295 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

### **ENNHRI Statement of Support for the Turin Process to strengthen Social Rights in Europe (10.10.2016)**

The GNCHR contributed to the adoption of the *ENNHRI Statement of Support for the Turin Process to strengthen Social Rights in Europe*, which reiterated ENNHRI's strong commitment to the Turin Process. Indeed, ENNHRI encouraged endorsement of the Turin Process by State Parties through the adoption of concrete measures at national level, while also encouraging the EU and Council of Europe to establish close cooperation to work towards a cohesive framework for the protection of economic and social rights throughout the European region and reiterating its commitment to engage fully with the Council of Europe, the EU, states, and civil society in the pursuit of these priorities.

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This is a summary of the *ENNHRI Statement of Support for the Turin Process to strengthen Social Rights in Europe*, *Annual Report 2016*, pp. 298 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

## **GNCHR Translation into Greek of international human rights law texts**

### **Cooperation with the European Court of Human Rights (ECtHR) for the translation into Greek of thematic factsheets on the ECtHR's case-law and pending cases**

Within the GNCHR mandate, as an NHRI, falls the promotion of human rights-related issues in general. More precisely, the Brussels Declaration (27.4.2015, High-level Conference on the "Implementation of the European Convention on Human Rights, our shared responsibility") refers to the contribution of NHRIs in the diffusion of the ECtHR case-law. In this context, the GNCHR has undertaken the initiative, in December 2015, to translate in Greek a certain number of ECtHR factsheets.

In particular, on June 20, 2016, the ECtHR issued a press release regarding its cooperation with the GNCHR. In the context of this cooperation, the GNCHR translated into Greek, during 2016, the following factsheets:

- Trafficking in human beings
- "Dublin" cases
- Children's rights
- Gender identity
- Trade union rights

The above mentioned translated ECtHR's factsheets are available at the ECtHR's webpage (<https://www.echr.coe.int/Pages/home.aspx?p=press/factsheets/greek&c=>), as well as at the GNCHR's webpage ([www.nchr.gr](http://www.nchr.gr)).

### **Translation into Greek of the Concluding Observations of the UN Committee on the Elimination of Racial Discrimination (CERD) on the twentieth to twenty-second periodic reports of Greece, CERD/G/GRC/CO/20-22, 3.10.2016**

The GNCHR translated into Greek the Con-

cluding Observations of the UN Committee on the Elimination of Racial Discrimination (CERD) on the twentieth to twenty-second periodic reports of Greece and disseminated them by making available on the GNCHR website both versions: English and Greek.

The GNCHR, as the independent advisory body to the State on matters pertaining to human rights protection as well as the National Human Rights Institution (NHRI), monitors continuously the implementation of international human rights instruments. Moreover, as an *A-status* NHRI, the GNCHR participates actively at the country reporting process before the competent UN monitoring bodies.

With regard to the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in particular, the GNCHR, during 2016 and in view of the examination of Greece's combined twentieth and twenty-first periodic reports on the implementation of the Convention, submitted written information to the Committee on the Elimination of Racial Discrimination. Furthermore, the GNCHR participated at the 90<sup>th</sup> session of the Committee, during which Prof. M. Gavouneli, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation, delivered an oral statement on the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece presenting the GNCHR views.

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For the Greek translation of the Concluding Observations of the UN Committee on the Elimination of Racial Discrimination (CERD) on the twentieth to twenty-second periodic reports of Greece see: [http://www.nchr.gr/images/pdf/ektheseis\\_diethwn\\_eurwpaikwn\\_forewn/final\\_CERD\\_gr.pdf](http://www.nchr.gr/images/pdf/ektheseis_diethwn_eurwpaikwn_forewn/final_CERD_gr.pdf).



SECTION IV.  
GNCHR INTERNATIONAL AND NATIONAL  
COLLABORATIONS AND ACTIVITIES



## GNCHR INTERNATIONAL AND NATIONAL COLLABORATIONS AND ACTIVITIES

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### GNCHR Activities at International and European Level and Cooperation with other NHRIs

- Submission to the UN's Committee on the Rights of Persons with Disabilities of the GNCHR's views on the Draft General Comment n° 4 on Article 24 CRPD – The right to inclusive education (15.1.2016)

- Participation of the GNCHR in ENNHRI Legal Working Group (LWG) Annual Meeting and in the European Union Agency for Fundamental Rights (FRA) workshop, on the national implementation of the EU Charter. Both meetings took place in Vienna and the GNCHR was represented by Ms A.E. Baka, GNCHR Legal Officer (8-9.2.2016)

- Participation of the GNCHR in the European Union Agency for Fundamental Rights (FRA) workshop, and in the ENNHRI Legal Working Group meeting, on the Asylum System and Migration. Both meetings took place in Vienna

and the GNCHR was represented by Prof. M. Gavouneli, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation (15-17.2.2016)

- Written submission by GNCHR, during the 31st session of the United Nations Human Rights Council, regarding the implementation of Article 11 of the Convention on the Rights of Persons with Disabilities on situations of risk and humanitarian emergencies, in light of the recent refugee crisis (21.2.2016)

- Video-Statement delivered by the GNCHR President, Mr G. Stavropoulos, during the 31st session of the United Nations Human Rights Council, regarding the Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights on his mission to Greece (23.2.2016)

- Participation of the GNCHR in the ENNHRI meeting with the UN Independent Expert on the



effects of foreign debt and other related international obligations of States on the full enjoyment of all Human Rights, particularly economic, social and cultural rights, Prof. Juan Pablo Bohoslavsky. The meeting took place in Brussels and the GNCHR was represented by Ms K. Tsampi, GNCHR Legal Officer (30-31.5.2016)

- Participation of the GNCHR in the Third National Human Rights Institutions (NHRI) Academy in Tbilisi, convened by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), in co-operation with Georgia's Public Defender's Office, the Institute of Public Affairs (GIPA) and the European Network of National Human Rights Institutions (ENNHRI). The GNCHR was represented by Ms A.E. Baka, GNCHR Legal Officer (30.5.2016-3.6.2016)

- Participation of the GNCHR in the Fundamental Rights Forum 2016, which took place in Vienna. The GNCHR was represented by Prof. M. Gavouneli, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation (21-23.6.2016)

- Submission of research proposal to the Greek Parliament, regarding the participation of GNCHR in the Twinning project, which will be implemented in collaboration with other Parliaments of EU Member States and the Turkish Parliament. The relevant meeting took place in Ankara and the GNCHR was represented by Ms A.E. Baka, GNCHR Legal Officer (16.5.2016)

- Participation of the GNCHR in the elaboration of the Turin Process Statement by ENNHRI, titled "Statement of Support for the Turin Process to strengthen Social Rights in Europe" (June 2016)

- Participation of the GNCHR in the Waterlex training programme (Waterlex Training, Human Rights-based Water Governance) in Geneva, as well as in the 9<sup>th</sup> Working Group on Water and Health meeting (The Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes). The GNCHR was represented by Ms K. Tsampi, GNCHR Legal Officer (29.6-1.7.2016)

- Participation in the 90<sup>th</sup> session of UN Committee on the Elimination of Racial Discrimi-

nation (CERD), in view of the examination of the periodic reports of Greece. The GNCHR was represented by Prof. M. Gavouneli, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation, who delivered GNCHR's Oral Statement (4.8.2016)

- Oral Statement delivered by the GNCHR with regard to the Adoption of Greece's UPR report during the 33<sup>rd</sup> session of the Human Rights Council (21.9.2016)

- Participation of the GNCHR in the European Network's of National Human Rights Institutions (ENNHRI) Legal Working Group (LWG) which took place in Paris. The GNCHR was represented by Ms A.E. Baka, GNCHR Legal Officer (14.10.2016)

- Participation of the GNCHR in the Organisation internationale de la Francophonie's parliamentary seminar, concerning the dimension of Human Rights in appropriation bills. The seminar took place in Cambodia and the GNCHR was represented by Prof. M. Gavouneli, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation (19-20.10.2016)

- Participation of GNCHR in the General Assembly Meeting and the High level Seminar on human rights and counter-terrorism, of the European Network of National Human Rights Institutions (ENNHRI) in Zagreb. The GNCHR was represented by Prof. M. Gavouneli, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation (26-28.10.2016)

- Participation of the GNCHR in the meeting of the CoE-FRA-ENNHRI-EQUINET Platform on social and economic rights as well as in the meeting of the European Network's of National Human Rights Institutions (ENNHRI). Both meetings took place in Belgrad and the GNCHR was represented by Ms K. Tsampi, GNCHR Legal Officer (10-12.10.2016)

- Participation of the GNCHR in the OSCE and European Network's of National Human Rights Institutions (ENNHRI) Expert meeting on strengthening NHRIs independence, which took place in Warsaw. The GNCHR was represented by its member, Ms E. Spathana (28-29.11.2016)

- Participation of GNCHR in the meeting co-organised by the Council of Europe and the European Network of National Human Rights Institutions (ENNHRI) in Strasbourg, on the role and powers of NHRIs and other national mechanisms in protecting the freedom of expression. The GNCHR was represented by its member, Mr I. Ioannidis (15.12.2016)

### **GNCHR Meetings with State Representatives, Organisations and International Organisations**

#### **International Meetings**

- The GNCHR met with Jane Cowan, Professor of Social Anthropology of the University of Sussex, with a focus on the Universal Periodic Review (UPR). The GNCHR was represented by its member, Ms A. Athanasiou and by the GNCHR Legal Officers, Ms A.E. Baka and Ms K. Tsampi (15.1.2016)

- The GNCHR met with representatives of the Council of Europe, who carried a visit to Greece in order to oversee the Council's effectiveness of the Greek Judicial branch, with a special focus on criminal justice and the issue of the duration of trials. The GNCHR was represented by the GNCHR President, Mr G. Stavropoulos, the GNCHR First Vice-President, Ms A. Argyropoulou-Chryssochoidou, the GNCHR Second Vice-President, Ms E. Varchalama, the Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation, Prof. M. Gavouneli, the GNCHR member Mr V. Tzoufis and the GNCHR Legal Officers, Ms A.-E. Baka and Ms R. Fragkou (29.3.2016)

- The GNCHR met with the UN Special Rapporteur on the Human Rights of Migrants, François Crépeau. The GNCHR was represented by the GNCHR President, Mr G. Stavropoulos, the GNCHR First Vice-President, Ms A. Argyropoulou-Chryssochoidou, the GNCHR Second Vice-President, Ms E. Varchalama, the Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation Prof. M. Gavouneli, GNCHR members Mr S. Apergis, Ms F.

Leompilla, Ms E. Spathana, as well as the Racist Violence Recording Network's Assistant Coordinator, Ms T. Stavrinaki (15.5.2016)

- The GNCHR met in the Greek Parliament, with representatives of the ad hoc Committee of the Parliamentary Assembly of the Council of Europe, with a focus on the situation of migrants, refugees and asylum seekers, during their visit in Greece. The GNCHR was represented by the GNCHR First Vice-President, Ms A. Argyropoulou-Chryssochoidou and the Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation, Prof. M. Gavouneli (31.5.2016)

- The GNCHR met with the Council of Europe Commissioner for Human Rights, Nils Muižnieks, with a special focus on racism, homophobia, the refugee crisis and the consequences of the economic crisis. The GNCHR was represented by the GNCHR President, Mr G. Stavropoulos, the GNCHR First Vice-President, Ms A. Argyropoulou-Chryssochoidou, the GNCHR Second Vice-President, Ms E. Varchalama, the Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation, Prof. M. Gavouneli, GNCHR members Mr S. Apergis, Ms S. Vidali, Mr I. Ioannidis, Ms I. Kamtsidou, Ms F. Leompilla, Ms I. Panagopoulou, Ms E. Spathana, Ms T. Christodouloupoulou, as well as the GNCHR Legal/Research Officers, Ms A.E. Baka, Ms R. Fragkou and Ms K. Tsampi (4.7.2016)

- The GNCHR participated in the Council of Europe Training of Trainers (ToT) project, and presented its mission and activities to the representatives of Kazakhstan's Ombudsman in order for the Kazakh human rights institution to receive Status A. the GNCHR was represented by the GNCHR Legal Officer, Ms K. Tsampi (26-28.9.2016)

- The GNCHR met with the Council of Europe Ad Hoc Committee of Experts on Roma Issues (CAHROM) in Athens, with a focus on supporting the political representation and participation of Roma. The GNCHR was represented by its member, Mr E. Dimitriou (17-18.10.2016)

- The GNCHR met with representatives of the Council of Europe with a special focus on the implementation of the Council of Europe's, Euro-

pean Commission's, DG Justice and Consumers joint programme to improve Roma and Traveller women's access to justice. The GNCHR was represented by the GNCHR Legal/Research Officer, Ms K. Tsampi (20.10.2016)

## National Meetings

- Submission of the GNCHR Observations concerning the second periodic report in the context of the Universal Periodic Review (UPR) and participation in the relevant meeting which took place in the Ministry of Justice. The GNCHR was represented by the GNCHR Legal Officer, Ms K. Tsampi (25.1.2016)

- Submission of the GNCHR Annual Report to the President of the Hellenic Parliament, Mr N. Voutsis, by the GNCHR President, Mr G. Stavropoulos, the GNCHR First Vice-President, Ms A. Argyropoulou-Chrysochoidou and the GNCHR Second Vice-President, Ms E. Varchalama (27.1.2016)

- Participation of the GNCHR in a meeting organised by the Ministry of Education, in the context of the Council of Europe "No Hate Speech Movement" Campaign. The GNCHR was represented by the GNCHR Legal Officer, Ms K. Tsampi (3.2.2016)

- Submission of the GNCHR Annual Report to the President of the Hellenic Republic, Mr P. Pavlopoulos, by the GNCHR President, Mr G. Stavropoulos, the GNCHR First Vice-President, Ms A. Argyropoulou-Chrysochoidou and the GNCHR Second Vice-President, Ms E. Varchalama (5.2.2016)

- Participation of the GNCHR in a meeting organised by the Hellenic Center for Disease Control and Prevention (KEELPNO-HCDCP), for the 2016 HIV/AIDS National Report to UNAIDS and WHO. The GNCHR was represented by its Legal Officer, Ms K. Tsampi (25.4.2016)

- Participation of the GNCHR in a consultation meeting on: "Elaborating a text of principles for Childhood Protection in Greece", held with the initiative of the Ombudsman/Children's Ombudsman and the Department of Mental Health and Social Welfare of the Institute of Child Health. The GNCHR was represented by the GNCHR Sec-

ond Vice-President, Ms E. Varchalama and its Legal Officer, Ms K. Tsampi (12.5.2016)

- Participation of the GNCHR in a meeting organised by the Ministry of Foreign Affairs for the implementation of the Sustainable Development Goals (SDGs) with representatives of the Private Sector. The GNCHR was represented by its Legal Officer, Ms K. Tsampi (26.5.2016)

- The GNCHR met with representatives of the International Rescue Committee (IRC) with a focus on the refugee crisis. The GNCHR was represented by its Legal Officers, Ms A.E. Baka and Ms K. Tsampi (19.9.2016)

- Participation of the GNCHR in a meeting organised by the Ministry of Foreign Affairs for the implementation of the Sustainable Development Goals (SDGs) with representatives of the Public Sector. The GNCHR was represented by its Legal Officer, Ms K. Tsampi (20.9.2016)

- The GNCHR met with representatives of the Panhellenic Association of Translators. The GNCHR was represented by its Legal Officers Ms A.E. Baka and Ms R. Fragkou (28.9.2016)

- The GNCHR met with the President of the Political Party *The River (To Potami)*, Mr S. Theodorakis and Mr P. Karkatsoulis (MP). The GNCHR was represented by the GNCHR President, Mr G. Stavropoulos, the GNCHR First Vice-President, Ms A. Argyropoulou-Chrysochoidou and GNCHR member (designated by The River), I. Panagopoulou. The meeting also attended the GNCHR scientific and administrative staff, Ms A. E. Baka, Ms K. Pantou and Ms K. Tsampi (19.10.2016)

- The GNCHR met with Mr G. Tsarboboulos, UNHCR's Senior Liaison Officer. The GNCHR was represented by the GNCHR President, Mr G. Stavropoulos and the GNCHR Second Vice-President, Ms E. Varchalama. The meeting also attended the Assistant Coordinator of the Racist Violence Recording Network, Ms T. Stavriniaki, the GNCHR Legal Officer, Ms K. Tsampi and the GNCHR Secretary, Ms K. Pantou (2.11.2016)

- Participation of the GNCHR in the presentation of the EU and the Council of Europe, joint programme for the Roma and Traveller women's access to justice. The GNCHR was represented by its member, Mr E. Dimitriou and the GNCHR Legal Officer Ms K. Tsampi (21.11.2016)

## GNCHR Participation in Parliament Meetings

- Presentation of the GNCHR 2014 Annual report by the GNCHR President, Mr G. Stavropoulos, the GNCHR First Vice-President, Ms A. Argyropoulou-Chryssochoidou and the GNCHR Second Vice-President, Ms E. Varchalama in a joint meeting of the Standing Committee on Public Administration, Public Order and Justice and the Special Permanent Committee on Equality, Youth and Human Rights (24.2.2016)
- Participation of the GNCHR, in a meeting of the Special Permanent Committee on Equality, Youth and Human Rights with regard to women's equal treatment in decision-making bodies, in accordance with CEDAW. The GNCHR was represented by Prof. M. Gavouneli, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation and the GNCHR Legal Officer, Ms R. Fragkou (2.3.2016)

## GNCHR Participation in Working Groups

- The GNCHR designated two members (regular and alternate) for the Committee charged to draft the Code of Greek Citizenship, in accordance with Article 4 of Law 4332/2015
- Participation of the GNCHR, with the status of observer, in the Working Group of the Ministry of Justice, chaired by the General Secretary of Transparency and Human Rights, with regard to the supervision of the implementation of the *National Human Rights Action Plan*. The GNCHR was represented by its Legal Officer, Ms R. Fragkou (13.4.2016)
- Participation of the GNCHR in the National Coordinating Committee of the "No Hate Speech Movement", constituted by the Ministry of Education, Research and Religious Affairs. The GNCHR was represented by its members Ms V. Georgiadi and Ms M. I. Pravita (alternate member)
- Participation of the GNCHR in the UNHCR's "Protection Working Group" meetings. The GNCHR was represented by its Legal Officer, Ms A. E. Baka (February – April 2016)
- Participation of the GNCHR in the UNHCR's "Child Protection Working Group" meetings. The

GNCHR was represented by its Legal Officer, Ms A. E. Baka (March – April 2016)

- Participation of the GNCHR, with the status of observer, in meetings of the Working Group of the Ministry of Justice, Transparency and Human Rights, regarding the updating and finalisation of the *National Action Plan for Children's Rights*. The GNCHR was represented by its Legal Officer, Ms K. Tsampi (22.4.2016, 7.7.2016)
- Participation of the GNCHR in WaterLex's "NHRI Water Initiative" and "NHRI Water Initiative Common Platform" (since June 2016)
- Participation of the GNCHR in the Advisory Committee under the presidency of the Research Center for Equality Issues (KETHI), in the context of the implementation of the project on "Preventing and combating sexism and discriminations on gender identity issues". The GNCHR was represented by its member, Ms A. Athanasiou (since October 2016)

## GNCHR Participation in Conferences and Seminars

- Participation of the GNCHR in a closed meeting during the ESC's International Conference, with a special focus on the efficient implementation and the improvement of the institutional context in relation to refugees and migrants. The GNCHR was represented by the GNCHR First Vice-President, Ms A. Argyropoulou-Chryssochoidou (4.4.2016)
- Participation of the GNCHR in a workshop organised by the Greek Ombudsman focused on hate speech. The GNCHR was represented by the GNCHR President, Mr G. Stavropoulos (12.4.2016)
- The GNCHR attended the Racist Violence Recording Network's (RVRN) press conference and presentation of its 2015 Annual Report (19.4.2016)
- The GNCHR attended the "MiGR2016 Migration Flows in Greece" Conference. The GNCHR was represented by the GNCHR Legal Officer, Ms A. E. Baka (18-19.5.2016)
- Participation of the GNCHR in the ESC's International Conference on "Human Flows and the world we share: can Europe tackle the Refu-

gee and Migrant Issue?". The GNCHR was represented by the GNCHR First Vice-President, Ms A. Argyropoulou-Chrysochoidou (20.4.2016)

- The GNCHR attended the "The Future of Asylum in Europe" Conference, organised by the Asylum Service. The GNCHR was represented by the GNCHR Legal Officer, Ms A. E. Baka (9.5.2016)

- Participation of the GNCHR in an event organised by the Amnesty International with regard to the "Right to the conscientious objection". The GNCHR was represented by its member, Mr S. Apergis (12.5.2016)

- Participation of the GNCHR in an event organised by the Color Youth NGO, with regard to the State's role in youth, homophobic/transphobic violence and discrimination. The GNCHR was represented by the GNCHR Second Vice-President, Ms E. Varchalama (17.5.2016)

- Participation of the GNCHR in the European Conference "Human Rights in a Changing World: Research and Applied Approaches" in Ioannina. The GNCHR was represented by its member, Mr V. Tzoufis (25-27.5.2016)

- Participation of the GNCHR in the seminar "Multilingualism and Justice" organised by the Technological Educational Institute of Epirus. The GNCHR was represented by the GNCHR member, Mr V. Tzoufis and the GNCHR Legal Officer, Ms K. Tsampi (6.12.2016)

### **GNCHR Response to Calls for input and Questionnaires**

- Submission to the Department of International and European Relations of the Ministry of Interior of a "draft concept - CAHROM (2016)13/20.04.2016", elaborated during the 11<sup>th</sup> meeting of the Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM) (1.6.2016)

- Participation of the GNCHR in the Global Alliance's of National Human Rights Institutions (GANHRI) survey with a focus on the relationship between NHRIs and Parliaments (30.6.2016)

- Contribution to CAHROM's Questionnaire on the participation of Roma and Travellers in advisory and decision-making bodies, as well as political life (5.10.2016)

- Phone-contribution to a Questionnaire on evaluation issues of the Netherlands Institute for Human Rights (29.11.2016)

- Contribution to ENNHRI's survey on alternative measures of refugees' detention in Greece (2.12.2016)

### **GNCHR Consultations of National Stakeholders**

- The GNCHR organised a consultation with stakeholders, in parallel with the joint meeting of the First and Second GNCHR Sub-Commissions, with the aim to elaborate the "GNCHR Report on the Right to Social Security" (18.2.2016)

- The GNCHR organised a consultation with stakeholders, in parallel with the meeting of the Second GNCHR Sub-Commission, with the aim to elaborate the "GNCHR Statement on Ensuring the timely start of the school year for children with disabilities and/or special educational needs" (13.7.2016)

- The GNCHR organised a consultation with stakeholders, in parallel with the meeting of the Third GNCHR Sub-Commission, with a focus on refugees' living and sanitation conditions in hot-spots, the accommodation programme and the unaccompanied children (8.9.2016)

- The GNCHR organised a consultation with representatives of the Ministries in charge of issues concerning Roma, in parallel with the meeting of the First, Second and Fourth GNCHR Sub-Commissions (22.9.2016)

- The GNCHR was informed during its General Assembly session, by Mr K. Kordatos, Backlog Coordinator of the Appeals Authority, about the Appeal Committees' operation (26.9.2016)

- The GNCHR organised a consultation with stakeholders, in parallel with the meeting of Third GNCHR Sub-Commission, with regard to the draft legislation on the legal guardianship of the unaccompanied minors (5.12.2016)

SECTION V.  
GNCHR EVENTS





## GNCHR EVENTS

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### **Public Debate: Living conditions for refugees and migrants in the open reception centers: problems and prospects (24.10.2016)**

The GNCHR, on the occasion of a number of visits a GNCHR delegation conducted to six accommodation sites in Greece, organised, on October 24, 2016 a Public Debate on *Living conditions for refugees and migrants in the open reception centers: problems and prospects*.

### **Third OPRE meeting, Athens, Greece, 7-8 June 2016 (COE-FRA-EQUINET-ENNHRI Operational Platform for Roma)**

The GNCHR hosted in its premises in Athens the 3<sup>rd</sup> OPRE meeting, which took place on June 7-8, 2016. The issues discussed during the meeting's session were the following: developments at national level, developments at international level of particular interest for the OPRE platform, housing rights and evictions, access of Roma and traveller women to justice, Roma issues in Greece: common issues and specificities with other countries and recent developments concerning the online collaborative website of the "OPRE platform".





SECTION VI.  
GNCHR IMPACT AND EFFICIENCY



## GNCHR IMPACT AND EFFICIENCY

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### An National Level

#### Impact of GNCHR Recommendations on legislative work

The GNCHR, as the independent advisory body to the State on matters pertaining to human rights protection and in the context of the follow-up activities it has undertaken during 2016, submitted relevant information and recommendations to the competent State authorities regarding the following Draft laws which then were voted by the Parliament:

- Law 4361/2016 on *Regulation of the issues of soldiers' permutations, staff care and other provisions (Consentious Objectors)* (OGG 10/A/1.2.2016)
- Law 4359/2016 on the *Ratification of the Revised European Social Charter* (OGG 5/A/20.1.2016)
- Law 4375/2016 on the *Organisation and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC "on common procedures for granting and withdraw-*

*ing the status of international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions* (OGG 51/A/3.4.2016)

- Law 4443/2016 on the *Incorporation of Directive 2000/43/EC implementing the principle of equal treatment irrespective of racial or ethnic origin, of the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and the Directive 2014/54/EC on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers [...] and, IV) Establishment of the National Mechanism for investigating incidents of arbitrariness in security forces and in detention facilities* (OGG 232/A/9.12.2016)

- Law 4430/2016 on *Social and Solidarity Economy and the development of its actors and other provisions* [Part II, Ch. B: Establishment of a Special Secretariat for the social integration of Roma] (OGG 205/A/31.10.2016)

- Proposal to adopt legislation aiming at reforming the protection framework under UN Convention on Rights of Persons with Disabilities and Optional Protocol to the CRPD

## Impact of GNCHR recommendations in state reports before international monitoring bodies

### The GNCHR in the National report submitted in the context of the second cycle of the Universal Periodic Review mechanism of the UN

**National report** submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 (A/HRC/WG.6/25/GRC/1), Working Group on the Universal Periodic Review, 25th Session, 22.2.2016

1. The purpose of this report is to present in a concise, but comprehensive, and objective manner the main developments, achievements and challenges in the field of human rights protection since 2011, year of Greece's first review. The drafting of the report was coordinated by the Ministry of Foreign Affairs, in close cooperation with all Ministries involved in the promotion and protection of human rights. An open invitation to a public consultation with civil society representatives of the General Secretariat for Transparency and Human Rights of the Ministry of Justice, Transparency and Human Rights was posted on the Ministry's website on 15 December 2015 and was widely disseminated. The **National Commission for Human Rights (NCHR)** has also informed its members about the consultation. A public hearing of civil society organizations (CSOs) who had submitted written comments following the above-mentioned invitation was held on 25 January 2016, organized by the General Secretariat for Transparency and Human Rights. In addition, the draft report was submitted to the **NCHR**. Views expressed by CSOs and the **NCHR** were taken into consideration in the drafting of the final report.[...]

3. The **NCHR** has consistently drawn the attention of national authorities and international stakeholders to the need to respect human rights during the implementation of the fiscal and social exit strategy from the debt crisis. In its latest statement, dated 15.7.2015, the **NCHR** stressed that the relevant rules of the international or European mechanisms involved cannot circumvent the obligation to respect international and European human rights law, which is binding on all States participating in such mechanisms.

4. The strong migratory pressure traditionally facing Greece due to its geographic position at the external border of the EU has evolved to a migration/refugee crisis in 2015, with more than 800,000 persons, most of whom refugees, reaching the Greek islands of the Eastern Aegean. Greece has made tremendous efforts to rescue those people in need and receive them in a humane way in the frontline islands, with the aid and mobilization also of the local population (see *infra*, paras. 25 et seq.). It is clear that a long-term comprehensive strategy is needed to deal with all aspects of a problem, which also has a European dimension. In this respect, the **NCHR** has put strong emphasis on the need to redesign EU's asylum policy and the Dublin III Regulation system on asylum issues.

5. Greece has witnessed, during the period 2012-2013, an important surge in the number of attacks against foreigners living in Greece by extremist organizations or individuals attempting to exploit the discontent of some segments of the population severely affected by the economic crisis, against the background of a sharp increase in irregular migration. Laws and policies have been adopted as a response to acts of violence, which are contrary to and undermine the fundamental values underpinning the country's democratic society (see *infra*, paras. 39 et seq.). Other stakeholders have also responded to the challenges raised by the increase in racist violence, in particular through the creation by the **NCHR** and the Office of the UNHCR in Greece, in 2011, of the "Racist Violence Recording Network" (RVRN) in which participate 38 NGOs and other bodies, having as a primary goal the documentation of racist incidents.

6. The first National Action Plan on Human Rights, covering the period 2014-2016, has been prepared, under the coordination of the Ministry of Justice, Transparency and Human Rights. The Ministry, through its General Secretariat for Transparency and Human Rights, is currently examining ways and means of further developing an effective, inclusive and operational human rights planning mechanism, taking also into account the relevant recommendations of the **NCHR**. CSOs have stressed the need for the adoption of a National Action Plan in the form of a comprehensive strategy document, incorporating specific and prioritized commitments on the part of the authorities, the implementation of which should be entrusted to an effective mechanism. [...]

9. The **National Commission for Human Rights** has been very active, during the reporting period, in discharging its tasks. In particular, the **NCHR** has adopted, since 2010, a number of recommendations to national authorities and international stakeholders on the adverse impact of the economic crisis on the enjoyment of human rights, focusing both on the national and the European dimensions of the crisis. The **NCHR** has also paid particular attention to the fight against racism. In addition, it has adopted recommendations and reports on a wide variety of issues, including the right to water, protection of children's and older persons' rights, gender identity, citizenship, etc. The work and the recommendations of the **NCHR** are very often referred to in the reports of universal and regional human rights mechanisms and the decisions and judgments of quasi-judicial and judicial bodies. The competent authorities take duly into account the recommendations of **NCHR** in the legislative and administrative procedure. Moreover, a recent legislative amendment has further strengthened the **NCHR** in the accomplishment of its mission.[...]

11. The competent authorities cooperate with NGOs and civil society organizations in a number of fields, in particular the protection of refugees and asylum seekers, including unaccompanied children, assistance to persons in vulnerable situations due to the economic crisis, fight against trafficking in human beings, promotion and protection of women's and children rights, etc. NGOs are consulted in the preparatory stage of significant legislative initiatives, such as, recently, the law on the "civil partnership pact", which has been extended to same-sex persons. Moreover, the Racist Violence Recording Network, consisting of 38 NGOs (see paras. 5 and 45) participates in the National Board against Racism and Intolerance and the Working Group on Racist Violence. Finally, six of the most representative NGOs are members of the **National Commission of Human Rights**. [...]

16. As documented by the **NCHR**, international monitoring bodies have pointed out to violations or persistent challenges with regard to respect, protection and fulfillment of labor and pension rights, caused by the austerity measures. The Government's priority is to provide support to the unemployed in order to mitigate the effects of the current economic situation

17. The prolonged economic crisis has had adverse consequences on health care. It is estimated that there are 2,500,000 uninsured citizens and that a large part of the population live below the poverty line, whereas the number and rate of persons with unmet healthcare needs has increased sharply. Furthermore, the health system of Greece is under-financed, a fact also deplored by the **NCHR**, given that the public health expenditure as GDP percentage is approximately 4.5%, much lower in comparison with the EU average of 7.5%. The Government's aim is to bring the level of spending gradually closer to the EU average, thereby ensuring universal access to health care, while also establishing a resilient primary health care system that is able to respond to current challenges. In this vein, the Government has decided to increase the public health care 2016 budget and cover uninsured citizens.

18. Following the ratification of the CRPD, the Ministry of Labour, Social Security and Social Solidarity has been designated by virtue of a Prime Minister's decision, as the focal point for monitoring the implementation of the Convention, in cooperation with a network of competent bodies

within the Administration, and as the coordinating mechanism for facilitating relevant activities. Moreover, the same decision provides, in accordance with Article 33(3) of the Convention, that civil society, in particular persons with disabilities and their representative organizations, will be involved and fully participate in the monitoring process. In addition, there are ongoing consultations with the civil society for the establishment of an independent mechanism to monitor the implementation of the Convention. The **NCHR** and CSOs have expressed their concern about the delay in establishing such independent mechanisms.[...]

49. As already mentioned, a recent law provides for the establishment of the "National Board against Racism and Intolerance" (see *supra*, para. 8), with the participation, *inter alia*, of the **NCHR**, the RVRN, the UNHCR and the Greek Ombudsman. The purpose of this Board is the development of a comprehensive anti-racist strategy, the coordination of all relevant stakeholders and the monitoring of the application of international, European and national legislation. A National Action Plan against Racism and Intolerance is also among the tasks of the Board. In addition, a mechanism monitoring hate speech will also be designed.[...]

51. With regard to the fight against discrimination based on sexual orientation or gender identity, apart from the inclusion of such grounds in the anti-racism legislation and soon in Law 3304/2005 on equal treatment which is currently amended, the law on the civil partnership pact was recently (December 2015) extended to same-sex couples (Law 4356/2015), recognizing family ties between the parties and conferring rights similar, in many fields, to those deriving from marriage. It is considered that the recognition of same sex partnerships will contribute to the elimination of social prejudices and stereotypes against LGBTQI persons. Furthermore, art. 347 of the Criminal Code providing a higher age of consent for male homosexual acts was abolished by the same law, effectively resulting in equalization of the age of consent. The **NCHR**, the Greek Ombudsman and CSOs have highlighted the importance of introducing legislation on legal gender recognition which is already scheduled by the Ministry of Justice. Moreover, LGBTQI CSOs have raised the issue of same sex marriage recognition. While welcoming the reinforcement of its role in the fight against discrimination through the current amendment of L. 3304/2005, the Greek Ombudsman, as well as CSOs, have expressed concerns about persistent challenges on equality and non-discrimination in various fields.[...]

54. The **NCHR** has repeatedly highlighted the disproportionate impact of the crisis and austerity measures on women, and, in particular, the high female unemployment rates. To tackle women's unemployment, the General Secretariat for Gender Equality is implementing the Project "Supporting NGOs (Women Organizations)". Additional steps have been taken to promote employment opportunities, in the context of the National Strategic Reference Framework 2007-2013. Specific measures have been adopted, targeting women in different age groups who were unemployed or threatened with unemployment. Many of these women have received financial support enabling them to start their own businesses. Also, within the scope of the implementation on the legislation on equal opportunities and equal treatment of men and women in work and employment (Law 3896/2011), a special education training program for Labour Inspectors has been implemented. Moreover, the Greek Ombudsman has expressed concerns about gender equality mainly in the private sector, pointing out challenges to working women's rights related to the impact of the economic crisis to small and medium businesses.[...]

67. The establishment of the "Office responsible for handling alleged instances of abuses" was foreseen by Law 3938/2011, as amended. Up to now, the staffing of the aforementioned Office has not been possible, mostly because of financial reasons. Article 10 of Law 4249/2014 enlarged the circle

of persons who may be appointed as members of the three-member Committee of the Office, in order to render its operation possible with qualified persons wishing to offer their services. Constant efforts are being made for the prompt operation and the staffing of the Office, in conformity with the political leadership's explicit will. The **NCHR**, the Greek Ombudsman and CSOs have expressed their concerns about the fact that the Office has yet to start operating, as well as the latter's overall institutional structure.[...]

75. During the last years, a number of laws have been adopted to rationalize, accelerate and improve the efficiency of judicial (civil, criminal and administrative) proceedings, issues which, along with the increase of litigation costs and the issue of ensuring the right to interpretation and translation, are also of concern to the **NCHR** and to CSOs. Law 4055/2012, in particular, provides for the acceleration of provisional judicial protection, establishes the procedure of judicial mediation and develops alternative methods of resolving private disputes. In criminal, civil and administrative law judicial procedures, reforms have been introduced aiming at court decongestion and trial time shortening, which have yielded positive results. The Ministry of Justice, Transparency and Human Rights focuses its current policy on the establishment of a modern system of managing the workload of the courts in order, in particular, to harmonize the judicial practice with the case-law of the European Court of Human Rights.[...]

89. The situation of Roma in Greece continues to present challenges to the authorities, as documented, in particular, by the Greek Ombudsman, the **NCHR** and CSOs. Inadequate housing conditions, risk of poverty and social exclusion, high school dropout rates are, according to different stakeholders, among the main problems faced by the Roma population, which have been exacerbated by the economic crisis.

**GNCHR, Statement on the impact of the continuing austerity measures on human rights, 15.7.2015, available at: [http://www.nchr.gr/images/English\\_Site/CRISIS/GNCHR\\_Statement\\_%20impact\\_of\\_austerity\\_measures\\_on\\_HR\\_2015\\_.pdf](http://www.nchr.gr/images/English_Site/CRISIS/GNCHR_Statement_%20impact_of_austerity_measures_on_HR_2015_.pdf).**

**GNCHR, Observations on the Draft Law of the Ministry of Justice on "Civil partnership and other provisions", December 2015, available at: [http://www.nchr.gr/images/pdf/apofaseis/diakriseis/EEDA\\_SN\\_Sumfwno%20Sumbiwshs\\_askhsh%20dikaio-matvn%20kl.pdf](http://www.nchr.gr/images/pdf/apofaseis/diakriseis/EEDA_SN_Sumfwno%20Sumbiwshs_askhsh%20dikaio-matvn%20kl.pdf).**

**GNCHR, Protection of the rights of Older Persons, 20.11.2014, available at: [http://www.nchr.gr/images/English\\_Site/GNCHR\\_older\\_persons.pdf](http://www.nchr.gr/images/English_Site/GNCHR_older_persons.pdf).**

**GNCHR, Right to water. GNCHR Recommendations for its effective protection, 20.3.2014, available at: [http://www.nchr.gr/images/English\\_Site/PERIVALLON/GNCHR\\_Right\\_to\\_water.pdf](http://www.nchr.gr/images/English_Site/PERIVALLON/GNCHR_Right_to_water.pdf).**

**GNCHR, Racist Violence. Dealing with racist violence: Legislative, Judicial and Police Responses, 19.5.2011, available at: [http://www.nchr.gr/images/English\\_Site/DIAKRISIS/racist\\_violence.pdf](http://www.nchr.gr/images/English_Site/DIAKRISIS/racist_violence.pdf).**

**GNCHR, Report and proposals on matters pertaining to the protection of the rights of the Roma in Greece, 15.1.2009, available at: [http://www.nchr.gr/images/pdf/apofaseis/roma/Apofasi\\_EEDA\\_Tsigganoi\\_2009\\_FINAL.pdf](http://www.nchr.gr/images/pdf/apofaseis/roma/Apofasi_EEDA_Tsigganoi_2009_FINAL.pdf).**



## At International and European Level

### The GNCHR in the case-law of the European Court of Human Rights (ECtHR)

#### 1. H.A. V. GREECE, 21.1.2016 (appl. No. 58424/11)

**Violation of Article 3 ECHR**

**Violation of Article 5 (1) ECHR**

**Violation of Article 5 (4) ECHR**

§§ 23-24

**«B. Les constats de la Commission nationale pour les droits de l'homme et du Médiateur de la République**

23. Du 18 au 20 mars 2011, la Commission nationale pour les droits de l'homme et le Médiateur de la République ont visité les centres de rétention des départements d'Evros et de Rodopi afin d'examiner les conditions de détention des étrangers et l'application de la législation relative à l'asile.

24. Selon le directeur du centre de rétention de Soufli, sa capacité maximale était de 36 personnes et à condition que la détention ne dure que quelques jours, le centre ne se prêtant pas pour des détentions de longue durée. À la date de la visite de la Commission, le centre en accueillait 56, dont la plupart étaient détenus pendant trois ou quatre mois. Dans un passé récent, le nombre avoisinait les 150 personnes. Les conditions de détention étaient « inadmissibles ». Le plus grand nombre de détenus dormait par terre dans les dortoirs mais aussi dans le hall qui servait pour la promenade de détenus. L'une des deux installations sanitaires (comportant des toilettes et douches) était en panne. Ainsi, l'ensemble des détenus utilisait l'autre installation, avec toutes les conséquences que cela pouvait entraîner d'un point de vue hygiénique. La promenade dans la cour extérieure du centre dépendait du nombre des détenus, car celui des gardiens ne suffisait pas pour assurer la sécurité et empêcher les évasions. La Commission et le Médiateur concluaient que la présence d'un médecin, d'un psychologue et d'une infirmière ne pouvait pas compenser les conditions de détentions inhumaines et dégradantes».

**GNCHR, Findings of the in situ visit undertaken by the National Commission of Human Rights and the Greek Ombudsman in detention centers for migrants in the Evros Region, Annual Report 2011, available at: [http://www.nchr.gr/images/English\\_Site/ASTYNOMIA/Evros\\_2011.pdf](http://www.nchr.gr/images/English_Site/ASTYNOMIA/Evros_2011.pdf).**

#### 2. R.T. V. GREECE, 11.2.2016 (appl. No. 5124/11)

**Violation of Article 3 ECHR**

**Violation of Articles 13 and 3 ECHR**

**No violation of Article 5 (1) ECHR**

**Violation of Article 5 (4) ECHR**

§§ 37-39

**«B. Les constats de la Commission nationale pour les droits de l'homme et du Médiateur de la République**

37. Du 18 au 20 mars 2011, la Commission nationale pour les droits de l'homme et le Médiateur de la République ont visité les centres de rétention des départements d'Evros et de Rodopi afin d'examiner les conditions de détention des étrangers et l'application de la législation relative à l'asile.

38. En ce qui concerne le poste frontière de Tycherio, le médiateur indiquait que la capacité maximale du centre était de 80 personnes. À la date de la visite de la Commission, le centre en accueillait 122, dans trois lieux séparés. Le premier espace, destiné aux détenus qui allaient être interviewés par FRONTEX (Agence européenne pour la gestion de la coopération opérationnelle aux frontières extérieures), accueillait des femmes et des hommes qui étaient assis ou allongés au sol. Les locaux n'étaient pas suffisamment éclairés, ventilés et chauffés, et l'atmosphère était étouffante. Un téléphone public à cartes fonctionnait dans cet espace. En raison de l'accès limité aux toilettes, les détenus sortaient dans la cour intérieure ou dans un couloir devant les cellules afin de faire leurs besoins. Les deux autres espaces, destinés aux demandeurs d'asile ou des personnes détenus en vue de leur expulsion, ne répondaient pas aux exigences des conditions de détention « même pas pour un jour », étant donné le manque d'éclairage et d'aération et des mauvaises conditions d'hygiène.

39. Les autorités auraient affirmé à la Commission que les détenus ne restaient dans les lieux que de trois à quinze jours, à cause des mauvaises conditions de détention. Cependant, la Commission a constaté que plusieurs détenus y séjournaient depuis deux, trois et cinq mois. À cause du nombre insuffisant de policiers, il n'y avait aucune possibilité de se promener. Enfin, selon les autorités, un médecin et une infirmière fournissaient des soins médicaux et un assistant social et un psychologue visitaient le centre».

**GNCHR, Findings of the in situ visit undertaken by the National Commission of Human Rights and the Greek Ombudsman in detention centers for migrants in the Evros Region, Annual Report 2011, available at: [http://www.nchr.gr/images/English\\_Site/ASTYNOMIA/Evros\\_2011.pdf](http://www.nchr.gr/images/English_Site/ASTYNOMIA/Evros_2011.pdf).**

### **3. SAKIR V. GREECE, 24.3.2016 (appl. No. 48475/09)**

#### **Violation of Articles 13 and 3 ECHR**

#### **Violation of Article 3 ECHR**

##### **§ 22**

##### **«2. Le Réseau d'enregistrement d'agressions à caractère raciste**

22. Le Réseau d'enregistrement d'agressions à caractère raciste (« le Réseau ») est un réseau de coordination de plusieurs organisations non gouvernementales, créé en 2011 et s'activant dans le domaine de la protection des droits de l'homme. Son objectif est d'enregistrer de manière systématique des incidents de violence ayant des motifs racistes. Sa fonction est coordonnée par la Commission nationale des droits de l'homme et le Bureau du Haut-Commissariat des Nations Unies pour les réfugiés. En ce qui concerne la période de janvier à septembre 2012, le Réseau a enregistré 87 incidents de violence raciste, surtout dans le centre d'Athènes. Dans 48 cas, les victimes ont affirmé que les auteurs appartenaient à des groupes extrémistes. En 2013, 166 incidents de violence raciste ont été enregistrés, dont 143 concernaient des migrants ou des réfugiés. Selon le Réseau, un certain nombre de violences provenaient de groupes organisés et dans certains cas elles émanaient d'agents de la police. En 2014, 81 incidents de violence policière ont été enregistrés dont 46 concernaient des migrants ou des réfugiés. Le Réseau constatait une tendance à banaliser le phénomène de violence raciste. Elle relevait aussi que le grand nombre de victimes d'actes de haine étaient des migrants ou des réfugiés. Elle notait aussi avec inquiétude l'implication d'agents des forces de l'ordre dans les incidents racistes. L'absence d'un cadre d'investigation indépendante des incidents de violence raciste au sein de la police était, selon le Réseau, l'une des raisons principales de l'attitude abusive de la part de certains policiers».

## §§ 70-71

«70. En dernier lieu, la Cour considère que le contexte général dans lequel s'inscrit la présente affaire revêt une importance particulière. En particulier, il n'est pas contesté par les parties que le requérant, ressortissant étranger, a été victime d'une agression effectuée par un groupe de personnes armées dans le centre d'Athènes, à savoir dans le quartier d'Aghios Panteleïmon. Sur ce point, des rapports provenant de plusieurs organisations non gouvernementales internationales, telles que Human Rights Watch et Amnesty International ainsi que des instances nationales, telles que le médiateur de la République et le Réseau d'enregistrement d'agressions à caractère raciste, ont mis l'accent sur le phénomène de violence à caractère raciste au centre d'Athènes. Les conclusions de ces rapports convergent sur deux points principaux : d'une part, ils soulignent la nette augmentation d'incidents violents à caractère raciste au centre d'Athènes depuis 2009, à savoir l'année durant laquelle les faits litigieux se sont produits. Ils relèvent l'existence d'un schéma récurrent d'assauts contre des étrangers, perpétrés par des groupes d'extrémistes, entretenant souvent des liens avec le parti politique « néo-fasciste » l'Aube dorée. De plus, il est noté que la plupart de ces incidents ont eu lieu dans des quartiers spécifiques, notamment celui d'Aghios Panteleïmon et de la place d'Attiki. Ainsi, le médiateur de la République a relevé dans son rapport spécial de 2013 sur les assauts à caractère raciste au centre d'Athènes que trois sur quatre de ces incidents avaient eu lieu dans le quartier d'Aghios Panteleïmon.

71. D'autre part, ces rapports font état d'omissions sérieuses de la part de la police en ce qui concerne tant ses interventions au moment des agressions au centre d'Athènes que l'effectivité des enquêtes policières subséquentes. À ce titre, le rapport dressé par le médiateur de la République relate des incidents où les organes de la police, malgré leur présence sur le lieu du crime, ont omis d'intervenir, n'ont pas enregistré l'agression ou même ont arrêté la victime de l'agression au lieu de son auteur».

**The Annual Reports of the Racist Violence Recording Network are available at: <http://rvrn.org/category/reports/>.**

**4. HA. A. V. GREECE, 21.4.2016 (appl. No. 58387/11)**

**Violation of Article 3 ECHR**

**No violation of Article 5 (1) ECHR**

**Violation of Article 5 (4) ECHR**

## §§ 17-19

**«B. Les constats de la Commission nationale pour les droits de l'homme et du Médiateur de la République**

17. Du 18 au 20 mars 2011, la Commission nationale pour les droits de l'homme et le Médiateur de la République ont visité les centres de rétention des départements d'Evros et de Rodopi afin d'examiner les conditions de détention des étrangers et l'application de la législation relative à l'asile.

18. En ce qui concerne le poste frontière de Tycherio, le médiateur indiquait que la capacité maximale du centre était de 80 personnes. À la date de la visite de la Commission, le centre en accueillait 122, dans trois lieux séparés. Le premier espace, destiné aux détenus qui allaient être interviewés par FRONTEX, accueillait des femmes et des hommes assis ou allongés au sol. Les locaux n'étaient pas suffisamment éclairés, ventilés et chauffés, et l'atmosphère était étouffante. Un téléphone public à cartes fonctionnait dans cet espace. En raison de l'accès limité aux toilettes, les détenus sortaient dans la cour intérieure ou dans un couloir devant les cellules afin de faire leurs

besoins. Les deux autres espaces, destinés aux demandeurs d'asile ou des personnes détenus en vue de leur expulsion, ne répondaient pas aux exigences des conditions de détention « même pas pour un jour », étant donné le manque d'éclairage et d'aération et les mauvaises conditions d'hygiène.

19. Les autorités auraient affirmé à la Commission que les détenus ne restaient dans les lieux que de trois à quinze jours à cause des mauvaises conditions de détention. Cependant, la Commission a constaté que plusieurs détenus y séjournèrent depuis deux, trois et cinq mois. À cause du nombre insuffisant de policiers, il n'y avait aucune possibilité de se promener. Enfin, selon les autorités, un médecin et une infirmière fournissaient des soins médicaux et un assistant social et un psychologue visitaient le centre».

§ 28

«28. La Cour note que les conditions de détention prévalant dans les locaux du poste frontière de Tychoero où le requérant fut placé pendant quatre mois environ sont révélées par plusieurs rapports d'organisations et organes grecs et internationaux qui les ont visités peu après la libération du requérant, notamment le CPT, la Commission nationale des droits de l'homme et le Médiateur de la République. Ces organes mettent en avant le manque d'espace sévère dont souffraient les détenus: selon le CPT, à la date de sa visite en janvier 2011, il y avait 139 détenus et cent environ étaient « entassés » dans un espace de 35 m<sup>2</sup> ; selon la Commission nationale des droits de l'homme et le Médiateur de la République, en mars 2011, il y avait 122 détenus dans trois dortoirs, d'une capacité de 80 personnes (voir paragraphes 16-19 ci-dessus et, aussi, A.Y. c. Grèce, no 58399/11, §§ 57-61, 5 novembre 2015)».

**GNCHR, Findings of the *insitu* visit undertaken by the National Commission of Human Rights and the Greek Ombudsman in detention centers for migrants in the Evros Region, Annual Report 2011, available at: [http://www.nchr.gr/images/English\\_Site/ASTYNOMIA/Evros\\_2011.pdf](http://www.nchr.gr/images/English_Site/ASTYNOMIA/Evros_2011.pdf).**

## **5. PAPAIOANNOU V. GREECE, 2.6.2016 (appl. No. 18880/15)**

### **No violation of Article 6 (1) ECHR**

§ 18

«18. Commentant le projet de loi, la Commission nationale des droits de l'homme affirmait que la nouvelle disposition aurait pour effet de rendre impossible le revirement de la jurisprudence et l'évolution interprétative du droit ainsi que l'adaptation de celui-ci au droit supranational et au changement des conditions sociales. La disposition devrait aussi inclure, comme motif de recevabilité du pourvoi ou de l'appel, la contradiction de l'arrêt attaqué avec la jurisprudence d'une cour internationale ou européenne faisant naître des règles protectrices des droits de l'homme contraignantes. Il serait aussi opportun d'enlever la référence à la « décision définitive d'une juridiction administrative » et d'y inclure celle d'une jurisprudence « constante » du Conseil d'Etat et d'autres juridictions suprêmes. La Commission nationale relevait cependant que, même avec ces modifications qui étaient indispensables, le problème du « gel » de la jurisprudence n'était pas adéquatement traité».

§ 42

«42. L'adoption de l'article 12 a suscité des critiques de la part des parties de l'opposition au Parlement, du service juridique du Parlement, de la Commission nationale des droits de l'homme et d'une partie de la doctrine (paragraphes 17-18 et 24-25 ci-dessus). Toutefois, la Cour ne peut

*pas prendre position sur ces critiques, dont certaines sont reprises par le requérant. La tâche de la Cour consiste à examiner les faits de la présente affaire en s'inspirant du principe de la subsidiarité et de sa jurisprudence en matière de mécanismes de filtrage, relatifs aux voies de recours devant les juridictions suprêmes».*

**GNCHR, Comments on the Draft Law of the Ministry of Justice titled «Acceleration of proceedings in administrative courts and other provisions», Annual Report 2010, available at: [http://www.nchr.gr/images/English\\_Site/DIKAIHDIKH/2010\\_Dioikhtikh\\_Dikh.pdf](http://www.nchr.gr/images/English_Site/DIKAIHDIKH/2010_Dioikhtikh_Dikh.pdf).**

#### **6. PAPAVALAKIS V. GREECE, 15.09.2016 (APPL. No. 66899/14)**

##### **Violation of Article 9 ECHR**

##### **§ 29**

*«29. Dans ses commentaires du 20 janvier 2016 sur l'article 12 du projet de loi du ministère de la Défense nationale réglant des questions en matière de mutation des soldats et de protection des personnels ainsi que d'autres sujets, dont celui des objecteurs de conscience, la Commission nationale pour les droits de l'homme soulignait:*

*« L'autorité compétente qui décidera si un individu doit accomplir un service de remplacement devra être indépendante et ne pas comprendre des membres de l'administration militaire. Cette position, qui avait été incluse dans les observations de la Commission nationale sur le projet du deuxième rapport périodique de la République hellénique portant sur le Pacte international relatif aux droits civils et politiques, se fonde sur une position antérieure de la Commission nationale, qui sollicitait le respect de ce que prévoyait la Recommandation no R(87)8 du Comité des Ministres du Conseil de l'Europe. La proposition est conforme aux recommandations récentes du Comité des droits de l'homme des Nations unies (...) de soumettre l'examen des demandes au contrôle exclusif des autorités civiles. Dans tous les cas, il faudrait que les décisions de rejet de la Commission d'examen de la conscience soient pleinement motivées et que la composition de cette Commission soit modifiée par l'ajout de deux représentants civils supplémentaires : l'un du ministère de l'Intérieur et l'autre du ministère de la Santé».*

##### **§41**

*«41. Le requérant soutient aussi que le mécanisme institué par l'article 62 de la loi no 3421/2005 n'est pas en conformité avec la Recommandation no R(87)8 du Comité des Ministres du Conseil de l'Europe. À cet égard, il critique la relation étroite qui existerait entre la commission spéciale et le commandement militaire et affirme que l'étape finale décisive de la procédure relève en définitive de la compétence de l'administration militaire. Se prévalant de la jurisprudence de la Cour en matière d'impartialité des tribunaux militaires turcs incluant aussi des commentaires de la Commission nationale pour les droits de l'homme sur le projet de loi concernant les objecteurs de conscience (paragraphe 29ci-dessus), il est d'avis que le manque d'impartialité et d'indépendance de la commission spéciale est évident dans son cas»*

**GNCHR, Comments on art. 12 of the Draft Law of the Ministry of National Defence titled «Regulation of the issues of soldiers' permutations, staff care and other provisions» (Conscientious Objectors), Annual Report 2016, available at: [http://www.nchr.gr/images/pdf/apofaseis/antiriesies\\_suneidisis/EEDA%20SxN\\_Antirriesies%20syneidisis\\_2016.pdf](http://www.nchr.gr/images/pdf/apofaseis/antiriesies_suneidisis/EEDA%20SxN_Antirriesies%20syneidisis_2016.pdf).**

## The GNCHR in the Statements of the Council of Europe Commissioner for Human Rights

### Statement of the Council of Europe Commissioner for Human Rights (21.11.2016)

"I regret to learn that the bill on the establishment of a national mechanism for investigating incidents of arbitrariness in security forces and in detention facilities that the Standing Committee on Public Administration, Public Order and Justice of the Greek Parliament discusses tomorrow, falls short of establishing a really effective mechanism. The current bill disregards the recommendations that both the Greek National Commission for Human Rights and I made to enhance effectiveness. I urge the members of Parliament to reconsider the bill and amend it in line with my recommendations and international standards.

- My Letter, dated 25 July 2016 (see images), to Mr N. Toskas, Alternate Minister of Interior and of Administrative Reconstruction of Greece, and to Mr N. Paraskevopoulos, Minister of Justice of Greece: <http://bit.ly/2gdfDCo>

- Recommendations from the Greek National Commission for Human Rights: <http://bit.ly/2fk64Cn>».

**GNCHR, Statement on the Draft Law of the Ministry of Justice, Transparency and Human Rights, submitted to the Parliament on November 9, 2016, on the «[...] Establishment of the National Mechanism for investigating incidents of arbitrariness in security forces and in detention facilities» [in Greek language], 17.11.2016, available at: <http://www.nchr.gr/images/pdf/apofaseis/astunomia/polynomosxedio2016.pdf>.**

### **Statement of the Council of Europe Commissioner for Human Rights: "National Human Rights Structures: protecting human rights while countering terrorism" (6.12.2016)**

"Press interventions, public events, online campaigns and other means of communication are important in this context. For example, the French National Consultative Human Rights Commission (CNCDH) organised a [conference](#) last February entitled "Terrorism: permanent state of emergency?", and the German Institute for Human Rights hosted a [symposium](#) last May on the oversight of the German Federal Intelligence Service (BND). As stressed by the European Commission against Racism and Intolerance in its General Policy Recommendation No. 8, counter-narratives developed by NHRs can highlight the need to avoid pernicious stereotyping and to combat racism and intolerance while fighting terrorism. The Greek National Commission for Human Rights did exactly this in a [statement](#) of 23 November 2015».

**GNCHR, Statement on the heinous attacks in Paris and appeal to the European Union to take all necessary measures for the protection of the rights of all those in its territory, 23.11.2015, available at: [http://www.nchr.gr/images/English\\_Site/TROMOKRATIA/GNCHR\\_Statement\\_on\\_Paris%20Attacks\\_eng.pdf](http://www.nchr.gr/images/English_Site/TROMOKRATIA/GNCHR_Statement_on_Paris%20Attacks_eng.pdf).**



## The GNCHR in the Reports of the UN Special Rapporteurs

**Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights on his mission to Greece (A/HRC/31/60/Add.2), Human Rights Council, 31st Session, 21.4.2016**

"[...] 2. During the visit, the Independent Expert met with the Deputy Prime Minister; the Minister of Economy, Development and Tourism; the Minister of Health; the Minister of Labour, Social Security and Social Solidarity; and the Alternate Minister for Migration Policy. He also met with senior officials from the Ministries of Education, the Economy, Finance, Foreign Affairs, the Interior and Administrative Reconstruction, Justice and Transparency and Human Rights as well as the Presidents of the Supreme Court and of the Council of State, Members of Parliament and members of the former Truth Committee on Public Debt. His programme included meetings with representatives of the Central Bank of Greece, the European Commission, the International Monetary Fund (IMF), the Greek Ombudsman, the **Greek National Commission for Human Rights**, trade unions and employer organizations, civil society representatives, academic experts and officials from the Office of the United Nations High Commissioner for Refugees. [...]

27. In the context of the adjustment programmes implemented in Greece, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Independent Expert and the **Greek National Commission for Human Rights** had recommended to the Government of Greece and to the lending institutions that human rights impact assessments be conducted.

28. It should be noted that the European Commission has also set out guidelines for undertaking systematic human rights or social impact assessments of its own legislative proposals and developed methodologies for conducting human rights impact assessments of external policies, but has so far failed to undertake any meaningful human rights impact assessments when designing the adjustment programmes. [...]

44. The social impact assessment is not a human rights assessment. It does not make any reference to human rights, rulings by the Greek Council of State or recommendations by the **Greek National Commission for Human Rights**, or to the comprehensive country study carried out on behalf of the European Parliament on the impact of the crisis on fundamental rights in Greece. It does not consider the views of the Council of Europe, the European Committee of Social Rights, which monitors the implementation of the European Social Charter, or findings and recommendations of human rights mechanism of the United Nations, including those of the previous mandate holder. [...]

53. Similarly, the **Greek National Commission for Human Rights**, voiced its concerns about violations of social rights, mounting barriers to access to justice and the lack of adequate consideration of recommendations and decisions of national, European and international human rights monitoring bodies in relation to the implementation of austerity measures and economic reform policies in Greece. The Commission is concerned that the drastic cuts in social expenditure will undermine the ability of the State to guarantee basic economic and social rights. In a statement issued on 15 July 2015, it expressed concerns about the dismantling of the welfare State, an increase in extremist and intolerant elements within society and lack of capacity of the Greek State to fulfill its human rights obligations in the context of immigration and the management of refugee flows.

54. The Independent Expert regrets that the concerns and recommendations of the Greek Ombudsman and the **Greek National Commission for Human Rights** have not been taken into account by European and national stakeholders in the design and implementation of the economic adjustment programmes. In his view both bodies need to be further strengthened if they are to fulfill their mandates. In particular, the Commission needs to be adequately staffed to carry out its important functions. [...]

81. The Independent Expert wishes to draw attention to the recommendations made by the previous mandate holder (A/HRC/25/50/Add.1, paras. 93-93), which have largely not been implemented, and recent recommendations of the Committee on Social, Economic and Cultural Rights (E/C.12/GRC/CO/2). In addition, he recommends that the Government of Greece and its international lenders:

(a) Carry out a comprehensive human rights impact assessment of the structural adjustment programme in cooperation with all relevant stakeholders, including the institutions, the **Greek National Commission for Human Rights**, the Ombudsman and civil society. The assessment should include, at a minimum, an evaluation of past failures to protect economic, social and cultural rights of the Greek population and ex ante forecasts of the social and human rights impacts of particular adjustment measures;

82. The Independent Expert recommends that the Government of Greece:

(a) Implement the structural adjustment programme outlined in the memorandum of understanding with due respect for human rights, taking fully into account judgments and decisions by national and international courts and human rights bodies and recommendations of the **Greek National Commission for Human Rights** as well of European and international human rights bodies;

(l) Ensure that the Greek Ombudsman continues to receive sufficient funds and increase the resources and staffing of the **Greek National Commission on Human Rights**. [...]».

**GNCHR, Statement on the impact of the continuing austerity measures on human rights, 15.7.2015, available at: [http://www.nchr.gr/images/English\\_Site/CRISIS/GNCHR\\_Statement\\_%20impact\\_of\\_austerity\\_measures\\_on\\_HR\\_2015\\_.pdf](http://www.nchr.gr/images/English_Site/CRISIS/GNCHR_Statement_%20impact_of_austerity_measures_on_HR_2015_.pdf).**

**Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere - Visit to Greece (4-8 May 2015) (A/HRC/32/50/Add.1), Human Rights Council, 32nd Session, 4.5.2016**

"[...] 3. In addition, the Special Rapporteur met with representatives of the **National Commission for Human Rights**, the Greek Ombudsperson, United Nations agencies, non-governmental organizations, community members and other groups and individuals working in the field of racism, as well as migrant workers and asylum seekers. [...]

21. The Special Rapporteur was pleased to note that there are credible institutions active in the fight against racism and discrimination in Greece. He met with representatives of the **National Commission for Human Rights**, a statutory national human rights commission having consultative status with the State on issues pertaining to human rights protection, established by Law No. 2887/1998 in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In the course of its actions, the Commission has issued several reports and recommendations regarding human rights issues in Greece, which have been raised in both international and European forums. The major issues concern non-discrimination on the grounds of race, ethnic origin or sex; protection of minority



populations; immigration policies; education and promotion of human rights; protection of the social rights of refugees and asylum seekers; implementation of the International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111); social and legal protection of Roma; and the overhaul of relevant policies and legislation on racial discrimination. In 2011, the Commission expressed its concern in particular about rising racist and xenophobic violence by issuing a number of recommendations, including for improved training of police and the judiciary with regard to racist crimes, and issued guidelines on the investigation and registration of these violent acts. In December 2013, the Commission called for a change of Law No. 927/1979 (A 139) to adapt it to European Council framework decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, a recommendation which was followed by the enactment, in September 2014, of Law No. 4285/2014 for that purpose. In January 2015, the **National Commission for Human Rights**, in the context of delivering its opinion regarding the periodic report of Greece on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, coordinated by the Ministry of Foreign Affairs, had the opportunity to assess the status of implementation of that Convention. In that respect, the Commission cited a series of comments, expressing concern at the rapid and dramatic deterioration of living standards in Greece, which had led to the impoverishment of a large section of the population, widened social gaps, disrupted the social fabric and caused a resurgence of extremist and intolerant elements, thus undermining democratic institutions. It has also repeatedly urged the authorities to take joint action with the Governments and parliaments of other States members of the European Union and the European Parliament so that every measure of "economic governance" is adopted and applied with the protection of the fundamental human rights. (These recommendations were also made in 2010, 2011 and 2013.) [...]

22. The **National Commission for Human Rights** has also commented on the inadequate support of the authorities of Greece with regard to combating discrimination against Muslim women, and has highlighted the lack of a comprehensive legal and regulatory framework for the effective implementation of the action plan for the social integration of Greek Roma. The Commission has thus proposed the expansion of the sociomedical community centres, the enhancement of action towards equal treatment in housing, the immediate registration of Roma at the municipal level and the creation of educational programmes on human rights for state officials.

23. The Special Rapporteur was pleased to hear that United Nations experts, as well as several entities of the Council of Europe, had quoted excerpts of the recommendations of the **National Commission for Human Rights** in their reports on Greece. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, explicitly referred to a more dynamic approach to systematically analysing the impact of austerity on human rights. The Commission has also expressed satisfaction with the legislative initiative of the Ministry of Interior and Administrative Reconstruction regulating the establishment of departments and agencies of response against racist violence, and has highlighted the need for unreserved condemnation of each act of police violence or arbitrariness. The Commission has further highlighted the need for collaboration among state agencies; the Racist Violence Recording Network, which monitors racist incidents nationally; non-governmental organizations (NGOs); and immigrant communities. [...]

35. The Special Rapporteur was pleased to meet with the Racist Violence Recording Network, which was created in October 2011 by an initiative of the **National Commission for Human Rights**, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other civil society organizations. Today, it counts 38 member organizations, which provide legal, medical, social

and other support services to victims of racist violence. The Network records racist incidents and analyses the quantitative and qualitative trends relating to racist violence in Greece. Stakeholders respect the principle of confidentiality, and incidents are reported to the network without any reference to personal data. [...]

67. Greece has undergone dramatic changes in recent decades, including significant positive developments in the area of human rights, reflected in the work of the well-respected **National Commission for Human Rights** and civil society, which play a fundamental role in safeguarding the progress made. Similarly, the Government has made important progress in addressing the issue of racism and xenophobia in the midst of a continued economic downturn and the arrival of hundreds of thousands of asylum seekers and migrants due to the ongoing conflicts in the Middle East and North Africa. In particular, the creation of the public prosecutor for racist crimes and special police units, along with the adoption of the human rights action plan for the period 2014-2016, are some of the important initiatives that have been undertaken. These developments have provoked an important debate on diversity, racism and xenophobia in the country, despite the many challenges facing vulnerable individuals and groups, as discussed above. [...]».

**GNCHR Recommendations on the impact of the continuing austerity measures on human rights are available at: <http://www.nchr.gr/index.php/en/2013-04-03-10-23-48/2013-04-03-10-41-02>.**

**The Annual Reports of the Racist Violence Recording Network are available at: <http://rvrn.org/category/reports/>.**

### The GNCHR in the Concluding Observations of the United Nations Committee on the Elimination of Racial Discrimination (CERD)

**Concluding Observations of the UN Committee on the Elimination of Racial Discrimination on the twentieth to twenty-second periodic reports of Greece (CERD/C/GRC/CO/20-22), 3.10.2016**

"6. The Committee is concerned that austerity measures taken to address the economic crisis in the State party generated a disproportionate impact on minority groups, such as Roma, migrants, refugees and asylum seekers. The Committee is also concerned about the decrease in budget to public institutions that work on combating racial discrimination, such as the **National Commission for Human Rights**, the Ombudsman and the labour inspectorate (arts. 1,2 and 5) ".



SECTION VII.  
GNCHR LEGAL FRAMEWORK AND  
ORGANISATIONAL STRUCTURE



## GNCHR LEGAL FRAMEWORK AND ORGANISATIONAL STRUCTURE

### IN THIS SECTION:

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### GNCHR Founding legislation

#### Law 2667/1998 establishing the GNCHR (OGG A 281/18.12.1998)<sup>1</sup>

#### THE PRESIDENT OF THE HELLENIC REPUBLIC

We hereby promulgate the following law, which has been voted by Parliament:

##### SECTION A

##### National Commission for Human Rights

##### Article 1

##### Constitution and mission

1. The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the State on matters pertaining to human rights protection.

2. The GNCHR is attached to the Prime Minister and is supported as to its staffing and infrastructure by the General Secretariat of the Government. The operating costs of the GNCHR are borne by the State budget. The necessary funds are inscribed each year in a specific budget line in the budget of the Ministry of Finance. The allocation of funds is made by decision of the Minister of Finance and the execution of the corresponding expenditures is made by the General Secretary of the Government, who is the Chief Authorising Officer. For this purpose, the General Secretariat of the Government provides the Commission with the necessary accounting support.

3. The Commission shall have its own scientific and administrative personnel. The President of the Commission shall supervise and coordinate the work of the Commission's personnel in its entirety.

4. [Formerly Deleted paragraph]

5. The Commission shall have as its mission:

(a) The constant monitoring of these issues, the informing of the public, and the advancement of research in this connection;

(b) The exchange of experiences at an international level with similar organs of international organizations, such as the UN, the Council of Europe, the OSCE, or of other states;

(c) The formulation of policy proposals on matters concerned with its object.

6. The Commission shall in particular:

(a) examine issues in connection with the protection of human rights put before it by the Government or the Conference of Presidents of Parliament or proposed to it by its members or non-governmental organizations;

(b) submit recommendations and proposals, carry out studies, submit reports and give an opinion on the taking of legislative, administrative and other measures which contribute to the improvement of the protection of human rights;

(c) develop initiatives on the sensitization of public opinion and the mass media on matters of respect for human rights;

(d) undertake initiatives for the cultivation of respect for human rights within the framework of the educational system;

(e) deliver an opinion on reports which the country is to submit to international organizations on related matters;

(f) maintain constant communication and work together with international organizations,

1. As amended by Articles 15 of Law 2790/2000, 1 of PD 376/2001, 18 of Law 3051/2002, 23 of Law 3156/2003, 113 of Law 4314/2014, 1 of Law 4366/2016, second of Law 4382/2016 and 38 of Law 4465/2017

similar organs of other countries, and national or international non-governmental organizations;

(g) make its positions known publicly by every appropriate means;

(h) draw up an annual report on the protection of human rights;

(i) organize a Documentation Centre on human rights;

(j) examine the adaptation of Greek legislation to the provisions of international law on the protection of human rights and deliver an opinion in this connection to the competent organs of the State;

(k) monitor and address recommendations to the State for the permanent and constant impact assessment of policy measures on human rights, as well as the operation of a reliable and effective system for recording incidents of discrimination, racism and intolerance.

## **Article 2**

### **Composition of the Commission**

1. The Commission shall be made up of the following members:

(a) The President of the Special Parliamentary Committee on Institutions and Transparency;

(b) One person designated by the General Confederation of Labour of Greece, and one person designated by the Supreme Administration of Unions of Civil Servants and one person designated by the National Confederation of Persons with Disabilities;

(c) Four persons designated by non-governmental organizations whose activities cover the field of human rights. The Commission may, without prejudice to Article 9, decide upon its expansion by the participation of two further persons designated by other non-governmental organizations;

*[Note: on 6.2.2003 NCHR included in its NGO membership the Greek League for Women's Rights and the Panhellenic Federation of Greek Roma Associations]*

(d) Persons designated by the political parties recognized in accordance with the Regulations of Parliament. Each party shall appoint one representative;

(e) The Hellenic Consumer's Ombudsman;

(f) The Greek Ombudsman or its Alternate;

(g) One member of the Authority for the Protection of Personal Data, proposed by its President;

(h) One member of National Radio and Television Council, proposed by its President;

(i) One member of the National Bioethics Commission, drawn from the sciences of Biology, Genetics, or Medicine, proposed by its President;

(j) Two persons of recognized authority with special knowledge of matters of the protection of human rights, appointed by the Prime Minister;

(k) One representative of the Ministries of the Interior, Public Administration and Decentralization, of Foreign Affairs, of Justice, of Public Order, of Education and Religious Affairs, of Labour and Social Security, and for the Press and Mass Media, appointed by a decision of the competent minister;

(l) Three professors or associate professors of Public Law or Public International Law. At its first meeting after incorporation, the Commission shall draw lots in which the following departments of the country's university-level educational institutions shall take part: (a) the Department of Law of the University of Athens; (b) the Department of Law of the University of Thessaloniki; (c) the Department of Law of the University of Thrace; (d) the Department of Political Science and Public Administration of the University of Athens; (e) the General Department of Law of the Panteion University; (f) the Department of Political Science of the Panteion University. These departments shall propose one professor or associate professor of Public Law or Public International Law each. The departments of the university-level educational institutions shall be under an obligation to appoint their representative within two months from receipt of the Commission's invitation.

It shall be possible by a decision of the Commission for other departments of the country's university-level educational institutions with a similar subject to be added for subsequent drawings of lots. Six (6) months before the expiry of its term of office, the Commission shall draw lots among the above departments for the next term of office;

(m) One member of the Athens Bar Association.

2. The stakeholders designating the Commission's members shall select the appropriate persons with transparency and in accordance with their rules of operation. An equal number of alternates shall be provided for the Commission's members and shall be designated in the same manner as the full members.

Members of the Commission shall be persons with proven knowledge and experience in the field of protection and promotion of human rights.

For all cases of paragraph 1 of the present article, except in the case of the sub-para. (k), members of the Commission cannot be designated a) members of the Parliament, except for the President of the Special Parliamentary Committee on Institutions and Transparency, b) members of the Government and Deputy Ministers, General and Special Secretaries, elected representatives in regional and local authorities. The subsequent acquisition of these capacities shall result in automatic loss of membership to the Commission.

The provisions of paragraph 2 of the present article shall take effect as of the Commission's next term.

3. a. The members of the Commission and their alternates shall be appointed by a decision of the Prime Minister for a term of office of three (3) years and shall be withdrawn solely on grounds of incapacity to perform their duties and proven inefficiency in the performance of their duties. The members of the Commission shall be automatically relieved of their duties if an irrevocable court decision is issued against them for an offence impeding one's appointment as a civil servant or relieving a civil servant of his/her duties in accordance with the provisions of the Civil Servants' Code (Law 3528/2007). The new member shall complete the term of office of his/her predecessor. The term of office of the members shall be each time extended until the Commission's lawful constitution for its next term.

b. Representatives of Ministries may be replaced by a proposal of the competent Minister on compelling requirements of service that prevent their participation in the work of the Com-

mission. The new representative shall complete the term of office of his/her predecessor.

4. The outgoing President convenes in writing the members of the Commission to a session with a view to electing its President and the First and Second Vice-Presidents. For the election of the Presidents and the Vice-Presidents, the absolute majority of the members of the Commission present who have a vote shall be required. Members drawn from the categories of sub-para. (b), (c), (j) and (l) of paragraph 1 of the present article may be elected as President and Vice-President.

5. The President of the Special Parliamentary Committee on Institutions and Transparency of the Parliament and the representatives of the Ministries shall participate in the work of the Commission without any voting rights and shall leave before the deliberations. Representatives of the Ministries shall inform either the Plenary or the Commission sub-commissions at the beginning of each session on the issues falling under their mandate.

6. The Commission shall be deemed to have been lawfully constituted if one of the members of sub-para. (b), two of the members of sub-para. (c), one of the members of the sub-para. (1) and the members of sub-para. (i) and (m) of paragraph 1 of the present article have been appointed.

7. The members of the new composition of the Commission shall be appointed at the latest two (2) months before the expiry of the term of office of the previous composition.

8. The members of the Commission shall not be liable, persecuted and questioned for opinions expressed or vote given in the exercise of their functions under the present Law. Prosecution is allowed only upon complaint for slander, defamation or breach of privacy.

### **Article 3**

#### **Commissioning of specialist studies**

1. The General Secretariat for Research and Technology of the Ministry of Development may commission, on the proposal of the Commission, on a contract for services, the compilation of specialist studies for its purposes from academic working parties.



2. The working parties, on the conclusion of the relevant study, shall submit a report to the Commission, which may be made public by a decision on its part.

3. The Commission, by decision of its Plenary, may conclude cooperation agreements with universities and other institutions for the fulfilment of its mission.

#### **Article 4**

##### **Operation of the Commission**

1. The Commission shall meet regularly every two months and extra-ordinarily when summoned by the President or on the application of at least five (5) of its members. The members shall be summoned by the President by any appropriate means.

2. The Commission shall have a quorum if: (a) there is present the absolute majority of its members, and (b) among the members present is the President of the Commission or one Vice-President.

3. The President shall have the constant monitoring, supervision and coordination of the Commission's work. S/he shall represent the Commission before any authority, national or foreign, as well as before international organizations, the equivalent institutions on human rights and their European and international networks, as well as before NGOs. In cases where s/he is incapacitated, missing or absent, the Commission shall be represented in the order of their rank by the Vice-Presidents (First Vice-President and Second Vice-President). The President and the two Vice Presidents form the Board of the Commission, which deals with current and extraordinary issues related either to the mission or the functioning of the Commission for the period between two regular sessions of the Plenary.

4. The decisions of the Commission shall be taken by a majority of the members present. In the event of a tied vote, the President shall have the casting vote.

5. The Commission shall, at its discretion, invite 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.

6. The compensation of the members of the Commission shall be set by a decision of the Ministers of the Interior, Public Administration and Decentralization, and of Finance, by way of deviation from the provisions in force concerning a fee or compensation by reason of service on councils and commissions of the public sector.

7. The Regulation for the operation of the Commission is drafted by a decision of the Commission Plenary and is published in the Official Journal of the Hellenic Republic by Act of the Commission President. The operation of sub-committees, the distribution of competences among the sub-committees and the members, the procedure for the invitation and audience of persons summoned before it, and any other detail shall be regulated, inter alia, by this Regulation.

#### **Article 5**

##### **Annual report**

The Commission shall submit its annual report to the President of the Republic, the Prime Minister, the President of Parliament, the Ministers, the leaders of the political parties, which are represented in the national and the European Parliament, as well as the judicial authorities of the country. The annual report shall be discussed before the Hellenic Parliament in accordance with the relevant provisions of its Standing Orders.

#### **Article 6**

##### **Assistance of public services**

1. At the end of each year, the ministries represented in the Commission shall issue a report with their observations on the protection of human rights in the field of their responsibility.

2. In order to fulfill its mission, the Commission may seek from public services and from individuals any information, document or any item relating to the protection of human rights. The President may take cognizance of documents and other items, which are characterized as restricted. Public services must assist the work of the Commission.

#### **Article 7**

##### **Scientific personnel**

1. Six (6)) posts for specialised scientific personnel, within the meaning of para. 2 of Article 25 of Law 1943/1991 (OGG 50 A) and

the first sub-para. of para. 7 of Article 4 of Law 3051/2002 (OGG 220 A), on a private law contract of a term of three (3) years, are hereby constituted. This contract shall be renewable only twice. Three (3) of these posts shall be filled following a public invitation by the Commission for applications. Selection from the candidates shall be in accordance with the provisions of paragraphs 2, 5 and 6 of Article 19 of Law 2190/1994 (OGG A 28), as applicable, by five members of the Commission who have voting rights, to be nominated by its President. The other (3) posts of specialised scientific personnel shall be filled by secondment of tenured civil servants or employees on a contract of employment of indefinite duration in the public sector according to article 14 of Law 4270/2014 (OGG A 143), provided that they have the skills of subparagraph a of the present paragraph, or by the making available of employees of category 'Special Scientific Personnel' on a contract of employment of indefinite duration. The selection, the secondment and the making available shall be conducted in accordance with the applicable law.

2. The specialized scientific personnel shall assist the Commission by preparing proposals on issues assigned to them and shall brief it on the work of international organizations which are active in the field of human rights. In addition, they shall keep a relevant file of texts and academic studies.

3. The remuneration of the legal research officers who are engaged in accordance with paragraph 1 of this article shall be determined by the decision of para. 6 of Article 4 of the present law, by way of deviation from the provisions in force concerning the remuneration of specialist academic personnel.

4. The scientific and administrative personnel of the Commission shall be headed by one of the members of the special scientific personnel of the Commission, who shall exercise the duties of Coordinator. The Coordinator is appointed by a decision of the Commission Plenary upon a proposal of the President. The Coordinator shall assist the President of the Commission in the supervision and coordination of the work of the administrative and scientific personnel, shall

attend the meetings of the Commission's Board and shall provide the necessary information on the progress of the Commission's work, shall assist together with the rest of the scientific personnel the Commission's Plenary and subcommittees in their operation and shall participate in their sessions. The Coordinator shall participate in his/her capacity as a member of the Commission in the sessions of the Commission Plenary and subcommittees without voting rights. The Coordinator receives additional remuneration equivalent to the position allowance of section αζ of subparagraph a' of paragraph 1 of article 16 of Law 4354/2015 (OGG A 176).

## **Article 8**

### **Secretariat of the Commission**

1. One (1) post of secretary of category UE (university education) and five (5) posts for secretarial and technical support of the Commission of category UE (university education) or TE (technological education) of permanent staff or on a private law contract of indefinite duration are hereby constituted.

2. The following shall be regulated by a Presidential Decree issued upon the proposal of the Minister of Administrative Reconstruction and the Minister of Finance, following the recommendation of the Commission's Plenary:

(a) The distribution of the posts of para. 1 by category, branch and specialization, as well as issues concerning the organization of the secretarial and technical support of the Commission;

(b) The filling of the posts of para. 1 may be made by the transfer, making available or secondment of civil servants or employees in public law legal entities, or employees on a contract of employment of fixed or indefinite duration in the State, the public law legal entities or the private law legal entities of any form which are under the direct or indirect control of the State, in accordance with Civil Servants Code and the applicable law.

(c) Any matter concerning the in-service status and the remuneration of this personnel.

3. It shall be permitted for an employee of a ministry or public law legal person of category ΠΕ, proposed by the President of the Commis-

sion, to be seconded as secretary of the Commission, by a decision of the Minister of the Interior, Public Administration and Decentralization and of the minister jointly competent in the particular instance.

4. Until such time as the Presidential Decree of para. 1 is issued, it shall be permitted for the Commission to make use of employees and to use technical support provided by the Ministry of Foreign Affairs and of Justice in accordance with the decisions of the competent ministers.

## **Article 9**

### **Transitional provisions**

In the first composition of the Commission the following non-governmental organizations shall be represented: Amnesty International, the Hellenic League for Human Rights, the Marangopoulos Foundation for Human Rights, and the Greek Council for Refugees.

[Regulations on the Bioethics Commission follow.]

## **SECTION C**

### **Final provision**

## **Article 19**

This law shall come into force as from its publication in the Official Journal of the Hellenic Republic.

We hereby mandate the publication of the present law in the Official Journal of the Hellenic Republic and its execution as a law of the State.

## **GNCHR Members**

**1.** The President of the Special Parliamentary Commission for Institutions and Transparency, *Ms A. Christodouloupoulou*, since February 2016.

**2.** One person designated by the General Confederation of Greek Workers, *Mr I. Panagopoulos* and *Ms E. Varchalama*, as his alternate.

**3.** One person designated by the Supreme Administration of Civil Servants' Unions, *Mr A. Karavas* and *Ms E. Tziota*, as his alternate.

**4.** Six persons designated by Non-Governmental Organisations active in the field of human rights protection:

- for Amnesty International-Greek Section: *Ms K. Kalogera* and *Mr F. Iatrellis*, as her alternate);

- for the Hellenic League for Human Rights, *Mr M. Tsapogas* and *Ms L. Bolani*, as his alternate;

- for the Marangopoulos Foundation for Human Rights, *Mr G. Stavropoulos* and *Ms A. Yotopoulou-Marangopoulou*, as his alternate;

- for the Greek Council for Refugees, *Ms A. Chryssochoidou-Argyropoulou* and *Mr I. Papa-georgiou*, as her alternate;

- for the Greek League for Women's Rights, *Ms M. Ganouveli* and *Ms M. I. Pravita*, as her alternate;

- for the Panhellenic Federation of Greek Roma Associations, *Mr E. Dimitriou* and *Mr V. Dimitriou*, as his alternate.

**5.** Persons designated by the political parties represented in the Greek Parliament:

- for New Democracy, *Mr C. Naoumis* and *Mr G. Nikas*, as his alternate;

- for PASOK, *Mr I. Ioannidis* and *Mr V. Chronopoulos*, as his alternate;

- for KKE, *Mr A. Antanassiotis*;

- for SYRIZA, *Mr S. Apergis* and *Ms E. Spathana*, as his alternate;

- for The River (To Potami), *Ms I. Panagopoulou* and *Ms F. Leompilla*, as her alternate;

- for the Independent Greeks (Anexartitoi Ellines), *Ms D. Halkidi* and *Ms E. Kourneta*, as her alternate;

- for the Union of Centrists (Enosi Kentroon), *Mr P. Sfaelos* and *Ms A. Archontouli*, as his alternate.

**6.** The Greek Ombudsman, *Mr A. Pottakis*, since August 2016 and *Mr V. Karydis* and *Mr G. Nikolopoulos* (since November 2016), as his alternates.

**7.** One member of the Hellenic Data Protection Authority, *Mr I. Metaxas* and *Mr K. Christodoulou*, as his alternate and, since November 2016, *Mr Ch. Anthopoulos* and *Mr Ch. Tsiliotis*, as his alternate.

**8.** One member of the Greek National Council for Radio and Television, *Ms O. Alexiou* and *Mr K. Apostolas*, as her alternate and, since December 2016, *Ms E. Mitrou* and *Mr N. Kiaos*, as her alternate.

**9.** One member of the National Commission for Bioethics from the field of Biology, Genetics or Medicine, *Mr Ch. Savvakis* and *Mr N. Anagnou*, as his alternate.

**10.** Two persons of recognised authority with special knowledge of matters of the protection of human rights, designated by the Prime Minister: *Mr K. Douzinas* and *Ms A. Athanasiou*.

**11.** One representative and his/her alternate of the:

- Ministry of Interior and Administrative Reconstruction (Directorate General for Citizenship and Directorate General for Immigration Policy);
- Ministry of Foreign Affairs;
- Ministry of Justice, Transparency and Human Rights;
- Ministry of Education, Research and Religious Affairs;
- Ministry of Labour, Social Security and Social Solidarity;
- Ministry of Information and Communication.

**12.** Three professors or associate professors of Public Law or Public International Law and their alternates:

- from the Faculty of Law of the National and Kapodistrian University of Athens, *Mr G. Gerapetritis* and *Mr Sp. Vlachopoulos*, as his alternate;
- from the Faculty of Law of the Aristotle University of Thessaloniki, *Ms I. Kamtsidou* and *Ms L. Papadopoulou*, as her alternate;
- from the Faculty of Political Science and History of Panteion University, *Ms V. Georgiadou* and *Mr A. Kollias*, as her alternate.

**13.** One member of the Athens Bar Association, *Mr V Tzoufis* and *Mr Ch. Kleiosis*, as his alternate.

It is worth noticing the originality of the law provisions concerning the GNCHR membership and the election of Members, of the President and the two Vice-Presidents. Each institution participating in the GNCHR designates its representatives. All representatives – except for those of seven Ministries who take part in the sessions of the Plenary and the Sub-Commissions without voting rights – elect the President and the two Vice-Presidents of the GNCHR. This particular,

liberal system ensures the GNCHR's independence and impartiality.

## GNCHR Board and Sub-Commissions

Since October 2006 and until March 2012, *Mr Kostis Papaioannou* was President of the GNCHR. *Ms Angeliki Chryssohoidou-Argyropoulou* was First Vice-President and *Ms Ellie Varchalama* was Second Vice-President, following the 2012 elections to the GNCHR Board.

Since May 2015, following the 2015 elections to the GNCHR Board, *Mr Georgios Stavropoulos* was President of the GNCHR, *Ms Angeliki Chryssohoidou-Argyropoulou* was First Vice-President and *Ms Ellie Varchalama* was Second Vice-President.

The GNCHR has established five Sub-Commissions:

- The Sub-Commission for Civil and Political Rights
- The Sub-Commission for Social, Economic and Cultural Rights
- The Sub-Commission for the Application of Human Rights to Aliens
- The Sub-Commission for the Promotion of Human Rights
- The Sub-Commission for International Communication and Co-operation

According to the GNCHR Internal Regulation, the Plenary meets every two months. In practice the Plenary meets every month. The Sub-Commissions' work consists in the elaboration of reports on issues related to their specific field of action. All these reports are subsequently submitted to the GNCHR (Plenary) for discussion and decision

## GNCHR Staff

The GNCHR employed in 2016 the following Legal/Research Officers:

- *Ms Anna Irene Baka*, PhD in Public International Law and Legal Philosophy (The University of Hong Kong), LL.M in International, Comparative and EU Law (Institute for European Studies, Free University of Brussels), MA in Public Law

and European Integration (Panteion University of Athens), LLB (National and Kapodistrian University of Athens), Lawyer.

- *Ms Roxani Fragkou*, Postdoctoral Fellowship in Human Rights (Aristotle University of Thessaloniki), PhD in Public Law (Université de Strasbourg), DEA en Droit Public (Université Robert Schuman-Strasbourg III), LLB (Democritus University of Thrace), Lawyer [in maternity leave since 1.10.2016].

- *Ms Aikaterini Tsampi*, PhD candidate (Université de Strasbourg), LLM Droit public spécialisé (University of Athens and Université Montesquieu-Bordeaux IV), LLM Droits de l'homme et

droit humanitaire (Université Panthéon-Assas, Paris II), Lawyer.

The GNCHR Secretariat is headed by Ms Katerina Pantou, MA in Contemporary European Studies (Bath University, UK), Degree in Political Science and Public Administration (University of Athens).

### **GNCHR Infrastructure**

In 2003 the GNCHR acquired its own premises in Athens (6, Neofytou Vamva Str., GR 10674 Athens); it also maintains its own website ([www.nchr.gr](http://www.nchr.gr)).

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