

Law 2667/1998 establishing the GNCHR [1]

(OGG A 281/18.12.1998)

THE PRESIDENT OF THE HELLENIC REPUBLIC

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

SECTION A

National Commission for Human Rights

Article 1

Constitution and mission

1. The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the State on matters pertaining to human rights protection.

2. The GNCHR is attached to the Prime Minister and is supported as to its staffing and infrastructure by the General Secretariat of the Government. The operating costs of the GNCHR are borne by the State budget. The necessary funds are inscribed each year in a specific budget line in the budget of the Ministry of Finance. The allocation of funds is made by decision of the Minister of Finance and the execution of the corresponding expenditures is made by the General Secretary of the Government, who is the Chief Authorising Officer. For this purpose, the General Secretariat of the Government provides the Commission with the necessary accounting support.

3. The Commission shall have its own scientific and administrative personnel. The President of the Commission shall supervise and coordinate the work of the Commission's personnel in its entirety.

4. [Formerly Deleted paragraph]

5. The Commission shall have as its mission:

(a) The constant monitoring of these issues, the informing of the public, and the advancement of research in this connection;

(b) The exchange of experiences at an international level with similar organs of international organizations, such as the UN, the Council of Europe, the OSCE, or of other states;

(c) The formulation of policy proposals on matters concerned with its object.

6. The Commission shall in particular:

(a) examine issues in connection with the protection of human rights put before it by the Government or the Conference of Presidents of Parliament or proposed to it by its members or non-governmental organizations;

(b) submit recommendations and proposals, carry out studies, submit reports and give an opinion on the taking of legislative, administrative and other measures which contribute to the improvement of the protection of human rights;

- (c) develop initiatives on the sensitization of public opinion and the mass media on matters of respect for human rights;
- (d) undertake initiatives for the cultivation of respect for human rights within the framework of the educational system;
- (e) deliver an opinion on reports which the country is to submit to international organizations on related matters;
- (f) maintain constant communication and work together with international organizations, similar organs of other countries, and national or international non-governmental organizations;
- (g) make its positions known publicly by every appropriate means;
- (h) draw up an annual report on the protection of human rights;
- (i) organize a Documentation Centre on human rights;
- (j) examine the adaptation of Greek legislation to the provisions of international law on the protection of human rights and deliver an opinion in this connection to the competent organs of the State;
- (k) monitor and address recommendations to the State for the permanent and constant impact assessment of policy measures on human rights, as well as the operation of a reliable and effective system for recording incidents of discrimination, racism and intolerance.

Article 2

Composition of the Commission

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

- (a) The President of the Special Parliamentary Committee on Institutions and Transparency;
- (b) One person designated by the General Confederation of Labour of Greece, and one person designated by the Supreme Administration of Unions of Civil Servants and one person designated by the National Confederation of Persons with Disabilities;
- (c) Four persons designated by non-governmental organizations whose activities cover the field of human rights. The Commission may, without prejudice to Article 9, decide upon its expansion by the participation of two further persons designated by other non-governmental organizations;

[Note: on 6.2.2003 NCHR included in its NGO membership the Greek League for Women's Rights and the Panhellenic Federation of Greek Roma Associations]

- (d) Persons designated by the political parties recognized in accordance with the Regulations of Parliament. Each party shall appoint one representative;
- (e) The Hellenic Consumer's Ombudsman;
- (f) The Greek Ombudsman or its Alternate;
- (g) One member of the Authority for the Protection of Personal Data, proposed by its President;
- (h) One member of National Radio and Television Council, proposed by its President;
- (i) One member of the National Bioethics Commission, drawn from the sciences of Biology, Genetics, or Medicine, proposed by its President;
- (j) Two persons of recognized authority with special knowledge of matters of the protection of human rights, appointed by the Prime Minister;

(k) One representative of the Ministries of the Interior, Public Administration and Decentralization, of Foreign Affairs, of Justice, of Public Order, of Education and Religious Affairs, of Labour and Social Security, and for the Press and Mass Media, appointed by a decision of the competent minister;

(l) Three professors or associate professors of Public Law or Public International Law. At its first meeting after incorporation, the Commission shall draw lots in which the following departments of the country's university-level educational institutions shall take part: (a) the Department of Law of the University of Athens; (b) the Department of Law of the University of Thessaloniki; (c) the Department of Law of the University of Thrace; (d) the Department of Political Science and Public Administration of the University of Athens; (e) the General Department of Law of the Panteion University; (f) the Department of Political Science of the Panteion University. These departments shall propose one professor or associate professor of Public Law or Public International Law each. The departments of the university-level educational institutions shall be under an obligation to appoint their representative within two months from receipt of the Commission's invitation.

It shall be possible by a decision of the Commission for other departments of the country's university-level educational institutions with a similar subject to be added for subsequent drawings of lots. Six (6) months before the expiry of its term of office, the Commission shall draw lots among the above departments for the next term of office;

(m) One member of the Athens Bar Association.

2. The stakeholders designating the Commission's members shall select the appropriate persons with transparency and in accordance with their rules of operation. An equal number of alternates shall be provided for the Commission's members and shall be designated in the same manner as the full members.

Members of the Commission shall be persons with proven knowledge and experience in the field of protection and promotion of human rights.

For all cases of paragraph 1 of the present article, except in the case of the subpara. (k), members of the Commission cannot be designated a) members of the Parliament, except for the President of the Special Parliamentary Committee on Institutions and Transparency, b) members of the Government and Deputy Ministers, General and Special Secretaries, elected representatives in regional and local authorities. The subsequent acquisition of these capacities shall result in automatic loss of membership to the Commission.

The provisions of paragraph 2 of the present article shall take effect as of the Commission's next term.

3. a. The members of the Commission and their alternates shall be appointed by a decision of the Prime Minister for a term of office of three (3) years and shall be withdrawn solely on grounds of incapacity to perform their duties and proven inefficiency in the performance of their 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). The new member shall complete the term of office of his/her predecessor. The term of office of the members shall be each time extended until the Commission's lawful constitution for its next term.

b. Representatives of Ministries may be replaced by a proposal of the competent Minister on compelling requirements of service that prevent their participation in the work of the Commission. The new representative shall complete the term of office of his/her predecessor.

4. The outgoing President convenes 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 Presidents and the Vice-Presidents, the absolute majority of the members of the Commission present who have a vote

shall be required. Members drawn from the categories of sub-paras. (b), (c), (j) and (l) of paragraph 1 of the present article may be elected as President and Vice-President.

5. The President of the Special Parliamentary Committee on Institutions and Transparency of the Parliament and the representatives of the Ministries shall participate in the work of the Commission without any voting rights and shall leave before the deliberations. Representatives of the Ministries shall inform either the Plenary or the Commission sub-commissions at the beginning of each session on the issues falling under their mandate.

6. The Commission shall be deemed to have been lawfully constituted if one of the members of sub-para. (b), two of the members of sub-para. (c), one of the members of the sub-para.(1)and the members of sub-paras (i) and (m) of paragraph 1 of the present article have been appointed.

7. The members of the new composition of the Commission shall be appointed at the latest two (2) months before the expiry of the term of office of the previous composition.

8. The 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 3

Commissioning of specialist studies

1. The General Secretariat for Research and Technology of the Ministry of Development may commission, on the proposal of the Commission, on a contract for services, the compilation of specialist studies for its purposes from academic working parties.

2. The working parties, on the conclusion of the relevant study, shall submit a report to the Commission, which may be made public by a decision on its part.

3. The Commission by decision of its Plenary, may conclude cooperation agreements with universities and other institutions for the fulfilment of its mission.

Article 4

Operation of the Commission

1. The Commission shall meet regularly every two months and extra-ordinarily when summoned by the President or on the application of at least five (5) of its members. The members shall be summoned by the President by any appropriate means.

2. The Commission shall have a quorum if: (a) there is present the absolute majority of its members, and (b) among the members present is the President of the Commission or one Vice-President.

3. The President shall have the constant monitoring, supervision and coordination of the Commission's work. S/he shall represent the Commission before any authority, national or foreign, as well as before international organizations, the equivalent institutions on human rights and their European and international networks, as well as before NGOs. In cases where s/he 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 and the two Vice Presidents 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 sessions of the Plenary.

4. The decisions of the Commission shall be taken by a majority of the members present. In the event of a tied vote, the President shall have the casting vote.
5. The Commission shall, at its discretion, invite persons to be heard before it who can assist its work by an account of personal experiences or the expression of views in connection with the protection of human rights.
6. The compensation of the members of the Commission shall be set by a decision of the Ministers of the Interior, Public Administration and Decentralization, and of Finance, by way of deviation from the provisions in force concerning a fee or compensation by reason of service on councils and commissions of the public sector.
7. The Regulation for the operation of the Commission is drafted by a decision of the Commission Plenary and is published in the Official Journal of the Hellenic Republic by Act of the Commission President. The operation of sub-committees, the distribution of competences among the sub-committees and the members, the procedure for the invitation and audience of persons summoned before it, and any other detail shall be regulated, inter alia, by this Regulation.

Article 5

Annual report

The Commission shall submit its annual report to the President of the Republic, the Prime Minister, the President of Parliament, the Ministers, the leaders of the political parties, which are represented in the national and the European Parliament, as well as the judicial authorities of the country. The annual report shall be discussed before the Hellenic Parliament in accordance with the relevant provisions of its Standing Orders.

Article 6

Assistance of public services

1. At the end of each year, the ministries represented in the Commission shall issue a report with their observations on the protection of human rights in the field of their responsibility.
2. In order to fulfill its mission, the Commission may seek from public services and from individuals any information, document or any item relating to the protection of human rights. The President may take cognizance of documents and other items, which are characterized as restricted. Public services must assist the work of the Commission.

Article 7

Scientific personnel

1. Six (6) posts for specialised scientific personnel, within the meaning of para. 2 of Article 25 of Law 1943/1991 (OGG 50 A) and the first subpara. of para. 7 of Article 4 of Law 3051/2002 (OGG 220 A), on a private law contract of a term of three (3) years, are hereby constituted. This contract shall be renewable only twice. Three (3) of these posts shall be filled following a public invitation by the Commission for applications. Selection from the candidates shall be in accordance with the provisions of paragraphs 2, 5 and 6 of Article 19 of Law 2190/1994 (OGG A 28), as applicable, by five members of the Commission who have voting rights, to be nominated by its President. The other (3) posts of

specialised scientific personnel shall be filled by secondment of tenured civil servants or employees on a contract of employment of indefinite duration in the public sector according to article 14 of Law 4270/2014 (OGG A 143), provided that they have the skills of subparagraph a of the present paragraph, or by the making available of employees of category ‘Special Scientific Personnel’ on a contract of employment of indefinite duration. The selection, the secondment and the making available shall be conducted in accordance with the applicable law.

2. The specialized scientific personnel shall assist the Commission by preparing proposals on issues assigned to them and shall brief it on the work of international organizations which are active in the field of human rights. In addition, they shall keep a relevant file of texts and academic studies.

3. The remuneration of the legal research officers who are engaged in accordance with paragraph 1 of this article shall be determined by the decision of para. 6 of Article 4 of the present law, by way of deviation from the provisions in force concerning the remuneration of specialist academic personnel.

4. The scientific and administrative personnel of the Commission shall be headed by one of the members of the special scientific personnel of the Commission, who shall exercise the duties of Coordinator. The Coordinator is appointed by a decision of the Commission Plenary upon a proposal of the President. The Coordinator shall assist the President of the Commission in the supervision and coordination of the work of the administrative and scientific personnel, shall attend the meetings of the Commission’s Board and shall provide the necessary information on the progress of the Commission’s work, shall assist together with the rest of the scientific personnel the Commission’s Plenary and subcommittees in their operation and shall participate in their sessions. The Coordinator shall participate in his/her capacity as a member of the Commission in the sessions of the Commission Plenary and subcommittees without voting rights. The Coordinator receives additional remuneration equivalent to the position allowance of section αζ of subparagraph a’ of paragraph 1 of article 16 of Law 4354/2015 (OGG A 176).

Article 8

Secretariat of the Commission

1. One (1) post of secretary of category UE (university education) and five (5) posts for secretarial and technical support of the Commission of category UE (university education) or TE (technological education) of permanent staff or on a private law contract of indefinite duration are hereby constituted.

2. The following shall be regulated by a Presidential Decree issued upon the proposal of the Minister of Administrative Reconstruction and the Minister of Finance, following the recommendation of the Commission’s Plenary:

(a) The distribution of the posts of para. 1 by category, branch and specialization, as well as issues concerning the organization of the secretarial and technical support of the Commission;

(b) The filling of the posts of para. 1 may be made by the transfer, making available or secondment of civil servants or employees in public law legal entities, or employees on a contract of employment of fixed or indefinite duration in the State, the public law legal entities or the private law legal entities of any form which are under the direct or indirect control of the State, in accordance with Civil Servants Code and the applicable law.

(c) any matter concerning the in-service status and the remuneration of this personnel.

3. It shall be permitted for an employee of a ministry or public law legal person of category ΠΕ, proposed by the President of the Commission, to be seconded as secretary of the Commission, by a

Official website of the GNCHR: <http://www.nchr.gr/index.php/en/2013-04-03-10-13-40/2013-04-03-10-15-59>, seen on 30/07/2019

decision of the Minister of the Interior, Public Administration and Decentralization and of the minister jointly competent in the particular instance.

4. Until such time as the Presidential Decree of para. 1 is issued, it shall be permitted for the Commission to make use of employees and to use technical support provided by the Ministry of Foreign Affairs and of Justice in accordance with the decisions of the competent ministers.

Article 9

Transitional provisions

In the first composition of the Commission the following non-governmental organizations shall be represented: Amnesty International, the Hellenic League for Human Rights, the Marangopoulos Foundation for Human Rights, and the Greek Council for Refugees.

[Regulations on the Bioethics Commission follow.]

SECTION C

Final provision

Article 19

This law shall come into force as from its publication in the Official Journal of the Hellenic Republic.

We hereby mandate the publication of the present law in the Official Journal of the Hellenic Republic and its execution as a law of the State.

[1] As amended by articles 15 of [Law 2790/2000](#), 1 of [PD 376/2001](#), 18 of [Law 3051/2002](#), 23 of [Law 3156/2003](#), 113 of [Law 4314/2014](#), 1 of [Law 4366/2016](#), second of [Law 4382/2016](#) and 38 of [Law 4465/2017](#).