

# Impact of Economic Reform Policies and Austerity Measures on Human Rights

## GNCHR Statements and Recommendations



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#### **Urgent [Statement](#) on Labour and Social Security Rights in Greece (2017)**

The Greek National Commission for Human Rights (GNCHR), in its capacity as the National Human Rights Institution (NHRI) and the independent advisory body to the Greek State on matters pertaining to the protection of human rights, recalling the unanimous decisions adopted by the GNCHR Plenary in the past years 2010, 2011, 2013 and 2015, about the impact of the austerity measures on human rights, as well as the commitments and obligations undertaken by the EU institutions and all EU Member-States, such as the EU Treaties and the Charter of Fundamental Rights of the European Union, observes with particular concern the prolonged implementation of austerity measures in Greece, due to the debt crisis.

The GNCHR stresses, in its Urgent Statement on labour and social security rights in Greece, the compliance obligation to the supreme courts' judgments or decisions in any cases of any human rights violation, and the need for limited interference of international financial institutions to the implementation of the financial measures. The GNCHR also emphasises the fact that the exclusive implementation and the cumulative effect of financial measures have eventually acquired a permanent character, that is undermining the living standards, the protection of human rights and the state's accountability, condemning the country in

The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection. It was established by Law 2667/1998 in accordance with the UN Paris Principles. Thirty-two institutions whose activities cover the field of human rights are currently represented in the GNCHR (independent authorities, departments of university-level educational institutions, workers' and disabled persons' confederations, NGOs, political parties and ministries).

permanent economic recession. In that context, the GNCHR urgently calls, once again, for the EU as well as the local Authorities to avoid imposing any further austerity measures that violate the employment, freedom of association and social security, and to adopt a regulatory framework for the restoration of the system as well as evaluation and access mechanisms that will monitor and promote the human rights implementation.

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### **Statement on the impact of the continuing austerity measures on human rights (2015)**

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The GNCHR recalls, in its Statement on the impact of the continuing austerity measures, the judgments of supreme courts, concerning continuing violation of a significant number of human rights in Greece due the financial crisis.

The GNCHR reaffirms that austerity measures undermine a number of principles, such as the principle of equality, and its particular expression of contribution of citizens to public charges in proportion to their means, the right to equal access to education, property, work, and social security, as well as the freedom of association, the principle of proportionality, of social solidarity and the protected public trust towards State. Recalling also the commitments and obligations undertaken by EU institutions and all EU member-States, the GNCHR stresses that the protection of human rights should be the core of the EU's social objectives.

In addition to that, the GNCHR observes with particular concern that the prolonged implementation of austerity measures in Greece, leads to the degradation of the protection of human rights and ultimately

intensifies the deterioration of living standards, as the State is not able to guarantee basic economic and social rights. Austerity measures also erode the institutional foundations of the EU, as they reverse the hierarchy of values and goals of the EU, giving priority to the fiscal and financial objectives to the detriment of fundamental social values.

In that context, the GNCHR urgently calls, once again, the EU institutions, the EU member States as well as the Greek Authorities to immediately and jointly mobilize towards the preservation of human rights values, by adopting the needed regulatory framework for the restoration of the system, as well as an evaluation and access mechanism that will monitor the impact of austerity measures on human rights of all EU citizens.

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### **Recommendation and decisions of international bodies on the conformity of austerity measures to international human rights standards (2013)**

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The GNCHR recalls, in its Recommendation and decisions of international bodies on the conformity of austerity measures to international human right standards, the commitments and obligations undertaken by

EU institutions and all EU member-States, according to which the protection of human rights should be the core of the EU's social objectives, and underlining the urgent need for common action to be taken.

The European Committee of Social Rights (ECSR) and the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) quote this Recommendation in their decisions and reports regarding Greece.

### **The European Committee of Social Rights – the decisions**

The European Committee of Social Rights (ECSR) – a *quasi* judicial body of the Council of Europe (CoE), has quoted the GNCHR Recommendation in 7 decisions on collective complaints by trade unions against Greece, by which it finds that austerity measures are violating labour and social security rights. It has been highlighted among others that the increasing level of unemployment is presenting a challenge to social security and social assistance systems.

The first decision concerns the probation period in an open-ended contract and the special enterprise collective agreement, while the second decision concerns the “special apprentice contracts” between employers and workers aged 15 – 18 years old, and are not covered by the Labour Law. The ECSR unanimously found violations of a number of articles of the 1961 Charter, with regard to the deprivation of annual holidays and the general reduction of minimum wage, and noted with great concern the limited social security coverage of apprentices.

The next five ECSR decisions and their references to international and Greek bodies concern successive amendments to social security schemes, such as the reduction of pensions and Christmas, Easter and holiday bonuses), and their cumulative effect in the significant degradation of the standard of living and the living conditions of individuals. All these ECSR decisions contain a paragraph entitled “The Greek National Commission for Human Rights” referring to the GNCHR

Recommendation, which “expressed great concern to the ongoing drastic reductions in even the lower salaries and pensions”.

### **International Labour Organisation Bodies – compliance with fundamental human rights / violations’ examination**

Since 2011, ILO bodies have made a significant contribution to the evaluation of the compliance of Greece with fundamental social rights and freedoms (such as the freedom of association, freedom of collective bargaining and respect of its results and of the binding power of collective agreements, political motivation for breaking strikes) through the monitoring of the implementation of ratified ILO Conventions. Extensive reference was also made to the consecutive austerity measures that have been imposed, as loan conditionalities, with heavy consequences for the enjoyment of internationally guaranteed fundamental rights. The ILO bodies, after examining the complaints against Greece, came to the conclusion that the handling of crisis has created a “widespread feeling of social injustice” and urged the Greek Government and the Authorities to establish mechanisms and procedures that would restore and ensure the minimum protection of labour and social security rights.

### **The European Court of Human Rights**

On 13 May 2013, the European Court of Human Rights (ECtHR) gave its judgment in the cases I. Koufakis and ADEDY v. Greece, based on its well-established case law, declaring the complaints brought before it inadmissible. The Court examined the disputed measures, imposed by the Greek Government, regarding the compliance to the proportionality principle when implementing economic and social policies. From the aforementioned judgment one can deduct that the implementation of national economic and

social policies belong to the State, subject, however to a review of their conformity with fundamental rights. The cases brought before the ECtHR were not such that they could allow the ECtHR to find that the State had overstepped the limits of its power, however the reasoning of the decision clearly showed these limits.

In the light of the foregoing, the GNCHR aims to draw attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such

bodies. The GNCHR notes with regret that not all observations of the GNCHR Recommendation of December 2011 have been followed by the Government, with regard to the disproportionate impact of the crisis and the austerity measures, especially to the deterioration of labour law and social security rights, to the systematic discrimination against young people in the area of employment (especially women), and the general degradation of living conditions of the population. Finally, the GNCHR calls the Greek Government and Parliament to undertake common action in implementing the planned measures and amendments.

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### **Recommendation on the imperative need to reverse the sharp decline in civil liberties and social rights (2011)**

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The GNCHR notes, in its Recommendation on the imperative need to reverse the sharp decline in civil liberties and social rights, that the conclusions of its prior resolution adopted on the 10.6.2010, about the impact of the debt crisis and the fiscal measures to the human and social rights, have been nowadays further and dramatically corroborated and exacerbated.

More specifically, the GNCHR expresses its deep concern at some of the most significant cases of human rights violations, such as the drastic reduction of salaries and pensions, the reversal of hierarchy and the weakening of collective labour agreements which set out protective minimum standards of wages and working conditions, the rapid increase of unemployment, the increase of direct taxes unrelated to the taxpayers' ability to pay and the elimination of social security, benefits and infrastructures.

Moreover, the GNCHR recalls, the EU's fundamental principles and objectives, under which EU "is not merely an economic union, but is at the same time intended, by common action, to ensure social progress and seek constant improvement of the living and working conditions of the people in Europe, as is emphasised in the Preamble to the Treaty" and its first aim is to promote its values and the well-being of its peoples.

Finally, the GNCHR calls upon the Greek Government to take into consideration the major impact of the fiscal measures on social protection and security and to undertake common action with the governments and parliaments of other Member States and with the European Parliament for the adoption and implementation of every measure of "economic" governance as well as the planned amendments to the EU Treaty, in a manner that safeguards the fundamental civil liberties and social rights.

## **Recommendations on the need for constant respect of human rights during the implementation of the fiscal and social exit strategy from the debt crisis (2010)**

The GNCHR strives to remind the State the need for constant respect of human rights during the implementation of the fiscal and social exit strategy from the debt crisis.

Taking under consideration the broad authorization granted by Law 3845/2010 for the adoption of additional measures, which led to rapid developments of significant impact on the Greek economy, the GNCHR recognises that the debt crisis has further political, legal, social and moral dimensions, having already caused a serious impact on the social fabric.

On this basis, the GNCHR reminds the Government's commitment due to the constitutional framework for human rights protection, the international and European safeguards for human rights and the settled case law "shield" established at national, international and European level. The GNCHR expresses the urgent need under civil society's demands, to adopt measures that will be

safeguarding all social rights, with respect to the principles of proportionality, necessity, adequacy and social justice, to achieve the targets of peace, security, development and respect of human rights in a democratic society.

With great concern about the impact of the financial pressures to the enjoyment of human rights, the GNCHR stresses particularly that the State's respect of fundamental human rights while exercising its powers to exit from the external debt crisis is imperatively imposed by the International Covenant on Economic, Social and Cultural Rights, the International Labour Organisation Convention no. 87 and 98 as well as the settled case-law of the Committee on Freedom of Association, the European Convention on Human Rights of 1950 and the case-law of the European Court of Human Rights, and the European Social Charter of 1961 as well as the case law of the European Committee of Social Rights.

## **GNCHR Thematic Reports**

### **Recommendations for Childhood Protection: Health and Welfare (2014)**

The GNCHR has previously been extensively concerned with the necessity to provide institutional and effective protection to the particularly vulnerable social group of children. The examination of the problematic of "Childhood Protection" is especially established on the basis of the EU's Charter of Fundamental Rights, as well as the International Convention on the Rights of the Child.

From the GNCHR's sessions and workshops with the Ombudsman for Children's Rights during the first half of 2014, a more focused approach has been pursued in the context of issues related to the Childhood Protection, such as the international protection of the child's right to health and welfare through the prism of the financial crisis. Such an evaluation leads to the formulation of Recommendations regarding the appropriate and effective

measures which must be adopted in order to address the problems and the inefficiencies which have been detected.

During the evaluation, emphasis has been given to the observations and conclusions of the international bodies, such as the Committee of Experts of the International Labour Organisation (ILO), that called for Greece to reverse the increasing impoverishment of the population, addressing also child poverty, while expressing concerns about the performance of hazardous work by persons as of the age of 15 years. The UN Committee on the Rights of Children has also drawn attention on matters pertaining to child poverty and social protection. Furthermore, as derived from the Recommendation of the European Commission entitled "Investing in children: Breaking the cycle of disadvantage", three key pillars have been prioritized as being essential for addressing child poverty and social exclusion: access to adequate resources, access to affordable quality services, and participation of children in play, recreation, sport and cultural activities.

Unfortunately, the imperative social, cultural and financial crisis in Greece, that led to constantly increasing unemployment rates, has seriously aggravated the state of services as well as health and welfare structures in Greece. Even though child poverty started increasing since the late 1990, it became more dramatic in the recent years, that the number of people living under the poverty line has reached 2.2 million people, out of which 440.000 are children. It is underlined that 20% of children (as opposed to 4% in 2009) live in families which are in no position to buy the necessary goods for securing a sufficient nutrition, or the minimum level of decent living, since they might be facing housing problems (humidity conditions, insufficient heating or lightning, lack of living space etc).

The state of child and adolescent mental health in Greece is also appalling. In most areas social services don't work, and the existing mental health services structures have significant deficiencies in scientific and skilled personnel, operating with reduced by 10-40% staff. Limited consulting services options for children in most cases, and full absence of psychiatric services provided as schools, lead to the gradual passing of the obligation for childhood protection from the state to the private sector. Insufficient is also the organisation of services for handling cases of child abuse and neglect, which is completed by the institutional absence of provision for family courts collaborating with social workers and mental health experts. Issues of poor implementation have also occurred with regard to the so called "open child protection" measures, such as fosterage, hosting, or even adoption.

Considering the above, the GNCHR formulates recommendations, including the elaboration of a National Strategy for the Child as well as a National Plan of Action for Children's Rights, which would aim to the development of a child-centered fiscal policy. The GNCHR also recommends the establishment of a guaranteed level of decent living for children, and the ratification by the Hellenic Republic of the third Optional Protocol to the UN Convention on the Rights of the Child on a communications procedure. For that purpose the GNCHR deems necessary the horizontal coordination and consistency between health and welfare services, under the required and proposed structural changes and institutional measures in those sectors. Last but not least, the GNCHR places particular emphasis on the need for the competent Greek Authorities to collect sufficient statistical data, capable of allowing it to evaluate the progress achieved relating to the application of the Convention's provisions.



## **Report on the protection of the rights of older persons (2014)**

Due to a significant demographic change and rise in life expectancy, there has been a particular increase of the number of “older” or “elderly” peoples that unofficially are considered to be people over the age of 60 – 65. Deriving from the Article 25 of the Charter of Fundamental Rights of the European Union, the right of the elderly to lead a life of dignity and independence and to participate in social and cultural life, should be recognized and respected.

Despite the lack of a universal binding legal text which protects and promotes older person's rights, there are several non-binding policy texts, such as the Vienna International Plan of Action for Ageing, proclamation of Ageing by the UN General Assembly, the Madrid International Plan of Action on Ageing, as well as the provisions of Universal Declaration of Human Rights (Article 25), the International Covenant on Economic, Social and Cultural Rights (Article 9), the General Comment No.6 on the economic, social and cultural rights of older persons, etc, and wide UN's activity on economic, social and cultural rights that is greatly linked to the rights of older people.

Within the European Union, the provisions of the European Social Charter (ESC) and the Article 4 of the Additional Protocol to the ESC need to be addressed, as legally binding texts, in the field of elderly peoples' rights protection, as well as the institutions of the Committee of Ministers and the Parliamentary Assembly of the Council of European, that have also demonstrated a particular concern in social protection of older persons. In Greece, the protection and respect of older peoples' rights is constitutionally guaranteed in the Article 21 (3) of the Greek Constitution, as well as through Directives that are being

introduced in the Greek legislation, or a few more specialised laws on particular matters pertaining to social protection of the elderly people. In that context, the GNCHR makes a first attempt towards a more focused approach on the protection of older persons' rights, on international and European level, as well as on national level.

Due to the deep and prolonged financial crisis, protection of older persons' rights in Greece has become quite challenging, since the tragic insufficiencies of an already poor social protection system have been highlighted. Limited access to social benefits and health services have led to the degradation of living standards of older people. In addition to that, it has been noted that the obligations deriving from the EU Charters are not met, as far as age discrimination in employment is concerned, which means that if the candidate is aged over 55 this constitutes an important disadvantage for his/her hiring.

Nowadays, what is mostly deprived from older persons' is the possibility of participation in public life, due to the factors of work and social insecurity, and the shift of public and private services towards digital technology, which leads to even greater social exclusion. Especially for the so called “fourth age” persons that face difficulties on performing self care due to biological deterioration, illness and increase in accidents. On the basis of the above mentioned, it is essential for the Greek State to encourage older persons' social participation and independence by strengthening their civil and political rights, and by integrating health and welfare services in a public free-of-charge framework. Concerns have also been expressed on matters pertaining the provision of informed

consent in health care regarding the traditional model of “doctor – patient” relations, which up until recently was dominant in our country, as well as establishing protection of older people from violence and abuse.

The GNCHR observes that the social and economic rights have also been significantly afflicted due to exclusive fiscal interventions and austerity measures. As highlighted by the ECSR, Greece hasn't established that efforts have been made to maintain a sufficient level of protection for the benefit of the most vulnerable members of society, thus depriving a segment of the population of an essential part of its living resources. In the same direction, the ILO observes that existing pension thresholds are insufficient to prevent poverty in old age. Pensions' reductions have a negative impact not only to the pensioners' living standards, but also to unemployed members of their families that they might support, since income coming from pensions might be the main or the only support in one out of two households in Greece.

For all the aforementioned reasons, the GNCHR stresses the need to reform the existing social security system and to restructure the

tax system, in compliance to the principles of equal treatment, intergenerational solidarity and fair distribution of the tax burden. The GNCHR deems necessary to highlight the importance of every person's right to work and to health and care, condemning employment discrimination on the grounds of age, promoting older persons' ability to interact with their environment, with a view to their full participation in the social, cultural and educational scene, as well as in the political scene.

Apart from older peoples' autonomy and participation, the GNCHR also supports the provision of informed consent in their healthcare and their protection from violence and abuse, aiming to strengthen respect of human dignity, physical and mental well-being and private and family life. Furthermore, the GNCHR encourages Greece's contribution to adopting a binding international Convention on older persons' rights, that would encourage the effective and systematic monitoring of the implementation of older persons' rights by international and national bodies, and it would contribute in raising public awareness globally on relevant issues.

## GNCHR Interventions before international Human Rights bodies

**Observations submitted in view of the examination of the 27th Greek Report on the application of the European Social Charter (Articles 3, 11, 12, 13 and 14) and on the 11th Greek Report on the application of the Additional Protocol to the European Social Charter (Article 4)(Reference Period 1.1.2012-31.12.2015) (2017)**

In view of the submission of the 27<sup>th</sup> Greek Report on the application of the European Social Charter (ESC) and the 11<sup>th</sup> Greek Report

on the application of the Additional Protocol to the ESC, the GNCHR submits its observations, with particular emphasis on the



right to health and the right to social security and social protection.

Starting with some general remarks, the GNCHR acknowledges Greece's support to the Turin process and stresses that it should be constant and effective. The GNCHR underlines that Greece has been facing an unprecedented economic crisis and a subsequent avalanche of "austerity measures" which exacerbate the general feeling of insecurity. Nevertheless, there has been no human rights impact assessment of the measures adopted in response to the crisis. What is more, the State has not complied with several decisions of the ESRC on austerity measures, neither has it followed similar observations of the CEACR. On the other hand, the GNCHR welcomes the ratification of the Revised European Social Charter (RESC) by the Greek State and invites the latter to take into consideration its obligations under the RESC when adopting new legislation.

Subsequently, some specific observations follow regarding the implementation of Art. 3 ESC in Greece. In this respect, the GNCHR notes that the competent authorities do not publish on a regular basis representative data on occupational accidents and diseases which could serve as a basis for the prevention of occupational risks and facilitate prioritization on national strategy measures. Further, it emphasizes factors that significantly influence health and safety in the current recession times, such as the existence of social inequalities -especially as regards undeclared workers- and the weakening of the institutional role of trade unions and of their bargaining power, especially as to the scope and binding force of collective labour agreements. Therefore, the re-establishment of the procedure for concluding national general collective agreements (NGCAs), of their content and scope is suggested. As to health insurance, it is observed that the reform which

unified all social and health insurance funds into a central health fund, EOPYY, led to a series of immediate measures that eventually transferred a portion of costs to the insured population.

The GNCHR expresses its concerns about the impact of the austerity measures on the right to health, noting the increased number of suicides, the reduction of health insurance coverage among the population, the cuts to the public health care system and its critical understaffing, the increase of child poverty and insufficient nutrition, the very high increase of health care demand in combination with a sharp decrease of health care expenditure and of specialized staff as well as the inadequacy of services and structures for children with disabilities and chronic diseases. Additionally, the deficiencies of community interpretation and cultural mediation in Greece impede the effective access to quality healthcare for foreign nationals. Therefore, the restructuring by the State of the general institutional framework that governs the system of translators and interpreters is recommended. Further, serious concerns arise regarding the exclusion, with some exceptions, of undocumented migrants from care beyond emergency care, the unprecedented increase in the inflow of asylum seekers and refugees to Greece in combination with the limited ability of the Greek health system to provide adequate health care to them upon entry, the detention of unaccompanied minors as well as the limited availability of HIV treatment. What is regarded as a positive step is the repeal of measure 39A of the Health Act which used to allow the authorities to conduct forced HIV tests on citizens with the help of security forces.

As to the right to social security, the GNCHR reiterates that its basic axes consist in a sustainable and viable system of social security, a satisfactory living standard, an

impact assessment as well as in the existence of measures for effectively protecting the right to social security in the context of the humanitarian crisis due to austerity. In this respect, it is considered that the new pension reform (Law 4387/2016) does not guarantee the long-term sustainability of the pension system as it is characterized by fiscal and collection-oriented measures rather than insurance-based and operational effectiveness measures. What is more, the unfair and disproportionate reduction in the amounts of pensions has driven thousands of pensioners into poverty, while the current coverage and level of social security and social welfare benefits are inadequate to ensure a decent living. Accordingly, it is observed that, when reforming the social security system, the Greek State did not proceed to a study of the compatibility of such measures with the commitments of the Greek Constitution, neither did it assess their impact on the enjoyment of the right to social security on the basis of detailed data. At the same time, the number of people who have access to social security is increasingly falling, as changes either removed protections wholesale or made the conditions so stringent that few remain eligible for social security benefits, a situation which renders the measures for addressing the humanitarian crisis due to austerity inadequate for the effective protection of the right to social security.

Lastly, as regards the specific rights of elderly people, the GNCHR points out that older persons are mostly being denied their equal

participation in public life, thus being condemned in gradual isolation and degradation. In this respect, the GNCHR underlines the importance of encouraging older persons' social participation and strengthening their autonomy and welcomes good practices such as the programmes "Help at home" and "Teleassistance at Home" that have been implemented in Greece. Moreover, as regards healthcare, the traditional "paternalistic" model of doctor-patient relations, which still prevails in Greece, combined with the reduced autonomy of older persons, impede and in many cases render practically impossible the full enjoyment of every older person's right to individualised information, advice and consent upon information. In this respect, the GNCHR underlines the fundamental connection between information and consent and emphasizes the precondition of the patient's consent before the performance of any medical act as a fundamental right of the patient and an essential obligation of the doctor. Furthermore, as to the issue of older persons' abuse, it is remarked that data about such cases are exceptionally limited in Greece, while monitoring is insufficient or non-existent. Finally, as regards the prohibition of discrimination, not only is the current legislative framework in Greece insufficient for combating discrimination on the grounds of age, but also many of the austerity measures adopted, especially those related to employment and social security, entail an unfavourable treatment solely based on age, thus introducing an unjustifiable direct discrimination.

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**Written [Information](#) submitted in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece (2016)**

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The GNCHR, in its written information submitted to the Committee on the Elimination of Racial

Discrimination regarding Greece's combined twentieth and twenty-first periodic report on the

implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD), reminds that the austerity measures of indeterminate duration violate rules of international and European human rights law, and moreover that the financial rules of International Financial Institutions (IFIs) cannot circumvent the obligation to respect international and European human rights law. The European as well as the UN bodies in accordance to the GNCHR's reports have expressed serious concerns about the impact of the continuing austerity measure on human rights in Greece, namely the dismantling of the welfare State, the increase in extremist and intolerant elements within society and the lack of capacity of the Greek State to fulfill its human rights obligations in the context of immigration and the management of refugee flows.

In this regard, the GNCHR welcomes the National Human Rights Action Plan, the National Action Plan for Children's Rights, the Integrated Action Plan (IAP) for the Social Inclusion of the Greek Roma, as well as the Revised National Action Plan on the reform of the asylum system and migration management, which included a certain number of legislative and policy components.

The GNCHR also focuses on the Law 3304/2005 on the Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, stressing that it does not include many of the GNCHR's Recommendations, and that it should be amended in order to, among others: include the grounds of colour, citizenship and language, provide a direct obligation of all public authorities to prevent discrimination when carrying out their functions, enable NGO's to bring cases to court without representing a specific victim, enable the Ombudsman to initiate court cases, participate and intervene to them, and also receive complaints from the

private sector concerning racial discrimination, and make the Equal Treatment Committee and the Labour Inspectorate independent authorities.

Observations have been conducted on a great scale by the GNCHR, concerning Articles 2 and 7 of the Convention, regarding issues pertaining on the implementation of the Holy Muslim Law (Sharia) instead of the Greek Civil Code in matters of family and inheritance issues, especially for women in Thrace, the situation of Roma in Greece, regarding the Integrated Action Plan for the social inclusion of the Greek Roma, the pending population registering, and the rights of Roma women and children, the Greek Law 3896/2010 about the implementation of gender equality principle in Greece in employment and occupation, and equality in participation in political and public life, in family law issues, in gender mainstreaming and legal gender recognition. The GNCHR also commented on issues pertaining on domestic violence and violence against women, welcoming the law 3500/2006 on "Combating domestic violence and other provisions", and referred to guarantees of migrants' rights and measures to promote their social integration, in the fields of work, residence and access to health care, as well as the protection of refugees and asylum seekers, with regard to the detention conditions for foreigners awaiting expulsion, highlighting the need for re-designation of the EU asylum and the Dublin III Regulation. Another important field that GNCHR focuses on is the human trafficking, against which protection measures have been taken under the UN Convention against Transactional Organised Crime and the Protocols thereto, and the Laws, EU Directions and CoE Conventions already signed by Greece.

Furthermore, the GNCHR submits its observations with regard to Article 4 of the Convention, giving particular emphasis on the establishment

of departments and offices against racist violence with the purpose of recording and investigating potentially racially motivated incidents that would facilitate the formulation of criminal anti-racism legislation. In that context, and due to the absence of an official and effective data collection system and the need for coordination among organisations which recorded, on their own initiatives, incidents of racist violence, the GNCHR in coordination with the UNHCR has established in mid-2011 the Racist Violence Recording Network (RVRN).

The GNCHR also submits its observations regarding Article 5, on the right to security of

person and protection by the State against violence or bodily harm, commenting on particular issues of political and civil rights, as well as Article 7, about human rights education and non-discrimination, especially for police officers. As far as Article 6 is concerned, the GNCHR refers to its work as a national mechanism of human rights protection, mentioning among others that the reference point for its law establishment has been the Paris Principles adopted by the UN, and that it has retained its A status for almost 20 years.

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**Submission to the United Nations Human Rights Committee (The Committee): NHRI report on Greece's 2nd periodic report under the International Covenant on Civil and Political Rights (ICCPR) (2015)**

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The Greek National Commission for Human Rights (GNCHR) submits its recommendations to the Human Rights Committee regarding Greece's second periodic report under the ICCPR. The present report takes into account the replies of Greece to the List of Issues (LOIs) and is a follow-up to our previous LOIs report, which was sent to the Committee in December 2014. It discusses the general legal framework, policies and practices in Greece and their relation to and/or effect on civil and political rights.

The submission of the report comes at a time when Greece is entering the sixth year of a severe financial crisis, with significant impact in terms of equality between men and women in the labour market. On the basis of GNCHR's observations, the Committee expresses its concern with regard to the high unemployment rates especially for women and young people, both in the public and in the private sector. The Committee also notes the inadequate compliance in practice to the provisions of the United Nations Convention on the Rights of Persons with Disabilities, as well as

the raise of racism and xenophobia incidents in Greece as presented by the Racist Violence Recording Network.

Furthermore, the Committee aims to draw attention to the implementation of laws regarding the right to life, and on issues pertaining to violence against women, including domestic violence, and prohibition of torture and cruel, inhuman or degrading treatment. As underlined by the Committee, the Law 3500/2006 "on combating domestic violence", although adopted by the Greek Parliament, does not fully and effectively deal with domestic violence in terms of implementation, since it doesn't criminalize all offences. Thus, Greece is recommended to improve its legislation and take measures to raise awareness of the problem of domestic violence and to protect the victims. Other important issues addressed by the Committee are: human trafficking, aliens' treatment and children's protection.

More particularly, since Greece has faced an unprecedented refugee emergency, urgent

issues have come up, that require drastic and efficient action to be taken, such as the treatment of migrants and asylum seekers general, with regard to their rights and the detention conditions, the needed changes and reforms in the Asylum System, and the protection of unaccompanied minors, on which the Committee has submitted the relative recommendations.

Last but not least, regarding the freedom of speech and association, the Committee has condemned the increased number of violence incidents against journalists during demonstrations and urged the reinforcement of the legal framework for the effective protection of freedom of expression, press freedom and the right to information.

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### **Submission to the UN Human Rights Council's Universal Periodic Review of Greece (2015)**

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The submission of the Report to the UN Human Rights Council's Universal Periodic Review comes at a time when Greece remains plagued by a financial crisis and the continuous effect of austerity measures, on the disproportionate impact of which the GNCHR has repeatedly commented. The GNCHR has condemned any kind of discrimination in the grounds of age, gender, sexual orientation and gender identity in the work field, and has also expressed its regret on the findings of monitoring bodies regarding acts of racism and xenophobia. In that context the GNCHR has welcomed multiple initiatives and action plans on Human Rights, and reiterates that they should include concrete objectives, in order for their implementation to be effectively monitored.

Furthermore, the GNCHR has repeatedly addressed various aspects of the right to a fair trial, the freedom of religion and belief, the right to life, liberty and security of the person, the right to health, and the right to work and social protection. Those fundamental rights and freedoms should be examined more thoroughly in the light of the unprecedented refugee emergency that Greece has faced, particularly as far as the rights of migrants, refugees and asylum seekers are concerned, not excluding of course the Roma population, or other minority groups. Having expressed its deep concerns regarding the recurring sea tragedies and the loss of human lives in Mediterranean, the GNCHR highlights the Asylum System's deficiencies and calls on the Greek Authorities to comply with the recommendations of the international bodies.

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### **Written Information on the Second Periodic Report of the Hellenic Republic for the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (2015)**

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The GNCHR is following with particular attention and concern the impact of austerity measures on fundamental, especially social rights, and has submitted to the Ministry of Foreign Affairs its observations after examining the content of the Draft of the second Report of the Hellenic Republic concerning the

implementation of the International Covenant on Economic, Social and Cultural Rights.

The GNCHR particularly stresses that the submission of the Report on the application of the Covenant comes at a time when Greece is plagued by a financial crisis, during which the GNCHR has repeatedly addressed all

thematic groups affected by austerity measures, with regard to issues pertaining unemployment, wage deductions, gender and age discrimination, and other violations of economic and social rights, and requested reasonable working time, public and annual holidays with pay, weekly rest period, decent remuneration, reasonable notice of termination of employment, limits to wage deductions and right of workers to take part in the determination and improvement of the working conditions and environment. The GNCHR has highlighted the restrictions to the scope of social rights and the increasing impediments to access to justice of individuals whose rights are being violated, as two crucial matters affecting all the rights examined.

Moreover, the GNCHR underlines the need to ensure the right to social insurance and security for older persons, by taking action to reform the social security system as well as the tax system, towards a more fair distribution of

the tax burden. The continuous contraction of the social security system in terms of coverage and benefits, as well as the cuts in main pensions by the organizations of social security have affected all branches of social security and even resulted in reducing the overall level of human rights protection.

Finally, the GNCHR takes the opportunity to address a few significant issues with regard to the reconciliation of working and private life, the protection of maternity, of mental health and of the right of health and care of older people, and has submitted recommendations in order to ensure sufficient and direct access to them. Last but not least, the GNCHR has expressed its great concern regarding services and structures for children with disabilities and chronic illnesses, such as the special educational programmes organized and addressed to young people with special needs, which is characterized by institutional gaps in Greek legislation.

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### **Observations on the 24<sup>th</sup> Greek Report on the application of the European Social Charter and on the 9<sup>th</sup> Greek Report on the application of the Additional Protocol to the European Social Charter (2014)**

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The GNCHR has already, in the past, expressed its concern regarding issues falling in the scope of application of the European Social Charter (ESC) and its Additional Protocol and has addressed relevant opinions and recommendations to the competent Ministries. The Ministry of Labour, Social Security and Welfare forwarded a copy of the two Reports (the 24<sup>th</sup> Report on the application of the ESC and the 9<sup>th</sup> Report on the application of the Additional Protocol to the ESC), and the GNCHR submitted its observations and recommendations directly to the European Committee of Social Rights (ECSR).

The GNCHR expresses its deepest gratitude to the ECSR, as well as to a number of European

and international bodies, such as the Council of Europe, the CoE Commissioner for Human Rights, the ENNHRI etc, that have followed ECSR's example, by condemning the avalanche of austerity measures in Greece. Unfortunately, no progress in respecting the rights guaranteed by the ESC has been made, and the past violations have not yet been remedied. The GNCHR observes with great concern that austerity policies have led the country to an economic and humanitarian catastrophe unprecedented in peacetime, and is sad to note non-compliance with the ECSR decisions that is being mirrored by a significant deterioration of the situation in Greece. The ratification of the Revised European Social Charter (RESC), which is



constantly recommended by the GNCHR, constitutes a very important and necessary step towards achieving social progress, that has not yet been taken by Greece. In the light of the aforementioned, the GNCHR points out a few matters affecting all the rights examined, such as the restrictions to the scope of the social rights, the dismantling of collective bargaining as a factor exacerbating the violations of social rights and the increasing impediments of individuals whose rights are being violated, to access justice.

Finally, the GNCHR formulates specific observations on the implementation of the European Social Charter and the Additional Protocol of the European Social Charter, that focus mostly on the right to just conditions of

work, the right of men and women workers to equal pay for work of equal value, the right of all workers to a reasonable period of notice for the termination of employment and the right to a fair remuneration. The GNCHR expresses its concern about the inadequate legal framework for ensuring effective judicial protection to victims of discrimination (most of whom are women), the continuous reduction of the (already insufficient) day-care structures for children and dependent persons and the rapid growth of flexible forms of employment. In that content, the GNCHR encourages respect of the right to just conditions of work, and supports the establishment of minimum wage, daily rest periods, safety and health requirements, as well as a minimum of three weeks of annual holiday with pay.

## Other GNCHR Contributions and public Interventions

### Contribution to the Office of the High Commissioner for Human Rights (OHCHR) on the Implementation of Human Rights with regard to Young People (2018)

The GNCHR makes the following contribution to the Office of the United Nations High Commissioner for Human Rights regarding the identification of cases of discrimination against young people in the exercise of their human rights, focusing on the following specific areas: child poverty and right to health, non-discrimination of young workers, young people with disabilities, unaccompanied minors and Human Rights Impact Assessment (HRIA).

As to the first area of interest, it is noted that child poverty creates circumstances that aggravate child health, while, at the same time, it creates obstacles to the access of children to the necessary health services. The

current financial crisis also causes increasing difficulties in children and adolescents' life and development. In this respect, the GNCHR recommends the formulation of a national strategy with distinct components for childhood protection, also securing the essential participation of the Ombudsman for Children's Rights; the constitutional establishment of a guaranteed level of decent living for children; the ratification by the Greek Authorities of the third Optional Protocol to the UN Convention on the Rights of the Child on a communications procedure; the horizontal and intersectoral coordination of the competent services; the introduction of structural changes and institutional measures

in the sectors of Health and Welfare; and the collection of sufficient statistical data by the Greek Authorities in order to evaluate the progress achieved relating to the application of the Convention's provisions.

Moreover, regarding the non-discrimination of young workers, the GNCHR stresses the right of young workers to fair remuneration. It notes that the age-based reduction of the minimum wage is discriminatory, further emphasizing the fact that the minimum wage in itself has drastically declined in the recent years. Lastly, the GNCHR shares its deep concerns regarding the status of "brain drain" caused by the economic crisis in Greece.

As far as young people with disabilities are concerned, young people with health problems or disability present not only a higher risk of poverty or social exclusion, but also an importantly lower participation degree in education and employment as well as in the social and cultural life. Taking into account the problems of implementation of the International Convention on the Rights of Persons with Disabilities, the GNCHR recommends the State to promulgate legislative provisions specifically enabling administrative authorities to take measures for the implementation of Article 33(2-3) of the Convention as well as to take measures in order to render public or private facilities and services accessible to persons with disabilities.

As to the issue of unaccompanied minors, the GNCHR acknowledges as a significant improvement the fact that the legislation regarding the guardianship of minors was amended and now includes all

unaccompanied minors irrespective of prior application for asylum. However, the GNCHR shares the UNHCR doubts as to the practical application of this provision and reiterates its recommendations, which mainly concern the replacement of police detention of alien minors with alternative measures of hospitality and/or protective custody, the appointment of an advisor or a custodian as well as the free access of unaccompanied minors to specialized personnel accompanied by an interpreter and to healthcare, education and housing in accommodation centres.

Lastly, the GNCHR stresses the importance of the settlement of a permanent mechanism that would evaluate and assess the impact of austerity measures -primarily but not exclusively- on both the enjoyment of and access to human rights by all those living on EU territory (Human Rights Impact Assessment, HRIA). Unlike the assessment procedures provided by the Law 4048/2012, the proposed HRIA should guarantee an evidence-based analysis and address the impact of the measures in the light of concrete data. The "cumulative impact" on human rights of the constant implementation of austerity measures and of the non-compliance with the judgments of the national supreme courts as well as the decisions and recommendations issued by national, European and international human rights tribunals and bodies should be conceived as fundamental and autonomous parameters of HRIA. It is worth noting that the HRIA dimension and the close monitoring of the creation of a national HRIA mechanism is explicitly linked with the mandate of the GNCHR after the recent amendment of its founding Law.

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**Submission to the UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Professor Juan Pablo Bohoslavsky: Guidance on human rights impact assessments for economic reform policies (2017)**

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Based on the reports and materials on human rights impact of fiscal consolidation policies with regard to the economic crisis and the austerity measures, submitted to the UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Professor Juan Pablo Bohoslavsky, the GNCHR stresses that it has systematically called upon the EU institutions, the EU member-States as well as the Greek authorities to create a permanent mechanism that would evaluate and assess the impact of austerity measures – primarily but not exclusively – on both the enjoyment of and access to human rights by all those living on EU territory. With regard to recent developments, the EU and UN bodies, such as ILO and ECSR, have also noted that no evidence has been found, especially from the

side of the Government, that a thorough balancing analysis of the effects of the legislative measures has been conducted and no real examination or consideration of possible alternative and less restrictive measures has been taken.

In light of these considerations, the GNCHR still insists on the establishment of a permanent evaluation mechanism, and submits its proposals in relation to content and structure of the human rights impact assessments (HRIA) process, by formulating specific guidelines, principles and key steps. Finally, the GNCHR addresses the amendment of its founding legislation, and the inclusion of the HRIA's provisions, in order to allow the GNCHR to "monitor and address recommendations to the State for the permanent and constant impact assessment of policy measures on human rights".

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**Submission to the OEWG-Ageing (2017)**

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The GNCHR addresses the protection of the rights of older persons in Greece. In its thematic report the GNCHR considers its long-term work on issues pertaining to equality and non discrimination as well as to social rights and the impact of economic crisis and austerity measures on them.

More precisely, in its thematic report the GNCHR develops the following axes: civil and political rights, autonomy and participation, informed consent in healthcare, protection

from violence and abuse, social and economic rights: right to social security and safety and right to work, right to health and care, equality and non-discrimination.

Conclusively, the GNCHR is in favour of adopting an International Convention on Older Persons' Rights. In this regard, the GNCHR welcomes the possibility offered to NHRIs to submit a formal input to the work of the forthcoming Eight Session of the Open-ended Working Group of Ageing.

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**Cultural relativism and austerity measures: threats to human rights and democracy, Intervention delivered by Sophia Koukoulis-Spiliotopoulos, Chair of the Fifth Sub-Commission of the GNCHR for international communication and cooperation (2012)**

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The present text constitutes an analysis regarding the impact of austerity measures on human rights and democracy. Facing the consequences of “unbridled” economic liberalism across Europe, many EU and international bodies have confirmed that many austerity programmes “focused too strongly on expenditure cuts and had negative redistributive effects”.

Since May 2010, due to a deep financial crisis, Greece consists an example of the adverse effects on human rights, particularly disproportionate for women. While seriously affecting human rights including social rights, the austerity measures have moreover proven ineffective, as stressed by the PACE Resolution and its Explanatory Memorandum and the European Committee of Social Rights. The gravity of the situation and the bleakness of the outlook are also deplored by the European Commission.

Women and families are heavily affected, due to the massive loss of employment in the private and public sectors, as well as the wage reductions, and the raise of flexible forms of employment, which do not ensure adequate living standards. The inferior position of women in the labour market (due to matters pertaining pregnancy or maternity) and the widening gender gap are also leading to lower pensions for women. The country has reached unprecedented unemployment and in-work poverty rates, and the situation is constantly worsening.

The GNCHR is sounding the alarm, underlining that the very survival of the European Union is at stake, and calls for an immediate joint

mobilization of all European forces, so that every measure of economic governance be adopted and implemented with due respect for and in a manner that safeguards fundamental civil liberties and social rights.