

HELLENIC REPUBLIC  
NATIONAL COMMISSION FOR HUMAN RIGHTS

**R e p o r t 2 0 0 6**  
**Summary in English**

NATIONAL PRINTING OFFICE

*March 2007*

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**GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS**

**REPORT 2006: SUMMARY IN ENGLISH**

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## **II. LEGAL FRAMEWORK AND ORGANISATIONAL STRUCTURE OF THE GNCHR**



**a) Law No. 2667/1998 establishing the GNCHR**

**LAW No. 2667/1998<sup>1</sup>  
(as amended by Law 2790/2000, Law 3051/2002 and Law 3156/2003)  
Constitution of a National Commission for Human Rights  
and a National Bioethics Commission**

**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. A National Commission for Human Rights, which shall be subject to the Prime Minister, is hereby constituted.
2. The Commission shall be supported as to its staffing and infrastructure by the General Secretariat of the Council of Ministers, and its budget shall be incorporated into the budget of this service unit.
3. The Commission shall have its own secretariat. The President of the Commission shall be in charge of the secretariat.
4. The Commission shall constitute an advisory organ of the State on matters of the protection of human rights.
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 OECD, 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;

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<sup>1</sup> OJHR A' 281, 18.12.1998

- (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;
- (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.

## **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 representative of the General Confederation of Labour of Greece and one representative of the Supreme Administration of Unions of Civil Servants;
- (c) Four representatives of 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 representatives of other non-governmental organizations (on 06.02.2003 NCHR included in its NGO membership the Greek League for Women's Rights and the Panhellenic Federation of Greek Roma Associations);
- (d) Representatives of the political parties recognized in accordance with the Regulations of Parliament. Each party shall appoint one representative;
- (e) (deleted by Law 3156/2003);
- (f) The Greek Ombudsman;
- (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. An equal number of alternates, appointed in the same way as its full members, shall be provided for the members of the Commission.

3. 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. The term of the members of the Commission who take part in its first composition expires, irrespective of the date of their appointment, on 15 March 2003 (as amended by Law 3051/2002).

4. The Prime Minister shall convene in writing a session of the members of the Commission, with a view to the election of its President and the 1st and 2nd Vice-President. 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-paras. (a), (b), (e), (j) and (l) of paragraph 1 of the present article may be elected as President and Vice-President (as amended by Law 2790/2000).

5. The representatives of the ministries shall take part in the taking of decisions without voting rights.

6. The Commission shall be deemed to have been lawfully incorporated if

two of the members of sub-para. (c) and the members of sub-paras (a), (e), (j) and (k) of paragraph 1 of the present article have been appointed (as amended by Law 2790/2000).

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 manner of incorporation of the Commission and any other relevant detail shall be regulated by a decision of the Prime Minister.

### **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.

### **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 Vice-Presidents shall substitute for the President in the order of their rank when the latter is lacking, is impeded, or is absent.

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.

4. 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.

5. The Regulations for the operation of the Commission shall be drawn up

by a decision of the Prime Minister. The operation of sub-commissions, the distribution of competences among the sub-commissions and the members, the procedure for the invitation and audience of persons summoned before it, and any other detail shall be regulated by these Regulations. The Regulations may be amended by a decision of the Prime Minister, following an opinion on the part of the Commission.

## **Article 5**

### **Annual report**

The Commission shall by the end of January of each year submit its report to the Prime Minister, the President of Parliament, and the leaders of the political parties which are represented in the national and the European Parliament.

## **Article 6**

### **Assistance of public services**

1. At the end of each year, the ministries which are represented on the Commission shall lodge 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**

### **Research officers**

1. Three (3) posts for specialist academic staff, within the meaning of para. 2 of Article 25 of Law 1943/1991 (OJHR 50 A), on a private law employment contract of a term of three (3) years, are hereby constituted. This contract shall be renewable (as amended by Law 3156/2003).  
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 (OJHR 28 A), as replaced by Article 4 of Law 2527/1997 (OJHR 206 A), by five members of the Commission who have a vote, to be nominated by its President.
2. The legal research officers 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.

## **Article 8**

### **Secretariat of the Commission**

1. One (1) post of secretary and three (3) posts for secretarial and technical support of the Commission are hereby constituted.

2. The following shall be regulated by a Presidential Decree issued on the proposal of the Ministers of the Interior, Public Administration and Decentralization, of Foreign Affairs, of Finance, and of Justice:

(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, which may be by the making available or secondment of civil servants or employees of public law legal persons, or those employed on a contract of employment of a fixed or indefinite duration with the State, public law legal persons or private law legal persons of any form which are under the direct or indirect control of the State;

(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 Grade A or B 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.

Athens, 17 December 1998

**CONSTANTINOS STEPHANOPOULOS**  
PRESIDENT OF THE REPUBLIC

**CONSTANTINOS G. SIMITIS**  
PRIME MINISTER

THE MINISTERS (...)

*Endorsed and the Great Seal of State affixed*

Athens, 18 December 1998

## **b) Mission and mandate of GNCHR**

The Greek National Commission for Human Rights (GNCHR) was founded by Law 2667/1998 and inaugurated on 10 January 2000, when it was first convened by the Prime Minister, and its President and two Vice-Presidents were elected.

GNCHR is a statutory National Human Rights Institution having a consultative status with the Greek State on issues pertaining to human rights protection. The creation of GNCHR emanated from the need to monitor developments regarding human rights 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 original source of inspiration for the creation of GNCHR were the *Paris Principles*, adopted by the United Nations and the Council of Europe.

According to Law 2667/1998, by which GNCHR was established, GNCHR has the following substantive competences:

1. The study of human rights issues raised by the government, by the Convention of the Presidents of the Greek Parliament, by GNCHR members or by non-governmental organisations;
2. The submission of recommendations and proposals, elaboration of studies, submission of reports and opinions for legislative, administrative or other measures which may lead to the amelioration of human rights protection in Greece;
3. The development of initiatives for the sensitisation of the public opinion and the mass media on issues related to respect for human rights;
4. The cultivation of respect for human rights in the context of the national educational system;
5. The maintenance of permanent contacts and co-operation with international organizations, similar organs of other States, as well as with national or international non-governmental organizations;
6. The submission of consultative opinions regarding human rights-related reports, which Greece is to submit to international organizations;
7. The publicizing of GNCHR positions in any appropriate manner;
8. The drawing up of an annual report on human rights protection in Greece;
9. The organization of a Human Rights Documentation Centre;
10. The examination of the ways in which Greek legislation may be harmonized with the international law standards on human rights protection, and the subsequent submission of relevant opinions to competent State organs.

### **c) Membership of GNCHR**

**In accordance with Article 2 of Law 2667/1998, as amended in 2002 and 2003, the following are members of GNCHR:**

1. The President of the Special Parliamentary Commission for Institutions and Transparency;
2. A representative of the General Confederation of Greek Workers and his/her alternate;
3. A representative of the Supreme Administration of Civil Servants' Unions and his/her alternate;
4. Six representatives (and their alternates) of Non-Governmental Organizations active in the field of human rights protection, that is, Amnesty International Greek Section, the Hellenic League for Human Rights, the Marangopoulos Foundation for Human Rights, the Greek Council for Refugees, the Greek League for Women's Rights and the Panhellenic Federation of Greek Roma Associations;
5. Representatives of the political parties represented in the Greek Parliament. Each political party designates one representative and his/her alternate;
6. The Greek Ombudsman and his/her alternate;
7. One member of the Authority for the Protection of Personal Data and his/her alternate, proposed by the President of the above Authority;
8. One member of the National Radio and Television Council and his/her alternate, proposed by the President of the Council;
9. One member of the National Commission for Bioethics and his/her alternate, proposed by the President of that Commission;
10. Two personalities widely recognized for their expertise in the field of human rights protection, designated by the Prime Minister;
11. One representative (and one alternate) of the: Ministry of Interior, Public Administration and Decentralisation, Ministry of National Education and Religion, Ministry of Labour and Social Security and Ministry of the Press and Mass Media. Each of these persons (who do not have the right to vote) is designated by the competent Minister;
12. Three Professors or Associate Professors (and their alternates) of Public Law or Public International Law, members of the University of Athens, Faculty of Political Science and Administration, of the University of Thessaloniki, Faculty of Law and of the University of Thrace, Faculty of Law;
13. One member of the Athens Bar Association and his/her alternate.

It is worthy to note the originality of the law provisions concerning GNCHR membership and the election of Members, of the President and the two Vice-Presidents. Each institution participating in 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 the right to vote- elect the President and the two Vice-Presidents of GNCHR. This particular, liberal system ensures GNCHR's independence and impartiality.

#### **d) The organisational structure of GNCHR**

Since January the 10th 2000 (starting date of functions), and till October 2006, Emer. Professor Alice Yotopoulos-Marangopoulos was the President of GNCHR. Following her resignation in October 2006, Mr. Kostis Papaioannou (representing the Greek Section of Amnesty International) has been elected at the post of the President of GNCHR. Ms Angeliki Chrysohoidou-Argyropoulou is the 1st Vice-President, and Ass. Prof. Linos-Alexandros Sicilianos is the 2nd Vice-President.

GNCHR has established five Sub-Commissions:

1. The Sub-Commission for Civil and Political Rights (Head, Ass. Prof. Linos-Alexandros Sicilianos)
2. The Sub-Commission for Social, Economic and Cultural Rights (Head, Mr. Nikos Frangakis)
3. The Sub-Commission for the Application of Human Rights to Aliens (Head, Ms Angeliki Chrysohoidou-Argyropoulou)
4. The Sub-Commission for the Promotion of Human Rights (Head, Ms Georgia Zervou)
5. The Sub-Commission for International Communication and Co-operation (Head, Ass. Prof. Grigorios-Evangelos Kalavros)

According to the Rules of Procedure of GNCHR the Plenary convenes every two months. In practice the Plenary meets every month. According to the above Rules each Sub-Commission holds at least one meeting per month. The Sub-Commissions' work consists of the preparation 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.

The GNCHR employs three Legal/Research Officers (Ms Christina Papadopoulou, Ms Chryssoula Moukiou -until 17 December 2006- and Mr. Vassilios Georgakopoulos); it also employs an Executive Secretary (Ms Katerina Pantou).

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

**III. SUMMARY OF THE GNCHR ACTIVITIES  
FROM 2000 TO DATE**



### III. SUMMARY OF THE GNCHR ACTIVITIES FROM 2000 TO DATE

In the beginning of the first year of its life, 2000, GNCHR collected and studied all major international and European documentation regarding human rights protection issues in Greece, which have been raised in international and European fora, with a view to examining the actual compliance of Greece with international and European human rights standards and law. Accordingly, the major issues of concern have been the following: issues pertaining to the effectiveness of the Greek justice system; freedom of religion; conscientious objection to military service; conditions of detention; non-discrimination on the grounds of race, ethnic origin or sex; protection of minority populations.

In the course of the meetings of the GNCHR Plenary and Sub-Commissions since 2000 the following issues have been discussed and relevant action was taken, including notification of the GNCHR resolutions and recommendations to all competent Greek authorities (also published in GNCHR Annual Reports):

- ***GNCHR proposals on the draft Charter of Fundamental Rights of the European Union (11 July 2000):*** GNCHR submitted to the EU Convention and competent Greek authorities proposals regarding the inclusion within the body of the Charter of specific substantive provisions regarding:
  1. The inclusion in the body of the Charter of a substantive notion of effective equality, especially with regard to women;
  2. The abolition and prevention of modern forms of slavery, especially those pertaining to trafficking and sexual exploitation of women and children;
  3. The prevention of human rights violations, especially gender-related, by fundamentalists;
  4. The express abolition of the death penalty in all circumstances;
  5. The strengthening of the legal status and the establishment of implementation measures relating to social and economic rights.
- ***The issue of inclusion of religious affiliation in Greek citizens' identity cards (13 July 2000):*** GNCHR adopted a resolution according to which the inclusion of religious affiliation in Greek citizens' identity cards is not in accordance with the Greek Constitution (article 5 paras 1 and 2 and article 13), or with current international and European human rights law, as well as European Community law. GNCHR pointed out that the selection of religion as a particular determining

identity conflicts with religious freedom and, more specifically, with the right not to declare or to remain silent as to one's religious faith, and gives rise to dangers of possible discrimination by reason of religion, as past experience has proved.

- ***Ratification of humanitarian law treaties (28 September 2000):*** GNCHR called upon the Greek government to proceed to the ratification of the 1999 Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, as well as of the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Greece had already signed these Protocols).
- ***The 2000 Bill on aliens/immigration (9 November and 30 December 2000):*** GNCHR expressed its criticism and submitted recommendations regarding certain provisions and omissions of the above Bill (later Law 2910/2001) which were considered to contravene current international standards of immigration and human rights law, such as: the lack of expert research on which the above Bill should have been based; non justification of visa application decisions by Greek consulates; lack of special protection of long-term immigrants; lack of effective protection of immigrant families; need to prevent human, especially women, trafficking through immigration legislation; access of immigrant children to education; access of detained immigrants to legal counseling. GNCHR stressed that the Greek government should take all appropriate measures for the establishment of specialised research into contemporary conditions of migration and for the establishment of an integrated immigration policy.
- ***Cremation of the deceased (7 December 2000):*** GNCHR proposed to the competent Greek authorities the modification of the current legislative framework for the protection by Greek law of every person's right, without any distinction whatsoever, to choose between cremation and burial when deceased. Current Greek law exclusively provides for the latter. GNCHR has noted that where the deceased has not expressed any special preference as between cremation and burial, his/her family (in order of priority: spouse, adult children, siblings, as in the case of the donation of organs of the body) should be able to choose.
- ***Ratification of the Rome Statute of the International Criminal Court (7 December 2000):*** GNCHR called upon the Greek government to proceed to the ratification of the Statute of the International Criminal Court (signed by Greece in 1998, later ratified by Law 3003/2002).

- **Human Rights Education and Promotion (2000-to date):** GNCHR has initiated a programme of human rights education and promotion, giving priority to specific population groups, that is, police force, civil servants, lawyers, journalists and students. In 2001 the Fourth Sub-Commission of GNCHR provided a number of Greek Universities with documentation with a view to establishing special human rights courses in their curricula. In April 2001 the Greek Open University accepted and started work on the proposal of the Fourth Sub-Commission of GNCHR, with a view to creating a new course on human rights. On 6 June 2002 the Fourth Sub-Commission provided the Greek Open University with more back-up information and ideas for the creation of the human rights course.

In June 2001 the Fourth Sub-Commission of GNCHR commissioned the Communication and Mass Media Department of the University of Athens to carry out a special study on Greek TV news bulletins and the promotion and establishment by them of stereotypes and discrimination mechanisms. The study was completed in February 2002 and widely publicized in December 2002, after a relevant public discussion, which was organized by the Fourth Sub-Commission of GNCHR at the Athens Journalists' Association on 5 December 2002.

In addition, the Fourth Sub-Commission of GNCHR in 2001 had consultations with the Greek Ministry of Public Order and the National School of Public Administration. The Sub-Commission has urged the above Ministry (special educational material has also been provided to them by the Fourth Sub-Commission) and the National School to promote and strengthen human rights education in their curricula for policemen and public servants respectively.

In 2005, a TV spot addressing the issue of racism and xenophobia was widely screened both by the national and private TV channels; the idea of the spot was initiated by the Fourth Sub-Commission back in 2002 and its production was generously supported by ERT, the National Radio and Television Company. The spot received positive feed-back from various social entities and the media.

- **Amendment of the Greek Constitution in 2001 (1 February 2001):** GNCHR submitted to the Greek government and to the parliamentary political parties recommendations regarding the amendment of a series of constitutional provisions on: conscientious objection to military service, abolition of the death penalty in all circumstances (the death penalty in time of peace has been abolished in Greece), protection of personal data, the right of association of civil servants, Greek mass media, the right to property, the protection of the

natural and cultural environment, the participation of civil servants in political parties and in national elections, the competences of the Greek Council of State, and the Greek independent administrative authorities.

- ***Freedom of religion (1 March 2001):*** In light of the recent case law of the European Court of Human Rights, GNCHR proposed the modification, according to the above-mentioned jurisprudence, of the current Greek legal framework regarding: 1. Prosecution of proselytism. The Greek state was urged to proceed to abrogating the relevant legislation in force and create a new relevant legal framework grounded in the right to freedom of thought, conscience and religion; 2. The establishment of places of worship. GNCHR urged the Greek authorities to abrogate the relevant antiquated legislation and comply with the judgments of the European Court of Human Rights; 3. The situation of the Muslim minority in western Thrace. In light of the ECHR case law, GNCHR pointed out that the competence of Muftis in Thrace should be contained in religious affairs only and not transcend to the fields of administration and justice; 4. Discrimination against conscientious objectors. GNCHR proposed the modification of Greek legislation with a view to eliminating legal and social discrimination against conscientious objectors to military service.
- ***Use of force and of firearms by police forces (4 April 2001):*** Upon request of the Minister of Public Order, GNCHR proposed the modification of the current relevant Greek legal framework in line with the relevant principles and norms of the United Nations and the Council of Europe. GNCHR stressed that the Greek legislation and police education and training were inadequate to confront modern forms of violence and criminality. According to GNCHR the new legislation should be squarely grounded in the principle of necessity and proportionality and guided, inter alia, by the 1979 UN Code of Conduct for Law Enforcement Officials and the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. GNCHR also stressed the imperative of intensifying the training courses of all Greek police personnel and of effectively safeguarding the latter's right to life and physical integrity and their families' special social security rights.
- ***Bill on organised crime (3 May 2001):*** GNCHR submitted to the Ministry of Justice a series of recommendations, based mainly on European human rights principles and the UN Convention against Transnational Organized Crime (Palermo Convention), regarding the draft of the "Law on the amendment of the Greek Criminal Code and

the Code of Criminal Procedure for the protection of citizens from indictable acts of criminal groups” (later Law 2928/2001). GNCHR pointed out, inter alia, that mixed jury courts should not be excluded from the adjudication of organized crime cases, and the investigative infiltration should be supervised by a judge and underlined the cautiousness with which DNA-related information (evidence) should be handled.

- ***Protection of refugees (asylum) in Greece (8 June 2001):*** GNCHR submitted to all competent Ministries proposals for a series of legislative and administrative amendments aimed at the modernization and harmonization of the Greek asylum framework with the established and emerging standards of international and European Community law. The main issues of concern were: 1. The free movement of refugees and asylum seekers; 2. Asylum seekers in transit areas of ports and airports; 3. Refugee reception centers; 4. The serious shortage of state trained interpreters and translators; 5. Asylum seekers without documentation, especially in Athens; 6. Review of asylum decisions and lack of judicial appeal on merits; 7. Inadequacy of legal aid to refugees and asylum seekers.
- ***Establishment of a comprehensive legal aid system (25 June 2001):*** GNCHR proposed to the Ministry of Justice the restructuring and modernization of legal aid schemes in accordance with the legal aid standards established by the Council of Europe, the European Union and the case law on the European Convention on Human Rights. GNCHR expressed its concern at the inadequacy of legal aid as it was structured and applied in Greece and stressed that legal aid should be available to every person who is in need of it, in all jurisdictions and all procedural stages. Particular attention should be paid by the Greek state to vulnerable social groups such as asylum seekers, refugees and alien immigrants potentially discriminated against on the ground of their racial or ethnic origin.
- ***Conditions of detention in Greece (5 July 2001):*** GNCHR, in view of relevant recent reports of, among others, the European Committee for the Prevention of Torture and the UN Committee against Torture, having regard to recent case law of the European Court of Human Rights and having visited some Greek prisons and police detention centres, submitted to the Ministry of Justice and the Ministry of Public Order a series of proposals aiming at the urgent reformation and modernization of the Greek detention centres and related legislation and practice. In particular GNCHR underlined the need for Greece to effectively comply with the recommendations of the above international and European organs, the need for creation

of new modern detention centers, the separation of minor and adult detainees, the provision of adequate health care services to all detainees and the putting into effect of the new aliens legislation that provides for the creation of new detention centers for aliens under deportation.

- **Alternative civil-social service (5 July 2001):** GNCHR proposed to the Ministry of National Defence amendments for the modernization of the Greek law regarding alternative civil-social service, instead of military service, in accordance with the relevant established principles of the Council of Europe and the case law of the European Court of Human Rights. GNCHR stressed, inter alia, that alternative service should be of a reasonable duration and never have the character of punishment, while the relevant authority should be independent from the military and provide adequate procedural safeguards.
- **Implementation by Greece of ILO Convention No 111 on non-discrimination in employment and occupation (20 August 2001 - a formal request for an opinion was submitted to GNCHR by the Greek Ministry of Labour):** GNCHR submitted its comments to the Ministry of Labour, placing particular emphasis on the important issues, requiring particular attention by the Greek state, of affirmative action in favour of women in Greece (following the new Article 116 para 2 of the Greek Constitution) and of the legal and factual gender equality in the framework of the relevant, evolving European Community law.
- **Resolution on terrorism and human rights after the events of 11.09.2001 (20 September 2001):** GNCHR was one of the first National Institutions that issued such a resolution calling upon states to abide by their international law obligations in the course of their struggle against terrorism that should in no way lead to new ethno-cultural divisions and enmities all over the world and to human rights violations.
- **Protection of social rights of refugees and asylum seekers in Greece (20 September 2001):** GNCHR submitted to the competent Greek Ministries a series of recommendations, based on European and international human rights standards, for the modernization and the strengthening of the current, inadequate system of refugee social protection in Greece. The main issues tackled by GNCHR in its report are: 1. Reception centres for asylum seekers; 2. Employment and vocational training of refugees and asylum seekers; 3. Provision of aid and special allowances; 4. Education; 5. Special protection of unaccompanied minor refugees and asylum seekers.
- **Draft Report of the Greek Foreign Ministry on Racism, Intolerance and Xenophobia to the Committee of Ministers of the Council**

**of Europe (22 October 2001):** Comments of the Second (Social, Economic and Cultural Rights) and Third (Application of Human Rights to Aliens) GNCHR Sub-Commissions were submitted to the Greek Foreign Ministry upon the latter's request. The above Sub-Commissions stressed, inter alia, that the Council of Europe should in no way proceed to the devaluation of the European Commission against Racism and Intolerance and that Greece should proceed to the ratification of the European Framework Convention for the Protection of National Minorities, as well as Protocol No 12 of ECHR on the prohibition of all forms of discrimination.

- **Second Mediterranean Conference of National Human Rights Institutions (1-3 November 2001):** GNCHR successfully organized and hosted the above Conference from 1-3 November 2001 in Athens, which was attended by 14 National Institutions and was concluded with the adoption of the Athens Declaration (text available at [www.GNCHR.gr](http://www.GNCHR.gr)). The major theme of the Conference was immigration and asylum following the Durban World Conference against racism of September 2001. The Conference was coupled with an open Colloquium on the above topic, organized by GNCHR in Athens.
- **Issues regarding protection of Roma in Greece (29 November 2001):** GNCHR submitted to the competent Greek authorities its report on Roma in Greece containing a long series of measures that Greece should take in order to meet the needs for social and legal protection of this particularly vulnerable social group. The main issues of particular concern to GNCHR have been the following: 1. The de facto social marginalisation of Roma; 2. Housing of Roma; 3. Provision of adequate health services to Roma; 4. Establishment of new education system tailored for the particular characteristics to Roma population; 5. Discrimination and violence against Roma by local indigenous populations and law enforcement personnel.
- **2001 Reports of the Ministers of Justice and of Public Order to the UN CAT (13 December 2001):** GNCHR submitted its comments on the above Reports, upon request of the relevant Ministries, in accordance with Law 2667/1998 founding GNCHR. GNCHR urged the Ministries to make particular reference in their Reports to the actual practice, that is, application of the UN Convention against Torture by Greek authorities. GNCHR also stressed the importance that Greek authorities should attach to the advancement of education and training of law enforcement personnel, to the amelioration of detention conditions in Greece and to the treatment by Greek authorities of immigrants and asylum seekers in accordance with international law and protection standards.

- ***Main issues of racial discrimination in Greece - Proposals for the modernization of Greek law and practice (20 December 2001):*** With this report GNCHR underlined the major issues concerning racial equality in Greece already raised by competent UN and Council of Europe organs and proposed that the Greek government proceed to the overhaul of the relevant policy and legislation, taking in particular into account Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. GNCHR stressed that Greece should fully comply with the recommendations of the UN CERD and ECRI and proceed to the modification of Greek anti-racism legislation and policy with a view to living up to current EC law and relevant standards laid down by the Council of Europe.
- ***2001 Greco-Turkish Protocol for the implementation of article 8 of the Greco-Turkish Agreement on combating crime, especially terrorism, organized crime, illicit drug trafficking and illegal migration (31 January 2002):*** GNCHR issued an opinion expressing its serious concern at, inter alia, the non-inclusion in the above Protocol (Law 3030/2002) of any express clauses pertaining to the effective protection of asylum seekers arriving in Greece from Turkey, according to the Geneva/New York Refugee Convention and Protocol. GNCHR pointed out that in a number of cases the conditions of aliens' refoulement/readmission raise concerns as to the safeguarding of fundamental rights of all persons attempting to enter Greek territory, including illegal migrants.
- ***Appeal to the Greek Foreign Minister pertaining to the treatment by the US authorities of Afghan detainees (28 February 2002):*** GNCHR has called upon the Greek Foreign Minister to exercise his utmost influence so that international human rights principles are adhered to in this case, especially those emanating from the UN Convention against Torture, the International Covenant on Civil and Political Rights and international, conventional and customary, humanitarian law.
- ***Appeal to the Greek Foreign Minister for the ratification by Greece of the anti-discrimination 12th Protocol to the European Convention on Human Rights, already signed by Greece (28 February 2002).***
- ***Resolution on the 2001 proposals for an EU Council Framework Decision on combating terrorism and for an EU Council Framework Decision on the European arrest warrant and the surrender procedures between Member States (28 February 2002):*** GNCHR commented on the above proposals dated December 2001 and stressed that these Decisions should be squarely based upon international and European human rights standards and principles. With regard to the decision on combating terrorism GNCHR stressed that EU member

states should show utmost cautiousness to the identification of the aims by which terrorist acts are identified and that the right to a fair trial should be always adhered to in the course of the relevant procedures. As to the European arrest warrant decision, GNCHR pointed to the precarious situation that the above decision may engender especially for third country nationals who have occasionally been discriminated against and victimised by state measures and policies adopted by certain states following the events of 11 September 2001.

- **Research project on TV news bulletins and human rights protection (28 February 2002):** The Fourth Sub-Commission of GNCHR commissioned the Department of Communication and Mass Media of the University of Athens to carry out the above research that was concluded in February 2002. The research demonstrated the existence of a pattern of serious violations of human rights by TV news bulletins, which have taken the form of “infotainment”, of mainly private TV channels in Greece. The research attested to the fact that TV news in Greece tend to arbitrarily categorize and stigmatize particular ethnic and social groups infringing upon their human dignity and flagrantly violating fundamental contemporary standards of human rights protection, primarily the one of presumption of innocence. The research results were publicized at a special public discussion event in the premises of the Athens Journalists’ Association, organized by the Fourth Sub-Commission of GNCHR on 5 December 2002.
- **2002 Core Document of the Greek Foreign Ministry to the UN Human Rights Committee (28 February 2002):** GNCHR submitted to the Greek Foreign Ministry, upon the latter’s request, its comments on the above Core Document pertaining to basic information on the framework of human rights protection in Greece. The main issues that were regarded by GNCHR as insufficiently covered by the above Core Document were the following: 1. Human rights education of law enforcement officials and public servants; 2. Compliance and cooperation of Greece with the recommendations of the Council of Europe Social Rights Committee and ECRI, as well as with the judgments of the European Court of Human Rights; 3. Provision by Greece of data regarding religion and languages used in Greece.
- **Bill on combating trafficking in persons and providing protection to victims (28 February 2002):** GNCHR submitted to the Greek authorities a series of substantive proposals for the amendment of the above Bill (later Law 3064/2002 and relevant Presidential Decree 233/2003), in accordance with the relevant protection standards agreed upon by the United Nations, the Council of Europe and the European Union. The main issues on which GNCHR focused its attention are: 1.

The necessary modification of the limited nature of the definition of trafficking included in the above Bill; 2. The necessity for expansion of the manners in which the victim's coerced acquiescence may be obtained; 3. The necessary establishment of a holistic legal and institutional framework for the provision of effective legal social protection to all victims of trafficking, especially during the phase of their repatriation; 4. The extensive protection that should be provided to minors; 5. The necessary criminalisation of professional exploitation of prostitutes.

- ***Appeal to the Greek Foreign Minister for the signature and ratification by Greece of the 13th Protocol to ECHR (concerning the abolition of the death penalty in all circumstances, 24 April 2002*** - The death penalty in time of peace had already been abolished in Greece).
- ***Restrictive quotas against women employed by the Greek Police and Fire Brigade (29 May 2002)***: GNCHR issued a special report on the above issue calling upon the Greek Ministry of Public Order, in charge of Greek Police and Fire Brigade, to abide by the new provisions of the Greek Constitution on affirmative action in favour of women, the relevant case law of the Greek Council of State and EC legislation. GNCHR stressed that according to the new article 116 para 2 of the Greek Constitution (2001) any kind of gender-based exclusion or restriction, including restrictive quotas against women, is to be considered as null and void. The competent Minister of Public Order in December 2002 put forward a Bill providing for the elimination of restrictive quotas against police women candidates.
- ***Issues relating to reception and access of asylum seekers to the asylum procedure in Greece (6 June 2002)***: GNCHR expressed its grave concern at reports of international NGOs regarding alleged instances of refoulement of asylum seekers by Greek authorities and issued a series of asylum law and practice-related recommendations with special reference to: the arrest of asylum seekers in border areas; these detainees' information about the Greek asylum procedure and their concomitant rights; provision of legal aid; facilitation of asylum seekers' communication with any person they wish to contact in order to inform them about their case; the creation of new permanent state reception centers for asylum seekers; the application of article 48 of Law 2910/2001, as amended by Law 3013/2002, which provides for the establishment of regional detention centres for aliens subject to administrative deportation.
- ***Report on Law 2956/2001 pertaining to temporary employment through "companies of temporary employment" (4 July 2002)***: GNCHR forwarded to the Greek government the above report

underlining its concerns at the *raison d'être* itself and application of the above Law that provides for the leasing of employees through the above-mentioned companies to various businesses in Greece. GNCHR stressed that the above form of employment contravenes in practice human and labour rights of the persons employed through this system. GNCHR also pointed to the necessity of strengthening the efficiency of the competent Body of Labour Inspectors, in charge of safeguarding the proper application of labour law in Greece.

- **Bill on the** Greek administration's compliance with judicial decisions (9 July 2002): GNCHR submitted to the Greek authorities a number of proposals for ensuring conformity of the above Bill (late Law 3068/2002) with the prescriptions of the Greek Constitution, the International Covenant on Civil and Political Rights and the European Convention on Human Rights. The main points of GNCHR were the following:
  1. The most effective means of compliance by the administration would be the establishment by law of the "action for performance" against the Greek administration;
  2. Compliance should be provided for also in cases of judgments regarding interim protection;
  3. The judicial board in charge of supervising the administration's compliance should include judges who have already participated in the relevant proceedings;
  4. The waiting period regarding compliance should not be beyond the limits of reasonableness established in European human rights law. Finally GNCHR pointed out that the above Bill should proceed to the abrogation of the antiquated preferential default interest of the Greek state, as prescribed by contemporary human rights law and principles.
- **Initial (2002) Report of Greece to the UN Committee on Economic, Social and Cultural Rights (4 September 2002):** GNCHR, upon urgent request of the Greek Foreign Ministry, submitted its comments on the above Report, which had been prepared by thirteen Ministries, in accordance with Law 2667/1998 founding GNCHR. GNCHR pointed to a series of issues falling under the scope of the Report that were not sufficiently, or at all, tackled by the above Report, such as:
  1. The inadequate Greek legal framework against racial or ethnic discrimination;
  2. The inadequate legal and institutional framework for the protection and integration of alien immigrants and refugees;
  3. Issues of unemployment and new forms of employment, such as temporary employment through "companies of temporary employment", that contravene modern human rights standards;
  4. High poverty rate and inadequate social welfare infrastructure;
  5. Implementation of the development and protection programme for Roma;
  6. Issues pertaining to socio-legal protection of aliens, especially women, victims of human trafficking;
  7. Issues regarding state education;
  8. Issues arising from the practice of mass

media, especially from private TV channels, and the flagrant or indirect violation by them of human dignity.

- ***Athens Conference on the Greek Presidency of the EU Council and the challenge of asylum and immigration, 8-9 November 2002 (co-organised with the Greek Ombudsman, UNHCR BO for Greece and the Greek Council for Refugees)***. This was a two-day open conference attended by representatives of competent Greek Ministries, the EU Commission, UNHCR, GNCHR and Greek NGOs. The conference ended with the adoption of a series of conclusions on the European and Greek immigration and asylum law and policy, which were publicized and forwarded to all competent Greek, European and international organizations.
- ***International Conventions on Migrant Workers and the position of Greece (12 December 2002)***. GNCHR proposed that Greece accede to the following Conventions on Migrant Workers, regarding them as necessary for, inter alia, the planning and implementation of a contemporary, human rights-based immigration law and policy by Greece: ILO Convention (No 97) concerning Migration for Employment (revised 1949), ILO Convention (No 143) on Migrant Workers (Supplementary provisions, 1975) and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- ***Issues relating to discrimination against alien workers with regard to their employment injury compensation (12 December 2002)***. GNCHR recommended the abrogation of article 5 of Royal Decree of 24.07.1920 and of Law 551/1915 which condition employment injury compensation to alien workers on the norm of reciprocity or the alien worker's residence in Greece, in violation of, inter alia, fundamental social rights provisions of the Greek Constitution and relevant provisions of the 1966 International Covenant on Economic, Social and Cultural Rights. With the same resolution GNCHR recommended also the ratification by Greece of the 1964 Employment Injury Benefits Convention of ILO (No 121).
- ***Commentary on the Bill of the Ministry of Public Order regarding arms possession and use of firearms by police personnel and their relevant training (12 December 2002)***. Upon request of the Minister of Public Order, GNCHR submitted its comments on the above Bill (later Law 3169/2003) of 12.11.2002. GNCHR regarded this Bill as moving in the right direction, in accordance with its own earlier proposals of 5 April 2001, the 1979 UN Code of Conduct for Law Enforcement Officials and the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. GNCHR proposed the modification of a series of provisions of the above Bill so that they conform to the

principles of necessity and proportionality in which the relevant policy and practice should be grounded. GNCHR also stressed the necessity of intensification and streamlining by the Ministry of Public Order of human rights education and further training in the curricula of all law enforcement officials in Greece.

- ***Resolution on Greece's combat against terrorism in its territory (12 December 2002).*** GNCHR, following its former relevant Resolutions of 2001 and 2002, expressed its outright condemnation of acts of terrorism carried out in Greece and called upon all competent Greek authorities and professional associations, such as the Athens Bar and the Athens Journalists' Association, to ensure that the struggle against terrorism is not carried out to the detriment of the fundamental principles enshrined in international human rights law and in the Greek Constitution.
- ***Greece's compliance with the Conclusions of the European Committee of Social Rights (12 December 2002).*** Given the importance of the European Social Charter (ESC) and of the supervisory work of the European Committee of Social Rights (ECSR) for the protection of fundamental social rights in contracting states such as Greece, GNCHR proposed that Greece recognize the right of Greek NGOs to lodge complaints with ECSR, according to the 1995 Additional Protocol to ESC, and fully comply with the Conclusions of ECSR, pertaining to the collective complaints against Greece.
- ***The detention conditions in Greece in 2002 (12 December 2002):*** GNCHR paid particular attention and studied the latest relevant reports of the European Committee for the Prevention of Torture, the United Nations Committee against Torture and the Council of Europe Commissioner for Human Rights. Taking also into account the responses of the Greek authorities to the above reports, GNCHR proceeded to submitting to the competent Greek authorities a series of recommendations with a view to ensuring, inter alia, the following: full compliance of Greece with the recommendations of the above United Nations and Council of Europe organs; promotion and strengthening continuous education of all personnel involved in the detention process; creation of detention centers of aliens under deportation according to Aliens' Law 2910/2001; special legislation for and attention to asylum seekers under detention, in accordance with the relevant GNCHR proposals of 06 June 2002; establishment of a detainee complaint procedure in all detention centers; decongestion of the prison and detention centers in the area of Athens through establishment of new prisons and detention centers in other regions; special treatment of detainees who are drug addicts and their strict separation from other detainees in all prisons and detention centers.

- ***Proposals to the European Convention for the Constitutional Treaty of the European Union (07 May 2003):*** GNCHR submitted to the European Convention a series of reasoned proposals pertaining to the following major issues: (a) The inclusion of peace and equality, especially equality between men and women, in the “values” of the European Union; (b) The addition to the Union’s objectives of social objectives proclaimed by the EC and EU Treaties; (c) The addition to the Constitution of a provision mainstreaming the principle of, and concomitant right to, environmental protection and amelioration; (d) Providing the EU Charter of Fundamental Rights with constitutional force; (e) The entrenchment in the Constitution of the proscription of all forms of discrimination; (f) The express entrenchment in the Constitution of gender equality, protection of maternity and of paternity and of the reconciling of family and professional life; (g) The protection of public health in the European Union.
- ***Resolution on Muslim weddings by proxy in Greece (29 May 2003):*** GNCHR held extensive discussions on the complex legal and social issues arising from this subject. GNCHR stressed the importance of respect for cultural and religious identities in a pluralist, democratic society. Taking into consideration the relevant principles and rules of international, European and Greek human rights law GNCHR reached the following conclusions: (a) Muslim weddings by proxy should be considered by Greek law as “non-existent” with regard to the proxy and the principal’s “spouse” and as “null and void” with regard to the principal; (b) The principle of legal security dictates that Muslim weddings by proxy already carried out in Greece should be considered as valid; (c) The minimum age for the conclusion of a Muslim wedding should be reviewed in the light of article 23 para. 3 of ICCPR and of the fundamental constitutional principle of gender equality.
- ***Draft Agreements (a) on extradition and (b) on mutual legal assistance between the European Union and the United States of America (29 May 2003):*** GNCHR expressed its reservation to the above Agreements and submitted to the Greek Government and the European Union comments regarding the following major issues: (a) The need for amending article 4 para. 2 of the Extradition Agreement due the unwarranted lowering of the seriousness of the offence with which the persons under extradition are charged; (b) The need for an express inclusion of a provision proscribing the extradition of nationals; (c) The need for amending article 13 so that extradition should be proscribed in cases where no adequate guarantees are provided regarding the non-execution of a potential death penalty by the requesting State and the non-application by the same State of measures amounting to

torture or inhuman or degrading treatment or punishment; (d) Article 14 should be modified so that the requesting State is expressly obliged to consult the requested State to determine the extent to which the particularly sensitive information can be protected by the requested State; (e) Article 9 of the Agreement on Mutual Legal Assistance should be amended so that there is guaranteed every person's right of access to personal data collected and exchanged between the contracting States; (f) Article 9 paras c and e of the same Agreement should be amended so that the requesting State is not provided with unlimited space of action in using personal data-related evidence or information obtained from the requested State.

- **Supplementary reply of GNCHR to the Greek Foreign Ministry on the Initial Report by Greece to the Committee of the International Covenant on Economic, Social and Cultural Rights (29 May 2003):** Upon the above Ministry's request, GNCHR submitted to it supplementary comments regarding the following main issues: (a) The independent nature, operation and work of GNCHR; (b) The protection by Greece of the social rights of Roma, refugees and asylum seekers. GNCHR stressed once again the need for Greece to intensify her efforts for the improvement of the socio-legal situation of the above specially vulnerable groups; (c) The need to improve the conditions relating to the education of children belonging to these social groups; (d) The promotion by the Fourth GNCHR Sub-Commission of human rights education in Greece in co-operation with the Ministry of Education.
- **Bill on the reform of juvenile criminal law (29 May 2003):** GNCHR recognized the improvement of the relevant legislation that the above Bill (later Law 3189/2003) brings with. However it submitted to the Justice Ministry a series of recommendations pertaining to the above Bill and the protection that should be afforded by Greek criminal law to the physical and mental health of minors. GNCHR proposed, inter alia, the following: (a) Introduction into Greek legislation of special protective measures aiming at the rehabilitation and social integration of juvenile offenders; (b) Amendment of the Bill so that specialized psychological care is provided to juvenile offenders; (c) The strict observance of the rule prescribing the separation of minor and adult detainees, especially if the latter are drug addicts and (d) The avoidance of institutionalized treatment of juvenile offenders.
- **Bill on the acceleration of criminal procedure (29 May 2003):** GNCHR submitted to the Justice Ministry a series of recommendations on the above Bill (later Law 3160/2003). The major issues are the following: (a) The need for furthering the protection of suspects, taking fully into account the case law of article 6 ECHR; (b) The preservation

of the right of appeal against judicial council decisions; (c) Problems arising from the restriction of the right of appeal by the increase of the appeal ability limits. GNCHR stressed that the above new provision raises serious issues of incompatibility with ECHR and ICCPR; (d) The issue of restriction of the right of appeal against ultra vires acts. GNCHR proposed that the relevant restrictive grounds in the law should be indicative.

- ***Proposals on the protection of the rights of mentally disabled persons subject to criminal security measures (19 June 2003):*** Taking into account the international and European developments in the area of protection of the above particularly vulnerable persons, GNCHR proposed to the Justice Ministry a series of amendments of criminal law for the enhancement of the protection of these persons. In particular GNCHR submitted to the Greek State the following major proposals: (a) Amendment of Greek criminal law so that detention of the above persons is ordered solely by courts of justice following open court sessions; (b) The detention should be primarily conditioned on the existence of the relevant pathology and not on vague legal conditions such as “danger to public safety”; (c) Amendment of legislation so that detention is subject to a complete judicial control as prescribed by contemporary international and European human rights standards; (d) The entrenchment in Greek law of the right of the mentally disabled to be present in all relevant judicial proceedings.
- ***Reply of GNCHR to the appeal of the “Committee for the recognition of the ancient Greek religion of the Twelve Gods” regarding human rights violations (25 September 2003):*** GNCHR held an extensive discussion on the above issue with representatives of the aforementioned Committee and reached the following conclusions: (a) GNCHR advised the Ministry of Education and Religious Affairs that they respond immediately and definitively to the application of the above Committee regarding the granting of a permit for establishing a place of worship; (b) GNCHR also advised the above Ministry that they review the outdated legal framework regarding the establishment of churches/ temples and places of worship, as already proposed by GNCHR on 01 March 2001 (see supra).
- ***Bill regarding the provision of legal aid to persons with low income (30 October 2003):*** GNCHR submitted to the Greek Ministry of Justice its comments on the above Bill (later Law 3226/2004). The major points raised by GNCHR were the following: GNCHR proposed that the Bill should not condition the provision of legal aid to non-nationals on the latter’s legal residence in the European Union. GNCHR proposed that legal aid should be provided also with regard to administrative law

litigation and that it should cover early preliminary (legal counseling) stages of all legal proceedings (civil, criminal and administrative). GNCHR also recommended that special consideration should be given by the Bill to asylum seekers as well as to victims of racial discrimination, as already noted by GNCHR in its relevant recommendations of 25 June 2001 (see supra).

- ***The incorporation of the EU Charter of Fundamental Rights into the draft Constitutional Treaty of the Union (30 October 2003):*** Following up to a relevant document of the French National Human Rights Commission, GNCHR submitted to the Greek Government and the European Union a series of proposals the most important of which are the following: (a) The incorporation of the Charter into the Constitution keeping intact the letter and spirit of the Charter as adopted at Nice; (b) Avoidance of Charter amendments that would restrict the interpretation potentials of European domestic courts; (c) The deletion of all Charter amendments made by the Convention (except for the purely “drafting adjustments”); (d) The need for informing the jurists and the public of the EU Member States on the above legal documents given their utmost politico-legal significance.
- ***The continuing use by Greece of anti-personnel mines in border areas (30 October 2003):*** GNCHR welcomed the deposition by Greece of the instrument of ratification of the Mine Ban Treaty (Ottawa, 1997, Law 2999/2002) at the United Nations on 25 September 2003. However GNCHR expressed its grave concern at the continuing use by Greece of anti-personnel mines in border areas that have caused a large number of victims including asylum seekers and illegal immigrants. This has been a practice that violates the fundamental human right to life entrenched in international human rights law, as well as basic international principles of refugee protection. GNCHR called upon the Greek State to immediately de-mine the above areas, to destroy the anti-personnel mines currently on stock and to avoid their use in the future.
- ***The loss of Greek nationality by virtue of ex article 19 of the Greek Nationality Code (GNC) and the procedure for its reacquisition (30 October 2003):*** The above provision, in force until 1998, led to the denationalisation of approximately 60,000 Greek citizens, mainly of Muslim/Turkish origin in Thrace, who had left Greece “with no intention of return”. GNCHR expressed its concern at the fact that the Greek State did not provide through statutory legislation for the reacquisition of Greek nationality in the above cases, given the fact that ex article 19 GNC was considered as contrary to the Greek Constitution and to contemporary human rights protection standards. GNCHR also pointed

out that it would be necessary the promulgation of specific statutory legislation providing for the possibility of reacquisition of Greek nationality in these cases. GNCHR also proposed that Greece accede to the 1961 Convention on the Reduction of Statelessness.

- ***Defining the position of cultural rights in domestic legal order and the relevant action of GNCHR (17 December 2003):*** The above issue was forwarded to the Plenary by the Second Sub-Commission that decided to propose to GNCHR the promotion of the position of cultural rights in Greece. GNCHR took into account the international, European and national standards of cultural rights protection and concluded that even though in Greece there are institutional safeguards of cultural rights the latter have not been adequately advanced or protected by the State in actual practice. GNCHR pointed out the need for protecting not only “horizontal” cultural rights covering the whole population of the country but also “vertical” cultural rights regarding members of minority groups who live in Greece and constitute a significant part of modern Greek society.
- ***The protection of “de facto” refugees in Greece (17 December 2003):*** GNCHR expressed its concern at the practice of the Greek Ministry of Public Order by which the renewal of de facto (“humanitarian”) refugee permits was unjustifiably denied. GNCHR welcomed the declaration of the above Ministry that this practice has ended but called upon it to give express and clear orders to the competent authorities so that they correctly apply current Greek asylum law and they treat favourably de facto refugees, according to the international and European standards of refugee protection. GNCHR reemphasized that refugee and immigration law and policy should be seriously overhauled by the Greek State and be characterized by clarity and broadmindedness in accordance with the European rule of law.
- ***Bill entitled “Application of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation” (transposition of Directives 2000/43/EC and 2000/78/EC) (17 December 2003):*** GNCHR submitted to the competent Ministries a series of comments on the above very significant Bill that attempts to introduce into Greek law new standards of protection against discrimination which has not been developed in Greece so far. GNCHR underlined that the relevant legislation should be flexible and effective for the protection of the especially vulnerable social groups it purports to cover. As a consequence, GNCHR proposed amendments of the Bill provisions relating to the following major issues: (a) Defence of rights: The law should expressly enable all NGOs with a legitimate interest to provide legal support to/on behalf of the

complainants; (b) Burden of proof: For the effective transposition there is to be an amendment of all Greek Procedural Codes; (c) Criminal sanctions: There is to be a harmonization of the new law with the existing anti-racism Law 927/1979; (d) Social dialogue and equality bodies: GNCHR proposed that social dialogue take place with all members of the civil society with a legitimate interest in ensuring the observance anti-discrimination legislation. Also the equality bodies should have a wider scope of action and adopt policies that will bring them closer to (potential) victims of discrimination. Finally GNCHR stressed the need for a systematic overhaul by the competent Greek Ministries of Greek legislation so that it becomes harmonized with the principle of equal treatment, especially in cases of religious minorities.

- ***The prevention of torture and other cruel, inhuman and degrading treatment or punishment and the accession and application by Greece of the Optional Protocol to the relevant United Nations Convention (2002) (17 December 2003)***: GNCHR reminded the Greek State of the significant issue of protection of the rights of detained persons in Greece and especially of detainees who are mentally disabled, of alien detainees and of detainees belonging to minority groups, all of whom are especially vulnerable. As a consequence, GNCHR stressed the particularly important role that the above Optional Protocol may well play in human rights protection and especially for the protection of detainees. GNCHR underlined in particular the significance of the new Subcommittee on Prevention and of the independent National Preventive Mechanisms provided for by the Protocol. These organs, especially through their visits to places of detention and the relevant reports, have the potential to enhance the detention conditions and to prevent detainees' ill treatment worldwide. As a consequence, GNCHR called upon the Greek State to accede to the above Protocol and proceed to its effective implementation, especially through the independent National Preventive Mechanisms provided for by the Protocol.
- ***Human rights violations through the provision and application of inhuman and degrading penalties in certain states (17 December 2003)***: Following a proposal by the Marangopoulos Foundation for Human Rights (MFHR, NGO member of GNCHR) GNCHR decided to deal with the issue of inhuman and degrading penalties provided for and imposed by criminal legislation of certain States. MFHR has submitted to GNCHR a relevant study that, after its approval by GNCHR, will be forwarded to the other three NHRIs members of the European Coordinating Committee of NHRIs requesting their cooperation. The Greek Society of Criminology has also accepted to cooperate with GNCHR on the same issue.

- **Translation into Greek, publication and distribution of the Pocket Book on Human Rights for the Police entitled “International Human Rights Standards for Law Enforcement” (United Nations High Commissioner for Human Rights, UNHCHR):** In 2003 the Fourth Sub-Commission of GNCHR (Promotion of Human Rights) received the permission by the Office of UNHCHR to translate into Greek, publish and distribute the above Pocket Book to the Greek police. The Pocket Book was published by the Greek National Printing House in early 2004 and has, in the meantime, been distributed to all police force in Greece.
- **Opinion/decision on the Protection of the Scarce Green Areas in the City of Athens and its surroundings (10 May 2004):** The Commission carefully examined the appeals and reports submitted by a number of non-governmental entities dealing with the protection of the environment (e.g. the Greek branch of WWF). The opinion underlined the importance and emergency of the matter and invited all competent State authorities to make it a priority issue in their agenda. It stressed the negative effect that the Olympic Games’ related constructions have had on the green areas of the periphery of Athens. It also made reference to the fact that the relevant Authorities often disregard decisions of the Supreme Administrative Court pertaining, inter alia, to the protection of green areas in the city of Athens, a practice that has been previously criticised by the NCHR (see NCHR’s 2002 report: Comments and proposals of the NCHR on the Bill on the Greek administration’s compliance with judicial decisions, 9 July 2002). Finally, the GNCHR made a series of proposals with regards to the issue. It is noteworthy that a considerable number of media has taken interest in the above decision, when rendered public.
- **Resolution on the appeal of the “Holy Synod of the Old Calendarists” in Greece regarding violations of its constitutional rights and freedoms (10 June 2004)**

The Holy Synod of the Old Calendarists submitted an appeal presenting the problems related to the dissolution of marriages: following a recent opinion issued by the Piraeus Prosecutor’s Department, Old Calendarists wishing to have their marriage dissolved spiritually, after the issuance of the divorce, should request the dissolution from the Church of Greece instead of their own Old Calendarist Church, which has originally officiated them. It is worth mentioning that, currently in Greece, marriages officiated by the Church -as opposed to the civil ones- need to be dissolved at both the civil and the confessional levels. Consequently, once a marriage is finally dissolved at the civil level, and in order for the dissolution to be completed, the Church that has originally officiated it, needs also to pronounce its “spiritual” dissolution, while the Prosecutor’s Department provides the service of legal document. The

Plenary of GNCHR held extensive discussions on the aforementioned issue, and proposed the following: 1) since the confessional aspects of the dissolution are not affecting the lawfulness of the dissolution at the civil level, no legal document service is required by the Prosecutor's Department to any ecclesiastical authority. 2) Advises the relevant State authorities to take initiatives aiming at filling the legal gaps on the status of the Old Calendarist Church. 3) To the request by the Old Calendarists' Holy Synod for GNCHR to intervene and ask the Piraeus Prosecutor's Department to revoke its opinion, GNCHR replies that such action is not among its substantive competences, as provided by its founding law.

- ***Proposals on matters relating to conscientious objectors and the institution of alternative civil-social service in Greece (10 June 2004):***

The GNCHR decided to submit the following proposals to the Government: (a) that the duration of the alternative social service be longer than that of the regular military service by 50%; (b) that the duration of the unarmed military service be longer than the regular military service by 30%; (c) that the instigation of continuous and repeated prosecutions for refusing to perform military service be abolished; (d) that, as far as the competence of the Supervisory Body for Conscientious Objectors is concerned, it should be initially the responsibility of the Ministry of National Defence, on the condition that, when conscientious objectors are removed from the Enlistment Register, there would be a joint responsibility of the Ministry of the Interior and the Ministry of Health on the matter; (e) that rejections by the Committee for the Examination of Conscience be justified in detail; (f) that the composition of the aforementioned Committee be strengthened with two more State representatives, one from the Ministry of the Interior and one from the Ministry of Health; (g) that a special list of public benefit NGOs in which conscientious objectors may serve be drafted by a joint ministerial committee; (h) that the geographical criterion for the completion of the alternative unarmed or social service be brought to conform to the same rules that apply to regular armed military service; (i) that the Council of Europe Resolution providing for long-term and elderly conscientious objectors to meet their military obligations be implemented. Finally, GNCHR addressed a letter to the Minister of National Defence (03.12.04), concerning the cases in which a professional soldier expresses his conscientious objection in relation to a particular military operation (the recent war in Iraq). The views expressed were: (a) that the term "conscientious objector" be interpreted in a broader way and (b) that the chronological point of its expression should be extended. The Ministry's reply (17.12.04) referred to

recent positive developments on the topic introduced by Law 3257/2004 and, more specifically, the reduction of the duration of the service for both categories (unarmed /social service) and stressed the fact that, at present, conditions are not judged favorable for a reconsideration of the term, although these could well change in the immediate future.

- **Opinion on the draft Presidential Decree of the Ministry of Public Order entitled “Code of Police Ethics” (1st July 2004):** The GNCHR gave its opinion on the draft Presidential Decree entitled “Code of Police Ethics”, proposed by the Minister of Public Order and by which Greek Government intends to implement many of the national and European rules of law concerning the Code of Conduct for Law Enforcement Officials, the use of force and firearms by Law Enforcement Officials etc. The Commission has previously translated into Greek, published and distributed to all Greek police force the Pocket Book on Human Rights for the Police entitled “International Human Rights Standards for Law Enforcement” (United Nations High Commissioner for Human Rights). This is the reason why the GNCHR while examining the above-mentioned draft expressed its concern about its effectiveness, as there would be two different manuals distributed, thus causing confusion as to the choice of the standards and rules to apply. Moreover, the Commission made a series of observations: a) in the draft there is no provision on the Policeman’s obligation to be aware of and apply all international binding rules concerning human rights protection, b) the draft does not provide for the policeman’s immunity in case of disavowance of an hierarchical order which is in breach of human rights law, c) there is no provision on the policeman’s obligation not only to abstain from any act of corruption but also to fight against it and to denounce it to his/her superiors, d) there is no specific provision about the use of firearms, as provided in the “Basic Principles on the Use of Firearms by Law Enforcement Officials” adopted by the U.N. High Commissioner for Human Rights, mainly based on the principle of non-using firearms except in cases of “vis major”, and on the principle of proportionality, in the event firearms are used, e) the Commission underlined the fact that there is no special provision for the need to special care vis-a-vis vulnerable social groups, such as asylum seekers, migrants, women, children, disabled, old or sick persons, f) there are not very strict rules concerning the law Enforcement Officials’ behaviour during the investigation procedure, emphasising the personal freedom of the detained persons, the prohibition of torture or any other cruel, inhuman or degrading behaviour and some other procedural points, g) the right to personal security, to a fair trial and to privacy should be mentioned more explicitly. The Minister of Public Order took into consideration the observations of the GNCHR, and the

Presidential Decree No. 254/2004 (O.J. A' 238) which was finally issued, encompassed the quasi totality of the observations mentioned above, except for the one on the policemen's immunity in case of dismemberment to a superior's order which is in breach of human rights law. Yet, GNCHR continues to express its reservations as to the efficiency of this Code, and maintains that the Manual produced by the GNCHR was, probably, more consistent with the international and European human rights law.

- **Report of the GNCHR Special Committee to Korydallos central prison (1st July 2004):** 1. Men's prison. Following a request by the imprisoned members of the "17 November." Organization, a sub-committee visited, the facilities, on May 21st. Their semi-basement cells are under observation on a 24-hour basis, and what is judged particularly inhuman is the narrow yard in which they exercise, with no trace of greenery and very high walls, one of which is covered with metal sheeting with a ceiling of barbed wire. Nevertheless, each prisoner has his own cell, which is comfortable enough and well-equipped. They are not in isolation, their lawyers and relatives are allowed to visit them, the premises (as well as the surgery and the kitchen) are clean and the catering satisfactory, but the library needs improvement. In contrast, the conditions of ordinary prisoners' cells are appalling: due to overcrowding, there is no separation of prisoners, even by category, and nearly all of them are drug-addicts. There is also a serious lack of occupational opportunity and the number of wardens is inadequate, but the Prison Council is a very useful institution. In conclusion, the conditions of the "17 November" Organization prisoners were incomparably better than those of the others. 2. Women's Prison (30 June 2004) On June 28th, the above committee visited the prison, which included, in a special wing containing more than 20 cells, 7 members of the "17N" Organisation. Each prisoner lives in a separate cell with a window looking on to the wing's separate yard; which is more spacious than that of the Men's Prison. Each cell is clean and well-equipped, has bathroom facilities, and all the prisoners exercise together in the yard. However, because of the height of the walls and the material with which they are constructed (whitewashed zinc), the yard is very hot in summer and carries heat to the cells through ventilation. Contact with relatives and lawyers is the same as in Men's Prison. Two of the prisoners do artwork, and a request expressed by all of them was that there be a workshop to practice handicrafts, as well as plant-pots in which to grow plants. In contrast, in the main Women's Prison two to three detainees are housed in each cell (bigger than those in the Men's Prison) with a large window and rudimentary equipment. Prisoners can move about in the corridor separating the cells and there are also tables and seats at which they

can sit in groups. Toilets are in a poor condition. The committee also visited two (of sixteen) large wards - with no seats or furniture - where 27 Roma women were packed into one and 35 in the other (there was another ward, in another wing, not in use). It seemed that women with mental illness were not given any special treatment. Most of the women have no occupation except in the laundry and the kitchen. The latter was clean and the food satisfactory. It should be noted that in there are no full-time doctors or a specialist nurse. As a general conclusion, it should be stressed that the prison suffers from overcrowding, while the living conditions of the "17 Nov." Organization members are clearly better than those of the rest. *3. In response to GNCHR's recommendations* the Ministry of Justice undertook a number of measures to improve the situation. As regards the "17th Nov." Organization men prisoners, the walls have been reduced in height and the metal sheeting removed. In general, steps have also been taken regarding AIDS-infected prisoners, the categorization of prisoners, the decentralization of Agrarian and Closed Prisons, the inclusion of therapeutic institutions in the National Health System, the introduction of more dental clinics in prisons, the educational and professional development of prisoners, the overall improvement of facilities, and the legislation concerning prison overcrowding and public welfare work.

The following dissenting opinions of members of the Commission should be noted: Ms Divani is of the opinion that, although the cells of the "17 N" Organisation prisoners are better than those of others, the isolation to which they are subjected, without any obvious reason, and, the unacceptable conditions of their outside exercise render their detention conditions inhumane.

According to Mr. Papaioannou, it is clear that they are being detained in a Special Security Unit, that is, a prison within a prison. The prisoners have been given no explanation of the reason why they are being considered as "high risk for escape" in relation to other prisoners serving similar sentences. Companionship is restricted to 10 people, usually the same, something that in the long term may have a negative impact on their health. They are forbidden to participate in any common prison activity and the space for outside exercise is, to say the best, judged as unacceptable. All visits take place within closed quarters. In conclusion, the "17 N. Organization" prisoners are treated differently, in that they are being detained in a prison within a prison: as far as their cells are concerned, this discrimination is, it would seem, beneficial; apart from this, though, it constitutes a violation of their fundamental rights.

According to Mr. Theodoridis' minority opinion, the detention conditions of the "17 N. Organization" prisoners lack legality, since the relevant

presidential decrees provided for in the law relating to penitentiary confinement have not been promulgated.”

- ***Observations/proposals on the protection of the rights of the mentally ill persons hospitalised in three hotels in the centre of Athens (7 October 2004):*** following complaints submitted to GNCHR by associations for the protection of rights of mentally ill persons, an ad hoc sub-committee of the GNCHR was formed and given the mandate to examine the issue on the basis on an in situ visit to the hotels in question, where a number of patients of the Dafni Psychiatric Hospital are relocated since the 1999 earthquake. The Plenary decided that the observations’ document serves as a basis for a further elaboration by GNCHR of a series of concrete proposals on the psychiatric reform in Greece, as well as on the issue of the rights of mentally ill persons subject to criminal security measures (the GNCHR has previously deliberated on the above mentioned topic, see supra, Resolution of 19/6/2003) in collaboration with other relevant entities, such as the Greek Ombudsman, the Psychiatric Society of Greece and other NGOs active in the field of the protection of rights of this particularly vulnerable group of persons. It is worth noting that the GNCHR is among the entities invited to participate to a series of working sessions convened by the Ministry of Health on the issue of the enforcement of criminal security measures on mentally ill persons (the process is ongoing, and following the first session -January 2005-, the GNCHR has already formulated and, subsequently submitted, a series of observations to the Ministry of Health).
- ***Resolution on the violation of Human Rights by “employment seeking” television programmes (4 November 2004):*** The GNCHR discussed the problem concerning two T.V. reality shows scheduled for release on Greek TV, where the prize would be the passing of a work contract. The first show -named “Your chance”- invited the unemployed to compete with a view to earning a contract for any job, irrespective of qualifications. The selection process consisted in gaining the sympathy of the TV viewers, who would actually make the judgment on who the final winner would be. The second one -entitled “The candidate”- invited candidates to compete with a view to earning a contract with a specific employer, promising a very high salary to the eventual winner. According to the opinion issued by the GNCHR, the former reality-show is in breach of the constitutional, as well as the international law’s principle of the right to work - as established by art. 22 of the Greek Constitution, art. 23 para 1 of the Universal Declaration of Human Rights, art. 6 of the International Covenant of Economic, Social and Educational Rights of the U.N. and the International Work Convention no. 122/1964-. The right

to work is a social right, translating into the State's legal obligation to provide for the adequate conditions of every citizen's full-time employment aiming at their moral and material improvement. In the frame of that constitutional provision, the Greek legislator has provided for the establishment of Private Offices of Work Counselors (POWC), which are legally responsible for finding employees on behalf of the employers. Consequently, the above-mentioned reality-shows are in breach of the right to work, as no resignation from this specific social right may be conceived, the latter being a State's obligation; moreover, according to the Constitution, the TV viewers cannot substitute and/or replace the employer in its duties and rights. Finally, through these shows the Private Offices of Work Counselors (POWC) are replaced by the media -in this specific case, the TV-, thus altering the bilateral work contract (employer-employee) to a multilateral relationship (TV- unemployed person - employer - viewers) non-compatible with the constitutional and legal conception of the right to work and the guarantees provided by the law for the proper function of the POWC. In addition, these reality-shows breach the right to privacy, conceived both as the right to personal freedom and the right to personal data. Consequently, the GNCHR was of the opinion that the TV reality show entitled "Your chance" breached the right to work and the right to privacy, which are guaranteed on the constitutional and the international level and, should, therefore, be banned. A few days after this decision by the GNCHR was made public, the show was eventually banned and discontinued.

- ***Resolution of the GNCHR on issues pertaining to discriminatory treatment and behaviour vis-à-vis gays, lesbians, bisexuals and transsexuals and the extension of the right to civil marriage to same-sex couples (16 December 2004):*** At the request of the Greek Section of Amnesty International and the Greek Gay and Lesbian Association, GNCHR examined the aforementioned issues at the Plenary level and held extensive discussions on the complex legal and social issues arising from the subject. It stressed the importance of the respect for sexual identities in a pluralist, democratic society. Taking into consideration the relevant principles and rules of international, European and Greek human rights law, the GNCHR adopted the following positions and put forward proposals to the Greek competent authorities: 1. The GNCHR supports the legal recognition of the real symbiotic relationship between persons of the same sex, so that homosexuals and heterosexuals have equal social and welfare benefits. In this view, it proposes the formation of an ad hoc committee to be initiated by the Justice Ministry, which will examine in detail all the aspects associated with the introduction of new legal provisions to cater for the needs of same-sex couples, while taking into

account the local context, the international experience, as well as the views of relevant actors and entities in the field. 2. It is also proposed that L. 927/1979 -on anti-discrimination- is modified so that protection on the grounds of sexual orientation is explicitly included therein. 3. It calls for the implementation of the public information campaigns related to the Law 3304/2005 entitled “Application of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation” (transposition of Directives 2000/43/EC and 2000/78/EC). 4. It proposes the abolition of art. 347 of the Greek Penal Code (on lechery between male homosexuals- sic-), which stipulates a different age of consent to the sexual encounter for the male victim of the act (17 years of age), whereas other legal provisions set the age of consent for the female victims of sexual offences to 15 years of age. Moreover, the same article penalises male homosexual prostitution, in opposition to recently adopted legislation, which sets the legal framework for the prostitution related issues irrespective of sex. 5. It calls the Greek National Council for Radio and Television to rigorously inflict the penalties provided by its statutes to those radio and television programmes and/or channels, which portray gays in a condescending way or infringe their rights. 6. Proposes to the Ministry of Public Order to establish a series of directives and training for law enforcement agents promoting the respect of the dignity and rights of gays; moreover, to facilitate the attribution of refugee status to those applicants who have flown their country of origin due to persecution on the grounds of their sexual orientation. 7. Last, but not least, it invites the Ministry of Education to introduce to the school curricula a course on sexual education, inspiring and instigating school children to tolerance and acceptance of differing sexual identities; it also encourages the Ministry not to allow the discriminatory treatment of gay teachers, through circulating relevant directives.

- ***The transformation of the European Monitoring Centre on Racism and Xenophobia (EUMC) into a Fundamental Rights Agency (20 January 2005):*** The GNCHR adopted a resolution on the creation of a European Fundamental Rights Agency, after having actively participated to the debate that took place during the Public Hearing on the issue held in Brussels on 25/1/2005, and in co-operation with the European Group of NHRI. The topics tackled were the following: 1. The extent of the mandate of the Agency-to-be: it is proposed that the Agency has a large thematic area of work, covering all three pillars of the EU, in consistency with art. II-111 of the future Constitution and extending beyond the issues falling within the European level per se; the national level of action should be included inasmuch as it would be necessary

for the implementation of art. 7 of the EU Treaty. 2. The list of rights: it is proposed that the competence of the Agency extends over the totality of rights included in the EU Charter of Fundamental Rights, while taking into account the “acquis communautaire” and maintaining emphasis on combating racism. 3. Competence of control to third countries: it is proposed that the Agency confines itself to the EU member States, including candidate countries, unless otherwise agreed with a particular country through a bilateral agreement; the geographical scope should cover 2nd Pillar activities in third countries. 4. Competencies/activities: it is proposed that data collection is maintained, as well as the conduct of studies and analyses. These tasks should be performed in co-operation with the CoE, the NHRIs of member States, the network of Independent Experts of the European Commission and the RAXEN network, so that overlapping of competencies is avoided. The Agency should also have the competency to submit expert opinions and analyses to the member States, and to perform evaluations and follow-up on the above, and to disseminate data, analyses and proposals to the civil society. The possibility and the power to intervene as *amicus curiae* before European jurisdictions, as well as the right to instigate public interest litigation before them, should also be examined. 5. Structure/independence: Independence should be ensured through maintaining the existing requirements for membership to the Managing Board of the EUMC, while adding representation of the European NHRI. No additional body should be created, beyond the Board, the Executive and the Director.

- ***Proposals on the issue of the free circulation of genetically modified organisms in the Greek market (20 January 2005):*** GNCHR took the initiative to issue an important decision concerning the free circulation of Genetically Modified Organisms (GMOs) and Genetically Modified Foods (GMFs). According to the vast majority of its members, the principle of precaution and the principle of prevention -guaranteed by international, European and domestic law- concerning the right to the protection of the environment and the right to health, prevail on the principle of economic freedom; as a result, this latter can be curtailed when there is a serious risk for the environment and/or the public health. In particular, the GNCHR took into consideration the provisions of: art. 15 of the Rio de Janeiro Declaration on the Environment and the Development; the “Carthage Protocol” on bio-safety and biological diversity; art. 174 of the E.U. Treaty; the provisions of the E.U. Directive 2001/18 and those of the E.U. Regulation 1830/2003; and of art. 24 (1) of the Greek Constitution on the right to environment. The main points of the decision were: a) Greece should immediately incorporate Directive 2001/18 into its national legal order (recently, the European Court passed a judgment

against Greece for omission on that ground); b) scientific research should be encouraged, as stipulated in the E.U. Directive 18/2001; c) the Greek State should establish specific institutions responsible for public awareness on the preventive level, d) finally, all products should carry clear notification on the existence of GMOs in their composition/ingredients, irrespective of percentage. These proposals fall within the spirit of the opinion of the GNCHR that financial considerations should by no means prevail on the protection of the environment and public health.

- ***Positions of the GNCHR and the Greek League for Women's Rights regarding the restrictive quotas against women candidates:*** Following a resolution of the Plenary Session (20.01.2005), the Marangopoulos Foundation for Human Rights and the Greek League for Women's Rights -both GNCHR members- publicised a text entitled "Equality and restrictive quotas at the expense of women". In it, they referred to a news report which stated that during the deliberation in the Council of State concerning the selection of border guards it was argued that the establishment of quotas to the disadvantage of women by the authority responsible is allowed, considering that it is common knowledge that women are not, or are less, suitable than men for that type of service. It is GNCHR's belief that such a decision by the Council of State would constitute a breach of Art. 116, par. 2 of the Constitution, which introduced substantial equality between men and women, signifying that the enactment of restrictive quotas concerning the selection of women for any office is impermissible. In fact, the above provision constitutionally prescribed positive measures in favour of women, including favourable quotas. The Council of State as well as GNCHR played a crucial role in the establishment of this new perception. Furthermore, it should be stressed that advocates of substantial equality have always campaigned for employment based on merit, irrespective of gender, and not for the numerically equal hiring of men and women. From this point of view, women candidates for the post of border guard should be judged not only according to their theoretical knowledge but also according to their physical and intellectual competences. Successful candidates, be they male or female, should be appointed on the basis of the same criteria. In conclusion, it must be stressed that the acceptance of restrictive quotas would clearly constitute a violation of international conventions providing for substantial equality between the two sexes, which Greece has ratified and, therefore, recognizes as binding over national law (Art. 28, par. 1 of the Constitution).
- ***GNCHR Positions regarding the implementation of the Greek Law for Refugees (3 March 2005):*** This text was laid before the Plenary

Session following a session of the Third Sub-Commission (01.11.2004) during which the Greek Council for Refugees (GCR) reintroduced the following issues concerning the non-application of the law: (a) access to the asylum process, (b) recognition of refugee status, (c) non-recognition of “humanitarian status” / non-renewal of the one previously granted, and (d) implementation of the Dublin Convention. The GNCHR: (a) points out that the above stated cases constitute a violation of Greek legislation as well as the Geneva Convention (1951) and the New York Protocol (1967), (b) calls on the Ministry of Public Order (M.P.O.) to ensure that Greek as well as international legislation ratified by the Greek State relating to refugee protection is properly implemented by it, (c) underlines the fact that these constitute a recurring phenomenon and are directly connected to the general framework of refugee protection in Greece, for the improvement of which GNCHR has, since 2001, submitted its proposals to the government, (d) expresses its disapproval of the fact that these problems, the majority of which has already been highlighted by GNCHR, not only continue to be present, but have significantly worsened over time, (e) calls on the M.P.O. to take immediate action for the protection of asylum-seekers and/or refugees under “humanitarian status” according to the specific Greek legal provisions and not the ones concerning economic migrants, as those deprive them of the rights to which they are entitled to by Greek and international law, and (f) calls on the M.P.O., as the Ministry responsible, to urgently initiate a process of general revision of the Greek refugee-protection framework in cooperation with the competent NGOs and public organizations and in accordance with the Geneva Convention and GNCHR’s recommendations. The text was adopted by the Plenary Session, but not in the form of a resolution, for reasons of urgency. The matter was also highlighted in a presentation to the GNCHR by Mr. D. Makris, référendaire to the Council of State.

- ***Observations-proposals on the Law 3251/2004 entitled “European arrest warrant: amendment of the Law 2928/2001 regarding the criminal organisations” (10 February 2005):*** Greek legal order had to incorporate two major Framework-Decisions of the European Community concerning the European arrest warrant and the surrender procedures between member-States and other antiterrorist measures. The GNCHR adopted the following points: a) First, it questioned the need to modify Law 2928/2001 and introduce Law 3251/2004; in GNCHR’s view the former law was adequate enough to deal with the phenomena of organised crime and terrorism. The majority of the members of the Commission, in its plenary session of November 4th 2004, were of the opinion that the modification of the former law was not necessary from a social

point of view. b) Second, to the question whether Greece has the legal obligation to incorporate European legal norms into its domestic legal order, the vast majority of the members voted in the affirmative. c) Third, to the question whether the principle of “double punishable offence” for the extradition of the persecuted person should be abolished, the overwhelming majority of the members of the Commission voted in the negative. d) Fourth, the question was arisen whether restraining the principle of “speciality” was right. Once again, the overwhelming majority of the Commission’s members voted in a negative way. e) Fifth, on the question whether the “temporary transfer” of a wanted person -and without any time-limits-, should be allowed, the majority of the members voted in the negative. f) Moreover, the plenary session of the Commission had to answer to the issue of whether the lack of provision concerning the prohibition of the extradition of a Greek citizen was tolerable. The negative approach prevailed, beyond any doubt, g) In addition, the Commission decided that the provision concerning the definition of an act of terrorism (incorporated in the Greek Penal Code) in a way that the subjective criterion was also to be taken into mind was not proper, h) The issue of the definition of an act of terrorism as an individual act also troubled our Commission, which was of the opinion that this definition was not right, i) Finally, it was decided that the legal provision concerning the appliance of the procedures of “special interrogative acts” and the procedure of the DNA examination to every crime described by the law as “terrorist”, was not proper.

- ***Proposals with regard to the improvement of the implementation of the European Convention of Human Rights to the internal law and order:*** treatment measures regarding the issue of excessive duration of trials (31 March 2005); The Plenary Session of the Commission issued a decision related to the acceleration of the procedures before the Courts, in accordance with art. 13 of the European Convention of Human Rights, the Recommendations N. 2004/5 and 2004/6 of the Committee of Ministers of the Council of Europe and the European Court of Human Rights which not only issued an “arrêt de principe” *Koudla v/Poland* condemning the latter for the excessive length of its trials in the frame of art. 13 of the ECHR, but also passed many judgements against Greece, the 2/3 of which tackled the problem of the excessive duration of the procedure before the Courts. Consequently, our country had to adopt legal measures providing for a special legal means concerning the excessive duration of trials, especially the administrative ones. Our Commission shifted towards this direction and undertook a complete analysis of the law of most member States of the Council of Europe on the special issue of how the problem of excessive duration of the

judicial procedures could be solved, underlying that the overwhelming majority of these state-members' law provide for a special legal means that can be lodged before the Court of a higher degree (or before the same Court where the case is pending) for excessive duration of the trial either during the trial process or after the Court's decision has been issued. Legal provisions concerning the liability to pay damages of the litigants that have not complied with their obligation to act in accordance with art. 6 al. 1 of the ECHR or the deduction of the penal penalty inflicted to the person accused or the personal liability of the judges that are in delay in issuing court decisions, are also found in many legal systems of the member States of the Council of Europe. Based on this comparative analysis and on the existing provisions of the Greek Code of Civil Procedure - bearing, also, in mind the provisions of the Greek Constitution- concerning the independence of Judges, our National Commission of Human Rights, approved the Report of its 1st Section presented to its Plenary Session, almost unanimously. The conclusions which were finally adopted by the Plenary Session are the following: a) *First*, in compliance with art. 13 of the ECHR and the jurisprudence of the ECtHR, there should be a special legal means that could be lodged during the main trial and filed by the litigant to the Court of a higher degree on the grounds of the excessive duration of the main trial. This Court (of a higher degree or, in general, the Court which is competent to decide upon the issue of excessive duration) could issue a decision (in the form of a recommendation or of a circular) "urging" the Court, before which the main case is pending, to decide upon it within a reasonable time-limit. b) *Second*, the litigant that has suffered damages from the excessive length of the trial can claim damages for this delay from the other litigant part, provided that the behavior of the first litigant before the Court has been flawless from the point of view of prompt acting. c) *Third*, techniques should be provided for and established in order to support judges in carrying out their duties faster, such as the litigants' obligation to lodge their documents in an electronic form as well. d) *Fourth*, in case of a penal procedure, there should be a possibility of deduction of the penalty inflicted to the person accused and, finally, found guilty, if the excessive length of the procedure and the way this procedure took place, contravened art. 6 al. 1 and art. 13 of the European Convention of Human Rights, on the condition that the person accused, as well as his/her legal defenders and witnesses acted in accordance with the provisions of the ECHR and that the penalty's deduction stays in proportion with the damage he suffered from the trial's delay. e) *Finally*, our Commission expressed its wish that the Greek State should support the judicial system from

the point of view of increasing its personnel and upgrading its technical means, so that “the administration of Justice” would be more efficient according to the provisions of the European Convention of Human Rights and in compliance with the jurisprudence of the European Court of Human Rights.

- ***Resolution on the marriage of minors by the Muftis in Thrace (31 March 2005)***: The issue was introduced to the Plenary Session by the President, following the negative comments in both the Greek and the foreign Press about marriages of juveniles as young as eleven years of age, by the Muftis in Thrace. The GNCHR adopted the following: (a) Unanimously expresses its strong disapproval of these marriages. (b) Considers that the provisions of the Athens Treaty (1913) and the Lausanne Treaty (1923) are generally in force, particularly in relation to the Mufti’s competence on matters of family law according to the rules of Muslim holy books. (c) Underlines the fact that exceptionally some provisions of the above treaties are amended or replaced by more recent ones. (d) Stresses the point that, as far as the age of the persons to be married is concerned, recent internationally binding conventional provisions –as stipulated in Conventions ratified by Greece–, apply, namely: Art. 23, par. 2 of the ICCPR; Art. 16 of the CEDAW; as well as articles I 5 and II B3, 38 of the 1993 (UN) Vienna Declaration for Human Rights. (e) CEDAW, art. 16 para 2, declares null and void marriages between minors and refers for the minimum marriage age to the national laws. For Greece this law is art. 1350 of C.C. which fixes 18 years for both members of the couple. (f) In view of the above the GNCHR decided that marriages between Greek citizens and solemnized in Greece –irrespective of creed– are only valid if both members of the couple are 18 years old. (g) Accepted, by majority, the proposal for the amendment of par. 2 of Art. 1350 of the CC, which, exceptionally, and for serious reasons, allows for a marriage to take place regardless of age, and its replacement by a provision of a transitional character stipulating that for a five-year period a marriage between persons of a minimum of 16 years of age, may be permitted for serious reasons and following a judicial decision.
- ***Resolution on the abolition of the UN Commission on Human Rights (3 June 2005)***: On June the 3rd, the GNCHR: (a) expressed its deep concern regarding the proposal made by UN officials (during the Commission’s 61st Annual Conference) to dismantle the UNCHR; (b) noted that it would be understandable if a process of reform were initiated with a view to improving the overall performance of the Commission; and (c) requested that the Commission be maintained and, in the event that a strategy to improve its efficiency is implemented,

representatives of NHRIs and NGOs' (holding consultative status with the UN) be included in the overall process.

- ***Recommendations on the draft National Plan for Social Inclusion (NPSI) 2005-2006 of the Ministry of Employment and Social Protection (14 June 2005):*** Following a request of the above Ministry concerning the Plan in question, the GNCHR recommended the following: (a) that, in relation to NGOs' involvement in the preparation of the Plan, other representative organisations be able to participate as well; (b) that among the vulnerable social groups selected, others in need also be included, such as asylum seekers and refugees (taking into account the 1951 UN Refugee Convention and the 1967 Additional Protocol); (c) that a greater emphasis be given to the resolution of problems relating to migration; (d) that specialized provisions be introduced for vulnerable persons, in particular the disabled; (e) that programmes of social sensitisation be strengthened (e.g. in primary and secondary education) and that human rights be taught in a sensible manner; (f) that intercultural education be encouraged in connection to the use of "e-learning"; (g) that a plan for a Minimum Guaranteed Income (MGI) be elaborated according to EU standards; (h) that health care be extended to asylum seekers and residents under "humanitarian status" in parallel with regular health control (including the elderly). More attention should also be given to the promotion of the concepts of "Local Employment Pacts" and "Corporate Social Responsibility", as well as to the development of an advisory network for aliens. Finally, as far as the implementation of "best practices" is concerned, these could well include: (a) the creation of "Aliens Service Centres" as well as of an advisory network for them, as stated above; (b) the provision of "Health Care at Home" as part of the programme "Help at Home"; and (c) the implementation of a Programme for Teaching Human Rights in Primary and Secondary Education.
- ***Observations on the Bill presented by the Ministry of Justice re. "the protection of personal data and privacy in the electronic communications sector (incorporation of Directive 2002/58/EC)" (10 November 2005):*** Following receipt -on 20/04/05- of the Bill of the above mentioned Ministry, the GNCHR submitted its observations. The Bill aims at incorporating into national law, the Directive 2002/58/EC on privacy and electronic communications; the deadline for the incorporation of the above, expired on October 31st, 2003. The Directive refers to the wide use of the new advanced digital technologies by the public communication networks, thus generating particular need for the protection of personal data and privacy in general. For the GNCHR, the Bill's major issues are the privacy of communications and the protection

of personal data. Non-reference to other points of note, due to lack of competence and technical expertise, should not be interpreted as consenting to them. The Bill combines in one text - and this is judged to be of paramount importance - provisions concerning the protection of privacy (the legal basis for which are Art. 19 of the Greek Constitution, Art. 8 of the ECHR, Art. 17 of the ICCPR and Art. 12 of the UDHR), as well as the protection of the individual from the processing of personal data, which is founded on different legal grounds (Art. 5A and 9A of the Constitution, the European Convention 108/1981). Thus, the examination of the Bill's provisions necessitates the distinction between these two main aspects, not always feasible, given the fact that the limits in protecting privacy and personal data are not always clearly drawn, especially in the rapidly changing field of communications technology. Finally, on the occasion of the submission of its observations on the Bill, and also in relation to recent terrorist incidents, the GNCHR underlines the harm that might be caused to human rights by the use of surveillance cameras (especially the so-called "smart cameras").

- **Observations on Law 3386/2005 re. "Entry and residence of third country nationals on Greek territory" (10 October 2005):** Following receipt of the above-mentioned Bill (30.06.2005), the GNCHR's 3rd Sub-Commission urgently convened on July the 4th 2005, in order to examine it. Its concluding observations were, later, presented by the Commission's President before the competent Parliamentary committee (06.07.2005). The GNCHR (which deliberated on this issue on several occasions) expressed its disappointment regarding the procedures followed during the formulation of the Bill. In particular, it stressed that, when it comes to such important enactments (the Law under discussion regulates the status of about one tenth of the country's population), a wider consultation with bodies concerned, such as NGOs, representatives of immigrants' associations and the civil society in general, should take place. Moreover, the limited amount of time granted did not allow for all the GNCHR's observations to be taken into account in the final stages of the Bill's discussion. The deficiencies in many of the Law's provisions give the impression that it is repressive and anti-integrative in character. It was further suggested that the Greek legislation should be harmonized not only with EC Law but with the State's international obligations regarding the protection of vulnerable groups (especially children) as well. Considering that the Bill aimed at amending Law 2910/2001 by incorporating EU Directives 86/2003, 109/2003 and 81/2004, thus simplifying and updating current procedures, the GNCHR is concerned regarding the issues of working permits, family reunion, human trafficking, residence permits for exceptional or

humanitarian reasons, administrative expulsion, protection of minors, second-generation immigrants, civil rights, penalties (Art. 82 par. 4, Art. 83, Art. 86 par. 2, 3, 5, 6, Art. 84, par. 4, Art. 87 par. 3, Art. 88) and interim provisions.

- **Proposal regarding Par. 5 Art. 64 of the Bill re. “Enlistment in the Greek Armed Forces and other provisions” (25 November 2005):** Following the notification of a request by the General Confederation of Labor (GCL) to the Ministry of National Defense concerning the above matter, the GNCHR convened urgently on November 24th. The Bill’s paragraph in question refers to the fact that those who take part in the union movement or go on strike during the period of their alternative service are deprived of their right to serve unarmed military service or alternative social service. The GNCHR agreed with the GCL that the provision runs contrary to articles 22 par. 2 (the right to syndicalism) and 23 par. 2 (the right to participate in a strike) of the Constitution, as well as to the provision establishing the right to conscientious objection (interpretative statement of art. 6 par. 4 of the Constitution). With the exception of two members suggesting the re-examination of the provision of the above-mentioned Bill as to its constitutionality, the others present agreed that it be removed from the text.
- **Resolution regarding flights -in and out of Greece- performed by foreign secret services, and the abduction and interrogation of Pakistani immigrants (19 December 2005):** The GNCHR expressed its concern regarding the activities of foreign secret services on Greek soil and the human rights-related implications. In particular, it observed that the alleged abduction and interrogation of a number of immigrants of Pakistani origin in July 2005 necessitated a thorough inquiry, while expressing its satisfaction with the course of the investigation so far. The issue is of major importance for the peaceful coexistence with the immigrant population in Greece. Moreover, information about secret flights performed by the CIA from and over EU soil, as reported by human rights organisations, by which individuals are transferred to secret CIA detention centres in Europe and/or elsewhere without following due legal process, should be scrupulously investigated by all the authorities concerned, including those of Greece.
- **Resolution regarding the new EU Directive for the processing of personal data - new measures for the suppression of terrorism (19 December 2005):** The GNCHR expressed its deepest concern regarding the forthcoming EU Directive abolishing the protection of privacy and subjecting all European residents to constant surveillance and monitoring of all their communications through all technical means available - while these same residents are going to bear the extravagant

cost involved - and to making these data accessible to European and non-European state authorities. Furthermore, the affirmation that secret services will refrain from recording the content of the communication and confine themselves to keeping track only of the duration, place and names involved appears quite absurd. Consequently, the GNCHR urgently requested that the adoption of the new Directive be stopped, considering that an adequate number of relevant and binding European instruments are already into force. The very essence of human dignity as well as the "acquis communautaire" are at stake.

- ***Resolution regarding the Council of Europe's proposal for a Resolution on the "Need for international condemnation of the crimes committed by totalitarian communist regimes" (19 January 2006):*** The GNCHR expressed its deepest concern upon hearing of the above proposal about to be discussed by the Council of Europe's (CoE) Parliamentary Assembly (23-27 January 2006). The Resolution's sponsor, Mr. Lindblad, a Swedish MP, proposed to the CoE Committee of Ministers the adoption of measures, such as the formation of a European and national investigative committees to look into communist "crimes", which are considered by the GNCHR as non democratic. The GNCHR is of the conviction that if this draft resolution were adopted, not only would the principle of popular sovereignty be harmed, but divisive political enmities would also be revived. It therefore invited all members of the Parliamentary Assembly to vote against it.
- ***Proposal on State-Church relations (19 January 2006):*** Following receipt of the proposal for a Bill on the above mentioned issue drafted by the Greek League for Human Rights (19.10.2005), the GNCHR deliberated on it during two of its Plenary sessions (15.12.2005 and 19.01.2006). The Bill was approved by majority vote, while some of the Commission's members submitted their separate observations or abstained from the vote. The Bill includes the following articles: (1) religious freedom and equality; (2) religious associations; (3) taxation of religious communities; (4) the Church of Greece and other public law religious entities (The GNCHR proposed a few amendments); (5) temples and places of worship; (6) religious education in primary and secondary education (the GNCHR proposed a few amendments); (7) religious education; (8) abolition of the religious oath before state courts (including witness's oath, expert's oath, interpreter's oath and jury's oath); (9) civil marriage (10) issuance of registrar's certificates; (11) abolition of the special treatment of clergymen before the law; (12) abolition of a reference to the individual's religious beliefs in legal documents; (13) the prohibition of proselytism; (14) regulations concerning cemeteries; (15) cremation of the dead; (16) clergymen's remuneration; (17) the return to the Church of

any land property ceded by it to the Greek State; (18) social security for clergymen (the GNCHR proposed a few amendments); (19) the Ministry of Education; (20) Religious departments in government ministries; (21) other legal provisions to be abolished; and (22) entry into force. As stated in the preamble, the Bill aims not only to safeguard religious freedom and equality but also to create the necessary conditions for the Church Institutions to develop independently of the State. Finally, it should be noted that, following a GNCHR reminder of its positions on “the cremation of the dead” (GNCHR Report 2000) addressed to the President of the Greek Parliament and the competent Parliamentary Committee (21.12.2005), a new law has been introduced (3448/2006) dealing, among others, with the above mentioned issue (art. 35).

- ***Resolution concerning the reconciliation between professional and family life, in view of the incorporation of EU Directive 73/2002 into Greek legislation (9 March 2006):*** Following a proposal by its President, the GNCHR’s 2nd Sub-Commission convened twice to discuss the above issue (on 27.06.2005 and 02.11.2005) before referring it to the Plenary session. The latter (on 09.03.2006), considering (a) that the general principle of EC Law regarding the reconciliation (“harmonisation”) of professional and family life concerns both parents, if reconciliation is perceived in its broader sense, (b) that parental leave is not the only means to facilitate “harmonisation”, and (c) that neither “harmonisation” nor maternity should constitute exceptions to the principle of equality between the sexes, recommended: (1) the adoption of a concrete definition of the concept of “family”; (2) the adoption of specific proposals-regulations relating to the matter of parental leave (such as providing for the judges’ right to parental leave); (3) the general granting of paid parental leave to persons working in the public and private sector, especially to single-parent families; (4) that the father’s parental leave constitute an individual and non-transferable right; (5) that, as far as working hours are concerned, the workers’ rights be secured either through collective negotiations or other consultations; (6) that variations of working hours, particularly flexible working hours (part-time employment etc.) be always promoted on a voluntary basis, with respect to workers’ rights; (7) that women’s right of return to the same or a similar position they occupied before childbirth be secured after childbirth ; and that support mechanisms be strengthened to cover workers’ needs. Finally, the GNCHR expressed its satisfaction regarding the provision, under Law 3386/2005, regarding the family reunion of third country nationals’, as well as for the granting of family allowances, while reserving the right to express its specific observations when notified of the relevant Bill.

- ***Medical care and hospitalisation of non-nationals, members of the minority of Thrace and other categories of aliens (9 February 2006):*** Following the receipt of a Commission Member's note addressed to the President, the GNCHR's 2nd Sub-Commission convened on 02.11.2005, before referring the issue to the Plenary Session (on 09.02.2006). The issue in question is the loss of Greek nationality, on the basis of art. 19 (now repealed) of the Greek Nationality Code. Although a solution was provided through naturalisation, the Thrace minority's non-nationals were only granted a non national's pass without provision for medical care. This also applies to other vulnerable groups, such as asylum-seekers, uninsured recognised refugees and some other particular categories of immigrants. The GNCHR, considering, among others, art. 27 of the ICESCR, recommended that a new Ministry Resolution be adopted broadening the scope of the competent Ministry's previous one (48566), which will provide for: (a) both non-nationals (members of the minority of Thrace) who do not opt for the process of naturalisation and those regaining Greek nationality through it, so that a health booklet or a "non-insured person's" booklet (as the case may be) be issued in parallel with the issuance of the non-nationality certificate, (b) free medical care and hospitalisation, to aliens who do not have asylum seeker's identity card (their application being at the first stage of registration), though providing evidence of their application for asylum, (c) other specific categories of migrants, and (d) specific categories of nationals and non-nationals suffering from infectious diseases. It should be stressed that only those recognised refugees desiring a "non-insured person's" health booklet should be granted one, given that they share the same rights as Greek citizens.
- ***Observations-Resolution on the Bill re. "violence within the family" (9 February 2006):*** Following receipt of the Ministry of Justice relevant Bill (17.01.2006), the GNCHR's Plenary deliberated on the matter, in the light of recommendations submitted by its President, by the Greek League for Women's Rights, by the Greek Section of Amnesty International and by the General Secretariat for Equality. The observations include: (1) the Bill does not deal with the essence of the problem, i.e. the violence against women, nor with its root cause, the persisting roles of "man-master" and "woman-servant"; (2) the acts it claims to punish are those already covered under the Penal Code, except for the case of rape within marriage; moreover, confusion will be created as to which acts will continue to be regulated by the Penal Code and/or by pre-existing law; (3) the relevant legislation is neutral from the point of view of gender, covering perpetrators and victims of both genders; but why is the perpetrator left unpunished when the victim is the wife and the

perpetrator her husband or companion? (4) the establishment of ad hoc institutions to deal with the issue is not provided for; (5) the institution for mediation on criminal issues, as provided for in the Bill, raises doubts from the perspective of both constitutionality and efficiency; (6) the police and the Prosecutor remain the main arbiters in the pro-judicial phase, although already proven to be unsuitable for the task, while the establishment of an ad hoc institution to deal with the problem, such as a special body of family social workers, is not provided for, (7) the recommendation (23.06.2005) addressed to the General Secretariat for Equality by the Greek League for Women's Rights, has obviously not received the necessary attention. To the GNCHR's view, a Bill addressing an issue of concern to a considerable number of families should be the product of a participatory process, both from the penal and the social points of view.

- ***Resolution regarding the proposal to the relevant Greek authorities to ratify: a) the CoE Convention on Action against Trafficking in Human Beings, and b) the Additional Protocol to the UN Convention on the Rights of the Child, on the sale of children, children's prostitution and children's pornography (9 March 2006):*** Although the above mentioned instruments originate from different international organisations, they, nonetheless, attempt to subject the alarming phenomenon of "human trafficking" to a stricter framework of legal regulations and sanctions. While the first addresses human trafficking in general, mainly on the European continent and in Southeastern Europe in particular, the second focuses on children's trafficking, the sale of children's organs, child prostitution, pornography and sex tourism. Both instruments complement pre-existing international and European legal texts and include monitoring mechanisms necessary for reaching the goals they set. Greece has already signed both conventions (on 17.11.2005 and on 07.09.2000, respectively), but has not yet ratified them. It is to be noted that a Memorandum of Co-operation regarding the distribution of roles and the co-ordination of action between state bodies and NGOs against human trafficking, was concluded among the Secretary-Generals of the Ministries of Health, Justice and Foreign Affairs. The GNCHR recommends the ratification of the two conventions by Greece.
- ***GNCHR Observations-Proposals on the issue of the "Syngros Forest" in Attica (20 June 2006):*** Following an appeal by the "Friends of the Syngros Forest" citizens' union (07.04.06) to the GNCHR, regarding a series of actions or omissions leading to the degradation of the forest, the Commission, considering the imperative need for the protection of the environment, submitted the following proposals and recommendations

to the Ministry of Agriculture (Institute of Agronomic Sciences) and particularly to the bodies responsible for the abovementioned forest: (a) the need for full respect of the non-commercial character of the land in question; (b) the importance of safeguarding, protecting, renewing and enriching the woods – in one word, preserving it; (c) the necessity of restoring its two (and wildly vandalised) buildings, the “Villa Syngros” and the St. Andreas church; (d) the urgency of demolishing any illegal construction and addressing any other form of illegal uses or acts; (e) the exclusion of any use of the forest for illegal or commercial reasons, which would lead to its degradation, as has been the case on many similar occasions; (f) the implementation of the rule of preserving forestland and agricultural areas in a state of fertility; (g) the participation of representatives of the “Friends of the Syngros Forest” union and of other environmental groups in the body appointed to manage the issue, as provided by the Aarhus Treaty (ratified by Greece by Law 3422/2005) and Art. 28 par.1 of the Greek Constitution.

- ***Resolution regarding the appointment of a Committee to study and address the issue of children ill-treatment by School Groups (13 June 2006):*** On the sad occasion of a tragic incident involving child abuse in the area of Veria (Northern Greece), the President of GNCHR invited representatives from a number of specialised organisations (including the Marangopoulos Foundation for Human Rights, federations of school teachers, the Hellenic Society of Criminology, the Greek Ombudsman, the Athens University and Panteion University, inter alia) to examine the problem. Taking into account the alarming and complicated nature of violent conduct by groups of students towards school-mates of theirs- in violation of the provisions of the Convention on the Rights of the Child -, it was decided that cooperation among the above parties –and primarily, between parents and teachers - be instituted to handle the issue from a sociological, psychological and criminal angle. The aim would be to create an informal Committee that will formulate a series of preventive measures. The Committee will be divided into 4 Sub-Committees: (a) 1st Sub-Committee for the investigation of the phenomenological nature of the problem, (b) 2nd Sub-Committee for the investigation of the social, parental and individual causes of the problem, (c) 3rd Sub-Committee for the study of how teachers, parents, children and relevant authorities can better deal with the victims and perpetrators, and (d), 4th Sub-Committee for the study of best practices and design of prevention programmes.
- ***GNCHR Observations on the Bill “Implementation of the Principle of Equal Treatment of Men and Women in connection with access to employment, professional training and promotion, and in***

**relation to work terms and conditions” (22 June 2006):** Following GNCHR’s recognition of the importance of incorporating EU Directive 2002/73 (amending EC Directive 76/207) into the Greek legal order, GNCHR underlined the following, in accordance with EC Law and the Greek Constitution: (a) the importance of viewing the EU Directive as a means for achieving substantial gender equality and introducing positive measures, mainly in favour of women; (b) the fact that gender equality is a non-negotiable matter; (c) the significance of the choice of language used in the text; (d) the Bill’s framework of implementation; (e) the careful examination of the provisions to be abolished; (f) the date of entry into force; (g) the urgency of the provisions pertaining to the equal treatment principle and the prohibition of discrimination; access to employment and relevant terms and conditions; professional orientation, formation and further training; equality of pay; professional advancement; prohibition of any unfavourable treatment; obligation to inform and supply evidence; legal protection; sanctions; burden of proof; and a body to be established to supervise the implementation of the equal treatment principle of men and women. In its proposals, GNCHR stresses the need to take effective measures in line with the harmonization of professional and family life, inter alia: the allowance of parental leave as an individual, personal and non-transferable right; the grant of benefits to parents who make use of parental leave; the establishment of paternity leave with benefits, as an individual, personal and non-transferable right; the inclusion of adoptive parents in the abovementioned benefits, especially single-parent families; the determination of working hours in relation to safeguarding the relevant workers’ right by law, collective negotiations or other forms of agreement; the regulation of matters pertaining to work, in particular the promotion of flexible terms of employment; the qualitative and quantitative strengthening of support structures in order to cover the needs of all workers. The President of GNCHR (A. Yotopoulos-Marangopoulos) as well as a number of GNCHR members (N. Theodoridis, P. Fountedakis, K. Botopoulos and A. Takis) submitted additional proposals.

- **The dissemination of the European Convention for Human Rights and the interpretation thereof by the European Court of Human Rights into the Greek justice system (25 January 2006):** Following the submission of Prof. P. Stangos’ proposals concerning the abovementioned issue, GNCHR’s First Sub-Commission recommended that: (a) there should be a number of rulings translated into Greek and then, disseminated to the Greek judges; only the rulings published on a yearly basis by the ECHR’s Grand Chamber should be translated, and not the entire case-law; (b) GNCHR may only supervise the proposed

task, given its limited means and human resources; (c) a 3-member committee be established by GNCHR which will be in charge of: (i) preparing a detailed organisational plan of the project, including its budget; (ii) initiating contacts with publishing houses and coordinating the project with them; and presenting a complete proposal to the GNCHR Plenary.

- ***GNCHR Positions regarding the Constitutional Revision in Greece (31 January 2007)***: Following the hearing of recommendations by GNCHR members P. Fountedakis (30.11.2006), K. Botopoulos, I. Ktistakis (18.01.2007, 25.01.2007) and others, GNCHR's Plenary Session, in view of the impending revision of a number of articles of the Greek Constitution, submitted its positions to the government and parliament with regards to: (a) the establishment of a Constitutional Court (Art. 100); (b) the protection of the environment, particularly forestall areas (Art. 24 and 117); (c) matters related to the religious freedom (Art. 3, 13, 33, 59); (d) the development of the personality, the avoidance of discrimination and the minimum guaranteed standard of decent living (Art. 5); (e) the abolition of the death penalty (Art. 7.3. b); (f) the issue of "property-indemnisation" (Art. 17); (f) the so-called "professional" incompatibility (Art. 57); and (g) parliamentary immunity (Art. 62).
- ***GNCHR Observations regarding the issue of Unaccompanied Minors (15 February 2007)***: Following a Plan of Action proposed by the Greek Council for Refugees (a GNCHR member) as well as a Special Report by the Ombudsman for Children (the Greek Ombudsman is a GNCHR member) regarding the aforementioned issue, GNCHR recommended: (a) the abolition of the measure of police detention of alien minors for illegal entry in the country and its replacement by alternative measures of hospitality and/or protective custody in appropriate structures; (b) the abolition of the measure of deportation for alien minors who are subject to international protection, and its replacement by the return and repatriation procedure; (c) the enactment of measures of systematic registration, identification, information, legal representation and custody of alien minors; (d) the enactment of official and explicit procedures for the verification of the age of alien minors, assisted by independent experts combined with relevant medical and psychological examinations; (e) the appointment of an advisor or of a person responsible for looking after each minor, especially in the field of childcare, who will safeguard the child's rights; (f) the direct notification of the Public Prosecutor in charge of minors by the police authorities; (g) carrying out of more than one interviews for each minor separately in view of safeguarding the child's interest; (h) that minors be fully informed of their rights; (i) the establishment of a judicial social protection system, as proposed

by UNHCR and the Children's Ombudsman; (j) the establishment of proper reception and residence centers for unaccompanied minors; (k) the need to understand that alien unaccompanied minors/asylum seekers constitute a particularly vulnerable group in need of expert assistance; (l) specialised access to education; (m) safeguarding of all the legal conditions for work and insurance for minors above the age of 15, by the competent state body; and (n) that the GCR and the Ombudsman's abovementioned reports be examined and acted upon by the competent authorities.

- ***GNCHR Observations and Proposals regarding the implementation of Law 3251/2004 (22 March 2007):*** "European arrest warrant, amendment of L. 2928/2001 concerning criminal organisations and other provisions (22 March 2007): Following a recommendation by Prof. P. Stangos (26.11.2006), GNCHR's First Sub-Commission submitted a number of observations/proposals to the Plenary Session, which were unanimously approved (22.3.2007). The issues on which the Sub-Commission focused in particular were: (a) the ban of a national's extradition; (b) the issue of the abolition of the dual criminal liability; (c) pending trial as a condition for the non-execution of the European arrest warrant; (d) injustice as a condition for the non-execution of the European arrest warrant; (e) mental inability of the wanted person as a reason for the non-execution of the European arrest warrant; (f) discrimination by reason of nationality in relation to the non- execution of the European arrest warrant in case of pending trial; (g) the cases in which criminal prosecution is stalled as a discretionary reason for refusing to execute the European arrest warrant; (h) the relation of the procedures of the European arrest warrant with the Schengen Information System (SIS); (i) the provisional transfer of the wanted person; and (j) the restriction of the rule of specialty. In conclusion, the Sub-Commission recommended: (a) the need for Greek Public prosecutors and judges to interpret L. 3251/2004 respecting fundamental human rights; (b) the need to prioritise an interpretation of the abovementioned law in favour of the accused; (c) that the jurisprudence of the ECoHR be respected in relation to the SIS; and (d) the need for amending L. 5231/2004 in view of improving the protection of fundamental civil rights of the persons for whom the European arrest warrant is issued. In addition, the GNCHR congratulated the Supreme Court of Appeal for its 2005 decision by which the execution of the European arrest warrant for a Greek citizen, in order to stand trial in Germany, may not be carried out in Greece.
- ***GNCHR Observations on the Presidential Decree of the Ministry of Public Order entitled (22 March 2007):*** "Reception of asylum seekers, process of examination, conditions of admission, revocation of the status

of international protection and deportation, rights-obligations. Family reunification of refugees” (27 March 2007): Following the submission of the draft of the abovementioned presidential decree by the Ministry in charge, relating to the incorporation of EC Directives 55/2001, 9/2003, 86/2003, 83/2004 and 85/2005 into Greek legislation, GNCHR’s Third Sub-Commission in association with the Greek Ombudsman, the Greek Council for Refugees (both members of the GNCHR) and UNHCR, taking into consideration the Greek Constitution, the European Convention for Human Rights and the 1951 Geneva Convention, submitted their observations in relation to: (a) the presence in person of the asylum seeker to the competent authorities; (b) the freedom of movement of persons in need of international protection in the country of reception; (c) the fingerprint identification; (d) reception and healthcare facilities; (e) access to reception centres by UNHCR representatives and legal representatives of the asylum-seekers; (f) the referral of victims of torture, rape etc. to a “specialised state unit” responsible for certifying and providing the necessary support; (g) the delayed submission of the asylum request; (h) the detention of asylum-seekers; (i) the right of residence of aliens in need of international protection; (j) issues pertaining to legal service or notification of decisions; (k) issues concerning the International Convention for the Rights of the Child; (l) legal aid and representation; (m) the concept of “safe third country”; (n) the composition of the Appeals Commission; (o) the determination of the person entitled to subsidiary protection; (p) the period of subsidiary protection; (q) “temporary employment” to provide for basic human needs; and (r) additional elements pertaining to the exclusion clauses.

- ***GNCHR Resolution regarding the violations of human rights committed during the students’ rally of the 8th of March 2007 (22 March 2007):*** GNCHR expressed its profound disaffection with regards to the above events, particularly the violation of the citizens’ constitutional right to gather and demonstrate peacefully. In particular, on the above date, small groups of people committed violent acts causing damage, an attitude obviously condemned by all. Nonetheless, the excessive use of force as well as of chemicals by police forces put the public’s life, particularly of persons not belonging to the above groups, in considerable danger. Appeals lodged by lawyers, academics and relatives of the victims regarding the conditions of their detention and possible infringement on their rights, constituted additional reasons of concern.



**IV. GNCHR'S ACTIVITIES AT THE EUROPEAN AND  
INTERNATIONAL LEVEL**



**a) Documents pertaining to the 4th Round Table of European NIs for the Promotion and Protection of Human Rights and the CoE Commissioner for Human Rights**

**4th ROUND TABLE  
OF EUROPEAN NATIONAL INSTITUTIONS  
FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS  
AND  
THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS**

**Athens, 27-28 September 2006**

**Programme**

**WEDNESDAY, 27 SEPTEMBER 2006**

09.30 - 10.15 **Opening session**

H.E. Mr. Karolos **Papoulias**  
President of the Hellenic Republic

Professor Alice **Yotopoulos-Marangopoulos**  
President, National Commission for Human Rights of the  
Hellenic Republic

Mr. Thomas **Hammarberg**  
Council of Europe Commissioner for Human Rights

Mr. Joël **Thoraval**  
President, Group of European National Human Rights  
Institutions  
President, French National Consultative Commission of  
Human Rights

Mr. Anastasios **Papaligouras**  
Minister of Justice of the Hellenic Republic

10.45 - 14.00 **Working Session I** (*Plenary*):

**New institutional opportunities for NHRIs at European**

**level**

Chair: Mr. Thomas **Hammarberg**

Rapporteur: Ms. Paddy **Sloan**, Chief Executive, Northern Ireland Human Rights Commission

10.45 - 11.45 **The Commissioner's intervention under Protocol No. 14 to the ECHR in cases before the European Court of Human Rights - Any role for NHRIs ?**

Speaker : Assoc. Prof. Linos Alexandros **Sicilianos**, Member, National Commission for Human Rights of the Hellenic Republic; Member and former Chairman of the Committee of experts for the improvement of procedures for the protection of human rights of the Council of Europe (DH-PR)

**Discussion**

11.45 - 12.30 **Opportunities for NHRIs with respect to the European Social Charter**

Speaker: Dr. Mark **Bell**, Reader in Law, Centre for European Law and Integration, University of Leicester, Member of the Academics Network on the European Social Charter

**Discussion**

13.00 - 14.00 **The role of NHRIs in monitoring the execution of judgments of the European Court of Human Rights**

**What NHRIs do**

Speaker : Dr. Alpha **Connelly**, Chief Executive Officer, Irish Human Rights Commission

**What NHRIs could do**

Speaker : Prof. Emmanuel **Roucounas**, Member, Group of Wise Persons (Council of Europe)

**Discussion**

17.00 - 19.30 **Working Session II:**

**NHRIs facing new pressure on human rights:  
Counter-terrorism practices**

*2 groups working in parallel from 17.00 until 19.30*

17.00 18.00 **Working Group 1:**

**The question of rendition flights raised in the Council of Europe: Any follow-up role for NHRIs ?**

Chair: Dr. Maurice **Manning**, President, Irish Human Rights Commission

Rapporteur: Ms. Christiane **Bourloyannis-Vrailas**, Seconded National Expert, UN Unit, DG External Relations, European Commission

***Findings by the Parliamentary Assembly of the Council of Europe***

Speaker: Mr. Gavin Simpson, Advisor to Mr. Dick Marty, Rapporteur, Committee on Legal Affairs and Human Rights, Parliamentary Assembly of the Council of Europe

***The enquiry of the Secretary General of the Council of Europe under Article 52 of the European Convention on Human Rights***

Speaker: Mr. Christos Giakoumopoulos, Director, Directorate General of Human Rights, Council of Europe

17.30 - 19.30 **Discussion of Working Group 1**

17.00 18.00 **Working Group 2:**

**Modern forms of violation of the right to privacy: Which role for NHRIs ?**

Chair: Prof. Alice **Yotopoulos-Marangopoulos**

Rapporteur: Mr. Michel **Forst**, Secretary General, French National Consultative Commission for Human Rights

***Targeted intrusions***

Speaker: Mr. Nikos **Frangakis**, Head, Sub-Commission for Social, Economic and Cultural Rights of the National Commission for Human Rights of the Hellenic Republic; Member, Hellenic Data Protection Authority

***Untargeted intrusions***

Speaker: Ms. Nicole **Questiaux**, Member, French National Consultative Commission for Human Rights

17.30 - 19.30 **Discussion of Working Group 2**

**THURSDAY, 28 SEPTEMBER 2006**

09.00 - 14.00 **Working Session III** (*Plenary*):

**NHRIs facing new pressure on human rights:  
counter-terrorism legislation**

Chair: Mr. Joël **Thoraval**, President, French National Consultative Commission for Human Rights; President, European Group of NHRIs

Rapporteur: Prof. Ibrahim **Kaboglu**, University of Marmara, Istanbul

09.00 - 10.30 **How to avoid emergency legislation becoming permanent ?**

***Case studies to illustrate the problem***

Speaker: Prof. Monica **McWilliams**, Chief Commissioner, Northern Ireland Commission of Human Rights

***Case studies to illustrate solutions***

Speaker : Ms. Maggie **Beirne**, Director, Committee on the Administration of Justice, Northern Ireland

**Discussion**

11.00 - 12.30 **When can NHRIs successfully intervene in the process of adopting legislation ?**

Speaker: Prof. Olivier **De Schutter**, Co-ordinator, European Union Network of Independent Experts on Fundamental Rights

**Discussion**

13.30 14.00 **Presentation of the draft Conclusions of the Round Table by the General Rapporteur**

Mr. Heiner **Bielefeldt**, Director, German Institute for Human Rights

14.00 - 14.45 **Adoption of the Conclusions by the Participants**

14.45 - 15.15 **Close of the Round Table**

Professor Alice **Yotopoulos-Marangopoulos**

Mr. Thomas



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## Conclusions of the 4th Round Table:

### **ATHENS DECLARATION 2006**

The 4th Round Table of National Human Rights Institutions was the latest of a series of biennial conferences jointly convened by the Council of Europe Commissioner for Human Rights and the National Human Rights Institutions (NHRIs) of Council of Europe member States. The Round Table was competently co-organized by the Office of the Council of Europe Commissioner for Human Rights and - as the generous host institution - the National Commission for Human Rights of the Hellenic Republic.

The Round Table included members of NHRIs and their Secretariats, a representative of the Office of the United Nations High Commissioner for Human Rights, the co-ordinator of the European Union Network of Independent Experts in Fundamental Rights, an expert of the European Commission, representatives of Non-Governmental Organisations, individual experts (including from countries where it might be envisaged to set up a NHRI) as well as a member of the Group of Wise Persons set up by the Council of Europe to make recommendations on how to ensure the long-term effectiveness of the European Court of Human Rights.

#### **The Athens Declaration deals with the following main themes of the Round Table:**

- New institutional opportunities for NHRIs at European level;
- A potential follow-up role for NHRIS on the question of rendition flights raised in the Council of Europe;
- The role of NHRIs concerning modern forms of violations of the right to privacy;
- Possible contributions of NHRIs to avoiding emergency legislation becoming permanent;
- Possibilities of NHRIs to intervene in the process of adopting legislation.

In dealing with these issues the Round Table was conscious of the international context in which measure taken to counter terrorism pose threats to the internationally agreed human rights standards and to the democratic values

underlying these standards. Participants shared the concern expressed by the President of the National Human Rights Commission of the Hellenic Republic in an appeal, which she made public. The appeal was proposed and approved by the National Commission for Human Rights of the Hellenic Republic in its entirety.

## **New institutional opportunities for NHRIs at European level**

1. The representatives of the European NHRIs acknowledged that Protocol 14 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) harbours great potential in that the Council of Europe Commissioner for Human Rights will be given an opportunity to submit written comments and take part in hearings before the Chambers and the Grand Chamber of the European Court of Human Rights (cf. Art. 36§3 ECHR). They further agreed that NHRIs should support - in a spirit of appreciating mutual independence - the Commissioner by drawing his attention to cases of structural and systemic importance in which the Commissioner might intervene. NHRIs might also be in a position to offer ideas on national measures to be taken to address structural and systemic deficiencies in their countries.
2. For these purposes the establishment of a NHRI based advisory committee of lawyers with an expertise to advise the Commissioner in his or her selection of relevant cases should be carefully considered.
3. The representatives of the European NHRIs agreed that their institutions - in cooperation with the Commissioner for Human Rights - should contribute to ensuring the long-term effectiveness of the European Court of Human Rights. A major aim was to ease the workload of the Court, which threatens to undermine its effectiveness, credibility and authority. Monitoring the execution of Court judgments at the national level was also an area where NHRIs would try to be helpful. On these and other issues the European NHRIs would work with the Commissioner in order to explore their mutual potential for co-operation with a view of supporting the Strasbourg Court.
4. The representatives agreed that NHRIs should pay more attention to the European Social Charter. Options for NHRIs to work on the Social Charter include:

- o promoting the ratification of the 1996 Revised Social Charter and the acceptance of the collective complaint mechanism;
- o informing NGOs and other parts of civil society about the particular features of the collective complaint mechanism (as an instrument especially suitable for addressing systemic human rights problems);
- o taking an active role in the revised thematic State reporting, e.g. by holding conferences on those thematic issues that are to be addressed in the State reports;
- o cooperating in order to jointly draft a model impact assessment so that national legislation be in conformity with the case law of the European Committee of Social Rights;
- o systematically collecting information on the implementation of the Charter in domestic law and providing this information to the European Committee of Social Rights.

The representatives found that NHRI work on the European Social Charter offers an opportunity to underline the importance of economic, social and cultural rights as an indivisible part of the human rights agenda.

5. The representatives agreed that NHRIs should promote the ratification of Protocol 12 to the ECHR. Such commitment gives an opportunity to strengthen the interrelatedness between the ECHR and the European Social Charter.
6. In the light of the expanding competencies and, as a consequence, the yet enhanced usefulness of NHRIs the representatives of the European NHRIs, the Council of Europe Commissioner for Human Rights and the United Nations High Commissioner for Human Rights agreed to intensify their endeavours for promoting the setting-up of Paris Principles compliant NHRIs in those member States of the Council of Europe where they do not exist. The JOIN Project was there for that (JOIN= Joint Operations for Independent National Institutions for the Promotion and Protection of Human Rights, pilot project for technical assistance to NHRIs).

#### **A potential follow-up role for NHRIs on the question of rendition flights raised in the Council of Europe**

7. Recalling the position taken in the Seoul Declaration (at the Seventh

International Conference for NHRIs, 14-17 September 2004) the representatives of the European NHRIs agreed as an adamant position of principle that all counter-terrorism measure adopted by States must be in strict compliance with international human rights law, refugee law, and humanitarian law.

8. The representatives agreed that the issue of rendition flights calls for concerted follow-up efforts at the European level, in particular through the group of European NHRIs. Such follow-up actions should make clear reference to the relevant rules of international law.
9. In this respect, the representatives agreed to call upon States to fulfil their obligation to investigate the allegation of human rights violations contained in the Dick Marty report. They underlined the importance that such investigations be undertaken in a robust, thorough and transparent manner.
10. Moreover, the representatives agreed that NHRIs should give careful consideration to proposals by the Secretary General of the Council of Europe regarding the elaboration
  - o of basic principles and guidelines for the legislative and administrative framework for the organisation and functioning of security services;
  - o of human rights model clauses to be inserted in bilateral or multilateral agreements concerning overflight;
  - o and of legal instruments regarding waivers of State immunity in cases of serious human rights violations.
11. The representatives agreed that NHRIs should provide advice to State authorities on the adoption of policy and legislative measures - both at national and European level - to prevent such human rights violations. They further agreed that NHRIs should draw attention to the need to ensure that there be an adequate parliamentary and judicial control of the activities of security agencies.
12. The representatives further stressed the importance of awareness raising activities and the fostering of public debate on the matter.

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### **The role of NHRIs concerning modern forms of violations of the right to privacy**

13. The representatives agreed that NHRIs should raise awareness on the importance of the right to privacy, a basic human right which - due to technological evolutions, tightened security measures and a lack of public commitment - currently seems to be losing ground.
14. The representatives agreed that NHRIs should monitor legislation, especially security legislation, as well as its implementation, with a view to ensuring respect for the right to privacy. Where new legal provisions were deemed necessary to follow the fast pace of the development of new technologies, NHRIs should ask for legislative action. They should insist on the principle of proportionality to be inserted and specified as much as possible in any legal rules that might have an adverse effect on the right to privacy.
15. The representatives agreed that more exchange between European NHRIs concerning activities aimed at promoting and protecting the right to privacy is urgently needed because challenges are similar in the different countries and solutions should not diverge significantly. In this context, the possibility of establishing a NHRI Charter on their role for the protection of the right to privacy should be considered. It would, of course, take into consideration the competencies of data protection authorities.

### **Possible contributions of NHRIs to avoid that emergency legislation becomes permanent**

16. The representatives agreed that NHRIs should insist on stricter external and international control of when emergencies are declared, what steps are taken in response to the declaration of an emergency, how safeguards operate in practice and when and how extraordinary measures should be re-visited.
17. The representatives agreed that NHRIs should insist on the establishment of domestic legislative and institutional safeguards, such as:
  - o reporting to parliament,
  - o use of courts to challenge Government decisions,

- o independent arrangements for visiting detention centres,
- o measures for the prevention of torture, such as limited periods of detention, prohibition of incommunicado detention, access to lawyers, medical personnel, families etc.

They further agreed that NHRIs should take an active role in framing such institutional safeguards.

18. The representatives agreed that NHRIs should provide support for independent media, defence of journalists, lawyers and NGO members attacked for criticizing the State response.
19. The representatives agreed that NHRIs should insist on research and collection of disaggregated data with a purpose to measure the discriminatory impact that emergency powers may have on different groups of society.
20. The representatives agreed that NHRIs should further develop their communication with members of their national parliaments in order to convince them that compliance with human rights must always be a political priority and is not in contradiction with their obligation to protect the population against acts of violence.

**Possibilities of NHRIs to intervene in the process of adopting legislation and other measures at EU and at national level**

21. The representatives agreed that NHRIs should - in due cooperation with other bodies - consider it as a main mission to take an active role in the human rights proofing of legislation and other measures, in particular security legislation and practices. It was also agreed that a clear and transparent role division between the various formal and informal human rights monitoring bodies is necessary.
22. The representatives agreed on the urgent need for NHRIs, especially those from EU member States, to develop human rights monitoring capacities concerning EU legislation. The establishment of an NHRI based advisory committee of lawyers could be an important step in that direction.
23. The representatives agreed on the need of exercising vigilance

regarding the effective guarantee of Fundamental Rights in any European Constitution.

24. The representatives agreed that more attention should be paid to situations in which the positive momentum towards human rights policies caused by the prospect of EU accession ceases to exist – either after successful accession or due to a loss of accession prospects for some countries.

### ATHENS APPEAL

of the 4th Round Table of the European National Institutions  
for the promotion and the protection of Human Rights

The Greek National Commission for Human Rights, having participated in the 4th Round Table in Athens, from 27 to 28 September 2006,

*taking into consideration:*

- a. The *distressing evolutions* which stemmed from the terrorist attacks and the ways of countering them, by measures which consist in most grave violations of Human Rights and the abolition of peace,
- b. The fact that applying a counter-terrorist policy based on violence and “pre-emptive antiterrorist wars” has created the greatest misery – deaths and destructions – especially to the whole population of countries that suffer the war attacks, yet, without attaining to stop or, at least, restrict terrorist activities but, on the contrary, *resulting in their increase*,
- c. That the counter-terrorist policy as applied, has generated a racist hatred of the broadest magnitude between the vehicles of western civilization, on the one hand, and the carriers of the arab-muslim civilisation, on the other hand, as well as *civil wars* rooted in religious-ecclesiastical differences, even among partisans of the same race or nationality,
- d. That the main role of INDH/NHRIs, as well as of the Council of Europe, is not only the simple theoretical declaration of Human Rights

principles and rules, but, mainly, their *contribution to the substantive application of these in practice*, we demand:

1. The *research and study without delay of the terrorist action's root causes*, which we consider it necessary to fight in order to eliminate or, at least, diminish their results.
2. The *steady application of the principles of necessity, proportionality and effectiveness* in the framework of a correct counter-terrorist policy, always following the *basic line of respect for Human Rights*.
3. *The exclusion, in any case, of war as an anti-terrorist measure*, because it violates, as any war, all the above-mentioned principles. Indeed, war contravenes quite all human rights *of an entire population*, - of a whole country, not of specific spots, as happens in cases of terrorist acts *-beyond proportionality of damage, without necessity and without effectiveness*. Thus, among others, the rights to life, to personal integrity, to family life, to work, to property, to a decent standard of living, to the natural and cultural environment of the population of the countries attacked *will probably be violated*. Beyond that, actual wars include, in practice, *war crimes and crimes against humanity*.

We are stressing that the Universal Declaration of Human Rights set peace as a goal, recognizing HR as the keystone of peace.

4. We strongly condemn the legalisation of torture under any form and circumstances and warmly support the decisions and opinions of American and British judges demanding the immediate closing of Guantanamo and other torture centers, and the reestablishment of the fundamental rights *of habeas corpus and fair trial*.

5. We demand the efficient protection of the private life and of the confidentiality of personal communications through the tools of modern technology.

6. In order to promote the materialization of the aforementioned principles - which have their roots in the Universal Declaration of Human Rights, the European Convention of Human Rights, the relevant international instruments and the "acquis européen" -, we consider essential and we *ask for the strengthening of our active participation in all international and European decision-making, strategy-adopting and implementing organs* related to Human Rights.

In this right is obviously included the recognition of our right to lodge recourses, applications, petitions and interventions before all organs of Human Rights protection, judicial or quasi-judicial, and, especially, before those competent in planning and applying counterterrorist policy.

All the aforementioned rights could be exercised by the representatives of the totality of National Commissions for Human Rights or of the European group, or by any individual National Commission for Human Rights. The same right must of course be recognized to the High Commissioner and the European Commissioner for Human Rights.



## b) Documents pertaining to the 6th European Meeting of NIs for the Promotion and Protection of Human Rights

### EUROPEAN GROUP OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

#### 6th European meeting of National Institutions for the promotion and protection of Human Rights

#### Thursday 28 September

17h-18h30

1. Strengthening, defence, and creation of National Human Rights Institutions (NHRIs) in Europe :
  - 1.1. Implementation of JOIN (technical assistance program for European NHRIs)
  - 1.2. Re accreditation process for NHRIs
  - 1.3. Capacity building: follow-up of the trainings offered by the High Commissioner for Human Rights of the United Nations on torture and conflict prevention

Speakers:

- Mr. Thomas HAMMARBERG, Commissioner for Human Rights of the Council of Europe
- Mr. Orest NOWOSAD, Head of the National institutions unit, Office of the High Commissioner for Human Rights of the United Nations

18h30-18h45      *Coffee Break*

18h45-19h45

2. Cooperation between NHRIs and the OSCE: establishment of a liaison office, and prospects for future collaboration.

Speakers:

- Mr. Mark GUTHRIE, Deputy Head of the Human Rights department, Office for Democratic Institutions and Human Rights (ODIHR), OSCE
- Mr. Thomas HAMMARBERG, Commissioner for Human Rights of the Council of Europe

#### Friday 29 September

9h-10h

3. The European Fundamental Rights Agency : follow-up

Speakers:

- Dr Anna-Elina POHJOLAINEN, Senior Legal Adviser, Unit for Public Law, Ministry of Justice of Finland, Representative of the Presidency of the European Union
- Mrs. Sophia SPILIOPOULOS, member of the Greek Commission for Human Rights, Member of the Ad Hoc Working Group of the Council of the European Union on the Fundamental Rights Agency

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**EUROPEAN GROUP OF NATIONAL INSTITUTIONS  
FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

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**10h-11h**

4. NHRIs and the Human Rights Council of the United Nations : outcome of the first session and modalities for future participation

Speakers:

- *Mr. Orest NOWOSAD, Head of the National institutions unit, Office of the High Commissioner for Human Rights of the United Nations*
- *Mrs Anne-Marie GARRIDO, Danish Institute for Human Rights, Coordinator and representative of the International Coordinating Committee of NHRIs in Geneva during the 1st session of the Council.*

**11h-11h15      Coffee Break**

**11h15- 13h**

5. NHRIs and United Nations treaty bodies

Speaker:

- *Mrs Frauke SEIDENSTICKER, Deputy Director, German Institute for Human Rights, Coordinator of the working group of the International Coordinating Committee of NHRIs on "NHRIs and UN treaty bodies"*

6. Input for the 8th international conference of NHRIs, Bolivia, October 2006
7. Election of the four members of the European Coordinating Committee, and of the Chair of the European Group
8. Revision of the Rules of Procedures of the European Group, and discussion on methods of work.
9. Other items

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## **6th European meeting of National Institutions for the promotion and protection of Human Rights**

The sixth European meeting of National institutions for the promotion and protection of human rights (NHRIs) took place on Thursday September 28th and Friday 29th 2006 in Athens, Greece, after the Fourth roundtable of the Commissioner for Human Rights of the Council of Europe and the European Group of National Human Rights Institutions. The event was co-organized by the French National Advisory Commission for Human Rights (CNCDH), chair of the European Group of NHRIs, and by the Greek National Commission for Human Rights, host of the meeting.

Were represented at the meeting:

- The fully accredited European NHRIs from Denmark, France, Germany, Greece, Ireland, Norway, Luxembourg, Portugal.
- Non accredited European NHRIs invited as observers, from Northern Ireland and Slovenia.
- The office of the United Nations High Commissioner for Human Rights, the office of the Commissioner for Human Rights of the Council of Europe, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the Finnish Presidency of the European Union.

It was decided to:

1. Form the new European Coordinating Committee (ECC) for two years with the fully accredited NHRIs of Denmark, Germany, Greece, Ireland, which will represent the European group at the ICC ;
2. Appoint the Irish Human Rights Commission as chair of the European Group;
3. Renew the mandate of the Danish Institute for Human Rights as representative of the European Group within the accreditation sub-committee of the International Coordinating Committee (ICC);
4. Amend the rules of procedure of the European Group (see annex 2), in order to define rules on the adoption of common positions.

In addition, the following items were discussed:

### **1. Strengthening, defence, and creation of National Human Rights Institutions (NHRIs) in Europe**

#### **1.1. Implementation of JOIN (technical assistance program for European NHRIs)**

After having heard the viewpoints of Mr Orest Nowosad, Head of the National institutions unit of the United Nations Office of the High Commissioner for

Human Rights (OHCHR), and Mr. Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe on the way forward for the JOIN project, it was agreed that preparation, vigilance, and coordination will be key in the implementation of JOIN.

It was decided to:

- Undertake a thorough assessment of the existing capacities of the partners (including from each NHRI of the European Group), in order to do an inventory of the available resources (human and financial resources, expertise,..) for future implementation;
- Organize an exchange of experience of past technical assistance activities, in order to build on experience and lessons learned.

Italy and Lithuania were cited as potential venues for future projects.

## **1.2. Re-accreditation process for NHRIs**

Following information given by Mr. NOWOSAD regarding the review of the accreditation procedures for NHRIs, European NHRIs acknowledged that :

- A meeting report of the ICC working group reflecting on possible reforms in this regard will be circulated soon to all NHRIs for comment;
- All B-status NHRIs, notwithstanding the date set for their re-accreditation, are entitled to resubmit an application at any time.
- Important decisions should be taken during the 8th International Conference of NHRIs in Bolivia

European NHRIs expressed the need that:

- the possibilities for participation in international fora of B-status institutions be clarified;
- the recommendation function of the accreditation sub-committee and the decision-making role of the ICC be reaffirmed.

## **1.3. Capacity building: follow-up of the trainings offered by the High Commissioner for Human Rights of the United Nations on torture and conflict prevention**

After a brief exchange on the two distance trainings offered this year by the Office of the UN High Commissioner for Human Rights on the role of NHRIs in conflict prevention and prevention of torture, European NHRIs were informed that these trainings should be offered again in 2007, based on this year's experiences.

The need to provide space within each NHRI to follow up on the trainings

was stressed, in order to ensure that the trainings fulfill their role of capacity building tool for the institution.

## **2. Cooperation between NHRIs and the OSCE**

As a follow-up to the resolutions taken during the 5th meeting of European NHRIs, an exchange took place with Mr. Mark Guthrie, Deputy Head of the Human Rights department of the Office for Democratic Institutions and Human Rights (ODIHR) at the OSCE, and Mr. Markus JAEGER, Deputy Director of the Office of the Commissioner for Human Rights of the Council of Europe.

The wish of the ODIHR to develop cooperation with NHRIs, in particular through the establishment of a contact point for NHRIs, was affirmed.

Possible areas for such cooperation were suggested, such as:

- The promotion of the interaction between NHRIs and human rights defenders, and the development of a regional mechanism for the protection of human rights defenders, including NHRIs;
- Assistance in the strengthening of European NHRIs and in the establishment of a stronger coordination mechanism for the European Group of NHRIs, such as a permanent secretariat and a legal “think tank”;
- The organization of thematic seminars with NHRIs and NGOs.

These will be further developed through continued contacts between the European Group of NHRIs and ODIHR.

## **3. Work of the European Group on EU matters**

NHRIs from EU member states acknowledged the need for enhanced information, coordination, and common work on these matters which substantially impact the work of each NHRI at national level.

The German Institute for Human Rights was asked to submit a concrete proposal to the European Coordinating Committee for the modalities of such work.

## **4. The European Fundamental Rights Agency : follow-up**

After having acknowledged presentations by Dr Anna-Elina Pohjolainen, Senior Legal Adviser in the Unit for Public Law of the Ministry of Justice of Finland, representative of the Presidency of the European Union and Mrs.

Sophia Spiliotopoulos, member of the Greek Commission for Human Rights and member of the Ad Hoc Working Group of the Council of the European Union on the Fundamental Rights Agency, it was decided to draft an urgent appeal to the Council of the European Union in order to reiterate the interest of the Agency and the need that it be competent in matters of the third pillar. Such statement was drafted and adopted during the meeting (see annex 1).

## **5. Follow-up to the 4th roundtable**

Several issues raised by the 4th roundtable of European NHRIs and the Commissioner for human rights of the Council of Europe require setting up methods of work for follow-up activities. It was decided to mandate the French commission for the drafting of an action plan related to the Athens declaration. This action plan will be drafted in consultation with the Commissioner's office. It will be sent to all members of the European Group of NHRIs for consultation before adoption and implementation.

## **6. NHRIs and the Human Rights Council of the United Nations : outcome of the first session and modalities for future participation**

Mr. Orest Nowosad, Head of the national institutions unit in the Office of the High Commissioner for Human Rights of the United Nations related the background for the participation of NHRIs within the Human Rights Council, recalling that all accredited NHRIs may participate in all activities of the Council, including plenaries, informal, and intersessional meetings. But the transitional stage, during which the Council is defining its rules of procedure, is still ongoing.

Ms Anne-Marie Garrido, coordinator of the ICC working group on the matter and representative of the International Coordinating Committee of NHRIs in Geneva during the 1st session of the Council, explained the current modalities for participation and raised the main organizational issues that NHRIs will need to decide on soon. She made some proposals as to the way forward in order to formalize NHRI participation, and asked NHRIs to reflect upon them in view of the discussions that will take place in Bolivia:

- maintain an ICC working group with regional representations, mandated to formulate common positions when the role of NHRIs is at stake or when issues of common concern are raised.
- link up within thematic working groups at international level.

The discussion that followed focused on NHRI needs in relation to the Council: continuous information, coordination, and representation. The idea

of a full time presence in Geneva was tackled and needs to be discussed further.

## **7. NHRIs and United Nations treaty bodies**

Ms Frauke Seidensticker, Deputy Director of the German Institute for Human Rights, was the coordinator of the ICC working group on “NHRIs and UN treaty bodies”. She described the activities of the working group, in particular the ICC position paper on the role of NHRIs in relation to Treaty bodies, which was received with great interest by the treaty body chairpersons. Mrs Seidensticker also related the Malbun meeting on the reform process of treaty bodies and shared views on CEDAW’s idea of a unified treaty body system, to be distinguished from the High Commissioner’s idea of a unified treaty body.

Ms Seidensticker highlighted the fact that awareness raising on NHRI potential role as partners is still to be developed. She also suggested that individual NHRIs increase their activities in relation to treaty bodies, in order to stress the usefulness of NHRIs within the process.

The November conference in Berlin, co organized by the German and Danish institutes and the OHCHR will provide a good opportunity to define guidelines on cooperation between NHRIs and Treaty bodies.

## **8. 8th international conference of NHRIs, Bolivia, October 2006**

Mr. Morten KJAERUM, chair of the ICC, described the agenda for the upcoming ICC conference in Bolivia (October 23-27), which will focus on the role of national institutions with regards to migration. He also said that it will be the occasion to reflect and take decisions on issues of common concern, such as the role of NHRIs in relation to treaty bodies and the Human Rights Council. He also stressed the importance of the NGO forum which will precede the conference.

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**ANNEX 1**  
**Urgent Appeal of the European Group of NHRIs**  
**to EU institutions and Member States regarding the EU Fundamental**  
**Rights Agency**

The European Group of National institutions for the promotion and protection of human rights (NHRIs), convened in Athens on September 28-29 2006, reiterates its strong support for:

- the establishment of the Fundamental Rights Agency as of the 1st of January 2007, in accordance with the conclusions of the last European Council;
- the efforts to settle outstanding issues in a way that is most favourable to the effective safeguard and promotion of fundamental rights in the EU.

More specifically, it underlines the necessity for the Agency to play a significant role in the area of the 3rd Pillar (police and judicial cooperation in criminal matters), in conformity with Court of Justice case law, according to which respect for fundamental rights within the framework of the 3rd Pillar is an obligation for both Member States and EU institutions<sup>2</sup>. Furthermore, omitting the Agency's role in this field would seriously undermine both its own credibility and the credibility of the EU.

The European Group of NHRIs firmly supports the adoption of a Declaration to the effect that the Council is not precluded from "calling on" the Agency to assist it in fulfilling its task under Article 7(1) TEU.

The European Group of NHRIs stresses once more the necessity for this Agency to be independent from EU institutions and Member States, and to have a remit that will enable it to contribute to the effective safeguard and promotion of fundamental rights as the foundation of the EU (Article 6(1) TEU), and to respond to the expectations and concerns of those who live in the EU, in particular at this crucial moment for fundamental rights.

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<sup>1</sup> See in particular judgement of the European Court of Justice, 16/06/05, C-105/03, Pupino (2005) ECR I-5285, paragraphs 41-43, 58-60.

**ANNEX 2**  
**Revised Rules of Procedures**  
**of the European Group of national human rights institutions**

In accordance with the Rules of Procedure of the International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), adopted on 15 April 2000 in Rabat, accredited European National Institutions adopt the following Regional Rules of Procedure:

**1. Membership**

The European National Institutions accredited to the ICC as well as those admitted as observers to the ICC are members of the European Regional Group.

**2. Decision Making and adoption of common positions**

(1) The search for consensus shall be a priority in the making of any decision. In case voting is necessary, decisions shall be taken by a majority.

Only National Institutions that are present at the beginning of the vote shall participate in such vote.

(2) Each duly accredited National Institution shall have one vote.

(3) National Institutions admitted as observers contribute to the debate without the right to vote.

(4) The drafting of a common position by way of electronic consultation is coordinated by the Chair of the European Group, or by a national institution mandated to this effect by the Chair.

(5) The final text of a common position shall be approved by all members within the strict deadline given by the Chair.  
The absence of a response within that delay shall be considered as a tacit approval.

(6) In case a consensus cannot be reached through such consultation, the position will not engage the European Group, but should only engage those members who have expressly approved the text. The names of the signatory institutions shall then be mentioned in the document.

### **3. Guiding Principles for Activities**

The activities of the European Regional Group are conducted in a collegial manner;

a) In the planning and carrying out of any activity, a balance shall be sought between European sub-regions, as well as between different legal systems and the various types of National Institutions;

b) The European Regional Group shall conduct its activities in close cooperation with the Council of Europe and other European organisations active in the field of human rights;

c) The activities of the European Regional Group shall benefit from the contributions of non-governmental organisations as well as from civil society in general.

### **4. Regional Meetings**

(1) European Regional Group meetings shall be organized every two years, in coordination with the Council of Europe.

(2) Moreover, regional meetings shall take place on the occasion of international meetings, in particular international conferences of National Institutions and meetings of the ICC.

### **5. Representation in the ICC**

1. In compliance with the Rules of Procedure of the ICC (points 4(d) and 5(c)), the four European National Institutions which shall represent the European Regional Group to the ICC are appointed at each biennial meeting of the Regional Group.

2. Upon the ICC's appointment of members of the Accreditation Sub-Committee, or other committees, the European Regional Group nominates the European National Institution which shall represent the Group to this Sub-Committee or to other committees.

### **6. Functioning of the European Co-ordinating Committee**

(1) The European Co-ordinating Committee, constituted of the four National Institutions members of the ICC, shall be the collegial executive of the European Regional Group.

(2) In this capacity, the European Co-ordinating Committee shall;

- a) prepare the various regional meetings and determine their agenda;
- b) be in charge of relations with the Council of Europe and other European institutions;
- c) promote the dissemination of information to all members as well as to non-governmental organisations and European and international organisations. To this end, it shall make full use of the means provided by the Internet;
- d) take any appropriate initiative for the cooperation and development of European National Institutions.

## **7. Presidency of the European Co-ordinating Committee**

(1) One of the National Institutions of the European Co-ordinating Committee shall assume the Presidency thereof.

(2) The National Institution holding the Presidency of the European Co-ordinating Committee:

- a) shall be responsible, in a broadly cooperative spirit, for the respect of the principles and rules as established in the present Rules of Procedure;
- b) shall convene the meetings envisaged in the present Rules of Procedure, and organise, if necessary, the meetings of the European Co-ordinating Committee;
- c) shall be a center for the collection of information emanating from European organisations and shall disseminate such information to the European Co-ordinating Committee.

(3) When the National Institution holding the Presidency is prevented from fulfilling its task, its predecessor shall act as alternate.

## **8. Principles of Representation**

(1) A general principle of rotation shall apply to the nominations and positions within the European Regional Group and its Co-ordinating Committee.

(2) Appointment of European National Institutions to the ICC (cf. Article 5(1)) shall take account, on the one hand, of the need for a balanced representation of sub-regions, and, on the other, of the need for rotation,

so that all accredited National Institutions shall accede, in turn, to this responsibility.

(3) In order for the principle of rotation mentioned in the above paragraphs (1) and (2) to be fully applied, normally, the term of the President of the European Co-ordinating Committee as well as the term of the representatives of the European Regional Group to the ICC and other committees of the ICC are two-year terms that may only be renewed one time.

### **9. Modification of the rules of procedure**

(1) Modification of these rules of procedure may be made upon a proposal by any voting member.

(2) Proposals for modification may be made in advance of a meeting of the European Co-ordinating Committee by submission to the Presidency in writing or upon a motion of any voting member during a meeting.

(3) Modifications to the rules of procedure receiving the agreement of a two-third majority of the voting members present shall take immediate effect, unless otherwise stipulated.

*Adopted in Dublin on 16 November 2002,  
Amended in Athens on 29 September 2006*

