

European Network of National Human Rights Institutions (ENNHRI)

Mr. José Manuel Barroso
President of the European Commission

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Edinburgh, 10 January 2014

Open letter on the upcoming Troika visit to Greece

Dear President Barroso,

On behalf of the European Network of National Human Rights Institutions (ENNHRI), I wish to express in this open letter our deep concerns regarding the negative human rights impact of the requirements of the Troika which are to be included in the third aid package for Greece. Our concern is based upon our observations with regard to the impact of the first two packages. Several requirements set by the respective Memoranda of Understanding have been and are being fulfilled at the expense of the full enjoyment of human rights by the people in Greece, including civil and political rights as well as economic, social and cultural rights.

Recently, high-ranking institutions and experts, such as Cephias Lumina who is the “UN independent expert on the effects of foreign debt and other related international obligations of States on the full enjoyment of all Human Rights, particularly economic, social and cultural rights”, have analyzed in detail and criticized the adverse effects of several austerity measures linked to aid packages for Greece and other European countries. Policy measures that led to human rights violations during the crisis in Greece and elsewhere were identified.

In our view, this evidence calls for new methods and measures for the EU and the Troika to ensure that their proposed policy changes in a given country do not arbitrarily affect certain segments of the society – especially vulnerable groups disproportionately or lead to infringements of the enjoyment of essential human rights. However, we are well aware of the fact that this is not always an easy task since an elaborated and tested methodology to integrate human rights approaches into macro-economic decision-making still does not exist. Therefore, we call on the Commission to collaborate with human rights institutions and experts as only jointly can we develop competencies to face the challenges of the crisis without causing severe human rights violations. Furthermore, only by connecting macro-economic decision-making processes and human rights can we decelerate, perhaps even invert, the transformation of the financial crisis into a humanitarian crisis.

To avoid further exacerbation of the social and humanitarian situation in Greece, we would like to point out a number of austerity measures, as reported by Mr. Lumina, which led to human rights violations in the past, and should therefore be redesigned, replaced or removed:

- **Dismissals, salary cuts and tax increases** in the context of a social protection system which is not designed to absorb a high rate of unemployment and very low wages.
- **Cuts to pensions and other welfare benefits.** Consecutive cuts have reduced pensions up to 60 per cent for higher pensions and between 25-30 per cent for lower ones.
- **Reduction of the public health expenditure,** implicating, inter alia, higher waiting times and higher admission fees and an exclusion of poor citizens and marginalized groups from the health system. This has to be seen together with the problem that people who are longer than one year unemployed are losing their access to health insurances. As a consequence an **increasing number of persons living in Greece are without any or adequate access to health care.**
- **Privatization of public utilities.** The privatization process has led to higher fees and complicated the access to essential public services such as water and sanitation and energy.

It should be emphasized that we do not want to discuss the need of or the size of measures to reduce budgetary deficits. We do want to highlight that the impact of several of these measures are highly problematic from a human rights view. The reality of implementation leads to human rights violations, often because they are implemented regardless of conditions of the particular social and economic structure of the country concerned, and without having assessed the social and human rights impacts of the measures before implementation.

The European Committee of Social Rights has already condemned some of the measures because they were found to be discriminatory on the ground of age, such as:

- **Termination of the employment contract without notice and severance allowance.** This measure affects the conditions of dismissals of employees who are very likely to be young. It, thus, establishes a difference treatment indirectly linked to age, which constitutes indirect discrimination.
- **“Sub-minima” for young workers – limitation of their social security coverage.** The reduction of the minimum wage for workers, who are younger than 25 years old, to 68 per cent of the national minimum wage.
- **Reduction or suppression of retirement benefits on grounds of age**
- **No paid annual leave for young workers** for young persons aged 15-18 (special apprenticeship contracts).

Concerning the actual agenda of the Troika which is going to Greece again on January 13th there are again proposal for measures which would require a careful human rights impact assessment before they could be implemented:

- **The reduction of insurance contributions payable by businesses.** This measure has the effect of a subvention of business enterprises by the employees. Employees will either have to pay for the missing contributions by themselves or they will have to stay in some cases without insurance. Another effect of the requirement is that the hole – here 800 M Euros - in the fund has to be compensated.
- **The determination of the number of public sector** employees to be suspended and inducted in the mobility scheme in 2014. The Administrative Reform Ministry is expected to present a plan for the induction of another round of 12,500 civil servants into a mobility scheme of forced transfers and layoffs.

- **11.000 dismissals must be carried out by the end of 2014.** The presentation of a final plan for the dismissal of 4000 civil servants in 2013, for which the government secured an extension until early this year, is also expected. Unemployment in Greece had already increased from 6.6 per cent before crisis to 27.2 per cent today. Since evidence has shown that adolescents are affected significantly stronger than the average population this measure is also discriminatory.

The member states of the European Union are all bound by human rights obligations. Greece needs to have the necessary policy leverage to implement its obligations, for example, under the International Covenant on Economic, Social and Cultural Rights, as well as the European Convention on Human Rights and the European Social Charter. Moreover, the EU has oriented its policies as a whole on human rights both in the Treaty on the European Union (Art. 2: The EU shall uphold and promote.... ..respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights....”) and through the EU Charter of Fundamental Rights, which is binding for all EU bodies under Article 51 of the Charter.

In June 2013, the Network of European National Human Rights Institution (ENNHRI) organised conferences in Brussels and Berlin, where experts reported the impact of austerity measures on the realisation of human rights in Greece, Spain and Ireland. The experts were very clear on the point that the austerity measures, as currently designed, interfere with the whole spectrum of human rights. In Greece, e. g. the right to social security is undermined by drastic cuts in social spending. The right to health is continuously breached – i. e. to recall, hospitals have admission fees that disproportionately hurt the poorest in society and one third of the population does not have public health insurance. The series of unpredictable, complicated, conflicting, and constantly modified austerity measures of immediate, and often retroactive effect, have exacerbated the general sense of insecurity and mistrust towards democratic institutions. This has contributed to an alarming increase of racist and political violence and in the rise of the neo-nazi Golden Dawn party.

These phenomena show that the implementation of austerity measures in Greece has, during the past two years, gone far beyond the economic sphere and needs to be carefully planned and assessed ex ante on their potential human rights impacts. We therefore call on the Commission

- to carry out a systematic and regular ex ante human rights impact assessment of all measures recommended in the realm of austerity packages,
- to make sure that measures do not lead to human rights violations,
- to integrate human rights institutions and experts in the process of macro-economic decision-making.

We are attaching three documents to this letter

- a report by the Greek National Human Rights Commission (GNCHR) , a member of ENNHRI, of 2010 documenting the need for constant human rights respect;
- a report of the GNHRC of In December 2011, describing the sharp decline in the realization of civil liberties and social rights;
- A paper presented by Sophia Koukoulis-Spiliotopoulos, Attorney at Law, on behalf of the Greek National Human Rights Commission, at a meeting of NHRIs and Ombudspersons with the Council of Europe at the office of the Fundamental Rights Agency of the EU in Vienna, on October 7th and 8th 2013.

Please do not hesitate to contact us for any further information. Please contact directly myself, Mr Kostis Papaioannou from the Greek National Human Rights Commission (Tel: +30 210 7233221-2 / e-mail: info@nchr.gr) or Mr Michael Windfuhr of the German Institute for Human Rights which organised the conferences in Berlin and Brussels in June 2013 (Tel: +49 30 259359-0 / e-mail: windfuhr@institut-fuer-menschenrechte.de).

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Miller', with a stylized, cursive script.

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