

Law No 4780/2021

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

(Government Gazette 30 A 28.2.2021)

THE PRESIDENT OF THE HELLENIC REPUBLIC

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

SECTION B

GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

Article 10

Constitution and legal status

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

Article 11

Mission

The GNCHR 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 related to its scope of work.

Article 12

Competences

the GNCHR 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 research 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 for human rights.

Article 13 Composition

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

- e) one (1) person appointed by the Amnesty International
- f) one (1) person appointed by the Hellenic League for Human Rights (ELEDA)
- g) one (1) person appointed by the Marangopoulos Foundation for Human Rights,
- h) one (1) person appointed by the Greek Council for Refugees
- i) one (1) person appointed by the Greek League for Women's Rights
- j) one (1) one person jointly appointed by the "Greek Transgender Support Association"

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

- k) one (1) person jointly appointed by the World Wide Fund for Nature (WWF) and Greenpeace
- l) the Greek Ombudsman or its Alternate
- m) one (1) member of the Hellenic Data Protection Authority proposed by its President
- n) one (1) member of the Hellenic Authority for Communication Security (ADAE) and Privacy proposed by its President
- o) one (1) member of the National Council for Radio and Television (NCRTV) proposed by its President
- p) one (1) member of the Hellenic National Bioethics and Technoethics Commission proposed by its President
- q) two (2) professors at national or foreign higher education institutions
- r) one (1) member appointed by the Plenary of Presidents of the Greek Bar Associations and

s) up to four (4) persons 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 granting the right to appoint a member, shall be taken in accordance with the Regulation of the GNCHR, as long as the appointment of a member in the relevant field of human rights, is not made by an organisation of third-level representation. Decisions of the GNCHR Plenary pursuant to this case shall take effect upon the day after the date of the Member's entering into office, when the right to appoint a member of the GNCHR shall be acquired.

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

Article 14
Appointment of members and legal status

1. The members of the Commission and their alternates shall be appointed by a decision of the Prime Minister published in the Government Gazette Issue of the Hellenic Republic for a term of office of four (4) years.
2. The members of the Commission shall be persons with proven knowledge and experience in the field of protection and promotion of human rights. Members of Parliament, members of Government and Deputy Ministers, Secretaries General and Special, elected representatives in local authorities of first and second level, shall not be appointed members of the GNCHR. The subsequent acquisition of these capacities shall result in automatic loss of membership to the GNCHR.
3. The agencies entitled to nominate members to the GNCHR, shall select the right persons with transparency and in accordance with their specific rules of operation, at the same time submitting all documents required for their legal representation.
4. The members of the new composition of the GNCHR, as well as persons indicated in Article 13 (1)(s), shall be appointed no later than two (2) months before the expiry of the term of office of the previous composition. Appointment of the GNCHR members shall be completed by the competent agencies within thirty (30) days upon invitation from the GNCHR President to this end. Six (6) months before the expiry of their term of office, the GNCHR President shall call on the organisations entitled to jointly appoint a member to the GNCHR, to nominate the member who will be their representative in the corresponding field in its Plenary. If the joint appointment decision document is not delivered to the President of the GNCHR within one (1) month from the date of the relevant call for interest, then a drawing of lots shall be carried out among the organisations entitled to jointly appoint a member to the GNCHR.
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 their 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 their duties in accordance with the provisions of the Civil Servants Code (Law 3528/2007, Government Gazette A 26). In case of revocation, withdrawal, resignation or death, the new member shall complete the term of office of their predecessor. The term of office of the members shall be each time extended until the Commission be lawfully incorporated 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 Establishment

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

Article 16 Liaison Officers

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

Article 17 Financial independence

1. The 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 programmes and other resources shall be transferred.

2. The Commission shall draw up its own budget drafted under the responsibility of its President, with no need for the involvement 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 programmes and conclude agreements with higher education institutions and other bodies relevant to its mission.

4. With a work contract and in accordance with the relevant provisions of public contracts, the Commission may entrust to third parties tasks which cannot perform itself, because of the specific nature of the subject matter or the impossibility of performance by current staff.

Article 18 Operation

1. The Commission shall meet at least every two months regularly, and extraordinarily upon invitation 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) the absolute majority of its members are present, and (b) the President of the Commission or one (1) Vice-President is among the members present.

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 representatives from human rights bodies to provide their knowledge, experience and opinion whenever appropriate.

Article 19

Competences of the Bureau and the President

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

2. The President shall be responsible for:

a) constant monitoring, supervising and coordinating the work of the Commission and its entire scientific and administrative staff

b) representing the National Commission before the courts and any national or foreign authority, as well as before international organisations and non-governmental organisations and

c) adopting decisions on appointment, recruitment, transfer or secondment of the staff serving by any type of working relationship on the GNCHR, independently or jointly with the relevant co-competent bodies.

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

Article 20

Sections

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

a) the Section for Civic and Political rights

b) the Section for Social, Economic and Cultural rights

c) the Section for Application of Human Rights to Aliens

d) the Section for Promotion of Human Rights and

e) the Section for International Communication and Co-operation

Article 21

Assistance provided by agencies and operators in the public and private sectors

Public services must facilitate the work of the Commission. In order to fulfil its mission, the GNCHR may conduct 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 of the GNCHR 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 GNCHR shall submit its annual report to the President of Parliament by the end of each February, to be discussed before the Special Standing Committee on Equality and Youth and Human Rights of the Hellenic Parliament, in accordance with the procedures laid down in its Regulation. The GNCHR may also submit reports throughout the year.

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

Article 23

Organisational structure

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

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

Article 24

Director

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

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

3. The position 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 (Government Gazette 6 A), by five (5) members of the Commission, designated by its President. The Director shall be recruited with a private-law contract of employment, which may be renewed after assessment 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 their term of office, exercising any public function as well as performing duties in any position of the public sector bodies of Article 14 (1)(a) of Law 4270/2014 (Government Gazette 143 A) shall be suspended.

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

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

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

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

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

7. In cases where the Director is either prevented from attending their duties, missing or temporarily absent, they shall be replaced by the Coordinator.

Article 25 Specialised Scientific Staff

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

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

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

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

Article 26 Coordinator

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

Article 27 Administrative and Financial Organisation Unit

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

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

3. Positions in the Administrative and Financial Organisation Unit may also be filled by way of secondment or transfer of civil servants or employees in public law legal entities, or employees serving in public sector with a private-law based open-ended contract of employment, under Article 14 (1)(a) of Law 4270/2014 (Government Gazette 143 A). Secondments and transfers shall be carried out, in accordance with the applicable provisions, by joint decision of the President of the National Commission and the competent body of the ministry of origin. Such secondments are of a duration of maximum four (4) years.

Article 28
Enabling provisions of Section B

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

Article 29

Transitional and repealed provisions of Section B

1. The GNCHR is the universal successor of the Greek National Human Commission for Human Rights, established by Law 2667/1998 (Government Gazette 81 A).
2. Upon the entry into force of this Law, members of the GNCHR according to Law 2667/1998 shall retain their status until the expiry of their term of office.

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

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

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

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

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

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

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

9. Until the publication of the decree referred to in Article 28 (1) and the adequate staffing of the Commission, which is noted by way of decision of its President, the GNCHR shall administratively, financially and technically, be supported by the Presidency of the Government, and commitment of the corresponding expenditure shall be made by the President of the GNCHR as the chief authorising officer. Until the publication of the decree of the previous subparagraph, secondments and transfers referred to in Article 25 (2) and Article 27 (3), shall be carried out by way of derogation from any general or special

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provision, upon a joint decision of the President of the GNCHR and the competent agency of the ministry of origin.

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