

2022 Commission report on the application of the EU Charter of fundamental rights

Questionnaire on the civic space and its role in protecting and promoting the fundamental rights under the Charter: comments by the Hellenic Republic

A. The role of CSOs and rights defenders in ensuring the effective implementation of the Charter at national level

1. Apart from autonomous activities related, for example, to raising public awareness of fundamental rights issues, CSOs participate in actions to promote and strengthen fundamental rights through their institutionalized collaborations with government / inter-institutional bodies. Examples include:

- Participation of representatives of Civil Society (National Confederation of Persons with Disabilities – ESAMEA as well as Racist Violence Case Recording Network and Council for the Integration of Immigrants of the Municipality of Athens, in which NGOs are represented) in the National Council against Racism and Intolerance (Law 4356/2015), which has adopted the first Action Plan against Racism and Intolerance (2020-2023), has produced, with the Ministry of Justice, a guide for victims of hate crimes (translated into 9 languages) etc.
- The consultation with representatives of the Civil Society during the drafting of the National Action Plan for the Rights of the Child and the possibility of NGOs' participation in the meetings of the National Mechanism of Preparation, Monitoring and Evaluation of Action Plans for the Rights of the Child (10, 12 Law 4491 / 2017). The Unicef Country Office in Greece participates as a member of the National Mechanism.
- Stable cooperation of certified NGOs with the Office of the National Rapporteur for human trafficking issues (article 76 of Law 4871/2021) e.g. for data collection, identification and assistance of a potential victims etc.

3. In Greece, the institutional role of the National Human Rights Institution (NHRI) has been assigned to the Greek National Commission for Human Rights (**GNCHR**). According to the law 4780/2021, the mission of GNCHR consists of: a) The constant monitoring of developments regarding human rights protection, the continuous briefing and promotion of the relevant research, b) The maintenance of permanent contacts and co-operation with international organizations and c) The formulation of policy advice of human rights issues. NHRI, within its remit, inter alia: submits recommendations and proposals, prepares studies and advises on the adoption of legislative, administrative or other measures that contribute to the improvement of the protection of human rights; gives an opinion on reports to be submitted by Greece to the European Union and to international organizations on human rights, prepares and submits its own independent reports; communicates and cooperates with independent authorities, as well as with the competent bodies of the European Union,

international organizations, as well as national or international Non-Governmental Organizations; develops initiatives to raise public awareness and the media on issues of respect for human rights.

Within its mission, the **Greek Ombudsman** acts, inter alia as guardian of the people's rights in both the public and private sectors, with a special emphasis on monitoring and promoting the implementation of the principle of equal treatment, the rights of the child and the rights of vulnerable groups. The Human Rights Department deals with cases regarding: violations of personal freedom, freedom of religious belief and worship; discrimination on grounds of nationality or ethnic origin; violations of the rights of immigrants; equal access to public education; recognition of foreign academic titles; protection of professional rights; infringements of the right to appeal to the administrative authorities and access to judicial protection, as well as the right to political asylum and aliens' rights to entry and residence. This Department also has the coordination of the Ombudsman's special mandates as an equality body, a national preventive mechanism against torture and ill-treatment (OPCAT) and a monitoring body of third country nationals return procedures.

GNCHR and The Greek Ombudsman are both represented in National Mechanism of Preparation, Monitoring and Evaluation of Action Plans for the Rights of the Child (the Ombudsman without right to vote), as well in National Council against Racism and Intolerance.

B. The work of the Member States to protect CSOs and rights defenders

5. The Greek Constitution guarantees the right to form associations and non-profit associations (article 12) and the freedom of expression (article 14). CSOs and human rights defenders fall within the general legal framework ensuring a safe and enabling professional environment.

In relation to the protection of rights defenders, it is noted that pursuant to the Greek legislation (art. 68, 70 and 156 of the Presidential Decree 141/1991) protection by the Police is available for vulnerable targets, provided either ex officio or following a request by the interested person, e.g. journalists, when there is a threat against their life and physical integrity.

6. The recent law 4873/2021¹ aims at the uniform regulation of issues concerning: a) the registration and financing of voluntary organizations established and operating in Greece as associations or civil non-profit organizations with a public purpose, with the ultimate goal of ensuring integrity, transparency of their sound management and accountability and b) in the voluntary employment inside or outside Greece that is provided, without financial or other material consideration.

The law provides for the creation of *a public database* and a *special register of civil society organizations* (CSOs) at the Ministry of Interior. Work is under way for the creation of the

¹ NGO issues were previously regulated by Law 2731/1999, which was repealed by Law 4781/2021

relevant platform as one of the Ministry's priorities for 2022. According to the law 4783/2021, for the registration of an organization in the public database, the submission of an electronic application in a simplified form – through the Single Digital Portal of Public Administration gov.gr - with some supporting documents (constituent act, list of administrative bodies etc) and the payment of a fee will be required. The registration in the special register is also electronic and concerns the CSOs that meet the foreseen conditions (among them the requirement of independence and conditions relating to their administration and financial management). Each CSO can be registered in 1 to 4 of the following 6 subgroups: a) *Health, Social Solidarity and Welfare*, b) *Environment, Civil Protection, Quality of Life*, c) *Human Rights, Justice, Governance*, d) *Education, Research, Culture*, e) *Consumer* and f) *International Humanitarian and Development Cooperation, Development*.

Furthermore, pursuant to the authorizing provisions of para. 3, art. 58 of law 4686/2020 and of para. 2, art. 191 of law 4662/2020, the Decision 10616/2020 (Government Gazette B '3820 / 9-9-2020) by the Ministers of Finance and of Migration and Asylum was issued on "Determining the operation of the "Registry of Greek and Foreign Non-Governmental Organizations (NGOs)" and the "Registry of Members of Non-Governmental Organizations (NGOs)", *which are active in the field of international protection, migration and social integration within the Greek Territory*". If the prescribed conditions are met, the Special Secretary for Coordination of Stakeholders issues a registration decision and certification of the applicant institution, lasting three years, which can be renewed for an equal period each time.

9. Yes. The link to our current National Action Plan is https://www.opengovpartnership.org/wp-content/uploads/2019/05/Greece_Action-Plan_2019-2022_Update_EN.pdf (English)

C. The work of the Member States to support CSOs and rights defenders

12. According to articles 10 and 11 of law 4873/2021 public benefit organizations can receive state funding: a) up to 50,000 euros per year, provided that they are registered in the Public Database and b) any amount provided that they are registered in the Special Register (see above Q6).

These organizations must adhere to the principles of: a. good financial management specializing in the principles of economy, efficiency and effectiveness, b. responsibility and accountability, c. transparency and d. honesty.

For each state funding, the registered CSOs must submit to the Special Register:

a. Details of the funding body and b. the budget and report for each funded project.

In case of financing from the State Budget, the registered CSOs keep a separate accounting portion and a separate budget and account for each funded program.

Each registered CSO which receives state funding is obliged to maintain a special bank account exclusively for the purpose of the specific funded program in a credit institution of its choice in Greece.

15 – 16. Article 19 of Law 4172/2013, as in force, provides for tax reductions for donations. Especially for donations to charities and registered Civil Society Organizations, the amount of tax is reduced by forty 40% on the amount of donations to these bodies, if the donations exceed the amount during the tax year of 100 euros and the amounts of donations are deposited in special bank accounts that operate legally in an EU Member State or of EEA. The total amount of donations in this case may not exceed 40% of taxable income.

D. The work of the Member States to empower CSOs and rights defenders

18 – 19. According to Law 4622/2019 (article 61), the consultation on all bills takes place through the website www.opengov.gr and lasts, in principle, two weeks. Anyone interested, individually or collectively as an organization, can participate by submitting comments by article.

The Coordination Service of the relevant Ministry prepares a report on the public consultation, which presents in a group the comments and suggestions of individuals, bodies or organizations who took part in the consultation and documents their incorporation or not in the final provisions. The report is part of the final Analysis of Consequences of Regulation and accompanies the bill during its submission to the Parliament, is posted on the website where the consultation took place and is sent to the e-mail addresses from which the comments came.

21. Compliance with the Charter in the implementation of the Structural Funds (ESIF) for PA 2021-2027 will cover three consecutive phases, namely the preparation of programming documents (preparation of NSRF & Programs), the drawing up of management, monitoring and control systems and the implementation of programs and performance of specific actions during their implementation.

At the present time, compliance with the Charter during the preparation of the programming documents and of the institutional framework is assessed, while during the implementation, relevant care will be taken as concerns drawing up and maintaining of the Management and Control System of the Operational Programs.

In particular:

1. Preparation of programming documents (preparation of NSRF & Programs)

Consolidation of the partnership at the level of elaboration of NSRF
https://www.espa.gr/el/Documents/2127/European_Code_of_Conduct_Partnership_Agreement_2014%20EL.pdf.

Indicatively:

- National Conference on Growth for the Partnership Agreement 2021-2027, 17.01.2020. The Conference was attended, among others, by representatives of Civil Society, such as the National Confederation of Persons with Disabilities (ESAmA), Federation of Voluntary Non-Governmental Organizations Panhellenic Federation of Greek Roma Associations P.O.S.E.R., WWF etc.

- 1st Circular marking the beginning of the public consultation during the elaboration of the NSRF / establishment and operation of Policy Target Groups (in which organizations such as ESAMEA participated) / Development of a digital library on the platform DIAVLOS containing useful information.
- 2nd Circular, that includes specific references for the consolidation of the partnership in the preparation of the Programs, as well as special mention in obeying the horizontal principles with explicit reference to the Charter of Fundamental Rights. <https://www.espa.gr/el/Pages/Sxediasmos21-27.aspx>.
- Establishment of Program Design Teams & Consultation for their elaboration through conferences and social media.
- Collaborations:
 - The General Secretariat for Public Investments & NSRF and the GNCHR signed a Memorandum of Cooperation on 25 February 2022, on the compatibility of the NSRF Programs with the EU Charter of Fundamental Rights.
 - The Working Group for the Persons with Disabilities was re-established at central / executive level with the participation of the special Services of the National Coordination Authority (EAS) and of ESAMEA.

2. Drawing up of management, monitoring and control systems

The Law 4914/2021 for the Management, control, and implementation of development interventions for the Programming Period 2021-2027 regulates issues related to human rights. During the management of the Programs, special emphasis will be given to the management and control procedures applied by the managing authorities, as these procedures constitute one of the factors that affect the safeguarding of the Fundamental Rights provided by the Charter.

Regarding the Monitoring Committees, participation of the GNCHR, the ESAMEA, the General Secretariat for Family and Demographic Policy and Gender Equality and the Executive Authorities of the competent Ministries for the preparation of National Strategies is foreseen. The managing authorities will inform the Monitoring Committee about the complaints that have been submitted concerning the violation of principles or rights of the Charter of Fundamental Rights, as well as the corrective actions which are implemented following the final results of the examination of the case.