

Standing and operational space of non-governmental organisations (NGOs) in contributing to respecting and promoting fundamental rights in EU Member States Greece 2017

Contractor: Centre for European
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1 Regulatory environment for the work of non-governmental organisations

Title of legislation and reference	Topic (please make reference to categories A-F see guidelines)	Effect on civil society (positive or negative) Please include reference to source of information
<p>1. Article 31 of the Law 4375/2016 "On the organisation and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC "on common procedures for granting and withdrawing the status of international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions", O.G. A 51/03-04-2016, available at: http://asylo.gov.gr/en/wp-content/uploads/2016/05/GREECE_Law_4375_2016_EN_final.pdf</p> <p>Ministerial Decision 39487/16 "Establishment of a National Register of Greek and Foreign Non-Governmental Organisations (NGOs)</p>	C	<p>Within the General Directorate for Citizenship and Immigration Policy of the Ministry of Interior and Administrative Reconstruction, a Directorate for Social Integration is established. One of the Departments of the Directorate is the Department of the Registry for Non-Governmental Organisations and Cooperation with Civil Society Actors, which is competent to: a) Record and update the data of Greek and foreign Non-Governmental Organisations acting in the Greek territory in the field of international protection, immigration and social integration, in cooperation with other ministries, the Decentralized Government and Local Government at first and second level. B) Accredit the Greek Non-Governmental Organisations in cooperation with other ministries and agencies c) Record the existing migrant communities and associations of other vulnerable citizens falling</p>

<p>active in the field of international protection, migration and social integration issues”, O.G. B 2930/07-06-2016 Available at: http://www.ypes.gr/Us erFiles/f0ff9297-f516-40ff-a70e-eca84e2ec9b9/apof39487-08092016.pdf</p>		<p>under the jurisdiction of the Ministry.</p> <p>The National Register shall include data on identification details of the entity, information on the establishment, fiscal information, financial information, details of the legal representative, services provided, logistics, paid staff/ volunteers and duration of their stay and employment, actions of the entity and shall be updated regularly.</p> <p>The Statute of the entities must provide for the implementation of activities of social and humanitarian nature, international protection, migration, or social integration.</p> <p>Only NGOs included in this Registry can operate in Greek territory and receive funding. There is no official and clear information on how many NGOs, active in asylum and migration matters are active in Greece. There are estimations that the number is over 100, but the exact number has not been confirmed.¹</p> <p>Given the conditions in recent years regarding</p>
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¹ Relevant press reports (in Greek) <http://www.presspublica.gr/prosfygiko-mhtrvo-mko-sythnei-ypoyrgeio-metanasteytikhs-politikhs-paktvlos-eyrvpaikvn-kondyliivn-organvseis/>.

		<p>migratory flows and the direct involvement of non-governmental organisations, the establishment of a Register for these organisations was commented positively by the press.²</p> <p>No comments from the National Commission for Human Rights or other institutions were identified.</p>
<p>2. Ministerial Decision number Γ.Π:Π(2)γ/οικ. 34029, «Certification of providers of social care services of private sector non-profit and NGOs of voluntary character” <i>(“Πιστοποίηση Φορέων Παροχής Υπηρεσιών Κοινωνικής Φροντίδας του Ιδιωτικού Τομέα μη Κερδοσκοπικού Χαρακτήρα και ΜΚΟ Εθελοντικού Χαρακτήρα”)</i>, Ο.Γ. Β 1163/10-04-2012, available (in Greek) at: http://www.ekka.org.gr/files/kia.pdf</p> <p>The Ministerial Decision issued under the authorization of Article 5 of the Law</p>	C	<p>Non-profit organisations operating under private law which provide social care services and are registered to the National Register of private law non-profit organisations, and non-governmental organisations of voluntary character which provide humanitarian aid, may apply for recognition as certified institutions of the National System of Social Care and join the relevant National Register of Certified Organisations of the National Social Solidarity System. The National Center for Social Solidarity has the responsibility for the operation of the Information System of</p>

² e.g. in Greek <http://www.ert.gr/systinete-ethniko-mitroo-mko-gia-tous-prosfyges/>, <http://www.kathimerini.gr/889946/article/epikairothta/ellada/3ekinhs-h-epishmh-katagrafh-twn-mko-sthn-ellada>, <http://news247.gr/eidiseis/koinonia/ethniko-mhtrwo-mko-systhnei-to-yp-metanasteytikhs-politikhs.4267057.html> etc.

<p>2646/1998 (as applicable) "Organisation of the National System of Social Care and other provisions (<i>"Ανάπτυξη του Εθνικού Συστήματος Κοινωνικής Φροντίδας και άλλες διατάξεις"</i>), O.G. A 236/20-10-1998, available in Greek at: https://nomoi.info/%CE%A6%CE%95%CE%9A-%CE%91-236-1998-%CF%83%CE%B5%CE%BB-1.html</p>		<p>Certification and Evaluation of private law non-profit organisations which provide social care services.</p> <p>There is no direct effect to the civil society.</p> <p>The establishment of a Registry of providers is considered to be a positive development to the extent that it enhances transparency and accountability in the allocation of public funds and in the operation of voluntary organisations.</p>
<p>3. Article 16, of the Law 4305/2014, "Open distribution and further use of documents, information and data from the public sector, amendments to Law 3448/2006 (Government Gazette 57/A), adaptation of national legislation to the provisions of Directive 2013/37/EU of the European Parliament and of the Council, further support for transparency, reforms on aspects of the entry exams for the National School of Public Administration & Local Government, and other provisions" (<i>"Ανοικτή διάθεση και περαιτέρω χρήση εγγράφων,</i></p>	<p>C</p>	<p>The aim of the provision (as stated by the title of article 10B) is enhancing transparency in expenditures of funded institutions.</p> <p>Every non-profit organisation of the private sector which is funded by the General Government with more than € 3,000 per year must publish on its website "Transparency (Diavgeia) Programme" expenditure data which are indicated in the legal invoices related to the amount of the financing, with particular reference to the one who issued the invoice and the recipient of it, and the purpose and the amount of the transaction. The failure of the publication of these</p>

<p>πληροφοριών και δεδομένων του δημόσιου</p> <p>τομέα, τροποποίηση του ν. 3448/2006 (Α' 57), προσαρμογή της εθνικής νομοθεσίας στις διατάξεις</p> <p>της Οδηγίας 2013/37/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου, περαιτέρω ενίσχυση</p> <p>της διαφάνειας, ρυθμίσεις θεμάτων Εισαγωγικού Διαγωνισμού Ε.Σ.Δ.Δ.Α. και άλλες διατάξεις”), Ο.Γ. Α 237/31-10-2014, which introduced Article 10B of the Law 3861/2010, “Improvement of transparency via mandatory publishment of laws and decisions of governmental, administrative and local government bodies on the internet, the Transparency (Diavgeia) Programme and other provisions”, (“Ενίσχυση της διαφάνειας με την υποχρεωτική ανάρτηση νόμων και πράξεων των κυβερνητικών, διοικητικών και αυτοδιοικητικών οργάνων στο διαδίκτυο «Πρόγραμμα Διαύγεια» και άλλες διατάξεις”),</p>		<p>economic data results in the exclusion of the institution of further funds of any kind from public organisations of the General Government.</p> <p>No comments from any institutions were identified.</p>
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<p>O.G. A 112/13-07-2010,</p> <p>The Ministerial Decision issued under the authorization of this provision, which regulates issues concerning the publication of the data is number ΔΗΔ/Φ.40/1057/2015, ("Regulation of detailed and technical issues for further support of transparency via publication on "Diavgeia Programme" of the expedures of funded institutions (article 10 B of the Law 3861/2010 as introduced by article 16 of the Law 4305/2014" ("<i>Ρύθμιση λεπτομερειακών και τεχνικών θεμάτων για την περαιτέρω ενίσχυση της διαφάνειας μέσω της ανάρτησης στο «Πρόγραμμα Διαύγεια» των δαπανών των επιχορηγούμενων φορέων (άρθρο 10 Β Ν. 3861/2010, όπως προστέθηκε με το άρθρο 16 Ν. 4305/2014)</i>"), O.G. B 116/21-01-2015</p>		
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<p>Law 4430/2016 "Social and Solidarity Economy and development of its actors" ("Κοινωνική και Αλληλέγγυα Οικονομία και ανάπτυξη των φορέων της") O.G. A 205/31-10-2016, available (in Greek) at: https://www.e-nomothesia.gr/kat-oikonomia/nomos-4430-2016.html</p>	<p>C</p>	<p>The law offers a new framework that could include many different types of organisations and enterprises that are non-profit, that follow democratic governance and have a clear collective and social impact, while covering a social need with an alternative to the Market.</p> <p>This law covers a gap as it regulates material that was previously unaddressed. Therefore, it is considered to have a positive effect on social economy actors to the extent that it sets a clear framework for initiatives and operations, including conditions for transparency and accountability.</p>
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No relevant case law is identified.

2 EU Member State government funding for non-governmental organisations – trends and developments 2011-2016

2.1 Overall amount of government funding

There are no data available for government funding to non-governmental organisations.

Generally, there is no accessible register which includes all such entities. In addition, there are no registered financial data for the amount of government funding for the work of such organisations.

We addressed the competent authorities and requested relevant information but we have not received the relevant data.

The only data available concern the General Secretariat for Consumers. The last funding provided to consumer associations from the state budget was in 2011 and raised to the total amount of € 136,500.00 A total of

34 associations benefited from this funding. According to information provided by the General Secretariat for Consumers, no funding has been disbursed to consumer associations since 2011.

Non-Governmental Organisations can receive funding through the following ministries and governmental bodies:

- Directorate General of International Development Cooperation-Hellenic Aid of the Hellenic Ministry of Foreign Affairs³ – funding for development assistance and humanitarian projects
- Ministry of Health – Directorate of Mental Health,⁴ funding to non-profit organisations providing community services
- Ministry of Labour, Social Security and Social Solidarity⁵ – funding actions mainly for the protection of vulnerable groups of the population
- Decentralised Administration – Administrative Regions of the country under the Ministry of Interior⁶ – funding for social care services to vulnerable population groups
- Ministry of Migration Policy⁷ –funding for Greek and foreign NGOs active in international protection, migration and social integration.

The main funds from the state budget channelled to NGOs are those signmarked for development assistance and humanitarian aid and managed by Hellenic Aid. The only data identified concern funding for Official Development Assistance. According to data from the OECD, in 2013 0,2 % of bilateral Official Development Assistance was channelled to and through civil society organisations. Greece's ODA channelled to and through NGOs fell sharply (46.2 % decrease) between 2012 and 2013, but slightly increased as a share of bilateral aid (from 0.1% to 0.2 %).⁸ In 2014, 9.2 % of bilateral aid (compared to the DAC country average of

³ Greece, Directorate General of International Development Cooperation-Hellenic Aid of the Hellenic Ministry of Foreign Affairs, available at <http://www.mfa.gr/to-ypourgeo/domi/ydas.html>.

⁴ Greece, Ministry of Health – Directorate of Mental Health, available at <http://www.psychargos.gov.gr/>.

⁵ Greece, Ministry of Labour, Social Security and Social Solidarity , available at <http://www.ypakp.gr/>.

⁶ Greece, Decentralised Administration, Ministry of Interior , available at <http://www.ypes.gr/el/>.

⁷ Greece, Ministry of Migration Policy, available at <https://mko.ypes.gr/>.

⁸ OECD, 'Greece' in *Development Cooperation Report 2015: Making Partnerships Effective Coalitions for Action*, Paris: OECD, 2015 available at: http://www.oecd-ilibrary.org/development/development-co-operation-report-2015_dcr-2015-en

17.4 %) was channelled to and through civil society organisations. However, in fact no funding was provided to civil society organisations.⁹

According to representatives of Greek NGOs,¹⁰ government funding from the state budget has been reduced to zero in the last years. The main source of funding for NGOs to implement their actions and programmes are international and European funds. NGOs mainly receive funding from EU programmes through various ministries. Another key source of funding are private sector initiatives. According to the same sources and relevant media research,¹¹ Funding for NGOs active in the fields of asylum and migration predominantly originates from international and European funds and private initiatives

2.2 Distribution of government funding

There are no official data available.

With regarding to the availability of funding for advocacy activities, according to information collected from representatives of NGOs,¹² this originates solely from private funds or international organisations.

2.3 Restrictions (or other changes) on NGO funding from other sources

There are no such data available.

⁹ OECD , 'Greece' *Development Cooperation Report 2016: The Sustainable Development Goals as Business Opportunities*, Paris: OECD, 2016 available at: http://www.oecd-ilibrary.org/development/development-co-operation-report_20747721

¹⁰ Data collected through telephone interviews held on 4 and 5 April 2017 with representatives of NGOs (Hellenic League for Human Rights, Antigone-Information and Documentation Center on Racism, Ecology, Peace and Non Violence and the Greek Council for Refugees).

¹¹ Based on the answers of 44 NGOs active in Greece on the funding of their actions, available (in Greek) at: http://www.huffingtonpost.gr/2016/07/01/metanasteutiko-mko-ellada_n_10734864.html?1467371627.

¹² Data collected through telephone interviews held on 4 and 5 April 2017 with representatives of NGOs (Hellenic League for Human Rights, Antigone-Information and Documentation Center on Racism, Ecology, Peace and Non Violence and the Greek Council for Refugees).

3 Access to the decision-making process for non-governmental organisations working on fundamental rights

Title of legislation/policy	Reference	Short summary (max 500 characters)
<p>Article 6 of the law 4048/2012 "Regulatory Governance: Principles, Procedures and of Better Regulation" (<i>«Ρυθμιστική Διακυβέρνηση: Αρχές, Διαδικασίες και Μέσα Καλής Νομοθέτησης»</i>) O.G. A 34/23-02-2012</p>	<p>Law 4048/2012 "Regulatory Governance: Principles, Procedures and of Better Regulation" (<i>«Ρυθμιστική Διακυβέρνηση: Αρχές, Διαδικασίες και Μέσα Καλής Νομοθέτησης»</i>) O.G. A 34/23-02-2012, available (in Greek) at: https://nomoi.info/%CE%A6%CE%95%CE%9A-%CE%91-34-2012-%CF%83%CE%B5%CE%BB-1.html</p>	<p>Article 5 of the Law 4048/2012 on Regulatory Governance: Principles, procedures and means of Better Regulation (<i>Ρυθμιστική Διακυβέρνηση: Αρχές, Διαδικασίες και Μέσα Καλής Νομοθέτησης</i>, OG A 34/12.2.2012), acknowledges consultation as one of the means of better regulation. Article 6 regulates a two-phase consultation procedure for new legislation but does not impose specific requirements with regard to who should be consulted. Therefore, consultation with civil society or specific interest groups is not obligatory but any interested party can take part. No special provisions are in place with regard to consultation with NGOs.</p> <p>Representatives of NGOs have the opportunity to comment on new legislation opened for consultation in the same way as any other organisation or</p>

		<p>individual citizen. However, research in the consultation platform (http://www.opengov.gr/home/) showed that participation of civil society organisations in recent consultations was nonexistent.</p>
<p>Article 78 of the law 3852/2010 "New Architecture of Local Government and Decentralized Administration – Kallikratis Programme" (<i>Νέα Αρχιτεκτονική της Αυτοδιοίκησης και της Αποκεντρωμένης Διοίκησης – Πρόγραμμα Καλλικράτης</i>), O.G. A 87/7-10-2010</p>	<p>Law 3852/2010 "New Architecture of Local Government and Decentralized Administration – Kallikratis Programme" (<i>Νέα Αρχιτεκτονική της Αυτοδιοίκησης και της Αποκεντρωμένης Διοίκησης – Πρόγραμμα Καλλικράτης</i>), O.G. A 87/7-10-2010, available (in Greek) at: https://ec.europa.eu/migrant-integration/librarydoc/law-3852/2010-new-architecture-of-local-government-and-decentralized-administration-kallikratis-programme</p> <p>Ministry of Interior, Decentralisation and e-Government, Draft Regulation of IIC, available (in Greek) at: https://www.eetaa.gr/kallikratis/kanonis</p>	<p>Article 78 provides for the establishment of Immigrant Integration Councils (IIC) at municipal level. The law was adopted in December 2010, but Immigrant Integration Councils (IIC) started to operate as of 2011. This is the first time that the Law establishes consultation between migrant organisations and the state. The task of each Council is to record and investigate problems faced by immigrants residing in the region of the municipality on issues related to their integration in the local community and their contact with the local authority and other public authorities. The Councils operate through monthly meetings of their members (including representatives of migrant communities).</p>

	moi/d_symvoulia_entaxis_metanastwn.pdf	Immigrant Integration Councils offered for the first time the opportunity to migrant communities and migrants to officially take part in discussions on all issues that concern them. The objectives behind the establishment of the Councils were to “hear” the migrants’ problems and bring them in contact with local governments. ¹³
Office of the National Rapporteur on Trafficking in Human Beings (<i>Γραφείο Εθνικού Εισηγητή για την Καταπολέμηση της Εμπορίας Ανθρώπων</i>)	Greece, Law 4198/2013, ‘Preventing and combating human trafficking and protecting victims of this and other provisions’ (<i>Πρόληψη και καταπολέμηση της εμπορίας ανθρώπων και προστασία των θυμάτων αυτής και άλλες διατάξεις</i>) (OG A’ 215/11.10.2013), available (in Greek) at: http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=fryOvBOh3Lg%3D&tabid=132	Law 4198/2013, ‘Preventing and combating human trafficking and protecting victims of this and other provisions’ (<i>Πρόληψη και καταπολέμηση της εμπορίας ανθρώπων και προστασία των θυμάτων αυτής και άλλες διατάξεις</i>) (OG A’ 215/11.10.2013) transposing EU directive 2011/36 established (by Article 6) the office of the National Rapporteur on Trafficking in Human Beings at the Ministry of Foreign Affairs. This article made an

¹³ Interview conducted with the representative of the Pakistani migrant community in the Council of Athens in the context of producing a “toolkit for equality” to be used by local governments in the framework of Anti-Discrimination Policies Successfully Implemented - ADPOLIS project.

	<p>General information about National Rapporteur Office available (in Greek) at: http://www.mfa.gr/exoteriki-politiki/pagkosmia-zitimata/paranomi-diakinisi-prosopon.html</p>	<p>informal coordination mechanism official.</p> <p>The mandate of the National Rapporteur Office is to “bring-in” more partnerships and facilitate synergies among all actors and stakeholders involved in combating trafficking of human beings. To that aim, the Office launched several initiatives and meetings resulting in the establishment, among others, of a permanent Consultation Forum with Civil Society actors.</p>
<p>Consultative Committee to the Secretary General of the General Secretariat for Youth</p>	<p>http://www.neagenia.gr/frontoffice/portal.asp?cpage=NODE&cnode=29</p>	<p>The General Secretariat for Youth established a Consultative Committee to the Secretary General with representatives of civil society in the framework of the public consultation principle. This initiative aims at the collection and evaluation of views, ideas and suggestions on the part of organisations active in the field of youth, thus promoting the active participation of young people in the shaping of public policy in a concrete and structured way. The Committee consisted</p>

		<p>of representatives of 9 NGOs and were supposed to meet 4 times per year. It held its first meeting on 23.03.2012.</p> <p>However, the operation of the Committee did not last, and in practice it became inactive, especially after the General Secretariat for Youth was merged with the General Secretariat of Lifelong Learning under the Ministry of Education.</p>
Open government partnership	https://www.opengovpartnership.org/country/greece	<p>Greece is one of the 75 countries that participate in the Open Government Partnership.</p> <p>Greece has submitted three action plans on open government (2012-2013, 2014-2016, 2016-2018).</p> <p>However, due to the economic crisis and austerity measures, all non-debt-related domestic reforms have been postponed and the Government of Greece has not been able to engage fully in action plan related activities, as stated in the report published in 2017 by the Independent Reporting Mechanism (IRM) about the</p>

		implementation of Greece's second action plan. ¹⁴
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4 Further information

Non-governmental organisations operate under articles 12 (freedom of association) and 14 (freedom of expression) of the Hellenic Constitution and are not regulated in a specific law.

An NGO may have the legal form of a non-profit private entity regulated by the Civil Code or other legislation, namely:

- persons' union (ένωση προσώπων) which doesn't require substantive legal formalities,
- civil non-profit company (Αστική μη κερδοσκοπική εταιρία) which is implied by the law since companies may pursue any aim, hence also non-profit aims,
- association (σωματείο), which is a form of collective activity with the participation of at least 20 persons operation towards a non-profit aim,
- foundation (ιδρυμα), which constitutes a sum of property/inheritance/donation devoted to a certain goal, as per its Act of establishment,
- alternatively, may be established as a non-profit private entity provided by special laws.

The term "non-governmental organisation" first appeared in Greek legislation in the late 90's. The Law 2646/1998 on the development of the National Social Care System introduced the establishment of the Registry for organisations which provide social care services, and Law 2731/1999 on Development Aid introduced the establishment of special Registry for NGO's that provide emergency humanitarian and development aid. However, the term is not explicitly defined in Greek legislation covering each type of organisations. In practice, what constitutes a non-governmental organisation has mainly been the result of an organisation's self-identification of as an NGO.

In Greece, there is no unique official registry for non-governmental organisations. Separate registries are in place for NGOs operating in specific sectors. The Directorate General of International Development Cooperation-Hellenic Aid of the Hellenic Ministry of Foreign Affairs, which is the competent authority for development policy, has a special Registry for NGOs that provide emergency humanitarian and development aid.

¹⁴ Independent Reporting Mechanism (IRM), Greece End-of-Term Report 2014-2016, available at: https://www.opengovpartnership.org/sites/default/files/Greece_FoT_2014-2016_GR.pdf.

Other registries exist in the 13 administrative regions of the country. These include certified organisations of the National Social Care System that operate under private law and provide services (primary, secondary and tertiary of) social care to vulnerable population groups.

The most recent Registry was established by the Ministry of Migration Policy for Greek and foreigner NGOs active in international protection, migration and social integration.

The registration of an NGO in the Registers mentioned above is a prerequisite in order to receive funding for programmes supervised by the abovementioned bodies.

The involvement of NGOs in policy and decision making process is possible under the existing constitutional provisions and legislative framework. However, it is not explicitly regulated.