



European Network of
National Human Rights Institutions

Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

The situation in Greece



Greece Country Report

Overview

Name of NHRI and mandate:

- Greek National Commission for Human Rights (GNCHR)
- NHRI

Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Greece Country Report](#); [ENNHRI, State of the Rule of Law in the European Union in 2023, Greece Country Report](#)
- Sub-Committee on Accreditation (SCA): [SCA Report March 2017](#)

Good practices and improvements:

- **CM Principle 1: the Greek National Commission for Human Rights (GNCHR) is an A-Status Institution.**
- **CM Principle 2 & 3§4 amendments strengthening the NHRI legal status and mandate:** while the GNCHR believes its regulatory framework can still be further strengthened, in 2021 a law was passed addressing issues such as the recognition of legal personality of the GNCHR and independence guarantees. Moreover, the NHRI reports in 2022 the broadening of its mandate, participating as a voting member in several Monitoring Committees on the allocation of EU funds to ensure compliance with the provisions of the EU Fundamental Rights Charter

- **CM Principle 6 & 7: ensuring adequate budget, staff and premises:** both the SCA (2017) and the NHRI encourage to further ensure an appropriate level of funding for the GNCHR to carry out its mandate. As reported by the GNCHR, in 2022 its budget was significantly increased, partially due to the employment of new scientific and administrative personnel and the establishment of a new office for the recording mechanism of informal forced returns.
- **CM Principle 15: cooperation with civil society:** in Greece, the legislation prescribes pluralistic and direct participation of a wide range of civil society organisations in the decision-making body of the NHRI.. The GNCHR operates also the Racist Violence Recording Network (together with the UNCHR Office in Greece) and the Recording Mechanism of Informal Forced Returns which are comprised by 52 and 11 civil society organisations respectively.

Key areas where improvement is needed:

- **CM Principle 4 & 5: broad and transparent selection, appointment and dismissal of the leadership:** the SCA (2017) reported that the process enshrined in the enabling law is not sufficiently broad and transparent. Moreover, it requires greater uniformity and consistency across all the selection processes from appointing entities. The SCA also emphasized the need for an independent and objective dismissal process which should not be based solely on the discretion of the appointing authorities.
- **CM Principle 3, 5, 8 and 12: ensuring awareness-raising and cooperation with the NHRI, including timely information and consultation throughout relevant legislative processes:** The GNCHR calls to state authorities to further enhance awareness of its mandate and role, and to increase cooperation in line with its mandate, including of parliamentarians in relation to ensuring timely consultation throughout relevant legislative processes. On a positive note, new liaison offices were recently established with members of the Ministries, Parliament and the political parties with the aim to facilitate the information flow with the GNCHR.

- **CM Principle 9: timely and reasoned response to NHRIs recommendations:** state authorities are not legally obliged to provide a timely and reasoned reply and the GNCHR reports there are no concrete state measures or practices in place to ensure timely and reasoned response to its recommendations. On a positive note, in 2022 the GNHCR reports being invited by the Minister of Migration and Asylum to discuss and reply to each of the GNHCR recommendations. The NHRI recommends the institutionalization of such a positive practice.

Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

I. Establishment of NHRIs

Principle 1	Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	<i>SCA report March 2017, p. 23</i> ‘The SCA recommends that the GNCHR be re-accredited with A status.’
Principle 2	Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI’s Sub-Committee on Accreditation.

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i></p> <p>The Greek National Commission for Human Rights believes that the NHRI regulatory framework should be further strengthened.</p> <p>‘The independence of the GNCHR, through the dual mandate for the promotion and protection of human rights entrusted to it by the legislator, is guaranteed by its law and ensured inter alia by providing for a mandate as broad and clear as possible in the legislation’</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p 10</i></p> <p>‘the GNCHR took the initiative to draft and propose to the Greek Legislator a new legal framework for its operation to offset the negative changes brought by recent legislative measures which affected the regulatory framework of the Institution by downgrading its scientific staff and unilaterally altering its composition and violating its independence. As a result, in 2021, Law no. 4780/2021 was passed to address effectively issues such as the recognition of legal personality of the GNCHR, the guarantee of its functional independence and administrative and financial autonomy in accordance with the Paris Principles.’</p>
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II. Strengthening of NHRIs

<p>Principle 3.1</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor and analyse the human rights situation in the country, publish reports on these findings and address recommendations to public authorities at national, regional and local levels and, when applicable, to private entities, and present an annual report to the relevant authorities, including before parliament, for its consideration.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, pp. 8-9</i></p> <p>'According to its founding legislation, the GNCHR, as the NHRI in Greece, "is the independent advisory body to the State on matters pertaining to human rights protection and promotion" (Art. 10(2) of Law no. 4780/2021) and has as its mission, among others, "the formulation of policy proposals on matters concerned with its object" (Art. 11(c) of Law no. 4780/2021).</p>
<p>Principle 3.2</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - freely address public opinion, raise public awareness on human rights and carry out education and training programmes;

<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>According to the GNCHR’s founding law, the NHRI is entrusted explicitly with the mandate to inform the public and advance research on human rights in this connection. To this end, it shall in particular “undertake initiatives for the cultivation of respect for human rights within the framework off the educational system, develop initiatives for raising public awareness as well as awareness in the media on matters of respect for human rights” (Law No. 4780/2021, art. 11 (a) and 12 (f) (j) (k)). Since 2021, the GNCHR 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 (art, 17 (3) of Law no 4780/2021). Indeed the GNCHR runs currently two research programs and has signed Cooperation Protocols with ten universities and departments to consolidate and strengthen the cooperation of institutions in both research and education fields.</p>
<p>Principle 3.3</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - fully address all alleged human rights violations by all administrative authorities, other relevant State entities and, when applicable, private entities
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i></p> <p>‘The GNCHR has a broad mandate, in accordance with the Paris Principles, to promote and protect human rights. This mandate covers the whole range of human rights, including social, economic and</p>

	<p>cultural rights, as they are enshrined in the Constitution, in international and European treaties and other normative texts as well as in soft law instruments such as declarations and guidelines.'</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p.307</i></p> <p>Regarding the specific developments in 2022, the Greek NHRI's mandates were strengthened. For instance, the GNCHR was appointed as a member with voting rights in the Monitoring Committees on EU Migration Funds 2021-2027, whereas the Ministry of Development and Investment entrusted the Commission with the mandate to monitor the compliance of EU development funds with the provisions of the EU Charter of Fundamental Rights at a strategic and operational level. For the implementation of the above mandate, the GNCHR offered its expertise at a strategic level, assisting the authorities with a checklist on the compliance with rights of the EU Charter of Fundamental Rights. At operational level, GNCHR representatives participate in seven thematic and thirteen regional Monitoring Committees.</p>
<p>Principle 3.4</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - have unfettered access to all relevant premises, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 9</i></p> <p>‘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.’</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 9</i></p> <p>‘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”.</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p. 306</i></p> <p>The 2021 Law also explicitly provides for the power of the GNCHR to conduct field investigations and 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 21 of Law 4780/2021)</p>
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<p>Principle 3.5</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- monitor existing and draft policies and legislation with human rights implications before, during and after their adoption in order to advise the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by making relevant and concrete recommendations.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 9</i></p> <p>‘For the fulfilment of its mission, the GNCHR, in particular, is entrusted by the legislature specific duties and powers, such as to 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 (Art. 12(b) of Law no. 4780/2021), to 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 (Art. 12(c) of Law no. 4780/2021), to monitor and express recommendations to the State for the permanent and constant impact assessment of policy measures on human rights (Art. 12(d) of Law no. 4780/2021), to monitor and express recommendations to the State for the operation of a reliable and effective system for recording incidents of discrimination, racism and intolerance (Art. 12(e) of Law no. 4780/2021)’</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 21</i></p> <p>‘With regard to the close working relationship between the GNCHR and the Parliament: • Discussion of the GNCHR’s reports before appropriate parliamentary committees: The GNCHR is (and must be) invited to appear regularly before the appropriate parliamentary committees to discuss the annual</p>

report and its other reports on human rights protection and promotion. Periodic meetings with Parliamentarians: The GNCHR considers it very important to hold periodic meetings to raise awareness amongst Parliamentarians of both human rights and the GNCHR’s work. In addition, the GNCHR must provide Parliamentarians with regular expert, independent advice on national, regional and international human rights issues, instruments and mechanisms. Parliamentarians must be aware of the human rights implications of all proposed legislation and constitutional amendments as well as existing laws. To this end, Parliamentarians must be informed of the research into human rights issues being undertaken by the GNCHR.’

ENNHRI, State of the Rule of Law in the European Union in 2023, p.308

For instance, in 2022, the Greek National Commission was invited only twice to participate in parliamentary debates within the scope of its mandate. In addition, there is a repeated omission on the part of the Ministries to not involve the GNCHR in a pragmatic way in the law-making process. The 2022 EU RoL Report stresses that stakeholders are not involved in a timely manner, and this has an impact on the quality of law-making,

ENNHRI, State of the Rule of Law in the European Union in 2023, p.314

“The ordinary law-making process requires, as a mandatory step, that a public consultation has taken place on the provisions of the proposed bill prior to its submission to Parliament. Bilateral consultations meetings with relevant stakeholders, among them civil society may take place. However, the main tool for public consultation is an online platform (opengov). Civil society actors, unions of employees and any other interested party or citizen may submit his/her comments online. Once the consultation is closed, the competent Ministry that will introduce the bill to the Parliament is obliged to draft a follow-up report on the results of the public consultation; in this report, each comment is addressed separately or in group and note is made whether it has been taken into consideration or not and why. Based on the GNCHR’s monitoring on the law-making procedure, it is

	<p>noted that indeed, comments/proposals by the civil society have been considered and the draft provisions were reworded, amended or abolished”</p> <p><i>See Principle 8 on access to information.</i></p>
<p>Principle 3.6</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - contribute to an effective justice system for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i></p> <p>‘The Greek National Commission for Human Rights continues to work on the legislative basis with the same mandate that allows NHRI to contribute to access to justice for individuals, including through awareness raising. Furthermore, due to the new law implemented (Law. No. 4780/21) NHRI has the mandate to engage in strategic litigation.’</p>

<p>Principle 3.7</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- encourage the signature, ratification of and accession to international human rights treaties and contribute to the effective implementation of such treaties, as well as related judgments, decisions and recommendations as well as to monitor States' compliance with them.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>'continues to encourage the ratification of international Human Rights standards, through its reports submitted both to national authorities and international human rights monitoring mechanisms.'</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, pp. 27-28</i></p> <p>'The GNCHR monitors and reports on the execution and implementation of the ECtHR's judgments through the following actions: (a) the collection of all ECtHR judgments against Greece, (b) emphasis on the list of simple and enhanced surveillance decisions, (c) intervention in the Committee of Ministers regarding the decisions of enhanced supervision through the implementation, where necessary, of the provision no. 9 of the Rules of Procedure of the Committee of Ministers'</p>

<p>Principle 4</p>	<p>The process of selection and appointment of the leadership of a NHRI should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p.308</i></p> <p>‘Furthermore, the GNCHR’s independence is guaranteed by the election system provided for its governing board. The President and Vice-Presidents are elected by the body of Commissioners in a quorum of an absolute majority. It is true that in the past, the executive power interfered with the GNCHR’s independence by introducing unilateral changes into its legal framework.’</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA report March 2017, pp. 23-24.</i></p> <p>‘Article 2(2) of the amended Law provides that the stakeholders designating the Commission’s members shall select the appropriate persons with transparency and in accordance with their rules of operation. It further provides that members of the Commission shall be persons with proven knowledge and experience in the field of protection and promotion of human rights. The SCA continues to be of the view that the process enshrined in the enabling law is not sufficiently broad and transparent. In particular, it does not specify the process for achieving broad consultation and/ or participation in the application, screening, selection and appointment process. The SCA further notes that providing for different stakeholders to select members according to their rules of operation may result in different entities using different processes for selection. The SCA continues to be of the view that these processes should be standardized across all nominating entities. A clear,</p>

	<p>transparent and participatory selection and appointment process for the selection of members must be included in relevant legislation, regulations or binding administrative guidelines, as appropriate.</p>
<p>Principle 5</p>	<p>To ensure independence, the enabling legislation of a NHRI should contain an objective dismissal process for the NHRI leadership, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA report March 2017, pp. 24</i></p> <p>'Article 2(3)(a) of the amended Law provides that membership in the GNCHR can be withdrawn solely on the grounds of incapacity to perform their duties and proven inefficiency in the performance of their duties. It further provides that members of the GNCHR 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. Further, Article 11 of the by-laws of the GNCHR provides that members are removed by a secret ballot vote of the plenary.'</p> <p><i>SCA report March 2017, p. 25</i></p> <p>The SCA continues to be of the view that, in order to address the requirement for a stable mandate, which is important in reinforcing independence, the enabling law of an NHRI must contain an independent and objective dismissal process similar to that accorded to members of other independent State agencies.</p> <p>[...]</p>

	<p>The dismissal must be made in strict conformity with all the substantive and procedural requirements as prescribed by law. It should not be allowed based solely on the discretion of the appointing authorities.</p>
<p>Principle 6</p>	<p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p. 310</i></p> <p>The GNCHR would like to address the following recommendations to state authorities: “ Continue to provide the GNCHR with adequate, sufficient and sustainable resources to allow it to carry out its mandate.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA report March 2017, p. 24</i></p> <p>‘The SCA notes that it received detailed information regarding the financial situation in which the GNCHR is operating, and in particular the social and other consequences of the program of austerity currently in effect in Greece. The SCA acknowledges that this situation limits the GNCHR’s ability to advocate for increased funding. [...]The SCA encourages the GNCHR to continue to advocate for an appropriate level of funding to carry out its mandate including, where appropriate, the establishment of regional offices.’</p>

<p>Principle 7</p>	<p>NHRIs should have the authority to determine their staffing profile and recruit their own staff, as well as sufficient resources available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 10</i></p> <p>there are still pending issues which constitute a setback in relation to the common goal and the will to ensure the independence of the NHRI and therefore its reaccreditation with A-status. These include the explicit assimilation of the GNCHR staff’s status to the status of the staff performing similar tasks in other independent institutions of the State.’</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p.307</i></p> <p>Further developments in 2022 are the appointment of the twenty new Commissioners and the elections of the new three-membered Board that ran very well.</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p.308</i></p> <p>The organizational structure of the GNCHR is strengthened since a position of a full time Director has been established and the positions of the scientific and administrative personnel increased from 12 to 15. The GNCHR is now structured into two units: (a) the Scientific Organization Unit and (b) the Administrative and Financial Unit. Furthermore, the responsibilities of the President and of the Bureau of the GNCHR are specified in detail in the law [...]</p> <p>The GNCHR informs that its administrative capacity was reinforced in 2022 after four new additional employees joining the Secretariat from other public services (finance, informatics, translation). The GNCHR’s offices were also renovated to create a better working environment for the staff and members of the Commission while the IT equipment has been updated to facilitate hybrid/online</p>

	<p>meetings and a better service of telephone communications and intranet. Also in 2022, the office of the Recoding Mechanism of Informal Forced Returns was established in the premises of the GNCHR.</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p.311</i></p> <p>The GNCHR would like to address the following recommendations to State authorities: 'Award salaries and benefits to the GNCHR's staff comparable to those of civil servants performing similar tasks in other independent institutions of the State'</p>
<p>Principle 8</p>	<p>Member States should ensure that NHRIs enjoy adequate access to information and to policy makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>See Principle 3§5 on monitoring existing and draft policies and legislation</i></p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 8</i></p> <p>'The Greek National Commission for Human Rights states that it has an adequate access to information and to policy makers and it is involved in all stages of legislation and policy making with human rights implications, but not in a satisfactory level.'</p> <p>[...] p. 9</p> <p>'in the vast majority of cases, the GNCHR deplores the failure by the authorities to share draft legislation with the NHRI, highlighting the fact that such a failure constitutes, in addition to disrespect to its composition, a major institutional setback which needs to be fully addressed. This is a procedural impediment, which the GNCHR overcomes by closely monitoring regulatory changes with</p>

	<p>impact on human rights and commenting on relevant legislation, regardless of whether it has received the draft law in advance.'</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p. 307</i></p> <p>In addition, a significant change in this new term of GNCHR (2022-2026) was the replacement of non-voting members appointed from the Ministries, the Parliament and political parties represented in the Parliament (pursuant to previous Law 2667/1998) with "liaison officers" designated from the above three categories (art. 16 Law 4780/2021). This amendment was introduced to facilitate decision-making process in the Plenary but still maintain a close collaboration with the Ministries, the Parliament and the political parties. Liaison officers act as bridges between the GNCHR and the governmental and parliamentary authorities facilitating the flow of information between them.</p>
<p>Principle 9</p>	<p>Member States should implement the recommendations of NHRIs and are encouraged:</p> <ul style="list-style-type: none"> - to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame, - to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and - include information thereon in their relevant documents and reports.

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 9</i></p> <p>‘It is worth noting that the addressees of the NHRI’s recommendations are not legally obliged to provide a timely and reasoned reply -there are no concrete state measures or practices in place to ensure timely and reasoned response to the GNCHR’s recommendations.</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.23</i></p> <p>it would be useful to integrate the timely and effective implementation of the GNCHR’s recommendations as an indicator to measure progress towards key benchmarks and objectives set by regional or international actors in relation to rule of law, human rights and democracy. The GNCHR considers that the competent national authorities should: Implement the GNCHR’s recommendations. To this end, they are encouraged to make it a legal obligation for all addressees of the GNCHR’s recommendations to provide a reasoned reply within an appropriate time frame, to develop processes to facilitate effective follow-up of the GNCHR’s recommendations, in a timely fashion and include information thereon in their relevant documents and reports.</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, pp.309-310</i></p> <p>The GNCHR’s statute provides that “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” (art. 22 Law 4780/2021). This provision is being partially implemented by the Ministries (à la carte). The GNCHR, in its Annual Reports dedicates a chapter on the implementation and follow-up on its recommendations by the state authorities (impact and efficiency of the GNCHR’s work). In 2022, the law on reception, international protection and temporary protection was regulated by the Law 4939/2022.⁴⁹ The GNCHR, as the independent advisory body to the state on all matters pertaining human rights protection, submitted its comments to the Ministry of Migration and Asylum. For the first time in the 20 years of the GNCHR’s</p>
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	<p>operation, the Minister of Migration and Asylum invited the Commissioners to an in-person meeting to which the Deputy Minister, the General and Special Secretaries and high-ranking officers attended to discuss in detail the GNCHR's recommendations and provide a reply to each one of them. In the GNCHR's notes that this shall become regular, best practice by all state authorities</p>
<p>Principle 10</p>	<p>When member States grant NHRIs additional competences to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should have access to sufficient resources to develop the capacity to effectively discharge its functions, including having appropriately qualified and trained staff.</p>
<p><i>No information</i></p>	

III. Safe and Enabling Environment

<p>Principle 11</p>	<p>Member States should ensure that NHRIs can operate independently, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of impartiality, integrity, transparency and fairness.</p>
<p><i>No information</i></p>	
<p>Principle 12</p>	<p>Member States should foster awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 8</i></p> <p>‘The Greek National Commission for Human Rights finds that the relevant state authorities have good awareness of the NHRIs’ mandate, independence and role of the NHRI. Nevertheless, the GNCHR notes that in several cases the state authorities’ awareness of the GNCHR’s mandate, independence and role is not at a satisfactory level. The state authorities often confuse the NHRI with Civil Society Organisations or confuse the roles of the NHRI and the Ombudsman. To that end, state authorities should increase awareness raising about the importance of engaging with NHRIs as a vehicle for ensuring greater respect for the rule of law, in order to avoid confusion with other types of institutions which operate independently at a national level, but do not have a broad human rights mandate, such as the GNCHR’s mandate.’</p>

ENNHRI, State of the Rule of Law in Europe in 2022, p. 9

‘The GNCHR has, since its establishment more than 20 years ago, struggled to maintain a fruitful and constructive cooperation with the competent national authorities, even though strongly advocating for the benefits for the Greek State from cultivating a climate of dialogue. Especially, as far as the Parliament is concerned, the GNCHR has made continuous efforts to evolve an effective working relationship with Parliamentarians in order to better promote and protect human rights.’

ENNHRI, State of the Rule of Law in Europe in 2022, pp. 9-10

it derives from the spirit of the GNCHR’s founding legislation and, in particular, from Articles 10(2), 11(c) and Art. 12(b), (c), (d), (e) and (g) of Law no. 4780/2021, as stated above, that there is an obligation of the competent state authorities to work together and consult the designated NHRI in the Country, in its institutional role as "the independent advisory body to the State on matters pertaining to human rights protection and promotion". Besides from its own founding legislation, the Manual for the Scrutiny of the Effects of Legislation of the Presidency of the Government refers to the Opinion of the GNCHR as obligatory.’

ENNHRI, State of the Rule of Law in Europe in 2022, p. 11.

the GNCHR considers that the competent national authorities should: Foster awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of the GNCHR, including through training and awareness-raising activities

ENNHRI, State of the Rule of Law in the European Union in 2023, p.308

In recent years, the GNCHR’s mandate was reinforced by law, however challenges persist in practice. Even though the GNCHR operates for at least 20 years, the full range of its responsibilities as well as

	<p>its unique role as an NHRI is not widely known among the competent authorities, i.e. Ministries, Public Administration, Parliamentarians, Justice. For instance, in 2022, the Greek National Commission was invited only twice to participate in parliamentary debates within the scope of its mandate. In addition, there is a repeated omission on the part of the Ministries to not involve the GNCHR in a pragmatic way in the law-making process. The 2022 EU RoL Report stresses that stakeholders are not involved in a timely manner, and this has an impact on the quality of law-making</p>
<p>Principle 13</p>	<p>Member States should take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 10</i></p> <p>‘In relation to the NHRI’s safe space provided in Greece, the GNCHR confirmed that measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) are in place.’</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p. 308</i></p> <p>According to para. 6 of art. 14 of Law 4780/2021: “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”.</p> <p>[...]</p>

Principle 14	Member States should ensure that confidential information collected by NHRIs in the context of their mandate is privileged and is not unduly made public .
<i>No information</i>	

IV. Co-operation and Support

<p>Principle 15</p>	<p>Member States should take effective measures to enable NHRIs to communicate and co-operate with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI; b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment; c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities; d. international and regional organisations working in related or similar fields.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>a) The Greek NHRI served at the ENNHRI (2016-2018, 2019-2021) and GANHRI Board (2019-2021) and now is the alternate member to the SCA representing Europe. Also, the GNCHR is the Chair of the Asylum and Migration and the Co-Chair of the Economic, Social and Cultural Rights Working Groups at ENNHRI.</p>

b) ENNHRI, *State of the Rule of Law in Europe in 2022*, p. 4

‘established a mechanism for recording and monitoring incidents of informal forced removals, with the participation of civil society organisations active in the field and with the assistance of European and international organisations.’

ENNHRI, State of the Rule of Law in the European Union in 2023, p. 313

The twenty Members of the Commission are experts appointed by independent authorities, universities, research institutions, tertiary trade union organisations, civil society organisations and bar associations. In the Plenary of the Commission are represented, through liaison officers, the Greek Parliament, the Ministries and the parliamentary parties. For monitoring and reporting purposes, the GNCHR maintains a very close relation with NGOs and CSOs. Not only prominent NGOs and CSOs form part of its Plenary, but the Greek National Commission also maintains within its premises the Racist Violence Recording Network (RVRN) and the Recording Mechanism of incidents of Informal Forced Returns (RMIFR) which are comprised by NGOs and other civil society actors, such as migrant and refugee communities.

c) All other Greek national independent authorities related to human rights (the Greek Ombudsman, the Hellenic Data Protection Authority, the Hellenic Authority for Communication Security and Privacy, the National Council for Radio and Television, the Hellenic National Bioethics and Technoethics Commission) appoint members to the GNCHR.

d) The GNCHR has a close established cooperation with the UNHCR Office in Greece. They coordinate together the Racist Violence Recording Network. In addition, the UNHCR Office in Greece is a Cooperating Agency of the Recording Mechanism of Informal Forced Returns, providing technical support. Furthermore, the Greek NHRI has submitted reports and Communications under Rule 9 (2) to the CM on the execution of the judgment *Chowdury v. Greece*¹

	¹ <i>ENNHRI, State of the Rule of Law in Europe 2020, Greece Country Report.</i>
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