

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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<p>Decision regarding the Control of Independent Authorities and Human Rights Protection Institutions</p>
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The issue of regulating anew the control of Independent Authorities affirms that the precondition for the smooth operation and evolution of these institutions is that they be tolerated by any given political power, even when these Authorities decide differently than the government.

The *raison d'être* of the Independent Authorities is the regulation of several situations, the control of administrative measures and their implementation without the political power's involvement. The political power itself has assigned the management of certain issues, extremely delicate and complicated –because of the technological advancement- and also interwoven with great economical interests, to personalities with expertise and career beyond any political party's agenda.

The recommended measures put forward by the government entail the shrinking of the Authorities' independence. The Authorities' members are currently appointed by a unanimous decision of the Conference of Parliamentary Chairmen or in any case by an increased majority of four fifths of the members of the latter. This system allows for the selection of personalities of general acceptance. It needs to be noted that the Conference of Parliamentary Chairmen is very prestigious and has the largest possible parties' representativeness. On the contrary, the appointment of the Authorities' members by simple majority, if suggested by the government, would allow appointing personalities of governmental approval alone.

The parliamentary control, provided for in article 101A of the Constitution and clearly regulated by article 138A of the Parliament's Regulation, sufficiently ensures a kind of control above parties since it is conducted by all the competent parliamentary committees who inform the competent Minister. The parliamentary control concerns the Authorities' compliance with the principle of legality. On the contrary, control of expediency and correctness of their decisions is precluded.

The proposal to establish a Special Parliamentary Committee which will be constantly monitoring the Authorities and to which the Presidents of the Authorities will report five times per session amounts to continuous tutelage. This is not in compliance with the required feature of these Authorities which is independence.

It is also notable that control of legality by the Conseil d'Etat after the competent Minister or an individual has recourse to the latter is today provided for.

Our experience so far has shown that it is necessary to provide these Authorities with every support and to allow them to fulfill their mission unhindered. Besides, the term of office of the Authorities' members is not that long and the appointment of new members by the Conference of Parliamentary Chairmen –by the majority of four fifths- is easy.

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