

Law No 4780/2021

on "National Accessibility Authority, National Commission for Human Rights and National Bioethics and Technoethics Committee"

(Government Gazette 30 A 28.2.2021)

THE PRESIDENT OF THE HELLENIC REPUBLIC

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

SECTION B

GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

Article 10

Establishment and legal status

1. The Greek National Commission for Human Rights (GNCHR) is hereby established by the Prime Minister. In international relations the title is referred as "Greek National Commission for Human Rights (GNCHR)".
2. The GNCHR is the National Human Rights Institution and the independent advisory body to the State on matters pertaining to human rights protection and promotion.
3. The GNCHR shall have legal personality and enjoy functional independence and administrative autonomy.
4. Its premises are located in Athens.

Article 11

Mission

The National Commission shall have the tasks of:

- a) constantly monitoring matters pertaining to human rights protection, public awareness and advancement of research in this field,
- b) exchanging experience at supra-national and international level with similar bodies of other States, the European Union or international organisations, such as the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE) and the United Nations, and
- c) formulating policy proposals on matters falling within the areas of its competence.

Article 12

Competences

The National Commission shall in particular:

- a) examine issues regarding human rights protection raised by the Government or the Conference of Presidents of the Parliament or proposed to it by its members or Civil Society
- b) submit recommendations and proposals, carry out research and deliver opinions on the adoption of legislative, administrative and other measures which help to enhance the protection of human rights,
- c) examine the adaptation of Greek national legal order to the provisions of international and EU law on human rights protection and deliver its opinion in this connection to the competent bodies of the State,
- d) monitor the standing and sustained analysis of the impact of policy measures on human rights and deliver an opinion to the State,
- e) monitor the compliance with a reliable and effective system for recording incidents of discrimination, racism and intolerance and deliver an opinion to the State,
- f) undertake initiatives for the fostering of a culture of respect for human rights within the framework of the educational system,
- g) deliver its opinion on reports to be submitted by the country to the EU and international organisations on matters falling within its remit, draw up and submit its own independent reports,
- h) communicate and cooperate with the independent authorities as well as the competent EU bodies, international organisations, similar bodies of other States as well national or international non-governmental organisations (NGOs),
- i) make its positions publicly known by every appropriate means,
- j) develop initiatives for raising public and media awareness on matters of respect for human rights, and
- k) organise a Human Rights Documentation Centre

Article 13 Composition

1. The National Commission shall be composed of the following members:
 - a) one (1) person appointed by the General Confederation of Greek Workers, (GSEE)
 - b) one (1) person appointed by the Confederation of Greek Civil Servants' Trade Unions, (ADEDY)
 - c) one (1) person appointed by the National Confederation of Persons with Disabilities, (ESAmA)

d) one (1) person appointed by the Panhellenic Confederation of Greek Roma Associations 'ELLAN-PASSE',

e) one (1) person appointed by the Amnesty International,

f) one (1) person appointed by the Hellenic League for Human Rights, (ELEDA)

g) one (1) person appointed by the Marangopoulos Foundation for Human Rights,

h) one (1) person appointed by the Greek Council for Refugees,

i) one (1) person appointed by the Greek League for Women's Rights,

j) one (1) one person jointly appointed by the "Greek Transgender Support Association"

the "Athens Pride Festival – Athens Pride", the "Lesbian and Gay Community of Greece", the "COLOUR YOUTH-Athens LGBTQ Youth Community (COLOUR YOUTH)" and the "Rainbow Families Greece",

k) one (1) person jointly appointed by the World Wide Fund for Nature (WWF) and Greenpeace,

l) the Greek Ombudsman or its Alternate

m) one (1) member of the Hellenic Data Protection Authority proposed by its President,

n) one (1) member of the Hellenic Authority for Communication Security (ADAE) and Privacy proposed by its President,

o) one (1) member of the National Council for Radio and Television (ESR) proposed by its President,

p) one (1) member of the Hellenic National Bioethics and Technoethics Commission proposed by its President,

q) two (2) professors at national or foreign higher education institutions,

r) one (1) member appointed by the Plenary of Presidents of the Greek Bar Associations and

s) up to four (4) persons appointed by research institutions or human rights organisations, which shall be selected by the Plenary of the National Commission on the basis that, for at least two (2) of the above entities, human rights must be covered in the most horizontal way possible. In this case, the Plenary's decision on granting the right to appoint a member, shall be taken in accordance with the Regulation of the GNCHR, as long as the appointment of a member in the relevant field of human rights, is not made by an organisation of third-level representation. Decisions of the GNCHR Plenary pursuant to this case shall take effect upon the day after the date of the Member's entering into office, when the right to appoint a member of the GNCHR shall be acquired.

2. Members shall have an equal number of alternates, appointed in the same way.

Article 14 **Appointment of members and legal status**

1. Members of the National Commission and their alternates shall be appointed upon decision of the Prime Minister published in the Official Government Gazette of the Hellenic Republic, for a term of office of four (4) years.

2. Members of the GNCHR shall be persons with proven knowledge and experience in the field of protection and promotion of human rights. Members of Parliament, members of Government and Deputy Ministers, Secretaries General and Special, elected representatives in local authorities of first and second level, shall not be appointed members of the GNCHR. The subsequent acquisition of these capacities shall result in automatic loss of membership to the GNCHR.

3. Agencies entitled to nominate members of the GNCHR, shall select the right persons with transparency and in accordance with their specific rules of operation, at the same time submitting all the documents required for their legal representation.

4. Members of the new composition of the GNCHR, as well as persons indicated in Article 13 (1)(s), shall be appointed no later than two (2) months before the expiry of the term of office of the previous composition. Appointment of the GNCHR members shall be completed by the competent agencies within thirty (30) days upon direct invitation from the GNCHR President to this end. Six (6) months before the expiry of their term of office, the GNCHR President shall invite the organisations entitled to jointly nominate a member of the GNCHR, to nominate the member who will be their representative in the corresponding field in its Plenary. If the joint nomination decision document is not delivered to the President of the GNCHR within one (1) month from the date of the relevant invitation, then a drawing of lots shall be carried out among the organisations entitled to jointly appoint a member to the GNCHR.

5. Agencies referred to in Article 13(1) of Law 4780 may revoke their membership only on grounds of incapacity as well as proven inefficiency of a member to perform their duties. Members of the GNCHR 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 their duties in accordance with the provisions of the Civil Servants' Code (Law 3528/2007, Government Gazette 26 A). In case of revocation, relief of duties, resignation or death, the new member shall be appointed to complete the term of office of their predecessor. The term of office of the members shall each time be extended until the lawful set up of the GNCHR for its next term.

6. Members of the GNCHR shall not be liable, prosecuted and questioned about opinions they have expressed or vote they have given during the performance of

their duties. Prosecution is allowed only upon complaint for slander, defamation, or breach of privacy.

Article 15 Constitution

1. The GNCHR shall be deemed to have been lawfully incorporated, even if some of its members have not yet been appointed by the competent bodies, provided that their appointment has been requested in good time, according to the invitation of Article 14(4) of Law 4780/2021 and if the rest of the members reach a quorum in accordance with Article 18 (2) of Law 4780/2021.
2. The outgoing President shall convene a meeting of the GNCHR members by letter, with a view to electing the GNCHR President, First and Second Vice-Presidents. For the election of the President and Vice-Presidents the absolute majority of the present members of the GNCHR is required. In case candidates are more than two (2) and none of them obtains the absolute majority, the vote shall be repeated between the two candidates who received the highest number of votes.

Article 16 Liaison Officers

1. The President of the Special Permanent Committee on Institutions and Transparency of the Hellenic Parliament shall be appointed as the liaison officer of the Hellenic Parliament with the National Commission in accordance with the provisions of the Standing Orders of the Parliament.
2. Each Ministry shall appoint by reason of its competence one (1) Head of Directorate or Department, experienced in the field of human rights, as a liaison officer with the GNCHR.
3. At the beginning of each session of the Plenary, the liaison officers of paragraphs 1 and 2 shall provide the Plenary or the Sections of the GNCHR, information on matters within their competence and leave before a decision is taken.
4. Each political party represented in the Hellenic Parliament shall appoint one (1) person as liaison officer with the GNCHR, entitled to express their views on human rights matters at the beginning of each session of the Plenary and leave before a decision is taken.

Article 17 Financial independence

1. The GNCHR shall be financially independent. It shall take subsidy from the State budget, which shall be entered in the budget of the Ministry of Finance, as a separate detailed expenditure account. Funding from other sources may be available, on condition that it is in line with the objectives and the mission of the GNCHR and it shall not affect its independence, with the assent of the GNCHR

Plenary. Allocation of appropriations and commitment of the corresponding expenditure shall be made by the President of the GNCHR as the Chief Authorising Officer. By decision of its President, the GNCHR may open a basic bank account in which appropriations resulting from projects referred to in paragraph 3 and other resources shall be transferred.

2. Budgeting of the GNCHR shall be under the responsibility of its President, without requiring any other body's involvement. Budgeting shall be carried out on an annual basis and submitted directly to the Greek General Accounting Office, in accordance with the procedure provided for in the Public Accounting System.

3. Following a relevant decision taken by its Plenary Assembly and provided that it is in accordance with its purpose and mission, the GNCHR is authorised to participate in national, European or co-funded research or other projects and conclude agreements on matters related to its mission, with higher education institutions and other agencies.

4. In accordance with the relevant provisions on public procurement contracts, the Commission may, under a work contract, entrust to third parties tasks which cannot perform itself, due to a special subject-matter or in case it impossible for the in-service staff to perform these tasks.

Article 18 Operation

1. The GNCHR shall meet regularly, every two (2) months minimum and extraordinarily when invited by the President or at the request of at least five (5) of its members. Members shall be invited by the President by any appropriate means and the invitation includes the agenda items. Meetings of the GNCHR may also be held by means of teleconference.

2. The GNCHR shall have a quorum if: (a) the absolute majority of its members are present, and (b) its President or one of its (1) Vice Presidents, is among the members present.

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

4. The GNCHR shall, at its own discretion, invite persons who may facilitate its work by sharing personal experiences or expressing views related to the protection of human rights, to attend a hearing.

Article 19 Competences of the Bureau and the President

1. The President and the two (2) Vice Presidents shall form the Bureau of the National Commission, with the responsibility of handling current and extraordinary issues related either to the mission or the operation of the National Commission, for the period between two regular meetings of the Plenary.

2. The President shall be responsible for:

- a) constant monitoring, supervising and coordinating the work of the Commission and its entire scientific and administrative staff,
- b) representing the National Commission before the courts and any national or foreign authority, as well as before international organisations and non-governmental organisations; and
- c) adopting decisions on appointment, recruitment, transfer or secondment of personnel serving in any relationship within the GNCHR, independently or jointly with the relevant co-competent bodies.

3. In cases where the President is unable to attend the National Commission, missing or absent, shall be represented by the Vice-Presidents, in the order of their rank (First Vice- President and Second Vice-President). The President of the GNCHR may delegate the representation of the GNCHR to one of the Vice-Presidents or one of the Members of the Plenary or one of the Members of its staff.

Article 20 **Sections**

In the context of the operation of the Commission, the following Sections shall be established:

- a) The Section for Civic and Political rights
- b) The Section for Social, Economic and Cultural rights
- c) The Section for Application of Human Rights to Aliens
- d) The Section for Promotion of Human Rights and
- e) The Section for International Communication and Co-operation

Article 21 **Assistance provided by agencies and operators in the public and private sectors**

Public services must facilitate the work of the Commission. In order to fulfil its mission, the GNCHR may conduct field-related research and seek from public services, as well as from individuals, any information, document or any other data relating to the protection of human rights. The President can take note of documents and other data, categorised as classified , unless they are related to national defence issues, State security and international relations of the State.

Article 22 **Reports**

1. The GNCHR shall submit its annual report to the President of Parliament by the end of each February, to be discussed before the Special Standing Committee on Equality and Youth and Human Rights of the Hellenic Parliament, in accordance

with the procedures laid down in its Regulation. The GNCHR may also submit reports throughout the year.

2. At the end of each year, ministries shall submit a report with their observations on the protection of human rights in their area of responsibility, making specific reference to the points on which they have adopted recommendations made by the GNCHR.

Article 23 **Organisational structure**

1. The GNCHR shall have its own scientific and administrative staff distributed over fifteen (15) positions.

2. The GNCHR shall be structured into the following organisational units at Departmental level: a) Scientific Organisation Unit and b) Administrative and Financial Organisation Unit.

Article 24 **Director**

1. The position at Director level is hereby established in the GNCHR, with a term of office of four (4) years.

2. The Director shall be a person of recognised standing, holder of at least a postgraduate degree and with administrative capacity, expertise and experience in the protection of human rights.

3. The position at Director level shall be filled following a public call for applications, issued by the GNCHR. The selection among candidates shall be made pursuant to Articles 31 to 35 of Law 4765/2021 (Government Gazette 6 A), by five (5) members of the GNCHR, designated by its President. The Director shall be recruited under an employment relationship governed by private law and shall be entitled to have a fixed-term employment contract, which may be renewed after evaluation of the performance of their duties and upon decision of the Plenary.

4. The Director shall serve on a full-time and exclusive basis and shall not be permitted to engage in any other professional activity. During their term of office, exercising any public function as well as performing duties in any position of the public sector bodies of Article 14 (1)(a) of Law 4270/2014 (Government Gazette 143 A) shall be suspended.

5. The Director of the Commission shall be responsible for:

a) assisting the President of the GNCHR in the supervision and coordination of the work of its organisational units,

b) providing the Bureau the necessary information on the progress of the work of the GNCHR,

c) assisting the Plenary and the Sections of Article 20 in regulating their functioning and participating in the accomplishment of their work.

6. The Director shall be dismissed only due to a strong reason, by decision of the Plenary, issued upon the President's proposal.

7. In cases where the Director is either unable to attend the National Commission, is missing or temporarily absent, they shall be replaced by the Coordinator.

Article 25 Specialised Scientific Staff

1. For the Scientific Organisation Unit of Article 23 (2)(a), three (3) positions are hereby established, to be filled by specialised scientific staff entitled to have a fixed-term employment contract, for a term of four (4) years, under an employment relationship governed by private law, within the meaning of Article 25 (2) of Law 1943/1991 (Government Gazette 50 A) and Article 4 (7) of Law 3051/2002 (Government Gazette 220 A). These positions shall be filled following a GNCHR public call for applications. The selection among candidates shall be made pursuant to Articles 31 to 35 of Law 4765/2021 (Government Gazette 6 A), by five (5) members of the GNCHR, designated by its President. The employment contracts referred to herein may be renewed for an equal period of time, each time following an assessment carried out by a committee composed of three (3) members of the GNCHR designated by its President.

2. For the Scientific Organisation Unit of Article 23 (2)(a), four (4) positions are hereby established, for specialised scientific staff under an employment relationship governed by private law, with a contract of indeterminate duration, within the meaning of Article 25 (2) of Law 1943 (Government Gazette A 50) and Article 4 (7)(i) of Law 23051/2002 (Government Gazette 220 A), to be filled as follows: a) two (2) positions shall be filled following a GNCHR public call for applications. The selection among candidates shall be made in accordance with the provisions of Articles 31 to 35 of Law 4765/2021, by a selection Committee composed of three (3) members of the GNCHR and two (2) members of the Supreme Council for Civil Personnel Selection, (*Ανώτατο Συμβούλιο Επιλογής Προσωπικού*) designated by their Presidents respectively, and b) two (2) positions shall be filled exclusively by way of transfer or secondment of public-sector employees, pursuant to Article 14 (1)(a) of Law 4270/2014 (Government Gazette 143 A), under an employment relationship governed by private law, with a contract of indeterminate duration. Notably as regards positions referred to in point (b), may also be filled by permanent civil servants, by way of transfer or secondment. Transfers and secondments shall be carried out, in accordance with the provisions in force, by joint decision taken by the President of the GNCHR and the competent body of the ministry of origin. The period of secondment referred to in the previous sub-paragraph shall not exceed a maximum of four (4) years.

3. The Specialised Scientific Staff shall assist the Plenary Assembly and the Sections of Article 20 in regulating their functioning and shall participate in their work.

4. The scientific staff of the Commission shall continue to be subject to the same principal and supplementary insurance body as before the recruitment. Service within the GNCHR shall be counted as actual and pensionable for the relevant insurance body. In case that an attorney at law is to fill a position of the specialised scientific staff by recruitment, their insurance rights shall not be affected and the provisions of Article 4(10) of Law 2839/2000 (Government Gazette 196 A) shall apply in a supplementary manner.

Article 26 Coordinator

The Scientific Organisation Unit of the GNCHR, Article 23 (2)(a), shall be headed by one of its members, who shall exercise the duties of Coordinator. The Coordinator shall be appointed upon decision taken by the Plenary Assembly, following the relevant proposal of the President, for a four (4) year-term which may be renewed after evaluation of the performance of their duties and upon decision taken by the Plenary Assembly. The Coordinator shall assist the Director in supervising and coordinating the work undertaken by the scientific staff, attend the Bureau meetings and provide the necessary information on the progress of the work performed by the National Commission; jointly with the rest of the scientific staff, they shall assist the GNCHR Plenary and the Sections of Article 20 in regulating its operation and participate in their meetings. The Coordinator shall receive additional remuneration equal to the amount laid down in Article 16 (1)(a)(ag) of Law 4354/2015 (Government Gazette 6 A).

Article 27 Administrative and Financial Organisation Unit

1. One (1) position to be filled by a Secretary, four (4) positions to be filled by permanent staff and two (2) positions to be filled by staff under an employment relationship governed by private law, with a contract of indeterminate duration, are established for the Administrative and Financial Organisation Unit referred to in Article 23 (2)(b).

2. The Administrative and Financial Organisation Unit shall be headed by the Secretary.

3. Positions in the Administrative and Financial Organisation Unit may also be filled by way of secondment or transfer of civil servants or employees of legal persons governed by public law, or employees serving in public sector under an employment relationship governed by private law, with a contract of indeterminate duration, under Article 14 (1)(a) of Law 4270/2014 (Government Gazette 143 A). Secondments and transfers are being carried out, in accordance with the applicable provisions, by joint decision of the President of the National

Commission and the competent body of the ministry of origin. The period of secondment referred to in the previous sub-paragraph shall not exceed a maximum of four (4) years.

Article 28 **Enabling provisions of Section B**

1. The Organisation of the GNCHR, determining the structure, the name and the distribution of positions in its organisation units, shall be constituted by decree issued upon proposal submitted by the Prime Minister, the Minister of Finance and the Minister of Interior, following the opinion of the Commission's Plenary, pursuant to Article 20 of Law 4622/2019 (Government Gazette 133 A). By similar decree, regional GNCHR offices may be constituted and their internal organisation, operation and premises as well as issues related to the status of the National Commission's staff may also be regulated.
2. By decision of the Plenary, the GNCHR Regulation shall be drawn up, to regulate issues such as the allocation of competences between the Sections and their members, the procedure for inviting and hearing of stakeholders and persons as well as the selection of persons of Article 13 (1)(q) of Article 13 (1)(s), as well as any other relevant issues.
3. Pursuant to Article 16 (2), the liaison officer of the Ministry in the GNCHR shall be appointed, by decision of the competent Minister in each case.
4. By decision of the Minister of Finance, following an opinion of the National Commission, the remuneration of the President, the Vice-Presidents and the remaining members of the National Commission shall be determined, by way of derogation from currently applicable provisions on remuneration or allowance for participants in public sector councils and committees.
5. The salary scheme of the Director of the National Commission, whose earnings shall not exceed those of the Assistant Ombudsman, shall be determined by decision of the Minister of Finance. Specific issues regarding the insurance status of the Director of the National Commission shall be regulated by joint decision of the Minister of Labour and Social Affairs and the Minister of Finance.
6. The remuneration of the scientific staff of the National Commission shall be determined by decision of the Minister of Finance, by way of derogation from the provisions in force, on the remuneration of the specialised scientific staff.

Article 29 **Transitional and repealed provisions of Section B**

1. The GNCHR is the universal successor of the Greek National Human Commission for Human Rights, established by Law 2667/1998 (Government Gazette 81 A).

2. Upon the entry into force of this Law, members of the GNCHR according to Law 2667/1998 shall retain their status until the expiry of their term of office.

3. At the date on which the present Law enters into force, employees who are seconded to the Greek National Commission for Human Rights according to Law 2667/1998, may at their request, be transferred to the GNCHR, on positions provided for in Article 25 and Article 27, pursuant to the procedure laid down therein. The request shall be submitted within one (1) month from the date of the publication of the GNCHR Regulation. In the event that the period of an employee's secondment is to expire before the date referred to in the preceding subparagraph, the secondment shall be extended to that date or, following a decision of the Plenary Assembly of the GNCHR, until the completion of a maximum of four (4) years, in accordance with the last sub-paragraph of Article 25 (2).

Employees who do not submit a request or are not selected to be transferred, shall return to the service of their origin on the expiry date of their secondment. Salary costs incurred for transfers under the present law, shall be covered in accordance with Article 15 of Law 4440/2016 (Government Gazette 224 A).

4. Employees serving in the Commission pursuant to Law 2667/1998 with a fixed-term employment contract governed by private law, at the date on which the present Law enters into force, shall serve in the Commission until the expiry of their term of office. They may request the renewal of these employment contracts in accordance with the provisions hereof.

5. The Secretary in office of the GNCHR, pursuant to Article 8 (1) of Law 2667/1998, shall occupy the position of the Secretary in head of the Administrative and Financial Organisation Unit.

6. Until the selection of the Coordinator pursuant to Article 26, the Coordinator in office of the GNCHR pursuant to Article 7 (4) of Law 2667/1998, shall occupy the position of the Coordinator in head of the Scientific Organisation Unit.

7. At the date on which the present Law enters into force, employees seconded to the GNCHR, in positions for officials, graduates of higher education institutions, established specifically to meet the GNCHR needs for secretarial and technical support, shall fill the positions established in the Department of Administrative and Financial Services, for officials graduates of higher education institutions.

8. At the date on which the present Law enters into force, the provisions hereof also apply to the scientific staff and the staff of the Secretariat of the GNCHR, in office.

9. Until the publication of the decree referred to in Article 28 (1) and the adequate staffing of the Commission, which is noted by way of decision of its President, the GNCHR shall administratively, financially and technically, be supported by the Presidency of the Government, and commitment of the corresponding expenditure shall be made by the President of the GNCHR as the chief authorising officer. Until the publication of the decree of the previous sub-

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paragraph, secondments and transfers referred to in Article 25 (2) and Article 27 (3), shall be carried out by way of derogation from any general or special provision, upon a joint decision of the President of the GNCHR and the competent agency of the ministry of origin.

10. Articles 1 to 9 of Law 2667/1998 are hereof repealed.