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FOR HUMAN RIGHTS

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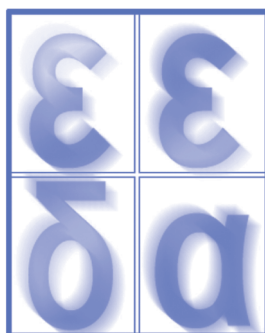
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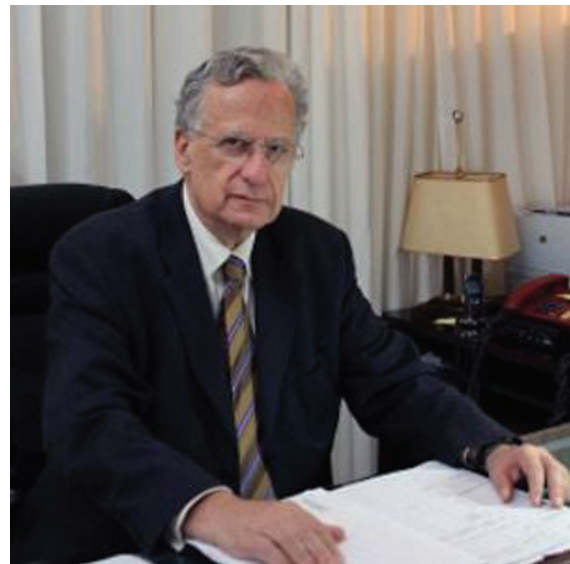
MESSAGE BY THE GNCHR PRESIDENT
MR GEORGIOS STAVROPOULOS

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

2015 has been a rather difficult year for human rights in the Country. Austerity measures adopted in response to the economic crisis have adversely impacted and continue to impact not only social rights but the whole spectrum of human rights. At the same time, refugee flows have taken uncontrollable dimensions, while state authorities and other structures were unable to effectively protect the rights of persons requesting international protection.

The Greek National Commission for Human Rights (GNCHR), as the independent advisory body to State on matters pertaining to human rights protection, despite its limited organizational and operational capacities, responded to the many challenges presented over the past years, using the means entrusted to it by its founding law, by stressing the deterioration in the effective enjoyment of human rights, while proposing, in some cases, specific measures to address the adverse impact on human rights.

Notwithstanding the usually adequate national and international legal framework for the protection of human rights, its implementation in practice has proven to be very difficult. For this purpose, it is necessary not only to be constantly vigilant, but also to address the challenges in an open minded, courageous and scientifically articulated way. This has been the course the GNCHR has followed, since its establishment, and will continue to follow in the future.



Georgios Stavropoulos

*President, Greek National Commission
for Human Rights*

December 2016

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.

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GNCHR PUBLICATIONS

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GNCHR Resolutions, Decisions and Opinions

GNCHR Observations on the National Action Plan on Children's Rights (15.1.2015)

The GNCHR adopted in January 15, 2015 its Observations on the National Action Plan on Children's Rights (NAPCR), in which it is highlighted that the GNCHR participated to the drafting of the NAPCR with an observer status, which is imposed by its institutional role as the independent advisory body to the State in human rights protection issues as stated by its founding Law 2667/1998. In fact, the GNCHR has previously extensively dealt with issues related to the protection of the particularly vulnerable social group of children, formulating, thus, proposals and recommendations¹.

Given the most serious economic and social impact of the financial crisis on fundamental children's rights, the GNCHR, taking into consideration *inter alia* particularly the concluding observations by the UN Committee on the Rights of the Child² as well as the valuable experience and decisions of the Children's Ombudsman along

with the quantitative and qualitative dimension of the identified problems breaching children's rights, summarised its previous recommendations which concern among others:

- Participatory drafting of the NAPCR
- Institutional establishment of the synergy for the NAPCR
- Identifying a solid foundation for the NAPCR
- Securing resources for drafting a NAPCR

Moreover, and bearing in mind that it was a Draft NAPCR, the GNCHR confined itself to formulating general in-principle comments on the action plan in question, as well as to recommending the completion of its drafting, while stressing its readiness and willingness to once again assist the General Secretariat of Transparency and Human Rights of the Ministry of Justice, via specific comments and recommendations during the process of updating, specifying, evaluating and implementing the NAPCR.

This is a summary in English of the *GNCHR Observations on the National Action Plan on Children's Rights* [in Greek language], available at: http://www.nchr.gr/images/pdf/apofaseis/paidia/parathrhseis_eeda_gia_esddp.pdf.

1. For more information see GNCHR, Working theme: Children, available at: <http://www.nchr.gr/index.php/en/2013-04-03-10-23-48/2013-04-03-10-41-35>.

2. *Concluding Observations: Greece, op.cit.*, par. 13-14.

GNCHR Observations on the Draft of the 20th and the 21st Periodic Report of the Hellenic Republic for the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) (15.1.2015)

In the context of its institutional role as the independent advisory body to the State on matters pertaining to human rights protection, the GNCHR formulated its Observations with regard to the Draft of the 20th and the 21st Periodic Report of the Hellenic Republic for the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD). After expressing its satisfaction for the fact that the Ministry of Foreign Affairs has been systematically submitting to the GNCHR its Draft Reports to international human rights bodies for comment, the GNCHR formulated general as well as more specific observations, which could contribute to the enrichment of the Draft Report regarding the progress made towards the implementation of the Convention in Greece.

This is a summary in English of the GNCHR Observations on the Draft of the 20th and the 21st Periodic Report of the Hellenic Republic for the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) [in Greek language], available at: <http://www.nchr.gr/images/pdf/apofaseis/diakriseis/EEDA%20ICERD%202015.pdf>.

GNCHR Recommendations on Transgender persons and legal gender recognition (14.9.2015)

The GNCHR, as the independent advisory body to the Greek State on matters pertaining to human rights protection, expressed its deep concern regarding the increase in recorded assaults against transgender people, while highlighting the lack of effective protection of this vulnerable group from extreme violence incidents.

Taking into consideration the significant developments both at a national level - with the

establishment of a Law Drafting Committee for the legal gender recognition - as well as at a European level - with the adoption of Resolution 2048(2015) of the plenary of the Parliamentary Assembly of the Council of Europe on *Discrimination against transgender people in Europe* - and recognising every person's right to self-determination, the GNCHR addressed the following recommendations with regard to the need for effective institutional protection of transgender people and calls on the State to take the necessary measures to protect and promote their rights.

More specifically, the GNCHR deemed it necessary to highlight the need for:

A. Full legal gender recognition of transgender people based on self-determination of their gender identity, without the requirement of irreversible gender reassignment surgery or other medical procedures.

B. Amendment of the anti-discrimination legislation with the explicit inclusion of gender identity among the grounds of discrimination and the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

C. Full access to healthcare services and gender reassignment treatment covered by public health insurance on condition that they are freely chosen and declassification of transsexualism.

D. Collection of comparable data and information regarding the situation of transgender persons in Greece, as well as the effective protection and promotion of their rights.

E. Education and sensitisation of the public opinion on the rights and needs of transgender people and integration of objective information with respect to gender identity issues to all levels and types of education.

This is a summary in English of the *GNCHR Recommendations on Transgender persons and legal gender recognition*, available at: http://www.nchr.gr/images/English_Site/DIAKRISEIS/GNCHR%20Recommendations%20on%20legal%20gender%20recognition.pdf.

GNCHR Report of Recommendations on the right to interpretation and translation and the right to information in criminal proceedings (23.11.2015)

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 right to interpretation and translation and the right to information in criminal proceedings.

In this regard, the GNCHR published:

(I) a Report of Recommendations to the State on *the right to interpretation and translation and the right to information in criminal proceedings*, within the context of the GNCHR's mission as the official independent advisory body to the Greek State on matters of Human Rights protection, and

(II) a Guide to the case-law of the European Court of Human Rights and the Court of Justice of the EU regarding the aforementioned issues, within the context of the GNCHR's mission as an actor engaged in Human Rights promotion¹.

In its report, the GNCHR underpinned its recommendations by referring to the relevant observations and case-law of international and European bodies as well as to the existing legislation and current practice in Greece. In order to assess the current situation in Greece, the GNCHR considered both the recent literature on the subject and the findings of the consultation with stakeholders, which was held by the GNCHR in view of the adoption of its report.

This is a summary in English of the *GNCHR Report of Recommendations on The right to interpretation and translation and the right to information in criminal proceedings [in Greek language]*, available at: http://www.nchr.gr/images/pdf/apofaseis/dikaih_dikh/FAKELOS_Dier_Met-Enhbm.pdf.

1. Both texts [in Greek language] are available on the GNCHR website: http://www.nchr.gr/images/pdf/apofaseis/dikaih_dikh/FAKELOS_Dier_Met-Enhbm.pdf.

GNCHR Observations on the Draft Law on Civil Partnership and other provisions of the Ministry of Justice (3.12.2015)

Upon the letter of the Secretary General of Transparency and Human Rights, the GNCHR submitted its Observations concerning the Draft Law entitled: Civil Partnership and other provision.

In particular, as to the Civil Partnership, the GNCHR has repeatedly stood in favor of the legal recognition of the same-sex cohabitation agreement, based on the international law principles pertaining to sexual orientation, gender identity and prohibition of discrimination.

With regard to the National Council against Racism and Intolerance, the GNCHR welcomed its establishment, stressing that such a body should be composed of competent authorities, competent bodies (Ombudsman and National Commission for Human Rights), experts and NGOs, while considering the participation of the Racist Violence Recording Network to be of great importance. The GNCHR also welcomed the initiative to develop a National Action Plan to combat Racism, pointing out that it needs to be put in motion within a reasonable period of time. It also points out that a study, which will then be used as a foundation, should be conducted.

This is a summary in English of the *GNCHR Observations on the Draft Law on 'Civil Partnership and other provisions' of the Ministry of Justice [in Greek language]*, available at: http://www.nchr.gr/images/pdf/apofaseis/diakriseis/EEDA_SN_Sumfwno%20Sumbiwshs_asksh%20dikaioamatvn%20kl.pdf.

GNCHR Observations on the proposed amendment of Law 3907/2011 on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions (17.12.2015)

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

State on matter pertaining to human rights protection, formulated, upon invitation of the competent Ministry of Immigration Policy and Administrative Reconstruction, its Observations regarding the proposed amendment of Law 3907/2011 on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third country nationals” and other provisions.

This is a summary in English of the *GNCHR Observations on the proposed amendment of Law 3907/2011 on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third country nationals” and other provisions [in Greek language]*, Annual Report 2015, pp. 203 et seq., available at: <http://www.nchr.gr/images/ekthesi2016.pdf>.

GNCHR Public Statements

GNCHR Statement on the impact of the continuing austerity measures on human rights (15.7.2015)

Following its unanimous decisions on the status of human rights in Greece during the implementation of measures to address the financial crisis, the Greek GNCHR, the independent advisory body to the Greek State on matters pertaining to human rights protection, issued a Statement in order to reaffirm that austerity measures undermine fundamental constitutional principles and violate constitutionally guaranteed human rights such as the principle of equality and its more specific expression, namely the contribution of citizens to public charges in proportion to their means, the right of equal access to education, the right to property, the right to health, the right to work, the right to social security, freedom of association, the principle of proportionality, the principle of social solidarity, as well as the principle of protected public trust towards State Institutions. Moreover, as the GNCHR stressed, austerity measures undermine the value of the human being, the respect and protection of which constitute the primary obligation of the State, seriously hinder the development of all persons, compromise the rule of law and the welfare State and undermine the economic development of the country.

For this purpose, the GNCHR urgently called, once again, upon the EU institutions, the EU member-States as well as the Greek authorities to immediately and jointly mobilise towards the preservation of the values on which the European civilisation has been founded: human dignity and value, respect for human rights, equality, freedom and solidarity and to act in unison for the creation of a permanent mechanism that would evaluate and assess the impact of austerity measures on both the enjoyment of and access to human rights by all those living on EU territory (Human Rights Impact Assessment).

This is a summary in English of the *GNCHR Statement on the impact of the continuing austerity measures on human rights*, available at: http://www.nchr.gr/images/English_Site/CRISIS/GNCHR_Statement_%20impact_of_austerity_measures_on_HR_2015_.pdf.

GNCHR Release: The European Union has to urgently assume its responsibilities and redesign its asylum policy (31.8.2015)

The GNCHR for the umpteenth time has cautioned about the tragedy of thousands of people, who risking their lives and having sold their belongings in order to pay ruthless human smugglers, attempt to enter the European Union (EU) so that they and their families may be saved from armed conflicts and slaughters.

Stressing that the humanitarian crisis is constantly worsening, with multiple serious dangers for refugees and migrants, as well as for countries that receive them and their population, the GNCHR has noted long ago, welcoming the relevant findings and recommendations by the UN Special Rapporteur on the Human Rights of Migrants, that the EU migration policy and particularly the Dublin Regulation, disregards the obligations to respect and protect human rights and especially human dignity, as well as the obligations of solidarity and fair burden sharing among member states, enforced by the EU Charter of Fundamental Rights and the Treaties, especially Articles 1 of the Charter, 2 and 3, par. 3, of the TEU, as well as Article 80 of the TFEU (border monitoring, asylum and migration policy).

Furthermore, the GNCHR, along with the European Network of National Human Rights Institutions (ENNHRI), noted that the provision of financial aid (which is necessary, but inevitably insufficient) to burdened countries is not enough for the fulfillment of the above obligations and pointed out the need for a complete redesigning of the EU migration policy, focusing on the protection of human rights, as well as fair and effective burden sharing.

This is a summary in English of the *GNCHR Release: The European Union has to urgently assume its responsibilities and redesign its asylum policy*, available at: http://www.nchr.gr/images/English_Site/NEWS/GNCHR_Release_on_Asylum_Policy.pdf.

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)

The GNCHR issued the present Statement in order to express its abhorrence at the terrorist attacks in Paris and appeals to the European Union to take all necessary measures for the security and protection of the rights of *all* those in its territory

The GNCHR, in its institutional role as the independent advisory body to the Greek State on matters pertaining to human rights protection, expressed its complete solidarity to France and the French people as well as its abhorrence at the terrorist attacks in Paris which resulted in dozens of innocent victims, while strongly condemning any acts that jeopardise world peace,

disdain and annihilate fundamental conquests of human civilisation such as the respect for human value.

Furthermore, the GNCHR called upon all parties involved and especially the UN, the EU, the EU member states and the European institutions to join and intensify their efforts towards the promotion of peace as dictated by the EU Treaties and the UN Charter, as well as the promotion of safety of *all* those living in the EU, without, however, making use of terror as pretext for the curtailment of fundamental rights and liberties of the European citizens as well as the thousands of migrants and refugees who enter, or attempt to enter, the EU.

This is a summary in English of the *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*, available at: http://www.nchr.gr/images/English_Site/TROMOKRATIA/GNCHR_Statement_on_Paris%20Attacks_eng.pdf.

GNCHR Press Releases

GNCHR Press Release: The European Network of National Human Rights Institutions (ENNHRI) calls on the European Commission and the European Central Bank with regard to the impact of the austerity measures on fundamental rights (16.2.2015)

The GNCHR issued a press release in order to remind the open letters of the President of the European Network of National Human Rights Institutions (ENNHRI), Mr Alan Miller, to the President of the European Commission, Mr José Manuel Barroso and the President of the European Central Bank Mr Mario Draghi, in which he expressed ENNHRI's deep concerns regarding the negative human rights impact of the requirements of the Troika which are to be included in the third aid package for Greece. For this reason, ENNHRI called on the Commission: to start a systematic and regular ex ante human rights impact assessment of all measures recommended in the realm of austerity packages, to make sure that measures do not lead to human rights violations, as well as to integrate human rights experts in the process of macro-economic decision-making.

This is a summary in English of the *GNCHR Press Release: The European Network of National Human Rights Institutions (ENNHRI) calls on the European Commission and the European Central Bank with regard to the impact of the austerity measures on fundamental rights* [in Greek language], available at: http://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/DT%20kalesma%20metra%20litotitas.pdf.

GNCHR Press Release regarding the recurring sea tragedies in the Mediterranean (20.4.2015)

The GNCHR issued a press release in order to express, once again, its deep concern regard-

ing the recurring sea tragedies and the loss of human lives in the Mediterranean. Taking into consideration that the respect of human life and dignity as well as the respect of the non-refoulement principle for persons in need or potentially in need of protection is a binding obligation under international and European law, not merely for Greece but also for every European State, the GNCHR stressed the need for more solidarity and responsibility-sharing among EU Member States, while highlighting that the EU asylum system must be re-designed with a focus on human dignity and rights – not merely on ways to stockpile human beings in some Member States.

This is a summary in English of the *GNCHR Press Release regarding the recurring sea tragedies in the Mediterranean* [in Greek language], available at: http://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/DT_naftikes_tragodies.pdf.

GNCHR Press Release regarding the country visit to Greece 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, Mr Juan Pablo Bohoslavsky (2.12.2015)

On Wednesday, 2 December 2015, the GNCHR, represented by a delegation of its members, met with the UN 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, Mr Juan Pablo Bohoslavsky, during his first official visit to Greece from 30 November to 8 December 2015. His mission was to assess the impact of the financial crisis and economic adjustment programmes on the enjoyment of human rights, in particular economic, social and cultural rights. In the context of its institutional role as the independent advisory body to the State on matters pertain-

ing to human rights promotion and protection, the GNCHR stressed the rapid deterioration of living standards in Greece, which, coupled with the dismantling of the Welfare State, is rendering a significant part of the population destitute, widening the social divide, disrupting the social fabric, strengthening extremist and intolerant elements and undermining democratic institutions. The GNCHR also reminded its continuous Recommendations¹ to the EU institutions, the EU member-States as well as the Greek authorities to immediately and jointly mobilize towards the preservation of the values on which the European civilisation has been founded: human dignity and value, respect for human rights, equality, freedom and solidarity, with a view to restoring the regulatory gravitas of human rights in the process of financial policy-making and constantly weighing the impact of fiscal measures on social protection and security, as well as committing to protect social cohesion, which the EU institutions and all EU member-States jointly and separately are bound to safeguard.

This is a summary in English of the *GNCHR Press Release regarding the country visit to Greece 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, Mr Juan Pablo Bohoslavsky* [in Greek language], *Annual Report 2015*, pp. 236 et seq. available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Press Release regarding the Second meeting of the CoE/FRA/Equinet/ENNHRI Operational Platform on Roma Equality ("OPRE") (3-4.12.2015)

The GNCHR participated at the second meeting of the Operational Platform on Roma Equality

1. For more information see GNCHR, Working theme: Financial crisis, available at: <http://www.nchr.gr/index.php/en/2013-04-03-10-23-48/2013-04-03-10-41-02>.

(OPRE), organised by the Council of Europe Special Representative on Roma, which took place on 3-4 December 2015 in Strasbourg.

The focus areas of the OPRE Platform are the following:

- Addressing and combating Anti-Gypsyism and multiple discrimination against Roma.
- Raising awareness about HR/Equality Institutions and their reporting mechanisms, and facilitating access to justice for Roma,
- Improving National Roma Integration Policies and their Implementation (especially in the fields of education and housing).

This is a summary in English of the *GNCHR Press Release regarding the Second meeting of the CoE/FRA/Equinet/ENNHRI Operational Platform on Roma Equality ("OPRE")* [in Greek language], *Annual Report 2015*, p. 238, available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Press Release regarding the GNCHR's election in the ECC of ENNHRI (14.12.2015)

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.

This is a summary in English of the *GNCHR Press Release regarding the GNCHR's election in the ECC of ENNHRI* [in Greek language], *Annual Report 2015*, p. 239, available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

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

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GNCHR Contribution to International fora

GNCHR Written Information on the Second Periodic Report of the Hellenic Republic for the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) - List of Issues (LOIs) (2.2.2015)

In view of the upcoming adoption of a list of questions on Greece's second report to the Committee on Economic, Social and Cultural Rights (CESCR), which took place at the CESCR's 54th session, in March 2015, in Geneva, the GNCHR submitted to the CESCR written information prior to the adoption of lists of issues in relation to the implementation of the Covenant.

The information provided was related to reports adopted by the GNCHR until January 2015 and in particular to the:

a. Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR), 5.12.2013¹.

b. Recommendations of the Greek National Commission for Human Rights (GNCHR) for Childhood Protection: Health and Welfare, 8.5.2014².

c. Recommendations based on the Draft law on Special Education, 10.7.2014³.

d. Observations on the 24th Greek Report on the application of the European Social Charter and on the 9th Greek Report on the application of the Additional Protocol to the European Social Charter which was sent to the European Committee of Social Rights of the Council of Europe, 10.9. 2014⁴.

e. International Convention on the Rights of Persons with Disabilities: Problems regarding its implementation, 9.10.2014⁵.

f. Protection of the rights of older persons, 20.11.2014⁶.

The GNCHR particularly stressed that submission of the Report on the application of the Covenant comes at a time when Greece is plagued by a financial crisis and recalled that already since 2010 it conveyed to the State the "need for constant respect of human rights during the implementation of the fiscal and social

1. GNCHR Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR), Annual Report 2012-2013, pp. 59 et seq., available at: http://www.nchr.gr/images/English_Site/Ektheseis/ENGLISHREPORT12_13.pdf.

2. GNCHR Recommendations of the National Commission for Human Rights (NCHR) for Childhood Protection: Health and Welfare, Annual Report 2014, pp. 39 et seq., available at: http://www.nchr.gr/images/English_Site/Ektheseis/GNCHR%20Annual%20Report%202014.pdf.

3. GNCHR Recommendations based on the Bill on Special Education, Annual Report 2014, pp. 52 et seq., available at: http://www.nchr.gr/images/English_Site/Ektheseis/GNCHR%20Annual%20Report%202014.pdf.

4. GNCHR Observations on the 24th Greek Report on the application of the European Social Charter and on the 9th Greek Report on the application of the Additional Protocol to the European Social Charter which was sent to the European Committee of Social Rights of the Council of Europe, Annual Report 2014, pp. 64 et seq., available at: http://www.nchr.gr/images/English_Site/Ektheseis/GNCHR%20Annual%20Report%202014.pdf.

5. GNCHR International Convention on the Rights of Persons with Disabilities: Problems regarding its implementation, Annual Report 2014, pp. 78 et seq., available at: http://www.nchr.gr/images/English_Site/Ektheseis/GNCHR%20Annual%20Report%202014.pdf.

6. GNCHR Protection of the rights of older persons, Annual Report 2014, pp. 80 et seq., available at: http://www.nchr.gr/images/English_Site/Ektheseis/GNCHR%20Annual%20Report%202014.pdf.

exit strategy from the debt crisis". In this regard, the GNCHR highlighted the need to refer to the impacts of the deep financial crisis and the financial austerity measures, which clearly have affected the rights covered by the application of the Covenant.

This is a summary of the *GNCHR Written Information on the Second Periodic Report of the Hellenic Republic for the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – List of Issues (LOIs), Annual Report 2015*, pp. 247 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Submission to the Regional Representative for Europe of the Office of the United Nations High Commissioner for Human Rights, Mr Jan Jařab (30.3.2015)

The GNCHR met with the Regional Representative for Europe of the Office of the United Nations High Commissioner for Human Rights, Mr Jan Jařab, who carried out a mission to Greece from 8 to 11 November 2015. After the meeting, the GNCHR submitted its written observations on issues raised during the meeting, with a special focus on: rights of migrants – asylum seekers, rights of persons with disabilities, rights of the Roma, economic and social rights, healthcare issues and human rights education.

This is a summary of the *GNCHR Submission to the Regional Representative for Europe of the Office of the United Nations High Commissioner for Human Rights, Mr Jan Jařab, Annual Report 2015*, pp. 275 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

On Wednesday, 2 December 2015, the GNCHR, represented by a delegation of its members, met with the UN 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, Professor Juan Pablo Bohoslavsky, during his first official visit to Greece from 30 November to 8 December 2015. His mission was to assess the impact of the financial crisis and economic adjustment programmes on the enjoyment of human rights, in particular economic, social and cultural rights. After the meeting, the GNCHR submitted its written observations on issues raised during the meeting, with a special focus on: rights of migrants – asylum seekers, rights of persons with disabilities, rights of the Roma, economic and social rights, healthcare issues and human rights education.

This is a summary of the *GNCHR Submission to the United Nations 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, Professor Juan Pablo Bohoslavsky, Annual Report 2015*, pp. 296 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Submission to the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr Mutuma Ruteere (25.5.2015)

The GNCHR met with the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr Mutuma Ruteere, who carried out a country visit to Greece from 4 to 8 May 2015. The Special Rapporteur's main mission was to analyse the main challenges the country has faced in the fight against racism, racial discrimination, xenophobia and related intolerance, including issues related to the situation of migrants, refugees and asylum seekers, as well as acts and expressions of racism and xenophobia from political parties and police forces. After the meeting, the GNCHR submitted its written observations on issues raised during the meeting, with a special focus on: rights of migrants – asylum seekers, rights of the Roma, anti-racist legislation and police and racist violence.

This is a summary of the *GNCHR Submission to the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr Mutuma Ruteere, Annual Report 2015*, pp. 317 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Written submission to the Human Rights Council for its Twenty-ninth session, Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development [A/HRC/29/NI/2] (12.6.2015)

The GNCHR communicated to the Human Rights Council, for its Twenty-ninth session, regarding the Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to develop-

ment, its Written submission with a special focus on: the Greek legislation on combating domestic violence and its implementation, the National Action Plan on preventing and combating violence against women 2009 – 2013 and national statistics.

This is a summary of the *GNCHR Written submission to the Human Rights Council for its Twenty-ninth session, Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development [A/HRC/29/NI/2], Annual Report 2015*, pp. 335 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Letter by the First Vice-President, Angeliki Argyropoulou-Chryssochoidou, to the Head of the National Institutions and Regional Mechanisms Section (NIRMS) of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Vladlen Stefanov (19.6.2015)

The GNCHR addressed a letter to the Head of the National Institutions and Regional Mechanisms Section (NIRMS) of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Vladlen Stefanov, in order to welcome their initiative to draft the Secretary General Report "National institutions for the promotion and protection of human rights". The GNCHR, in its capacity as an independent advisory body to the State on matters of human rights, reiterated its willingness to continue its interventions in order to ensure the effective protection of human rights and contribute to the effective implementation of human rights obligations imposed by international law, while assuring that it remains vigilant when it comes to safeguarding the full enjoyment without discrimination of human rights and is at your disposal for any further information.

This is a summary of the *GNCHR Letter by the First Vice-President, Angeliki Argyropoulou-Chryssochoidou, to the Head of the National Institutions and Regional Mechanisms Section (NIRMS) of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Vladlen Stefanov, Annual Report 2015*, pp. 339 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Submission to the United Nations Committee on Economic, Social and Cultural Rights: Report on the List of Issues in relation to the Second Periodic Report of the Hellenic Republic for the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (3.9.2015)

In September 2015, the GNCHR submitted to the Committee on Economic, Social and Cultural Rights (CESCR) its Report concerning the List of Issues in relation to the examination of the Second Periodic Report of the Hellenic Republic for the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), during the 56th session of the CESCR. In January 2015 and in view of the upcoming adoption of a list of questions on the Report of Greece (CESCR 54th session, March 2015), the GNCHR had also submitted to the CESCR written information in relation to the implementation of the ICESCR.

The GNCHR addressed a series of issues such as: the limitation of the scope of social rights; the mounting barriers to access to Justice and judicial protection; the continued increase in unemployment; minimum and average wage and family needs; equal pay for work of equal value; measures to ensure safety and health at the workplace; measures for the elimination of discrimination in the enjoyment of social rights; right to work of older persons; working conditions for all workers, including overtime, paid and unpaid leave; public holidays with pay;

weekly rest period; the right of all workers to a reasonable period of notice for the termination of employment; the impact of changes to collective bargaining on social rights; the right to social insurance and security; the reconciliation of working and private life, including protection of maternity; mental health; the right to health and care; access to health services; special educational programmes organized and addressed to young people with special needs (vision, hearing, mobility); care and protection of persons with special needs and disabilities.

In view of all the evidence on the impact of continuing austerity measures on the rights covered by the Covenant, the GNCHR suggested that the CESCR may wish to recommend that the State Party:

a) constantly weigh the impact of fiscal measures on social protection and security as well as commit to protect social cohesion through the creation of a permanent mechanism that would effectively monitor the respect of human rights in practice and evaluate and assess the impact of austerity measures on both the enjoyment of and access to human rights by all those living in Greece (Human Rights Impact Assessment Mechanism);

b) refrain from actions that endanger the universality, indivisibility and interdependence of human rights; indeed, as social rights are also a prerequisite for the substantive and effective exercise of civil and political rights their decline affects all human rights and democratic institutions;

c) take immediate corrective measures for the unhindered enjoyment of the rights covered by the Covenant, given the exacerbation of general labour inequality, as well as the disproportionate impact on women and the systematic discrimination against young people, which lead to serious misconduct, overexpansion of the informal sector of the economy and the emergence of situations of lawlessness and violence,

d) restore the system of collective bargaining and collective agreements and re-establish the procedure for concluding national general collective agreements (NGCAs) as well as their content and scope with a view to maintaining the

NGCA status as an institutional instrument serving the general interest and the interest of workers in particular, through the establishment of general minimum standards of wages and working conditions for all workers throughout Greece. In order to effectively reverse the heavy consequences affecting a large part of society, this re-establishment should be combined with the repeal of the legislative suspension of the application of crucial principles that govern the minimum standards of collective labour protection;

e) refrain from acts of State's intervention to freedom of association and abolish provisions that violate its fundamental principles and rights;

f) take all necessary and adequate measures so that the Labour Inspectorate is adequately staffed and appropriately strengthened, so that any labour protection policy may be effective;

g) take urgent and effective measures, in cooperation with all competent authorities (including the Court of Auditors, the National Actuarial Authority, the General Accounting Office), for implementing the State guarantee for social security and the constant assessment of the adverse consequences of the multiple austerity measures on social security rights for large segments of the population;

h) elaborate concrete and effective plans to secure the achievement of the full enjoyment of the Covenant's rights, e.g. through restoring healthcare and welfare, unemployment and disability benefits and services on the basis of social justice and social solidarity.

This is a summary of the *GNCHR Submission to the United Nations Committee on Economic, Social and Cultural Rights: Report on the List of Issues in relation to the Second Periodic Report of the Hel-*

lenic Republic for the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Annual Report 2015, pp. 342 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Submission to the UN Human Rights Council's Universal Periodic Review of Greece (UPR-Greece, 2nd Cycle) (18.9.2015)

The GNCHR submitted to the UN Human Rights Council its Report for the Universal Periodic Review of Greece (UPR-Greece, 2nd Cycle). The GNCHR stressed that the submission of the Report comes at a time when Greece remains plagued by a financial crisis and the continuous effect of austerity measures and focused on the following thematic areas regarding the promotion and protection of human rights on the ground: equality and non discrimination (gender equality, discrimination on grounds of age, discrimination on grounds of sexual orientation and gender identity, racism and xenophobia), right to a fair trial, freedom of religion or belief, right to life, liberty and security of the person (domestic violence, arbitrary conduct of law enforcement), right to work and social protection (wage protection, trade union and collective, bargaining rights), right to health, Roma rights and rights of migrants-refugees-asylum seekers.

This is a summary of the *GNCHR Submission to the UN Human Rights Council's Universal Periodic Review of Greece (UPR-Greece, 2nd Cycle), Annual Report 2015*, pp. 357 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Contribution to European and International Bodies

ENNHRI Statement on the continuing tragedies in the Mediterranean Sea, a human rights approach – People before borders - Protection before border control (29.4.2015)

The GNCHR contributed to the adoption of the Statement of the European Network of National Human Rights Institutions (ENNHRI) on the continuing tragedies in the Mediterranean Sea, a human rights approach – People before borders - Protection before border control.

See *ENNHRI Statement on the continuing tragedies in the Mediterranean Sea, a human rights approach – People before borders - Protection before border control, Annual Report 2015*, pp. 413 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

ENNHRI Statement to the UN Open Ended Working Group on Ageing, Sixth Working Session (14-16.7.2015)

The GNCHR contributed to the adoption of the Statement of the European Network of Na-

tional Human Rights Institutions (ENNHRI) to the UN Open Ended Working Group on Ageing.

ENNHRI Statement to the UN Open Ended Working Group on Ageing, Sixth Working Session, Annual Report 2015, pp. 416 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

Open Letter from the Chair of the European Network of National Human Rights Institutions (ENNHRI), Prof. Alan Miller, to all its Members within the European Union (10.9.2015)

The GNCHR welcomed the Open Letter from the Chair of the European Network of National Human Rights Institutions (ENNHRI), Prof. Alan Miller, to all its Members within the European Union.

Open Letter from the Chair of the European Network of National Human Rights Institutions (ENNHRI), Prof. Alan Miller, to all its Members within the European Union, Annual Report 2015, pp. 418 et seq., available at: http://www.nchr.gr/images/pdf/aithsies_ektheseis/etisia_ekthesi2015_gr.pdf.

GNCHR Translation into Greek of the Concluding Observations of UN Treaty Bodies

Translation into Greek of the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights (CESCR) on the second periodic report of Greece, E/C.12/GRC/Q/2, 1.4.2015 (12.10.2015)

The GNCHR translated into Greek the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights (CESCR) on the second periodic report of Greece and disseminated them by making available on the GNCHR website both versions: English and Greek, as well as a brief description of the main points of concern.

For the Greek translation of the Concluding observations see: http://nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/COBS%20ICESCR_ell.pdf.

For the brief description of the main points of concern of the Concluding observations [in Greek language] see: http://nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/DeltioTypoCOBS%20ICESCR.pdf.

Translation into Greek of the Concluding Observations of the UN Human Rights Committee on the Concluding observations on the second periodic report of Greece, CCPR/C/GRC/CO/2, 3.12.2015 (3.11.2015)

The GNCHR translated into Greek the Concluding Observations of the UN Human Rights Committee on the Concluding observations on the second periodic report of Greece and disseminated them by making available on the GNCHR website both versions: English and Greek, as well as a brief description of the main points of concern.

For the Greek translation of the Concluding observations see: http://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/COBS_ICCPR_Ell.pdf.

For the brief description of the main points of concern of the Concluding observations [in Greek language] see: http://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/GNCHR_COBS_ICCPR.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 of Written Information to the Netherlands Institute for Human Rights regarding *The Oviedo Convention on Human Rights and Biomedicine* following a call for input which was addressed to the GNCHR by the European Network of National Human Rights Institutions (EN-NHRI) (15.1.2015)
- Participation of the GNCHR in a meeting organized in Brussels for the presentation of the DARE-Net project: Desegregation and Action for Roma in Education-Network. The GNCHR was represented by Ms Aik. Tsampi (24.2.2015)
- Submission of Written Information entitled "Implementation of the ECHR. Our common responsibility", in order to contribute to the presentation of the European Network's of National Human Rights Institutions (ENNHRI) representative regarding "The role of National Human Rights Institutions in the implementation of the

European Convention on Human Rights: examples of concrete action", during the Conference for the future of the European Court of Human Rights (26.3.2015)

- Participation of the GNCHR in the 28th Annual General Meeting of the International Coordinating Committee of the National Human Rights Institutions (ICC) in Geneva. The GNCHR was represented by Ms S. Koukouli-Spiliotopoulou, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation (11.3.2014-13.3.2014)

- Participation of the GNCHR in a meeting organized by the Fundamental Rights Agency (FRA), as well as in a meeting between the European Commission and the National Human Rights Institutions (NHRIs). The meetings took place in Brussels and were organized jointly by the European Commission, the International Coordinating Committee of the National Human Rights Institutions (ICC), the European Network's of National Human Rights Institutions (ENNHRI), the Asia-Pacific Forum (APF), the Network of African

NHRIS (NANHRI) and the Network of NHRIS of the Americas. The GNCHR was represented by the GNCHR First Vice-President, Ms A. Argyropoulou-Chryssochoidou (2-4.6.2015)

- Submission of Written contribution to the researcher of the Human Rights Centre of the School of Law of Essex University, Dr H. Tyrell, regarding the "Role of National Human Rights Institutions (NHRIs) in access to justice" (9.6.2015)

- Submission of Written information regarding issues of Family Reunification, in the context of the GNCHR interaction with homologue National Human Rights Institutions (NHRIs) of the Legal Working Group of the European Network's of National Human Rights Institutions (ENNHRI) (10.6.2015)

- Participation of the GNCHR in a Two-day Conference of the European Union (EU) on the Elderly Abuse, which took place in Brussels and was organized jointly by the European Commission, the European Network's of National Human Rights Institutions (ENNHRI) and Age Platform Europe. The GNCHR was represented by Ms R. Fragkou, GNCHR Legal Officer (15-16.6.2015)

- Participation of the GNCHR in a working meeting of the Advisory Group of the European Network's of National Human Rights Institutions (ENNHRI) regarding the issue of Human Rights of Older Persons and Long-Term Care. The GNCHR was represented by Ms R. Fragkou, GNCHR Legal Officer (16-17.6.2015)

- Participation of the GNCHR in the second NHRI Academy, which took place in Warsaw and was organised jointly by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the European Network's of National Human Rights Institutions (ENNHRI) and the University of Warsaw. The GNCHR was represented by Ms R. Fragkou, GNCHR Legal Officer (29.6.2015-3.7.2015)

- Submission of relevant data in English about human rights bodies in Greece for the *Clarity* on-line tool of the Fundamental Rights Agency (FRA), which allows the user to find the right organisation to help with his/her fundamental rights problem (15.9.2015)

- Participation of the GNCHR in a meeting of the CoE-FRA-ENNHRI-EQUINET Collaborative Platform on social and economic rights, which was a follow-up activity to the joint conference of the Council of Europe (CoE), the European Network of Equality Bodies (EQUINET), the European Network of National Human Rights Institutions (ENNHRI) and the European Union Agency for Fundamental Rights (FRA), which took place in Vienna in October 2013. The meeting took place in Strasbourg and the GNCHR was represented by Ms A.E. Baka, GNCHR Legal Officer (14-15.10.2015)

- Participation of the GNCHR in the 11th Meeting of the Working Group on the Convention on the Rights of Persons with Disabilities of the European Network's of National Human Rights Institutions (ENNHRI). The meeting took place in Zagreb (Croatia) and was organised jointly by the European Network's of National Human Rights Institutions (ENNHRI) and the Ombuds-woman of Croatia. The GNCHR was represented by Ms R. Fragkou, GNCHR Legal Officer (26-27.10.2015)

- Participation of the GNCHR in the 115th Session of the United Nations Human Rights Committee, during which the Human Rights Committee reviewed the 2nd periodic report of Greece for the implementation of the International Covenant on Civil and Political Rights (ICCPR). The session took place in Geneva and the GNCHR was represented by Prof. M. Gavouneli, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation (18-19.10.2015)

- Participation of the GNCHR in the General Assembly Meeting of the European Network's of National Human Rights Institutions (ENNHRI), during which the GNCHR was elected in the European Coordinating Committee (ECC), the Board of the European Network of National Human Rights Institutions (ENNHRI). The meeting took place in Utrecht (Netherlands) and the GNCHR was represented by Prof. M. Gavouneli, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation (30.11-1.12.2015)

GNCHR Meetings with State Representatives, Organisations and International Organisations

International Meetings

- The GNCHR met with the Regional Representative for Europe of the Office of the United Nations High Commissioner for Human Rights, Mr Jan Jařab, who carried out a mission to Greece from 8 to 11 November 2015. After the meeting, the GNCHR submitted its written observations on issues raised during the meeting, with a special focus on: rights of migrants – asylum seekers, rights of persons with disabilities, rights of the Roma, economic and social rights, healthcare issues and human rights education. The GNCHR was represented by 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, Ms S. Koukouli-Spiliotopoulou and the GNCHR Legal/Research Officers, Mr A. Konstantinou, Ms Aik. Tsampi and Ms R. Fragkou (30.3.2015)

- The GNCHR met with the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr Mutuma Ruteere, who carried out a country visit to Greece from 4 to 8 May 2015. After the meeting, the GNCHR submitted its written observations on issues raised during the meeting, with a special focus on: rights of migrants – asylum seekers, rights of the Roma, anti-racist legislation and police and racist violence. The GNCHR was represented by the GNCHR First Vice-President, Ms A. Argyropoulou-Chryssochoidou, the Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation, Ms S. Koukouli-Spiliotopoulou, the GNCHR Secretary, Ms Aik. Pantou and the GNCHR Legal/Research Officers, Ms Aik. Tsampi and Ms R. Fragkou (6.5.2015)

- The GNCHR met with the Rapporteur of the Parliamentary Assembly of the Council of Europe (PACE), Mr Andrea Rigoni, who carried out a fact finding visit to Greece on issues regarding violence against migrants. 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 GNCHR Secretary, Ms Aik. Pantou and the GNCHR Legal/Research Officers, Ms A.-E. Baka, Ms R. Fragkou and Ms Aik. Tsampi (14.10.2015)

- The GNCHR met with representatives of the International Press Institute, who carried a visit to Greece in order to be informed on issues regarding freedom of press, with a particular focus on the legal framework of defamation. 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 Fourth Sub-Commission for the Promotion of Human Rights, Ms Aik. Papanikolaou and the GNCHR Legal/Research Officer, Ms A.-E. Baka (13.11.2015)

- The GNCHR, represented by a delegation of its members, met with the UN 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, Professor Juan Pablo Bohoslavsky, during his first official visit to Greece from 30 November to 8 December 2015. After the meeting, the GNCHR submitted its written observations on issues raised during the meeting, with a special focus on: rights of migrants – asylum seekers, rights of persons with disabilities, rights of the Roma, economic and social rights, healthcare issues and human rights education. The meeting also attended the GNCHR Legal/Research Officers, Ms A.-E. Baka and Ms R. Fragkou (2.12.2015)

National Meetings

- Participation of the GNCHR in a meeting organized by the Hellenic Center for Disease Control and Prevention (KEELPNO-HCDCP), on Monday 20th of April 2015 on the National report on *HIV & AIDS 2015. Presentations of data of Ministries*. The GNCHR was represented by its Legal/Research Officers, Ms R. Fragkou and Mr A. Konstantinou (20 and 23.4.2015)

- Participation of the GNCHR in a meeting of a working group set up with the purpose of exchanging views on the impact of the economic crisis and the establishment of a network for the dissemination of information regarding the most vulnerable groups of society and their rights. The meeting was held in the Offices of the Greek Ombudsman and the GNCHR was represented by the GNCHR Second Vice-President, Ms E. Varchalama and the GNCHR Legal/Research Officer, Ms Aik. Tsampi (16.6.2015)

- Meeting of the GNCHR President, Mr G. Stavropoulos with the President of the Parliament, Ms Z. Konstantopoulou, with regard to the *GNCHR Statement on the impact of the continuing austerity measures on human rights* (28.7.2015)

- Participation of the GNCHR in a qualitative research organized by the National School of Public Health on the "Right to health: the moral dimension of the economic crisis on health and the healthcare services for cancer patients". The GNCHR was represented by its Legal/Research Officer, Ms R. Fragkou (31.7.2015)

- Meeting of the GNCHR with the President of the National Centre for Public Administration and Local Government (EKDDA), Ms I. Kamtsidou and the Studies and Research Officer, Ms

A. Zografou, for the cooperation between the GNCHR, the EKDDA and the Ministry of Justice with regard to the implementation of training programs for prison officers. 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 Fourth Sub-Commission for the Promotion of Human Rights, Ms Aik. Papanikolaou, the GNCHR Secretary, Ms Aik. Pantou and the GNCHR Legal/Research Officers, Ms A.-E. Baka and Ms Aik. Tsampi (26.10.2015)

- The GNCHR was visited by a delegation of students of the Research Group of Law Students. The GNCHR was represented by the GNCHR First Vice-President, Ms A. Argyropoulou-Chryssochoidou (30.10.2015)

- Participation of the GNCHR with representatives of the Golden Dawn Watch, an initiative of the Hellenic League for Human Rights, the Greek Observatory against Fascism and Racist Speech in the Media, which works as part of the Educational Foundation of ESIEA (Journalists' Union of Athens Daily Newspapers), the Antifascist League of Athens and Piraeus, and the City of Athens Migrants' Integration Council, for the monitoring of the trial against Golden Dawn. 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 Fourth Sub-Commission for the Promotion of Human Rights, Ms Aik. Papanikolaou, the GNCHR Secretary, Ms Aik. Pantou and the GNCHR Legal/Research Officers, Ms A.-E. Baka, Ms R. Fragkou and Ms Aik. Tsampi (2.11.2015)

GNCHR Participation in Parliament Meetings

- Participation of the GNCHR in a meeting of the Special Permanent Committee on Equality, Youth and Human Rights of the Parliament on *Gender Violence – More forms*. The GNCHR was represented by the Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation, Ms S. Koukouli-Spiliotopoulou and the GNCHR Legal/Research Officer, Ms R. Fragkou (4.6.2015)

- Participation of the GNCHR in a meeting of the Standing Committee on Public Administration, Public Order and Justice of the Parliament on the Draft law on "Civil Partnership and other provisions" of the Ministry of Justice. The GNCHR was represented by the GNCHR President, Mr G. Stavropoulos and the GNCHR Legal/Research Officer, Ms R. Fragkou (15.12.2015)

GNCHR Participation in Working Groups

- Participation of the GNCHR with the status of observer in meetings of the Working Group of the Ministry of Justice, Transparency and Human Rights on issues regarding offences with racist motive and the creation of the National Council against Racism and Intolerance. The GNCHR was represented by its Legal/Research Officer, Ms Aik. Tsampi (12.5.2015, 4.6.2015 and 1.7.2015)

GNCHR Participation in Conferences and Seminars

- Participation of the GNCHR in a Training Seminar for Police Officers of the Hellenic Police School of Further Education and Training. The GNCHR was represented by its Legal/Research Officers, Mr A. Konstantinou and Ms Aik. Tsampi (7.5.2015)

- The GNCHR supported the initiative of the European Law Students' Association (ELSA) to organise the First National Moot Court Competition on "Torture and Human Dignity". The GNCHR was represented by its Member designated by the Greek Council for Refugees, Mr I. Papageorgiou (8.5.2015)

- Participation of the GNCHR with a contribution to the Round table on "People at the Borders of Europe: the case of Greece", organised by the Greek Council for Refugees in the context of the program "Monitoring of Entry Points, Asylum and Reception Conditions and Procedures for Refugees in Greece", funded by Open Society Foundations (OSF). The GNCHR was represented by its Legal/Research Officer, Ms R. Fragkou (20.5.2015)

GNCHR Contributions to Questionnaires

- GNCHR Contribution to Questionnaire of the European Parliament for the *Report on the situation of fundamental rights in the European Union for the years 2013-2014* (16.2.2015)

- GNCHR Contribution to OHCHR Questionnaire on the *Causes and human rights implications of over-incarceration and overcrowding* (28.4.2015)

- GNCHR Contribution to OHCHR Questionnaire on General Assembly resolution 69/185 on *The safety of journalists and the issue of impunity* (3.5.2015)

- GNCHR Contribution to the Questionnaire on *The right of persons with disabilities to social protection pursuant to Human Rights Council resolution 26/20* (20.5.2015)

- GNCHR Contribution to the Questionnaire from the UN Human Rights Council Advisory Committee on the *Activities of vulture funds and the impact on human rights* (29.5.2015)

- GNCHR Contribution to the OHCHR Questionnaire on the *Rights of persons with disabilities* (4.6.2015)

- GNCHR Contribution to the OHCHR Questionnaire on the *Deprivation of nationality* (15.6.2015)

- GNCHR Contribution to a research carried out by the European Network of National Human Rights Institutions (ENNHRI) for the *evaluation of the Second National Human Rights Institutions (NHRI) Academy*, which was held in Warsaw from 29 June to 3 July 2015 (10.7.2015)

- GNCHR Contribution to the Questionnaire of the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas-Agui-

lar, pursuant to Human Rights Council resolution 26/20, on the *Right of persons with disabilities to participate in decision-making* (14.9.2015)

- GNCHR Contribution to the OHCHR Questionnaire on the *Work of NHRIs in the area of preventing and combatting racism and other forms of discrimination in sports* (14.9.2015)

GNCHR Consultations of National Stakeholders

- The GNCHR organised a consultation of stakeholders involved in the field of LGBT rights promotion and combating transphobia and discrimination based on gender identity with regard to *Transgender persons and legal gender recognition*. The consultation was held on 13 July 2015 and was attended by representatives of the Ombudsman (Human Rights Section), the Greek Transgendered Support Association, the Colour Youth - LGBTQ Youth Community of Athens, the Rainbow Families, the Racist Violence Recording Network, the Amnesty International (Greek Section), as well as Ms Marina Maropou-

lou, Research Associate of the Faculty of Law of the University of Athens (13.7.2015)

- The GNCHR organised a consultation with stakeholders, in parallel with the meeting of the First Sub-Commission of the GNCHR on Civil and Political Rights, with the aim of discussing *the right to interpretation and translation and the right to information in criminal proceedings*. More precisely, the following actors were represented: the Association of Greek Judges and Public Prosecutors for the Democracy and the Liberties (EEDD), the Athens Office of the Directorate-General for Translation-Representation of the European Commission in Greece, the Greek Council for Refugees (GCR), the Pan-Hellenic Association of Professional Translators Graduates of the Ionian University, the Association of Translators-Editors-Proofreaders, the Pan-Hellenic Association of Official Translators of the Ministry of Foreign Affairs, the Pan-Hellenic Association of Conference Interpreters and the Association of Court Interpreters of Athens and Piraeus (11.11.2015)

SECTION V.
NCHR EVENTS

GNCHR EVENTS

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Event for addressing Islamophobia through Education (28.4.2015)

The GNCHR organised jointly with the Center for Intercultural Research and Pedagogical Intervention (KEDEPP) of the University of Athens a presentation of the Greek translation of the *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education*, which was published originally in 2011 by the OSCE

Office for Democratic Institutions and Human Rights (OSCE/ODIHR), Unesco and the Council of Europe.

15-Year Anniversary Event (21.12.2015)

The GNCHR organised an event to celebrate the 15 years of constant presence and work in the field of human rights protection and promotion.

SECTION VI.
GNHR IMPACT AND EFFICIENCY

GNCHR IMPACT AND EFFICIENCY

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GNCHR Impact and Efficiency

At National Level

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 2015, submitted relevant information and recommendations to the competent State authorities regarding the following Draft laws which then were voted by the Parliament:

- Law 4320/2015 on *Adjustments for the adoption of direct measures addressing the humanitarian crisis, organising the Government and the governmental bodies and other provisions* (OGG 29/A/19.3.2015)
- Law 4326/2015 on *Emergency measures for addressing violence in sports and other provision* (OGG 49/A/13.5.2015)

- Law 4332/2015 on Amending provisions of the Greek Citizenship Code-Modification of Law 4521/2014 on the adaptation of Greek legislation to the Directive 2011/98/EU of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State and Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal and other provisions (OGG 76/A/9.7.2015)
- Law 4356/2015 on Civil partnership, exercise of rights, penal and other provisions (OGG 181/A/24.12.2015)
- National Action Plan on Children's Rights

At International and European Level

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

MAHAMMAD AND OTHERS V. GREECE, 15.1.2015 (appl. No. 48352/12)

Violation of Article 3 ECHR

Violation of Article 5 (4) ECHR

§§ 24-27

«24. Du 18 au 20 mars 2011, la Commission nationale des droits de l'homme et le médiateur de la République ont visité les centres de rétention des départements de l'Évros et du Rhodope afin d'examiner les conditions de détention des étrangers et l'application de la législation relative à l'asile.

25. Au premier jour de la visite – le 18 mars 2011 –, le centre de Fylakio, d'une capacité de 300 personnes, en accueillait 412. Les mois précédents, le nombre de détenus atteignait le double. Alors qu'au début de sa mise en service le centre avait été totalement rénové, il présentait déjà des dégradations et des problèmes de fonctionnement, dus à la surpopulation. Les conditions de détention étaient mauvaises à cause de la surpopulation. En raison du grand nombre de détenus et du nombre insuffisant de gardiens, les premiers n'étaient pas autorisés à sortir du bâtiment.

26. La Commission et le médiateur ont été informés qu'il y avait un important problème de financement du centre, ce qui avait comme conséquence le manque, entre autres, de produits de première nécessité (papier hygiénique et produits d'hygiène) et de linge de lit. Il y avait aussi une inquiétude concernant l'approvisionnement du centre en denrées alimentaires, car le contrat conclu avec une société privée arrivait à échéance.

27. La Commission et le médiateur ont aussi été informés qu'il y avait des problèmes de communication avec les détenus par manque d'interprètes. Les détenus n'étaient pas au courant de la procédure d'asile, ni des motifs ou de la durée de leur rétention».

§ 42

«Les requérants rétorquent qu'ils ont beaucoup souffert des déficiences du centre en ce qui concerne l'alimentation, l'espace de détention, l'état des toilettes et des salles d'eau et l'impossibilité d'avoir une quelconque activité physique. Pour démontrer la réalité de leurs allégations, ils reproduisent des extraits de rapports établis par plusieurs instances internationales et nationales, telles le Rapporteur spécial des Nations Unies sur la torture et autres peines et traitements cruels, inhumains ou dégradants, le CPT, le HCR, la Commission nationale des droits de l'homme et le médiateur de la République, ainsi que par des organisations non-gouvernementales, telles le Conseil hellénique des réfugiés et ProAsyl, qui ont toutes visité le centre de rétention de Fylakio».

§ 45

«La Cour dispose d'une série de rapports établis par des instances nationales et internationales à la suite de leurs visites dans ce centre à des périodes proches de celles de la détention des requérants, à savoir entre novembre 2011 et mars 2012. Ainsi, le Rapporteur spécial des Nations unies a visité les lieux en octobre 2010, le CPT en janvier 2011, la Commission nationale des droits de l'homme et le médiateur de la République en mars 2011, le HCR en juin et en juillet 2011 ; le Conseil hellénique des réfugiés a, quant à lui, observé le centre sur une période d'un an (de mars 2011 à mars 2012)».

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.

A.Y. V. GREECE, 5.11.2015 (appl. No. 58399/11)

Violation of Article 3 ECHR

Violation of Article 13 and 3 ECHR

No violation of Article 5 (1) ECHR

No violation of Article 5 (4) ECHR

§§ 32-34

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

32. 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.

33. 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 interviewé par FRONTEX, 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.

34. 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 des 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».

§ 57

«À cet égard, la Cour note que les conditions de détention prévalant dans les locaux du poste frontière de Tychemo où le requérant fut placé pendant trois mois environ sont révélées par plusieurs rapports des organisations grecques et internationales qui les ont visités peu après la libération du requérant, notamment le CPT et la Commission nationale des droits de l'homme et le Médiateur de la République. Ces organisations mettent en avant le manque d'espace sévère dont les détenus souffraient : 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 m² ; 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».

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.

The GNCHR in the Reports of the European Commission against Racism and Intolerance (ECRI)

ECRI Report on Greece (Fifth monitoring cycle), Adopted on 10 December 2014, Published on 24 February 2015

§ 29

"29. The Ombudsman can only refer a case to the competent prosecutor or administrative authority for investigation, without having the right to initiate and participate in court cases. Since 2010, the **National Commission of Human Rights (NCHR)** has been proposing to amend Law 3304/2005 to allow the Ombudsman to intervene in favour of a plaintiff in cases which have been previously investigated by him/her and are subsequently heard by the courts. However, no such amendments have been made or are planned".

§ 68

"68. In May 2011, the **National Commission for Human Rights (NCHR)** adopted a special report on tackling racist violence in Greece by the police and the justice system. It found that racist violence could not be dealt with effectively without a complete change in the way that the police handled such cases. Reform was especially important in cases involving police officers. Such cases generally resulted in an acquittal, if investigated at all.

This failure to investigate complaints properly contributed to victim's reluctance to report crime. The police were accused of being a neutral observer of the attacks by right-wing groups at best. At worst, they actually perpetrated racist violence. Furthermore the police often refused to investigate, even when there was ample evidence".

§ 73-74

*"While some measures had been taken by the authorities, such as the creation of new anti-racist police units in early 2013, these remained largely insufficient to address the problem of racist violence. It was only after the murder of the Pavlos Fyssas, an ethnic Greek, by a member of Golden Dawn in September 2013 that the authorities acted against the neo-Nazi party, arresting and charging its leadership with having formed a criminal organisation. A Public Prosecutor for the prosecution of acts of racist violence was appointed in October 2013. The arrests also sparked a public debate as to whether the crackdown might have been mainly motivated by party politics. On the other hand, the fact that hundreds of attacks against foreigners, including several killings, had not resulted in any steps against this organisation, but that this required the death of a Greek, is in itself worrying. This attitude is also implied by a comment made by the former high-ranking Cabinet Secretary, responding in 2012 to the annual **NHRC** report, which had raised the problem of racist violence, that "We are not interested in the human rights of foreigners". The Ministry of Justice, Transparency and Human Rights has included the fight against racism and racist violence into its Human Rights National Action Plan 2014-2016.*

*74. ECRI recommends the creation of a Task Force to develop a comprehensive national strategy to combat racism and intolerance. Such a Task Force should be composed of the relevant authorities, the two independent bodies (Ombudsman and **National Human Rights Commission**) and NGOs, so as to enhance the cooperation between the authorities and civil society on this matter. The national strategy should, inter alia, include a situation analysis, an overview of existing measures, gaps and needs, and strategic recommendations on how to address them, including targets and measurable indicators".*

GNCHR, Annual Report 2012-2013, available at: http://www.nchr.gr/images/English_Site/Ektheseis/ENGLISHREPORT12_13.pdf.

GNCHR, Racist Violence, 19.5.2011, available at: http://www.nchr.gr/images/English_Site/DIAKRISEIS/racist_violence.pdf.

The GNCHR in the Reports of the International Labour Organization (ILO)

Application of International Labour Standards 2015 (I), International Labour Conference, Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22 and 35 of the Constitution), 104th Session, 2015, REPORT III (Part 1A)

Discrimination (Employment and Occupation) Convention, 1958 (No.111)

(ratification: 1984)

Articles 2 and 3 of the Convention

*Impact of the structural reform measures on the application of the Convention. The Committee has been examining for a number of years the austerity measures adopted in the framework of the support mechanism. In this context it has requested the Government to monitor the impact of such measures on the employment of men and women, including those from religious and ethnic minorities, in both the public and the private sectors, so as to address any direct or indirect discrimination based on the grounds provided for in the Convention. The Committee notes the information provided by the Government concerning the implementation of Act No.4024/2011 which provides for the automatic termination of different categories of employees and the placing of some employees in some categories in the "labour reserve" (that is employees on open-ended private law contracts) and Act No. 4093/2012 which provides for civil service mobility, as well as the conversion from full time to part time and rotation work contracts in the private sector, which are addressed in detail in the direct request. The Committee further notes that **the Greek National Commission for Human Rights (NCHR)** highlighted the importance of assessing the adverse consequences of the multiple austerity measures on the employment and social security rights of large segments of the population and called on the Government to end the flexibilization of employment relationships in the private and the public sectors (**NCHR conclusions adopted by the Plenary of 27 June 2013**). Moreover, the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights recommended the conducting of human rights impact assessments to identify potential negative impacts of the adjustment programme and the necessary policies to address such impacts (A/HRC/25/50/Add.1, 27 March 2014, paragraph 91).*

GNCHR, The NCHR Recommendation and decisions of international bodies on the conformity of austerity measures to international human rights standards, 27.6.2013, available at: http://www.nchr.gr/images/English_Site/AusterityMeasuresHR/gnchr.austeritymeasures.2013.pdf.

SECTION VII.
GNCHR LEGAL FRAMEWORK AND
ORGANISATIONAL STRUCTURE

GNCHR LEGAL FRAMEWORK AND ORGANISATIONAL STRUCTURE

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GNCHR Founding legislation

Law 2667/1998 establishing the GNCHR (OGG A 281/18.12.1998)¹

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

(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 Pan-Hellenic 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 Commission. 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 Commission, 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, *Mr A. Nerantzis*, and since May 2015, *Ms Z. Konstantopoulou*.

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 N. Hatzopoulos* and *Mr O. Mermelas*, as his alternate, and since May 2015, *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 A. Yolassis*, as her alternate (since May 2015 *Mr F. Iatrellis*, as her alternate);

- for the Hellenic League for Human Rights, *Mr K. Papaioannou* and *Ms E. Kalampakou*, as his alternate, and since May 2015, *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 S. Koukouli-Spiliotopoulou* and *Ms P. Petroglou*, as her alternate, and since May 2015, *Ms M. Ganouveli* and *Ms M. I. Pravita*, as her alternate;

- for the Panhellenic Federation of Greek Roma Associations, *Mr Ch. Lambrou* and *Mr K. Dimitriou*, as his alternate, and since May 2015, *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, *Ms A. Papaioannou* and *Ms M. Dimitrakopoulou-Siouana*, as his alternate, and since May 2015, *Mr I. Ioannidis* and *Mr V. Chronopoulos*, as his alternate;

- for KKE, *Mr A. Antanassiotis*;

- for SYRIZA, *Mr N. Theodoridis* and *Mr S. Apergis*, as his alternate, and since May 2015, *Mr S. Apergis* and *Ms E. Spathana*, as his alternate;

- for DIMAR, *Ms M. Kouveli* and *Ms M. Karaferi*, as her alternate until May 2015;

- for The River, *Ms K. Papanikolaou* and *Ms I. Panagopoulou*, as her alternate, and since May 2015, *Ms I. Panagopoulou* and *Ms F. Leompilla*, as her alternate.

6. The Greek Ombudsman, *Ms K. Spanou* and *Mr V. Karydis*, as her alternate;

7. One member of the Hellenic Data Protection Authority, *Mr I. Metaxas* and *Mr K. Christodoulou*, 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.

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 N. Ouzounoglou* and *Mr G. Sotirelis* and *the Metropolitan of Demetrias and Almyros His Eminence Ignatius* and *Mr I. Nanas* as their alternates, and since May 2015, *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 Political Studies and Public Administration, National Kapodistrian University of Athens, *Ms P. Pantelidou-Malouta* and *Mr G. Kouzelis*, as her alternate;
- from the Faculty of Law, Demokriteion University of Thraki, *Mr G.-E. Kalavros* and *Mr A. Dervitsiotis*, as his alternate;
- from the Faculty of Political Science and History, Panteion University, *Mr D. Christopoulos* and *Ms A. Anagnostopoulou*, as his alternate;

And since May 2015:

- 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 K. Kolokas* and *Mr A. Tzoumanis*, as his alternate, and since May 2015, *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 elabora-

tion 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 2015 the following Legal/Research Officers:

- *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

- *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.

And since August 2015:

- *Ms Anna Irene Baka*, PhD in Public Interna-

tional Law and Legal Philosophy (The University of Hong Kong), LLM 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.

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).

From July 2011 to February 2015, *Mr N. Kyriazopoulos* was also seconded to the GNCHR Secretariat.

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).

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