

Law no 4780/2021
on "National Accessibility Authority, National Commission for Human Rights and
National Bioethics and Technoethics Committee"
(OJ 30/A/28.2.2021)

THE PRESIDENT OF THE HELLENIC REPUBLIC

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

SECTION B

NATIONAL COMMISSION FOR HUMAN RIGHTS

Article 10

Constitution and legal status

1. The Greek National Commission for Human Rights (hereafter "the GNCHR" or "the Commission") is hereby established and attached to the Prime Minister.
2. The GNCHR is the national human rights institution and the independent advisory body to the State on matters pertaining to human rights protection and promotion.
3. The GNCHR shall have legal personality and enjoy functional independency and administrative autonomy.
4. Its premises are located in Athens.

Article 11

Mission

The Commission shall have as its mission:

- a) The constant monitoring of the matters pertaining to human rights protection, the informing of the public and the advancement of research in this connection,
- b) The exchange of experiences at supra-national and international level with similar bodies of other States, the European Union or international organisations, such as the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE) and the United Nations, and
- c) The formulation of policy proposals on matters concerned with its object.

Article 12

Competences

The Commission shall in particular:

- a) Examine issues regarding human rights protection put before it by the Government or the Conference of Presidents of the Parliament or proposed to it by its members or Civil Society,
- b) Submit recommendations and proposals, carry out studies and deliver an opinion on the adoption of legislative, administrative and other measures which contribute to the improvement of human rights protection,
- c) examine the adaptation of Greek legislation to the provisions of international law on human rights protection and deliver an opinion in this connection to the competent bodies of the State,
- d) monitor and express recommendations to the State for the permanent and constant impact assessment of policy measures on human rights,
- e) monitor and express recommendations to the State for the operation of a reliable and effective system for recording incidents of discrimination, racism and intolerance,
- f) undertake initiatives for the cultivation of respect for human rights within the framework of the educational system,
- g) deliver an opinion on reports which the country is to submit to international organisations on related matters, draw up and submit its own independent reports,
- h) communicate and cooperate with the independent authorities as well as the competent EU bodies, international organisations, similar bodies of other States and national or international non-governmental organisations,
- i) make its positions publicly known by every appropriate means,
- j) develop initiatives for raising public awareness as well as awareness in the media on matters of respect for human rights, and
- k) organise a Documentation Centre on human rights.

Article 13

Composition

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

- a) One person designated by the General Confederation of Labour of Greece,
- b) one person designated by the Supreme Administration of Unions of Civil Servants,
- c) one person designated by the National Confederation of Persons with Disabilities,
- d) one person designated by the Panhellenic Federation of Greek Roma Associations 'ELLAN-PASSE',
- e) one person designated by Amnesty International,
- f) one person designated by the Hellenic League for Human Rights,
- g) one person designated by the Marangopoulos Foundation for Human Rights,
- h) one person designated by the Greek Council for Refugees,
- i) one person designated by the Greek League for Women's Rights,
- j) one person jointly designated by the "Greek Transgendered Support Association (S.Y.D)", the "Athens Pride Festival – Athens Pride", the "Lesbian and Gay

- Community of Greece (OLKE)", the "COLOUR YOUTH-Athens LGBTQ Youth Community (COLOUR YOUTH)" and the "Rainbow Families Greece",
- k) one person jointly designated by the World Wide Fund for Nature (WWF) and Greenpeace,
 - l) the Greek Ombudsman or its Alternate,
 - m) one member of the Hellenic Data Protection Authority proposed by its President,
 - n) one member of the Hellenic Authority for Communication Security and Privacy proposed by its President,
 - o) one member of the National Council for Radio and Television (NCRTV) proposed by its President,
 - p) one member of the Hellenic National Bioethics and Technoethics Commission proposed by its President,
 - q) two professors of national or non-national higher-education institutions (A.E.I),
 - r) one member designated by the Plenary of Presidents of the Greek Bar Associations and
 - s) up to four (4) persons designated by research institutions or human rights organisations, which shall be selected by the Plenary of the Commission for the optimal horizontal coverage of human rights, for two of the above actors at least. In this case, the Plenary's decision on the granting of the right to designate a member shall be taken in accordance with the Commission's Rules of procedure, as long as the member designation on the relevant field of human rights is not made by an organisation of third level representation. Decisions of the Plenary pursuant to this case shall take effect as of the Commission's next term.
2. An equal number of alternates shall be provided for the Commission's member; alternates shall be designated in the same manner as the full members.

Article 14

Designation of members and legal status

1. The members of the Commission and their alternates shall be appointed by a decision of the Prime Minister published in the Official Journal of the Hellenic Republic for a term of office of four (4) years.
2. Members of the Commission shall be persons with proven knowledge and experience in the field of protection and promotion of human rights. Members of the Parliament, members of the Government and Deputy Ministers, General and Special Secretaries, elected representatives in regional and local first tier and second degree authorities cannot be designated members of the Commission. The subsequent acquisition of these capacities shall result in automatic loss of membership to the Commission.
3. The stakeholders designating the Commission's members shall select the appropriate persons with transparency and in accordance with their rules of operation, submitting at the same time all the documents required for their legal representation.
4. The members of the new composition of the Commission as well as the research institutions or the human rights organisations of sub-para. (s) of paragraph 1 of Article 13 shall be appointed at the latest two (2) months before the expiry of the

term of office of the previous composition. The stakeholders shall designate the Commission's members within thirty (30) days from the relevant proposal of the President of the Commission. Six (6) months before the expiry of the Commission's term of office, its President shall invite the organisations which have a joint right to designate a member in the Commission, to designate the member who shall represent the corresponding field in its Plenary. If the joint designation document is not submitted to the President of the Commission within one (1) month from the proposal, lots shall be drawn among the organisations which have a joint right to designate members in the Commission.

5. The stakeholders of paragraph 1 of Article 13 may revoke the membership of a Member designated by them, only on grounds of incapacity to perform his or her duties as well as proven inefficiency in the performance of those duties. The members of the Commission shall be automatically relieved of their duties if an irrevocable court decision is issued against them for an offence impeding one's appointment as a civil servant or relieving a civil servant of his/her duties in accordance with the provisions of the Civil Servants' Code (Law 3528/2007, OJ 26 A). In case of revocation, withdrawal, resignation or death, the new member shall complete the term of office of his or her predecessor. The term of office of the members shall be each time extended until the Commission's lawful incorporation for its next term.
6. The members of the Commission shall not be liable, persecuted and questioned for opinions expressed or vote given in the exercise of their functions under the present Law. Prosecution is allowed only upon complaint for slander, defamation, or breach of privacy.

Article 15

Constitution

1. The Commission shall be deemed to have been lawfully incorporated, even if some of its members have not yet been appointed by the competent bodies, if the designation of paragraph 4 of Article 14 is timely requested and the rest of the members constitute a majority in accordance with paragraph 2 of Article 18.
2. The outgoing President shall convene in writing the members of the Commission to a session with a view to electing its President and the First and Second Vice-Presidents. For the election of the President and the Vice-Presidents, the absolute majority of the Commission's members present shall be required. In case of two (2) or more candidates, if no one achieves the required majority, lots shall be drawn between the two candidates who received the highest number of votes.

Article 16

Liaison Officers

1. The President of the Special Parliamentary Committee on Institutions and Transparency of the Parliament shall be designated as the liaison officer of the

Hellenic Parliament with the Commission in accordance with the provisions of the Standing Orders of the Parliament.

2. Each Ministry shall designate by reason of competence one (1) Head of Directorate or Department, with knowledge in the field of human rights, as a liaison officer with the Commission.
3. At the beginning of each session of the Plenary, the liaison officers of paras. 1 and 2 shall inform the Plenary or the Sections of the Commission for matters within their competence and leave before a decision is taken.
4. Each political party represented in the Hellenic Parliament shall designate one (1) person as liaison officer with the Commission, who may express his or her views on human rights matters at the beginning of each meeting of the Plenary and leave before a decision is taken.

Article 17

Financial independence

1. The Commission shall be financially independent. It shall take subsidy from the state budget, which shall be incorporated in the budget of the Ministry of Finance, to a separate detailed expenditure account. Funding from other sources shall be possible, provided that it is approved by the Plenary of the Commission. Allocation of appropriations and commitment of expenditure shall be made by the President of the Commission, as the principal authorising officer. By decision of its President, the Commission may open a bank account, in which credits from its programs and other resources shall be transferred (para. 3).
2. The Commission shall draw up its own budget drafted under the responsibility of its President, without requiring a partnership of another body. The budget shall be drawn up on an annual basis and submitted directly to the General Accounting Office of the State, in accordance with the procedure provided for in the Public Accounts.
3. By decision of the Plenary, the Commission may participate in national, European or co-financed research or other programs and conclude agreements with higher education institutions and other bodies relevant to its mission.
4. With a works contract and in accordance with the relevant provisions of public contracts, the Commission may entrust to third parties tasks which cannot perform itself, due to a special subject-matter or inability of fulfilment by the existing staff.

Article 18

Operation

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

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 (1) Vice-President.
3. 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.
4. 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 human rights protection.

Article 19

Competences of the Board and the President

1. The President and the two (2) Vice Presidents shall form the Board of the Commission, which deals with current and extraordinary issues related either to the mission or the functioning of the Commission for the period between two regular meetings of the Plenary.
2. The President shall be responsible for:
 - a. the constant monitoring, supervision and coordination of the Commission's work, as well as of all scientific and administrative staff,
 - b. representing the Commission before any authority, national or foreign, as well as before international organisations and NGOs and
 - c. the adoption of decisions on appointment, recruitment, transfer or secondment of personnel serving in any relationship within the Commission, independently or jointly with the relevant co-competent bodies
3. In cases where the President is incapacitated, missing or absent, the Commission shall be represented in the order of their rank by the Vice-Presidents (First Vice-President and Second Vice-President). The President may delegate the representation of the Commission to a Vice-President or to a member of the Plenary or to a member of its personnel.

Article 20

Sections

Within the operating framework of the Commission, the following Sections shall be established:

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

Article 21

Assistance provided by public and private entities

Public services must assist the work of the Commission. In order to fulfil its mission, the Commission may conduct on-the-spot investigations, as well as seek from both public

services and individuals, any information, document or any other element relating to the protection of human rights. The President may take cognizance of documents and other elements, which are classified as confidential, unless they are affiliated with national defence, state security and international relations of the State.

Article 22

Reports

1. The Commission shall submit its annual report to the President of Parliament by the end of February, which shall be discussed before the Special Standing Committee on Equality and Youth and Human Rights of the Hellenic Parliament, in accordance with the relevant provisions of its Regulation. The Commission may also submit reports during the year.
2. At the end of each year, the ministries represented in the Commission shall submit a report with their observations on the protection of human rights in the field of their responsibility, indicating with special reference the points where they have adopted recommendations made by the Commission.

Article 23

Organisational structure

1. The Commission shall have its own scientific and administrative staff allocated to fifteen (15) organic positions.
2. The Commission shall be structured in Department level organic units as following: a) Scientific Organisation Unit and b) Administrative and Financial Organisation Unit.

Article 24

Director

1. The position of the Director of the Commission is hereby established, with a term of office of four (4) years.
2. The Director shall be a person of recognised standing, holder of at least a postgraduate degree and with administrative capacity, expertise and experience in the protection of human rights.
3. The position of the Director shall be filled following a Commission's public call for applications. The selection among candidates shall be made in accordance with Articles 31 to 35 of Law 4765/2021 (OJ 6 A), by five (5) members of the Commission, designated by its President. The Director shall be recruited under private law contract of employment, which may be renewed after evaluation and decision of the Plenary.
4. The Director shall be a full-time and exclusive professional and shall not be permitted to engage in any other occupational activity. During his/ her term of office, the exercise of any public function as well as duties in any position of the public sector bodies of sub-par. (a) par. 1 of Article 14 of Law 4270/2014 (OJ 143 A) shall be suspended.
5. The Director of the Commission shall be responsible for:

- a) assisting the President of the Commission in the supervision and coordination of the work of its organic units,
 - b) providing necessary information regarding the progress of the work of the Commission to its Bureau and
 - c) assisting the Plenary and the Sections of Article 20 in their operation as well as participating in their work.
6. The Director shall be dismissed only for important reasons following a Plenary's decision, issued upon proposal by the President.
 7. In cases where the Director is incapacitated, missing or temporarily absent, she/he shall be replaced by the Coordinator.

Article 25

Specialised scientific staff

1. For the Scientific Organisation Unit of sub-para (a) of para 2 Article 23, three (3) positions for specialised scientific staff with a private law contract of a term of four (4) years are hereby established, within the meaning of par. 2 of Article 25 of Law 1943/1991 (OJ 50 A) and the first sub-par. of par. 7 of Article 4 of Law 3051/2002 (OJ 220 A). These positions shall be filled following a Commission's public call for applications. The selection between candidates shall be made in accordance with the provisions of Articles 31 to 35 of Law 4765/2021(OJ 6 A) by five (5) members of the Commission, designated by its President. The contracts hereof may be renewed for an equal period of time, each time following an assessment carried out by a committee which shall be consisted of three (3) members of the Commission designated by its President.
2. For the Scientific Organisation Unit of sub-par. (a) par. 2 of Article 23, four (4) positions for specialised scientific staff with a private law based open-ended contract of employment are hereby established, within the meaning of par. 2 of Article 25 of Law 1943/1991 and the first sub-par. par. 7 of Article 4 of Law 3051/2002 (OJ 220 A), which are filled as following: a) Two (2) positions are filled following a Commission's public call for applications. The selection among the candidates shall be materialised in accordance with the provisions of Articles 31 to 35 of Law 4765/2021, by a selection committee consisted of three (3) members of the Commission and two (2) members of the Supreme Council for Civil Personnel Selection (ASEP) designated by their Presidents respectively, and b) two (2) positions are filled exclusively through transfer or secondment of private law based open-ended contract employees of public sector of the sub-par. (a) par. 1 of Article 14 of Law 4270/2014 (OJ A 143). For the positions of sub-par. (b) in particular, permanent civil servants may also be transferred or seconded. Transfers and secondments shall be carried out, in accordance with the applicable provisions, by joint decision of the President of the Commission and the competent body of the ministry of origin. The secondments of the previous sub-par. last four (4) years maximum.
3. The specialised scientific staff shall assist the Commission's Plenary and the Sections of Article 20 in their operation and shall participate in their work.

4. The scientific staff of the Commission shall continue to be subject to the same principal and supplementary insurance body as before the recruitment. The service within the Commission shall be regarded as actual and pensionable for the relevant insurance body. In case where a legal officer is recruited to a position of specialised scientific staff, his/ her insurance rights shall not be affected, and the provisions of par. 10 of Article 4 of Law 2839/2000 (OJ 196 A) shall apply in a supplementary manner.

Article 26

Coordinator

The Scientific Organisation Unit of the Commission of sub-para.(a) para. 2 of Article 23 shall be headed by one of its members, who shall exercise the duties of Coordinator. The Coordinator is appointed by a decision of the Commission Plenary upon proposal by the President, for a four (4) year-term which may be renewed following evaluation and relevant decision by the Plenary. The Coordinator assists the Director in the supervision and coordination of the work of the scientific staff; attends the meetings of the Commission's Board and provide the necessary information on the progress of the Commission's work; assists, jointly with the rest of the scientific staff, the Commission's Plenary and the Sections of Article 20 in their operation and participates in their sessions. The Coordinator receives additional remuneration equal to the amount of sub-indent (ag) of sub-para (a) of para. 1 of Article 16 of Law 4354/2015 (OJ A 176).

Article 27

Administrative and Financial Organisation Unit

1. For the Administrative and Financial Organisation Unit of subpara (b) para. 2 of Article 23, one (1) organic position for Secretary, four (4) organic positions for permanent staff and two (2) organic positions for staff on a private law employment contract of indefinite duration are hereby constituted.
2. The Administrative and Financial Organisation Unit is headed by the Secretary.
3. The filling of the posts of the Administrative and Financial Organisation Unit may be also made by the transfer or secondment of civil servants or employees in public law legal entities, or employees on an employment contract of indefinite duration within the public sector as of sub-para(a) para. 1 of Article 14 of Law 4270/2014 (OJ A 143). Secondments and transfers are being carried out, in accordance with the applicable provisions, by joint decision on the part of the President of the Commission and the competent body of the ministry of origin. The secondments of the previous indent are of duration of four (4) years maximum.

Article 28

Enabling provisions of Section B

1. By decree issued upon the proposal of the Prime Minister and the Ministers of Finance and of Interior following the opinion of the Commission's Plenary, pursuant to Article 20 of Law 4622/2019 (OJ A 133), the Organisation of the

GNCHR is hereby constituted, in which the structure, name and distribution of posts of its organisation units are specified. By similar decree, regional GNCHR offices may be constituted and their internal organisation, operation and seat as well as issues related to the status of the Commission's staff may also be regulated.

2. By decision of the Plenary, the Commission's Rules of procedure are drawn up, which regulate the allocation of responsibilities between the Sections and their members, the process of call and hearing of stakeholders and persons as well as the selection of persons of sub-para. (q) and the bodies/stakeholders of sub-para. (s) of para. 1 of Article 13, as well as any other relevant issues.
3. By decision of the competent Minister, the liaison officer between the Ministry and the Commission is designated, pursuant to para. 2 of Article 16.
4. By decision of the Minister of Finance, following an opinion of the Commission, the compensation of the President, the Vice-Presidents and other Commission members is fixed, by way of derogation from the applicable provisions on remuneration or compensation due to participation in councils and committees of the public sector.
5. By decision of the Minister of Finance, the salary status of the Director of the Commission is determined, whose earnings may not exceed those of the Assistant Ombudsman. By joint decision of the Ministers of Labor and Social Affairs and Economics, specific issues regarding the insurance status of the Director of the Commission is defined.
6. By decision of the Minister of Finance, the salaries of the scientific staff of the Commission is determined, by way of derogation from the applicable provisions on remuneration of specialised scientific staff.

Article 29

Transitional and repeal provisions of Section B

1. The GNCHR is the successor of the Greek National Human Rights Commission established by Law 2667/1998 (OJ A 281).
2. Upon the entry into force of this Law, members of the GNCHR of Law 2667/1998 remain until the expiry of their term.
3. Upon the entry into force of this Law, employees who are seconded to the Greek National Commission for Human Rights of Law 2667/1998, may be transferred following an application from their part to the GNCHR on posts provided for in Articles 25 and 27 in accordance with the procedure provided for in these articles. The application is submitted within one (1) month from the publication of the GNCHR's Organisation. If the secondment of the employee ends before the date of the abovementioned subparagraph, the secondment extends until that date or, following a decision of the Plenary of the GNCHR, until the completion of a maximum of four (4) years, in accordance with the last sub-para. of para. 2 of the Article 25. Employees who do not apply or are not selected to be transferred,

return to the service where their organic position belongs, at the end of their secondment. The covering of the relevant payroll expenses is made in accordance with Article 15 of Law 4440/2016 (OJ A 224).

4. Upon the entry into force of this Law, employees who serve on the Greek National Commission for Human rights of Law 2667/1998 on a fixed-term private law employment contracts, remain in the GNCHR until the expiry of these contracts. They can request the renewal of the contracts in accordance with the provisions hereof.
5. The acting Secretary of the GNCHR, according to para. 1 of Article 8 of Law 2667/1998, occupies the organic position of the Secretary who is in head of the Administrative and Financial Organisation Unit.
6. Until the selection of a Coordinator pursuant to Article 26, the acting Coordinator of GNCHR in accordance with par. 4 of Article 7 of Law 2667/1998 occupies the position of Coordinator who is in head of the Scientific Organisation Unit.
7. Upon the entry into force of this Law, employees seconded to secretarial and technical support positions of category UE (university education) are placed in posts of Administration-Finance of category UE.
8. The provisions hereof also apply to serving scientific staff and staff of the Secretariat of the GNCHR, upon the entry into force of this Law.
9. Until the publication of the decree of para. 1 of Article 28 and the adequate staffing of the Commission, which is determined upon a decision of its President, the GNCHR is supported administratively, financially and technically by the Presidency of the Government, and the relevant expenditure incur by the President of the GNCHR, as authorising officer. Until the publication of the decree of the previous subparagraph, secondments and transfers of para. 2 of Article 25 and para. 3 of Article 27 are made by way of derogation from any general or special provision, by joint decision of the President of the GNCHR and the competent body of the ministry of origin.
10. Articles 1 to 9 of Law 2667/1998 are hereby repealed.