

Greece

Greek National Commission for Human Rights (GNCHR)

Independence and effectiveness of the NHRI

International accreditation status and SCA recommendations

The Greek NHRI was reaccredited with A-status in March 2017. During the latest accreditation session, the SCA recommended more clarity regarding the selection and appointment process of the Commission's members. The SCA also encouraged the NHRI to continue to advocate for an adequate level of funding to fully carry out its mandate.

Changes in the national regulatory framework applicable to the NHRI change since the last review by the SCA

Two major legislative changes took place since the last SCA review.

First, article 38 of Greek Law no. 4465/2017 introduced certain positive changes but also some negative restrictions to the GNCHR's legal officers' employment status. Whereas legal officers could previously renew their 3-year contract indefinitely, provided of course that the GNCHR agreed to it, the 2017 Law unilaterally, i.e. without any previous consultation with the GNCHR and without any justification, introduced a two-times renewal limit, also applying to the legal officers in office.

The **second** major change took place when Greek Law no. 4606/19 was passed. The 2019 Law introduced some significant changes, particularly regarding the composition of the GNCHR. The GNCHR was not consulted during this process, leading to the resignation of the previous GNCHR President, Mr Georgios Stavropoulos, a situation that attracted publicity and the intervention of ENNHRI. There has been, in particular, an unbalanced addition to the GNCHR Plenary of 5 members from the LGBTQI+ community, and 2 more members, in addition to the already existing member, representing the Roma community, in violation of any principle of equality towards other human rights actors-members of the GNCHR having only one vote. The legislative process proceeded without any public consultation, while the previous Government never informed the GNCHR of this process, and despite the contrary unanimous decision of its Plenary, dated 27.11.2018 and its

Declaration, dated 28.3.2019, by which the GNCHR requested the immediate withdrawal of the provisions violating the GNCHR's independence. The GNCHR is currently preparing and will soon be proposing to the Greek Legislator a new legal framework in order to offset the above mentioned negative changes.

References

- GNCHR Statement:
http://www.nchr.gr/images/English_Site/NEWS/Announcement%20of%20the%20GNCHR%20Presidents%20Resignation.pdf.

Human rights defenders and civil society space

The GNCHR monitors very closely the situation regarding the civil society space and the protection of human rights defenders. In this regard, the GNCHR maintains a very close relation with NGOs and CSOs. Not only prominent NGOs and CSOs form part of the GNCHR Plenary, but the GNCHR also maintains within its premises the Racist Violence Recording Network (RVRN), which was established in 2011 by the GNCHR and the Greek Office of UNHCR, the UN Refugee Agency. Today, RVRN consists of 46 non-governmental organisations and civil society actors, who acknowledge and jointly pursue combating racist violence, as well as all racially-motivated acts on the grounds of race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, sex characteristics and disability.

The GNCHR intervenes whenever it considers that there is a shrinking danger for the civil society space (e.g. in 2.11.2017 the GNCHR intervened and condemned the **attack against, and injury of the human rights defender and old member of the GNCHR** Ms Anastasia Tsoukala, whereas in 19.3.2018 the GNCHR issued a statement for the **protection of the freedom of expression**, following the vandalism of a sculpture in Athens and the attacks against employees and actors of the performance of the Acropolis Theater).

Checks and balances

There are issues to be reported concerning the **exercise by the GNCHR of its role in the system of check and balances**, in particular when legislation is enacted.

The GNCHR has repeatedly and publicly criticized the fact that it does not receive the Greek draft laws in advance, and thus it normally does not have sufficient time to comment upon the provisions in detail. This impacts on the effective fulfilment of its mandate. The GNCHR normally takes note of the legislation once uploaded to the official public consultation platform (opengov.gr). Moreover, the time allowed for public consultation is also normally very short.

The GNCHR has recently prepared a detailed report regarding the implementation in Greece of the ECtHR decision *Chowdury and others v. Greece* (30.3.2017). Given the seriousness of this case, the GNCHR also made use of the Rule 9 of the Rules of the Committee of Ministers for the supervision of execution of judgements.

References

- GNCHR Report: ECtHR, *Chowdury and Others v. Greece*: Recommendations for the full compliance of the Greek State, available at: http://www.nchr.gr/images/English_Site/TRAFFICKING/GNCHR%20Recommendations%20on%20the%20Manolada%20case.pdf

Functioning of justice systems

The GNCHR has monitored and reported on issues concerning the functioning of justice systems as well as the principle of fair trial in great detail.

By way of example, the GNCHR issued a statement in 30.1.2017 applauding the decisions of Areios Pagos, which is the Supreme Civil and Penal Court of Greece, regarding the non-extradition of the eight Turkish military officers who applied for asylum in Greece following the coup d'état in Turkey.

The GNCHR has also contributed by means of submitting to the Greek authorities and subsequently publishing a series of observations to draft laws potentially restricting access to justice. Indicatively, we could refer to: a) the GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights on «Providing Legal Assistance to Individuals» (July 2016) and b) the GNCHR Observations on the Draft Law of the Ministry of Justice, Transparency and Human Rights «Fees and charges of remedies and procedural acts and court fees» (July 2016).

References

- GNCHR Statement:
http://www.nchr.gr/images/English_Site/DIKAIHDIKH/GNCHR_Areios_Pagos.pdf
- GNCHR Observations:
http://www.nchr.gr/images/pdf/apofaseis/dikaih_dikh/NomikiVoithia_2016.pdf
- GNCHR Observations: http://www.nchr.gr/images/pdf/apofaseis/dikaih_dikh/Paravola2016.pdf

Media pluralism

The GNCHR has been following quite closely issues as the freedom of speech, the freedom of expression and the promotion and protection of a pluralist media environment.

It has particularly referred to **acts of violence against journalists** during the period of the financial crisis in the UPR and its alternative reports to the Treaty Bodies.

On a positive note, it has also commented upon a Greek Draft Law that introduced some **positive changes to the defamation and compensation regime relating to the media.**

References

- GNCHR Comments on the Greek Draft Law can be found here:
http://www.nchr.gr/images/pdf/apofaseis/diakriseis/EEDA_SN_Sumfwno%20Sumbiwshs_askhs_h%20dikaioamatvn%20kl.pdf

Corruption

The GNCHR has not yet had the opportunity to deal with the broader theme of corruption and its impact on human rights, however it plans to engage with this issue very soon, particularly in light of its new HRIA methodology.

In-focus section on COVID-19 measures

Most significant impacts of measures taken in response to the COVID-19 outbreak on the rule of law in the country

The GNCHR monitors closely the Greek Government's series of measures in response to the COVID—19 pandemic (Acts of Legislative Content, Joint Ministerial Decisions and Circulars that aim to concretize the above provisions), given that they affect directly the enjoyment of human rights in Greece. So far, the measures are generally considered to be necessary and proportional to the aim pursued. That said, the GNCHR remains vigilant in this unprecedented context.

Most important challenges due to COVID-19 for the NHRI's functioning

Naturally, the GNCHR faces significant challenges due to COVID-19. For instance, it has postponed some planned visits to migrant and refugee reception and accommodation centres to a later date. That said, the GNCHR deals with the challenge quite effectively. Its personnel works from home and Plenary meetings take place online very frequently (e.g. only in April there have been 3 online Plenary meetings).