



GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS (GNCHR)

Observations by the GNCHR on State's draft reply to the list of issues prior to the submission of the combined Eighth and Ninth Periodic Report under the Convention on the Elimination of Discrimination against Women (CEDAW)



April 2023



The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection and the National Human Rights Institution (NHRI). It was established with Law 2667/1998 in accordance with the UN Paris Principles and is governed by Law 4780/2021. Its members are persons appointed by twenty institutions (independent Authorities, third level trade unions, NGOs, universities and research institutions)

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**OBSERVATIONS BY THE GNCHR ON STATE'S DRAFT REPLY TO THE
LIST OF ISSUES PRIOR TO THE SUBMISSION OF THE COMBINED
EIGHTH AND NINTH PERIODIC REPORT UNDER THE CONVENTION
ON THE IMPLEMENTATION OF CEDAW***

INTRODUCTORY REMARKS

1. The Legal Department of the Ministry of Labour and Social Affairs submitted Greece's Draft reply to the list of issues prior to the submission of the third periodic report of Greece on the implementation of the International Convention on the Elimination of Discrimination against Women (CEDAW) to the Greek National Commission for Human Rights (GNCHR), Greece's A status National Human Rights Institution (NHRI). Taking into account the key role that NHRIs play in monitoring the implementation of the measures adopted by the Member States which give effect to the rights recognized by the CEDAW and to the progress made in the enjoyment of those rights,¹ and in accordance with its founding law, the Greek National Commission for Human Rights (GNCHR) submits the following Observations. The GNCHR appreciates the consideration by the State of its prior to List of Issues Report, as well as, its relevant recommendations. In this regard, the GNCHR notes with satisfaction the detailed nature of the Government's Report and its adherence to responding to the List of Issues provided by the Committee. Moreover, the vast amount of statistical data provided must also be commended.
2. However, it must equally be noted that the Report does not respond to some questions posed by the Committee in the List of Issues. While some of the questions left unanswered appear to be of secondary importance, others are definitely a crucial part of the Committee's examination of Greece. General Secretariat for Demography and Family Policy and Gender Equality (GSDFPGE).
3. Last but not least, the GNCHR reminds that in the context of its general duty of monitoring compliance by State with international standards and in view of the GNCHR's responsibility to submit its separate Parallel Report on the List of Issue on the implementation of CEDAW, it maintains its right to formulate its subsequent observations in light of new developments and evidence and to present its positions on the matter of substantive gender equality.

I) IMPACT OF THE PANDEMIC ON WOMEN'S RIGHTS AND GENDER EQUALITY – QUESTION 2 LOIS

4. As the GNCHR has pointed out the pandemic caused an unprecedented health, economic, social and humanitarian crisis, affecting disproportionately the most vulnerable social groups, including Roma, refugees, asylum-seekers and migrants, detainees, persons with disabilities and chronic diseases and LGBTQI+ people. Moreover, women in the above vulnerable categories are particularly exposed to the risk of being subjected to multiple discrimination.

* The present Observations were adopted by the GNCHR plenary on 5.4.2023. Rapporteurs: Prof. Maria Gavouneli, President, Ellie Varchalama, Second Vice-President and the GNCHR Scientific Staff: Dr. Katerina Charokopou and Dr. Anastasia Chalkia. With special thanks to GNCHR Intern Angeliki Konstantara for her contribution.

¹ According its founding legislation (Art. 12(b), (e) and (g) of [Law 4780/2021](#), "*The GNCHR shall in particular: [...] b) Submit recommendations and proposals, carry out studies and deliver an opinion on the adoption of legislative, administrative and other measures which contribute to the improvement of human rights protection, [...], e) monitor and express recommendations to the State for the operation of a reliable and effective system for recording incidents of discrimination, racism and intolerance [...], g) deliver an opinion on reports which the country is to submit to international organisations on related matters, draw up and submit its own independent reports [...]*".

Adding to this condition the impact of the ongoing war on Ukraine, resulting in a gradual transformation of the pre-existing socio-economic environment, the post-pandemic social and economic recovery remains pending. The GNCHR reiterates the need to effectively assess the cumulative impact of both austerity measures and restrictive containment measures to tackle the COVID-19 pandemic, on specific human rights and on specific vulnerable groups, in order to ensure the unhindered enjoyment of rights, as well as, to strike a fair and proportionate balance towards future challenges.

5. Regarding paragraphs 14 and 17 of the State's draft reply, it should be noted that there is a lack of available data on vaccinated refugees, including their sex and vulnerability, during the COVID-19 pandemic and its aftermath.² The authorities of the Reception and Identification Centers (RICs) and the Ministry of Migration and Asylum did not provide any information on when and how many refugees and asylum-seekers were vaccinated. In addition no data were available for those at high risk, including undocumented migrants who did not have temporary Foreigner's Insurance and Health Care Number (PAAYPA or PAMKA). Furthermore, this group includes an unknown percentage of women, some of whom are vulnerable. Restrictions due to the COVID-19 pandemic have also hindered access to reception facilities and official camps on the mainland, preventing NGOs from providing consultation and essential advocacy without obstacles. In this regard, the role of NGOs as it is mentioned in paragraph 19 of the State's draft reply should be closer analysed especially during the lockdown and the restriction measures that characterizes the 3rd waves of COVID-19 pandemic.

6. The GNCHR also highlights, that the measures restricting the movement of residents in RICs were successively extended,³ although lifted for the rest of the population, raising doubts as to the respect of the proportionality principle. In a relevant Press Release, 26 organizations argued that the prolongation of the restriction measures to all accommodation centers was arbitrary and not based on scientific evidence.⁴ Some organizations have even documented deterioration in the mental health of applicants for international protection, while movement restriction hindered their access to vital services (medical, legal, etc.) outside the facilities where they reside. In this regard, refugee and asylum-seeker women have been affected disproportionately because of their sex and alien status, both of which multiplied the equality gap.

7. With regard to paragraphs 15 and 16 of the State's draft reply about the increased domestic violence cases in the time of COVID-19 pandemic, the GNCHR shares the UN and Council of Europe opinion that describes violence and domestic violence against women during the lockdown, as a *shadow pandemic*.⁵ From this point of view, the GNCHR closely

² See relevant [Press Release](#) of the Health Ministry, 8.6.2021 [in Greek]. INFO MIGRANTS, [Greece starts vaccination campaign at facilities for asylum seekers](#), 4.6.2021.

³ The first restrictive measures were imposed on 21.03.2020 and extended to 31.08.2020 by successive Ministerial Decisions. See the latest Joint Ministerial Decision, No. D1a/GP int48940/2020 Government Gazette 3168/B/1-8-2020 *Prolongation of the application of the Joint Decision of the Ministers for the Protection of Citizen, Health and Migration and Asylum, No. D1a/GP int. 20030/21.3.2020, "Adoption of measures against the manifestation and spread of coronavirus COVID-19 in the Reception and Identification Centres, to the entire Territory, for the period from 21.3.2020 to 21.4.2020" (B' 985), up to and including 31.8.2020.*

⁴ Specifically, they highlight that "in any event, for the purpose of restricting the freedom of movement of the residents in the accommodation centers in question, public health reasons cannot be invoked, as this would not be based on any scientific basis". In fact, they note that in some cases the measures violate the EU Directive on the conditions for the reception of applicants (2013/33, Article 8 concerning detention). [Press Release](#) [in Greek]: Organizations in Greece, as well as national and international health organizations, warn: Discrimination does not protect against Covid-19, 17.7.2020.

⁵ UN [Women](#), Council of Europe, [News](#) 2020.

monitoring the Greek Government's series of measures in response to the pandemic,⁶ it has observed with great concern that they had in many cases established an atypical "*emergency law*".⁷ More specifically, the GNCHR cannot but highlight that most of the measures adopted, were in form of Acts of Legislative Content (expedited legislative process), whose implementation was further specified through Joint Ministerial Decisions and Circulars, that particularly affected the enjoyment of women's fundamental rights notably their freedom of movement. In accordance to official figures, the number of complaints on SOS helpline was almost quadrupled during the first phase of the pandemic. Special emphasis has put the GNCHR on the impact of the emergency measures on domestic violence in case of vulnerable categories of women, including migrants and refugees, Roma people, women with disabilities and LGBTQI+ who, as above emphasized, are under threat as victims of multiple discrimination. At the same time, the GNCHR calls upon the State to provide any reliable disaggregated data per group of vulnerable women who have reached the SOS 15900 helpline, if there are available or else to start collecting such data.

II) CONSTITUTIONAL, LEGISLATIVE AND PUBLIC POLICY FRAMEWORK – QUESTION 3 LOIS

8. The GNCHR notes with satisfaction that in paragraph 24 the State's draft reply about law 4604/2019. Although the law refers to sexual orientation and gender identity, it excludes both gender characteristics and non-binary persons. Therefore, where the law refers to gender identity, it should make also reference to gender characteristics in order to be in line with equal treatment legislation. In addition, the law contains provisions with reference only to men and women, which automatically excludes persons who choose not to self-identify or they are non-binary or intersex. In this respect, the Decision 67/2018 of the Magistrate's Court of Maroussi district has recognized, in case of a non-binary person, the right to change its identity documents, so that it can be identified by the name his family and social environment call him. Overall, despite the fact, that the law promotes positive measures in favour of equality, it encompasses ambiguous restrictions, which could have been clearly avoided.

9. In relation to paragraph 26 of the State's draft reply the GNCHR notes with concern that while Law 4358/2018 provides for the right of same-sex couples in a civil partnership to be foster parents, they do not enjoy the right to marriage and to adoption or to parenthood on children born during the civil partnership.⁸ The GNCHR calls upon the competent State authority to revise the legislative framework in order for the LGBTQI+ people to enjoy the right to marriage in its full extent (egg. marital benefits, allowances, parental leave, child custody and parental care, childbirth, retirement, inheritance and other tax issues).⁹

⁶ GNCHR [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020, 12 June 2020, GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

⁷ ENNHRI's [annual report on the Rule of Law situation in EU Member States](#), March 2021, p. 186.

⁸ GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTQI +, 25 June 2021 [in Greek], p. 10.

⁹ GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTQI +, 25 June 2021 [in Greek], p. 11.

10. Pertaining to paragraph 27 of the State's draft reply, the GNCHR recognizes the adoption of Law 4491/2017 on legal gender recognition as a significant step to this direction. Nonetheless, the GNCHR considers it necessary to reiterate the urgent need for the full and effective implementation of human rights of LGBTIQ+ people. It is disappointing that after five (5) years of the law implementation, the court procedure remains the major obstacle, which nullifies the enjoyment of this right. The procedure should be administrative and out of court. Additionally the requirement of the personal presence of the person requesting the change of its registered gender and name (whereas the previous provision stipulated that the procedure could be conducted only by the attorney), despite the constant recommendations made by the GNCHR, constitutes another barrier in accessing the procedure. The same applies to the requirement for the procedure to be conducted in a private office without publicity which is most often not met. The GNCHR must also highlight, that the legislation in force is not in line with the Council of Europe standards,¹⁰ which demand quick, transparent and accessible, based on self-determination, procedures for all people who seek to access them, irrespective of age, medical status, financial situation or police record. Finally, the GNCHR recommends once again the competent authorities to remove any restrictions towards the rights of transgender, Trans people and non-binary persons, who are applicants for international protection pursuant to case-law.¹¹ Above all, this remains a constant and fair request of the LGBTIQ+ community.¹²

11. In paragraph 28 of the State's draft reply the single use of the term "characteristics" without the term "sex" is incorrect and it should be added, since the proper term is "sex characteristics". The same applies equally to paragraphs 39 and 75 of the State's draft reply.

12. Likewise, the GNCHR recommends in paragraph (28) of the draft State's reply, that the State adds a reference to the new Law 5023/2023, which shall extend the principle of equality and non-discrimination for persons with disabilities, apart from the work and employment sector, to more socio-political fields.

13. As far as paragraph 30 of the draft State's reply is concerned, the question raised is, when the National Action Plan on Women, Peace and Security is going to be adopted, as the public consultation at the OpenGov web-platform took place in May 2021 and almost two years after this National Action Plan has not been adopted yet.

14. In relation to paragraph 37 of the draft State's reply, the GNCHR expresses its deep disappointment with regard to the failure of the competent State authorities to proceed to all necessary steps to essentially implement the regulatory framework on State compensation to women victims of violent intentional crimes and to establish minimum standards on their rights, support and protection in accordance with the victim's Directive (2004/80/EU) transposed by Law 3811/2009 into national law. According to the data collecting by the Observatory of Gender Equality for the period 2006-2021, from a total of seven (7) applications for State compensation submitted by female victims of domestic violence to the Hellenic Compensation Authority, zero rate of compensation has been paid yet.¹³ The low rates of crime reporting, the significant low number of compensation claims by victims up to

¹⁰ Council of Europe [Resolution 2048 \(2015\)](#), Discrimination against transgender people in Europe.

¹¹ GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTIQ+, 25 June 2021 [in Greek], Council of Europe, [A short guide to legal gender recognition](#), November 2015; ECtHR, *Schlumpf v. Switzerland*, [appl. No 29002/06] 5.06.2009.

¹² [Greek Transgender Association](#) Contribution to the GNCHR Report, February 2023.

¹³ See the [3rd Annual Report](#) on Violence Against Women of the GSDFPGE, 2022, p. 130 [in Greek].

date and the zero rate of compensation,¹⁴ despite the fact, that the respective rules apply since a considerable time period in the Greek legal system, lead to the conclusion that there is not an essential implementation in practice towards a fair and appropriate compensation scheme for victims of violent crimes.

III) WOMEN'S ACCESS TO JUSTICE – QUESTIONS 4-5 LoIs

15. With regard to the State's draft reply to paragraphs 41-51 concerning women's access to justice, the GNCHR stresses with concern that the Report does not respond to the Committee's request for "*information about judgments in which the provisions of the Convention were applied, invoked and/or referred to directly, and efforts made to interpret national legislation in line with the Convention*". Moreover, the Committee's request for information on steps taken "*to train legal professionals, including the judiciary, ethnic communities and religious leaders on the Convention and the Committee's general recommendations*" is also left unanswered. The same applies to the Committee's question whether free legal aid to women is essentially implemented in practice.

16. Concerning free legal aid in criminal cases, the GNCHR reiterates with regret that,¹⁵ despite the recent amendment of the legal aid system by Law 4596/2019, which revised Law 3226/2004, the procedure remains unapplicable in most cases not only at legislative level but also at implementation level.¹⁶

17. In discrimination cases, the GNCHR observes that the procedural role of associations, organisations or other legal entities, does not go beyond the minimum requirements under Article 7, paragraph 2 of Directive 2000/43.¹⁷ It must be stressed that the condition of power of attorney for supporting persons who are victims of discrimination is far more restrictive than the "*consent*" requirement provided for by Article 7, paragraph 2 of Directive 2000/43. Considering the case of vulnerable categories of women victims of discrimination, this condition may have a negative impact on the possibility of their representation by NGOs. Furthermore, legal entities are required to have as a constitutive aim to uphold anti-discrimination. This prerequisite also may limit the scope of civil society organizations which may represent discrimination victims. It must be noted that support by the NGOs is of crucial importance since they are the best-informed part of civil society in the field of developments in the anti-discrimination legislation. Any legal entity, association, union or group of persons may submit a complaint to the Greek Ombudsman. Associations and organizations that have legal personality may participate in court proceedings. According to the Hellenic League of Human Rights Annual Report, civil society organizations and agencies are engaged in "*strong anti-discrimination and pro-integration activity*".

18. Free and easily accessible legal counselling to women who are victims of violence remains a major challenge in Greece. Although the State alleges that free legal aid is provided to women victims of violence in accordance with the current relevant Action Plans,¹⁸ there is still a lot to be done in order to ensure the actual and efficient legal protection of women. The

¹⁴ See the [3rd Annual Report](#) on Violence Against Women of the GSDFPGE, 2022, p. 130 [in Greek].

¹⁵ [GNCHR Observations by the GNCHR](#) on State's draft reply to the list of issues prior to the submission of the third periodic report of Greece on the implementation of the ICCPR, March 2023, p. 23-24.

¹⁶ See [Observatory for Legal Aid in Greece](#), Hellenic League for Human Rights.

¹⁷ European Union Agency for Fundamental Rights, [Report](#), Access to justice in Europe: an overview of challenges and opportunities, 23 March 2011, p. 9.

¹⁸ General Secretariat for Demography and Family Policy and Gender Equality, [3rd Annual Report on Violence Against Women](#), Athens, November 2022 [in Greek].

significant need for legal counselling for women victims of violence is, among others, indicated in the recent Annual Reports on Violence Against Women. As recorded by the SOS 15900 Helpline, 2.127 almost equally 38% of all women's requests from November 2020 to September 2021 and 2.559 almost equally 29,7% of all women requests from November 2021 to September 2022, concerned the provision of legal advice and support.¹⁹ It is specifically observed that women victims and, especially women refugees, are often hesitant about reporting incidents of domestic violence to the police authorities due to obstacles posed by the current legal and institutional framework.²⁰ The GNCHR highlights the imperative need for the provision of systematic social, psychological and legal support to women victims belonging to vulnerable groups and calls upon the competent authorities to establish and implement a stable and coordinated framework of legal consulting and protection targeted to women victims in accordance with the Istanbul Convention.²¹

19. The GNCHR recommends that the reply of the State should include a reference to the new Law 5023/2023 regarding the access to legal aid for persons with disabilities, as well as, the fact that data disaggregated by disability are currently not available.

20. Pertaining to paragraph 50 of the draft State's reply, the GNCHR points out that the terms *sexual orientation*, *sexual identity* and *sex characteristics* should be added to the Presidential Decree 80/2022 on the codification of the Individual Labor Law in order to be in line with the minimum national, European and international human rights standards towards the protection of gender equality and identity and of sex characteristics.

21. In relation to the Committee's question about the measures taken to facilitate reporting of cases of gender-based violence against women and girls, the GNCHR stresses that there is a need to enhance a gendered understanding of violence against women in the context of effective investigation of violations conducted. Notwithstanding the measures taken to facilitate reporting, the GNCHR would like to highlight that in practice there are still multiple phenomena of underreporting or of dual reporting.²² With regard to the latter, victims are frequently, at the same time, charged, by the perpetrator, for committing the offense of insult, false accusations or other trivial offences, which are considered to be of equal value with the alleged crime (of which they are victims), thus dissuading many victims from reporting domestic violence.

IV) TEMPORARY SPECIAL MEASURES - QUESTION 7 LOIs

22. In respect of paragraph 66 of the draft State's reply regarding Law 4276/2020 about the implementation of the gender quota of at least 25% on company boards, it lacks clarity on

¹⁹ Ministry of Labour and Social Affairs, General Secretariat for Demography and Family Policy and Gender Equality (GSDFPGE), [2nd Annual Report on Violence against Women](#), Athens, November 2021, p. 109, and [3rd Annual Report on Violence Against Women](#), Athens, November 2022, p. 140 [in Greek].

²⁰ Foteini Milioni, 'Legal Consulting and gender-based violence' *Crime times*, 20.12.2022.

²¹ CRPD, Concluding observations on the initial report of Greece, 29 October 2019, [CRPD/C/GRC/CO/1](#), par. 19-20, CEDAW, Concluding observations on the seventh periodic report of Greece adopted by the Committee at its fifty fourth session (11 February – 1 March 2013), 26 March 2013, [CEDAW/C/GRC/CO/7](#), par. 34-35.

²² [GNCHR Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD) of the International Convention on the Elimination of All Forms of Racial Discrimination, July 2021, p. 6 and 22.

how it is monitored by the relevant authorities or if any mechanisms are in place to track changes in board gender composition. Furthermore, on the composition of the Board of Directors of Sports Associations/Clubs, which stipulates that the number of candidates from each gender/sex must be at least equal to 1/3 of the number of vacant seats for election, including the seat of Chair/Head of the Board, it has so far proved a dead letter, since the list of candidates has never included a trans person. So, it raises here the question whether there is any data regarding the essential implementation of those provisions of Law 4276/2020.

23. Concerning paragraph 67 of the draft State's reply, in the period preceding the previous national, regional and municipal elections, the General Secretariat for Gender Equality had indeed launched awareness-raising campaigns and training seminars on "gender", but without referring to gender expression, identity, characteristics and sexual orientation, namely LGBTQI+ femininity, in general. It should be here also highlighted that there is no reference to women with disabilities.

24. Paragraph 68 of the draft State's reply makes reference to "*the Special Employer Support Program for the recruitment of 2.000 unemployed Persons with Disabilities (PWD), Former Drug Addicts, Released Prisoners, Young Offenders or Young Persons at social risk, Women Victims of gender-based violence, Victims of domestic violence and Transgender People as well as the grant program for the Ergonomic Design of the Workplace for 50 Persons with Disabilities (PWD)*", where transgender/trans people were included for the first time among other vulnerable groups. This was in June 2021, following No 42632/22-06-2021 Ministerial Decision, published in Government Gazette 2711/B'/24-06-2021 (and not in November as wrongly indicated). In addition, the same paragraph refers to transgender/trans people as "*transsexuals*". This is a term nowhere to be found in our legal culture, an unwelcome, incorrect and stigmatising term, linking the trans status to the (biological/anatomical) sex, while transgender dimension is linked to one person's (social sex) gender. This is why the term "*transgender*" is adopted internationally by the Trans community.

V) STEREOTYPES AND HARMFUL PRACTICES - QUESTION 8 LOIS

25. Pertaining to paragraphs 77, 78 & 79 of the State's draft reply, the GNCHR welcomes the two Decisions (5/2021 & 210/2021) among 37 of the Assembly of the National Council for Radio and Television that imposed measures against an entertainment website due to a poor quality TV programme and against a TV station due to also a program of poor quality, both containing an insult to human dignity and at the same time encouraging discrimination based on gender [...] and violation of legislation regarding gender equality and gender stereotypes, respectively.²³ Greek TV programming often reinforces gender stereotypes by repeatedly airing TV series that were produced 20 years ago and which no longer align with current standards of gender equality. These shows often depict patriarchal attitudes and stereotypes, and sometimes even portray violence against women (such as slapping) as acceptable and normal. To address this issue, the National Council for Radio and Television could implement specific measures, such as a gender equality mark or a warning sign indicating that these shows do not align with current standards of gender equality. By taking such steps, the National Council can be a key site to raise awareness about gender equality and shift rigid gender norms and stereotypes, encouraging broadcasters to make more conscious choices

²³ National Council for Radio and Television, [Annual Report 2021](#), p. 7 and 11 [in Greek].

about the programs they choose to air, so to avoid the risk of regressing and undoing any progress that has been made so far.²⁴

26. As regards paragraph 80 of the draft State's reply, the GNCHR acknowledges that through Capacity Building Workshops that have been included in all kindergartens, primary and secondary schools, sex education has indeed become part of the school curricula, as early as the school year 2021-2022 (and already piloted from 2020-2021), however without including topics that directly speak of sexual orientation, gender expression, identity and sex characteristics.²⁵

27. In Paragraph 83 of the draft State's reply, the GNCHR indicates further that each school unit may cooperate with bodies and relevant Stakeholders active in the field, in order to carry out a variety of awareness-raising activities on issues of gender discrimination (e.g. student visits to the General Secretariat for Demography and Family Policy and Gender Equality, Implementation of an awareness-raising program in cooperation with non-governmental organizations, etc.).

Pertaining to paragraph 88 of the draft State's reply, the GNCHR notes that efforts to address forced marriage in the Roma community must be culturally sensitive and take into account the unique needs and perspectives of this community. This can include equal access to education and support to Roma girls and women through engaging with Roma community, and at the same time working to challenge the social and cultural norms that perpetuate forced or early marriage.²⁶ In this regard, while the good practice of "*ROMplat 2019*" Project run by a civil society organization was an important step towards addressing forced marriage in the Roma community, it is not enough on its own. Long-term policies are required to effectively deal with the root causes of early and forced marriages, as well as the issue of Roma girls dropping out of school because of their being married or their maternity. Such policies must be aimed at creating a sustainable impact and empowering Roma girls and women to make informed choices regarding their education and future. Finally, the GNCHR reminds once again with particular concern the ECtHR judgments against Greece regarding the segregation of Roma children, which recognised that the placement of Roma children in special classes located in an annex of the main school building amounted to discrimination,²⁷ and illustrates the need to take immediate action in order to combat antigypsyism and secure

small shops, including coffee shops, bars, mini markets, and bakeries, in various local

²⁴ See NAPs for the *Rights of Persons with Disabilities* (2020), the *Rights of the Child* (2021), for *Gender Equality* (2021), as well as, the *National Strategy and Action Plan for the Social Inclusion of Roma* (2021) and the *National Strategy for LGBTQ+ Equality* (2021). See also GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027, 8 March 2021 [in Greek].

²⁵ See [GNCHR Observations by the GNCHR](#) on State's draft reply to the list of issues prior to the submission of the third periodic report of Greece on the implementation of the ICCPR, March 2023, p. 20-21, [GNCHR Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD) of the International Convention on the Elimination of All Forms of Racial Discrimination, July 2021, p. 69-74, [GNCHR Written Responses to the List of issues in relation to the combined fourth to sixth periodic reports of Greece to the UN Committee on the Rights of the Child](#), December 2021, p. 22-25.

²⁶ HELLAN PASSE, Memo to the GNCHR, has stressed the great importance for Roma women, who often quit school to enter into an early marriage and childbirth to attend second chance schools along with their children, 2.10.2020. See also [GNCHR - Information relevant to the implementation of the Convention on the Elimination of all forms of Discrimination against Women](#) – CEDAW, October 2020.

²⁷ ECtHR, *Sampanis and Others v. Greece* [No. 32526/05], 5.6.2008.

communities throughout the country and the job advertisements printed or online that contain language indicating gender bias, such as the widely seen phrase "*we are hiring girls*". The UN WOMEN has compiled valuable guidance on how to create vacancy announcements that are inclusive and attract a more diverse pool of candidates, consistent with the organization's principles of equality and diversity.²⁸

VI) GENDER-BASED VIOLENCE AGAINST WOMEN – QUESTIONS 9-10 LOIs

28. With regard to paragraph 93 of the draft State's reply, the GNCHR recognizes the developments in the legislative framework concerning the criminalization of revenge porn (Article 346 Penal Code). However, in practice the use of the term "*pornography*" is limitative compared to the term "*image-based sexual abuse*" which is wider.²⁹ In addition, the term "*pornograph*" does not emphasise the non-consensual nature of the practices. The concept of "*revenge porn*" does not cover all non-consensual image or video sharing, because not all perpetrators are necessarily motivated by revenge. The relevant provision focuses only on a specific motive of the perpetrator, which might be predominant but not the only one. Non-consensual taking, producing or procuring of intimate images or videos (such as acts of "upskirting") are not covered by the law.

29. In light of the above mentioned, the GNCHR considers extremely necessary the establishment and operation of designated institutions as rape crisis centres or sexual violence referral centres. The role of providing emergency medical/forensic services to victims of sexual violence (a role that primarily falls under the remit of a sexual violence referral centre) falls to the local Forensic Services, which are run by the State and fall under the jurisdiction of the Ministry of Justice (Article 26 para 2 of Presidential Decree 96/2017). Moreover, the local Forensic Services appear not to be equally and sufficiently dispersed throughout the country. Specifically, apart from the Athens Forensic Service, there are other 13 local Forensic Services (Article 26 para 2 of Presidential Decree 96/2017), which, despite being geographically dispersed, they do not cover all areas of Greek territory. Outside Athens, there exists only one (1) Forensic Service for each Region, with the Region of the North Aegean having none. The GNCHR had the opportunity, during an evaluation visit to Greece of the delegation of the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) on 21 February 2023, to inform the Group of Experts about the admittedly problematic procedures that rape victims face across the country.³⁰

30. Regarding paragraph 104 of the draft State's reply, it should be highlighted the following point: "*Gender-based hate-motivated violence targets individuals or groups (associations) due to their actual or perceived gender*". At the same time it should be noted that the terms "*actual or perceived gender*", are inaccurate. They must be replaced by the terms "*biological/anatomical sex or social sex/gender*".

31. With reference to paragraph 109 of the draft State's reply, it should be further noted that no Trans person has ever participated in the National Council for Gender Equality, although

²⁸ UNWOMEN, [Guidance on Creating Inclusive Vacancy Announcements: Good Practice Examples from the UN](#), May 2022.

²⁹ See, [GREVIO, 1st General Recommendation on the digital dimension of violence against women](#), October 2021.

³⁰ The visit in the GNCHR premises on 21 February 2023 was one of the steps in the procedure to monitor the implementation by Greece of the Council of Europe *Convention on preventing and combating violence against women and domestic violence* (Istanbul Convention).

Article 9(2)(g) of Law 4604/2019 indicates that: “*the National Council for Gender Equality consists of 13 members, including three (3) persons of recognised standing and experience in the field of gender equality and gender-based violence*”. Furthermore, it is remarkable that the Greek Transgender Support Association (hereinafter SYD), the only transgender organization recognised by the State in Gr, has never been invited to attend or to participate in a meeting of the National Council for Gender Equality, despite the opposite wording of Article 9(4) of Law 4604/2019, which states that: “*Executives and representatives of central, regional and local services and bodies, representatives of departments for gender equality or of workers' and employers' organizations in general and of professional chambers, as well as, academics, experts, scientists, persons from Greece or from abroad, with recognized standing and expertise in gender equality and specific gender issues (gender violence, gender mainstreaming, etc.)*”.

32. With regard to paragraph 114 of the draft State's reply, it is mentioned that the *National Action Plan on Gender Equality 2021-2025* gives priority to preventing and combating gender-based violence and includes measures relating to the implementation of the Istanbul Convention. The GNCHR deems necessary for relevant initiatives to be here indicated, with a view to gender expression, identity and characteristics.

33. Although paragraph 115 of the draft State's reply refers to gender and sexual orientation, there is no reference to gender identity and sex characteristics, which should be also included.

34. In relation to paragraph 118 of the draft State's reply, the GNCHR would further like to share that in the references to non-State support structures, there is not a single LGBTIQ+ organization indicated.

35. With respect to paragraph 122 of the draft State's reply, the Observatory on Gender Equality, apart from not involving the participation of any Trans person, has never provided any data on incidents of gender-based violence against transgender people. Moreover, given that women and children with disabilities face frequently domestic or sexual violence and abuse, which endanger their physical and mental integrity, it should be at this point highlighted that there is no information provided in the State's reply about the measures taken so far to “*increase the accessibility of shelters for women with disabilities and on the legal and psychosocial counselling available to them.*”

36. Last but not least, the GNCHR, bearing in mind the importance of statistical data collection and how challenging this is in case of gender-based violence against women, urges the State authorities to start immediately collecting and providing reliable disaggregated data per group of vulnerable women (Roma, disabled women, migrants, refugees, LGBTIQ people etc). For example, in the *Annual Report on Domestic Violence Departments of the Greek Police*,³¹ the data available are only classified by gender, age and nationality, while in the *2nd and 3rd Annual Report on Violence Against Women* of the GSDFPGE,³² there are single references on the dimension of vulnerability, yet without percentage indicators per group of vulnerable women. The poor data proves a data analysis from Women's Shelters in a reference period from November 2021 to September 2022 with regard to multiple discriminations incidents reported by the hosted women, from which 78.9% cited their unemployment status as discrimination, 18.1% their refugee status and 8.2% the migratory status. In addition, 8.5% of

³¹ See the website of the Hellenic Police, [Domestic Violence Services](#) the 2 Annual Reports.

³² [2nd Annual Report](#) on Violence Against Women of the GSDFPGE, 2021 and [3rd Annual Report](#) on Violence Against Women of the GSDFPGE, 2022.

the hosted women stated single parenthood as discrimination reason.³³ Another 2.2% of these women stated that they were discriminated due to their disability and 0.7% because they were Roma. The lack of such data constitutes, among others, a major obstacle to all levels, preventing, addressing and effectively combating the crime in practice.

VII) TRAFFICKING AND EXPLOITATION OF PROSTITUTION – QUESTIONS 11-12 LOIS

37. Following the Committee's request (question 11) for information on "*the progress made in the investigation into the whereabouts of over 500 girls and boys, mostly Albanian Roma, forced to beg in the streets, who had been rounded up by the police in Athens prior to the 2004 Olympic Games and had disappeared from Agia Varvara, a State-run care home*", the GNCHR notes that there is no relevant respond in the State's draft reply. While this may seem like a more trivial request, it is the only incident to be mentioned directly by the Committee in its List of Issues, and it therefore appears to be important for the Committee.

38. Taking into account the Committee's request (question 11) for information on international cooperation initiatives taken by Greece in order to protect the rights of migrant and/or trafficked women, there is no relevant respond in the State's draft reply. More specifically, the Report leaves the Committee's request for information on "*efforts undertaken to cooperate with countries of origin of trafficking in women and girls in identifying and combating the root causes of trafficking, including low socioeconomic status, poverty and armed conflict*", unanswered.

39. In relation to paragraph 118 of the draft State's reply, and with regard to the issue of trafficking and exploitation for prostitution, the GNCHR notes that the measures taken to monitor and combat these phenomena, including the National Referral Mechanism (NRM) and the establishment of the Special Secretariat for the Protection of Unaccompanied Minors, are in the right direction. When it comes to the institutional framework relevant for combating trafficking, the GNCHR welcomes the recent amendments of the Criminal Code (hereinafter CC) introduced by Law 4619/2019 and Law 4855/2021 towards the punishment for different forms of THB, while pointing out that they reflect GRETA's previous recommendations. GRETA considers that the Greek authorities should take further steps to bring Article 323A of the CC fully in line with the definition of THB in the Council of Europe *Convention on Action against Trafficking in Human Beings* by explicitly stating the irrelevance of the consent of a victim of trafficking to the intended exploitation, when any of the means are used.³⁴

40. As far as the identification process of THB victims is concerned pertaining to paragraphs 123 and 124 of the draft State's reply, the GNCHR shares GRETA's recommendations too and calls upon the competent authorities to take steps to improve the identification of victims of THB, and in particular to ensure that the identification of victims of THB does not depend on the presumed victim's complaint (statement) and co-operation in the investigation or criminal proceedings, by amending the relevant legislation. To this end, the GNCHR recommends that the State authorities make use of the expertise of relevant organisations and entities, such as specialised NGOs, psychologists, health-care staff and labour inspectors during the identification procedure. The GNCHR reiterates the need to ensure that the process of granting the status of victim of trafficking is completed without undue delay. In case of the identification of victims of trafficking for the purpose of labour exploitation, it is of great

³³ 3rd Annual Report on Violence Against Women of the GSDFPGE, 2022, p. 147 [in Greek].

³⁴ GRETA, [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece](#), published 23 March 2023, p. 46, 47, 63.

importance i) to pursue a proactive approach by encouraging regular and co-ordinated inspections in the sectors most at risk, and ii) to ensure that qualified interpreters are available whenever presumed victims of trafficking are interviewed in the context of the victim identification procedure, and that the costs of interpretation are covered by the authorities.³⁵

41. Further, the GNCHR considers that the Greek authorities should continue paying particular attention to detecting victims of THB among migrants and asylum seekers in reception centers and persons detained as irregular migrants, and provide continuous training to all staff who come into contact with such persons.³⁶

42. Pertaining to paragraph 126, point c) of the draft State's reply, there is no reference to LGBTIQ people, victims of trafficking, as a particular vulnerable category of victims.

43. In addition, in paragraph 127 of the draft State's reply, there is an absence of comprehensive and disaggregated data of the National Referral Mechanism and the Hellenic Police on LGBTIQ people, victims of trafficking.

44. With regard to paragraph 139, point 12 of the draft State's reply, the GNCHR notes that Law 2734/1999 does not include the term "*prostitution*" as it only refers to "*persons engaging in sexual services in exchange for payment*", so the latter should be replaced by the pertinent term "*sex workers*". In this context, the GNCHR further notes that the small Working Group set up for that purpose, was lacking a sufficient number of expertized research personnel, as five out of nine WG members were police officers and consultants of the Minister of Civil Protection. Of utmost importance is the fact that in the framework of the Working Group, there has been no clear distinction between "*sex work*" and "*trafficking*". "*Sex work*", should be, under no circumstances, regarded *a priori* as a form of human trafficking, and thus be criminalized. On the contrary, criminalization of "*sex work*" impedes combating trafficking, since the persons involved in such activities hesitate in practice to report human trafficking. At the same time, the GNCHR would like to highlight that every form of coercion, threat or other illegal criminal activities violating legal principles and human dignity shall be addressed in accordance with criminal law. Victims of human trafficking are entitled to protection, irrespective of gender, sexual orientation or identity, prior work, cooperation with the competent authorities on relevant cases.

VII) PARTICIPATION IN POLITICAL AND PUBLIC LIFE – QUESTIONS 13 LOIs

45. Pertaining to paragraph 144 of the draft State's reply, the GNCHR appreciates that gradually quotas on participation of women in political and public life raised. In particular, the Law 4555/2018 on the *Reform of the Local Government institutional framework* raised gender quota on the total number of candidate regional, municipal and community counselors from

³⁵ GRETA, [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece](#), published 23 March 2023, p. 58-60, [GNCHR submission](#) to the UN CAT on the List of Issues Prior to Reporting for the Eighth periodic examination of Greece under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, February 2022, p. 15-19, 33-34 and 43-44 and [GNCHR Communication](#) on the assessment of the level of compliance of the Greek State with GNCHR's recommendations on ECtHR judgment *Chowdury and Others v. Greece (Manolada-case)* 5 June 2020, p. 12-25.

³⁶ [GNCHR submission](#) to the UN CAT on the List of Issues Prior to Reporting for the Eighth periodic examination of Greece under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, February 2022, p. 16, 22, 32 and 36, GNCHR Information relevant to the implementation of the Convention against Torture - Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019, p.50, 63 and 68-70.

33% to 40%. Further, the Law 4604/2019 on the *Promotion of the Substantive Gender Equality* increased the existing gender quota for parliamentary elections also from at least 33% to at least 40% of the total number of candidates. Most recently, the Law 4706/2020 on *Corporate Governance of Public Limited Companies, modern capital market, incorporation into the Greek legislation of Directive (EU) 2017/828, measures for the implementation of Regulation (EU) 2017/1131* introduced a 25% quota for the representation of women in administrative boards of listed companies in the Athens Stock Exchange.³⁷ The Law 4276/2020 *Reforming the institutional framework of the nominations in sports bodies, distinguished escorts for disabled athletes, establishment of a National Platform for Athletic Integrity, Hellenic Olympic Committee (EOC), Hellenic Paralympic Committee (EPA) and other provisions* also adopted a positive quota with a view to the balanced participation of men and women in the administrations of sports clubs.³⁸ It is here worth mentioning, that the Greek Parliament elected in 2020 the first female President of the Hellenic Republic, while both Presidents of the Supreme Court and the Council of State are women. Nevertheless, implementation lags behind, as the *UN WG on discrimination against women and girls* also noted after its visit in Greece in April 2019.³⁹ A key challenge that impedes progress is the lack of available and reliable data and strong monitoring capacity.⁴⁰ According to the statistics of the *Observatory of the General Secretariat for Demography and Family Policy and Gender Equality*, women's empowerment in Greece both in the public and private sector is disappointing.⁴¹ Despite the positive developments in the field of gender equality, among which the important adoption of Law 4604/2019 on *Substantive Gender Equality*, unfortunately, Greece ranks, also in year 2022, last in the EU on the Gender Equality Index,⁴² with the lowest scores in relation to women in power.⁴³ The GNCHR deplores the fact that women are still under-represented in all major political offices (the Cabinet, the Parliament and the Municipal and Regional Councils), irrespective of the applicable 1/3 gender quota referring to the total number of candidates for election and not the elected ones. In the private sector only 9% of board members of the largest publicly listed companies are women, even though investing in economic empowerment of women could yield higher development returns in the achievement of sustainable development goals such as gender equality (Goal 5).

46. In paragraph 145 of the draft State's reply, the general measures outlined in past and present Gender Equality Action Plans require more specific elaboration, including measurable

³⁷ [European network of legal experts in gender equality and non-discrimination](#), Flash Report, Panagiota Petroglou, September 2020.

³⁸ Article 2: "General Assembly of a sports club - Nominations - Amendment of article 5 of Law 2725/1999" includes in paragraph 5 the following wording: "*The number of candidates of each sex must be at least equal to one third (1/3) of the number of seats to be elected, including that of the president. If during the calculation made on the basis of the above-mentioned fraction a decimal number appears, it is rounded to the next whole unit*".

³⁹ UN Human Rights Council, Visit to Greece: [Report](#) of the Working Group on discrimination against women and girls, A/HRC/44/51/Add.1, April 2019.

⁴⁰ UN Human Rights Council, Visit to Greece: [Report](#) of the Working Group on discrimination against women and girls, A/HRC/44/51/Add.1, April 2019. The WG experts are concerned that there is uneven coordination of support services for victims of the various forms of gender-based violence, as well as programmes for perpetrators.

⁴¹ See [Observatory of the General Secretariat for Gender Equality 19th e-bulletin - Female Unemployment](#), 2019-04-01.

⁴² EIGE, Gender Equality Index, [Comparing scores in 2022 edition](#)

⁴³ EIGE, [Index score for Greece for 2022](#) is 53,4%, whereas the average score in EU countries is 68.6%. Greece's score in the [domain of power](#) is 28.8%.

objectives, so to ensure that companies are held accountable for their progress towards gender equality.

47. In paragraph 146 of the draft State's reply and with regard to the data presented on Table 29, it should be taken under consideration a tool that EIGE⁴⁴ has introduced, which helps to identify where parliaments stand on their way to gender equality and proposes steps for every parliament to improve. Greece has an overall score 57.5, whereas it is indicative that the score regarding AREA 1: Women and men have equal opportunities to enter the parliament is 41.0 and AREA 3: Women's interests and concern have adequate SPACE on parliamentary agenda is 33.3.⁴⁵ Women are very largely absent from the Greek political life and the Greek government as it revealed from its current composition (Annex, Table 29). The fact that women are underrepresented in the upper echelons of the Greek government is further highlighted by the disproportionate number of women in top-level positions, such as ministers, where only 2 out of 21 positions are held by women (representing 10.5% of women), compared to General Secretaries, where 12 out of 53 positions are held by women (representing 29.9% of women). The situation is equally disheartening at the local level. In the 2019 Municipal and Regional elections, out of a total of 332 municipalities, only 13 female mayors were elected in regions, and there was only one woman who became a District Governor.

48. Considering the aforementioned circumstances and in relation to the paragraph 151 of the draft State's reply, women belonging to minority groups, such as the Roma community or disabled women, encounter significant barriers when attempting to enter political life. Up to date no Roma woman has been elected to the Greek parliament or appointed to positions in the Greek government, indicating a stark lack of opportunities for these women to participate in decision-making processes. At the same time there are only a few examples of women with disabilities, who were elected to the Greek parliament, but there is no specific initiative so far to promote or to encourage their active participation in political life. In this regard it should be highlighted that political participation of women with disabilities is more limited compared to that of men with disabilities. Moreover, although the NAP for Gender Equality includes a pillar regarding the political participation of women in political and public life, no action focusing on women with disabilities is included. The same applies with regard to the NAP on the Rights of People with Disabilities, which does not provide for measures concerning the participation of women with disabilities in political and public life. Therefore, including actions to increase the number of women's representation in politics within a Gender Equality Strategy, is now of the utmost importance.⁴⁶ Moreover, in light of the above observations, the GNCHR is of the opinion that the upcoming national elections offer an ideal opportunity to promote the participation of capable women as voters and candidates in the Greek Parliament. Besides, as indicated by the EU Gender Equality Strategy 2020-2025, equal opportunity in participation is essential for representative democracy at all levels, national, local, regional and European.

49. In relation to paragraph 150 of the draft State's reply, the GNCHR recognizes the positive effects of the Project "*Gender Public Debate*" and especially stresses the added value of project editions such as a practical guide for female political candidates. However, any project that

⁴⁴ EIGE, [Gender-sensitive parliaments](#).

⁴⁵ EIGE, Gender Sensitive Parliaments, [Greece](#).

⁴⁶ GNCHR [Observations on the National Action Plan for Gender Equality 2021-2025](#) of the Ministry of Labor and Social Affairs, September 2021, p. 47-48 [in Greek].

aims to tackle sexism and gender discrimination must prioritize sustainability as a key factor for success. Sustainable projects on this topic should focus on developing policies, practices, and systems that address gender discrimination at its root, including cultural and social norms that perpetuate sexist attitudes and behaviors. Finally, a sustainable approach must involve ongoing evaluation and adjustment to ensure that the project's goals and objectives remain relevant and effective over time. However, according to the State's reference the above mentioned project is finished almost a year ago and no evaluation or a continuation is mentioned. Bearing in mind that Greece is currently in a pre-election period, there is an imperative need for the State to advance initiatives aimed at promoting equal representation of women in the Greek parliament and broader political sphere. Last but not least, it should be noted that the "*Public Debate on Gender*" project, conducted by the General Secretariat within 2019 - 2021, did not address gender expression, identity and sex characteristics, despite the project's focus on binary male-female perceptions.

50. With regard to the paragraph 152 of the draft State's reply, a recent study notes that women are significantly underrepresented in leadership positions, with only 14% of women holding senior positions in the public sector compared to 26% of men.⁴⁷ Similarly, the figures for women holding a master's degree in senior positions are 26%, compared to 43% for men. In this regard, the GNCHR emphasizes that the issue of women's underrepresentation in leadership positions within the public sector is a pervasive problem that requires continuous engagement to address it. It also worth mentioning, that the *Commission for the Management of Emergency Events due to Infectious Disease* established in February 2020 to combat the pandemic comprised of 26 members, including 8 women and 18 men, all of whom were health experts (representing 30.8% of women). Notably, the Committee did not include any experts on gender issues, despite the fact that many of the proposed measures would directly affect the lives of women, particularly those with children. This gender imbalance in task forces and health Committees was not unexpected, given the generally low number of women in decision-making roles, and thus the issue was not addressed as a problem.⁴⁸ Taking into account the complexity of the situation, the GNCHR calls upon the competent State authorities and the involved stakeholders to take all appropriate measures with a view to ensuring a more inclusive work environment that values diversity and prioritizes the development of women's leadership skills, as well as, to create flexible working arrangements that enable women to balance work and family responsibilities.

51. In paragraph 153 of the draft State's reply, the use of term "*sex*" is inaccurate and should be replaced by the term "*gender*". This is consistent with the Istanbul Convention, which defines gender to include not only biological differences but also social and cultural roles and expectations.

52. Regarding paragraph 154 of the draft State's reply, Table 33 shows that the *National Center for Public Administration and Local Government* (NCPALD) has provided training on violence against women to a significant number of civil servants, which is a positive trend. Conversely, Table 33 specifies that certain seminars did not provide training on wider gender issues to any civil servants during the period of 2017-2020. At the same time no numbers of

⁴⁷ Ioannidis, Y., Nikolakakis, M., Petsalakis, S., "*Public employment in Greece. Continuities, transformations and effects of fiscal adjustment programs in characteristics of the public employment and new civil servants*", Athens: Koinoniko Polykentro, 2021. Koinoniko Polykentro is the research and training institute of ADEDY (the Greek Civil Service Confederation), which represents over 450.000 employees in the public sector.

⁴⁸ Kakepaki, M., *Women in Governance*. Athens: National Centre for Social Research, EKKE, 2022.

trainees are provided in relation with other seminars targeting to the training of Social Labour Inspectors and Labour Inspectorate Officials with focus on gender equality issues or other seminars targeting to awareness-raising of pre-school and primary school Teachers with focus on discrimination and gender equality issues. The absence of seminars on gender issues for a period of 4 years, as indicated in the same Table, highlights the potential gap in knowledge and skills among civil servants in relation to gender and discrimination. This gap may affect the implementation of policies and practices aimed at promoting gender equality. Therefore, it is crucial that gender-focused training and awareness-raising are prioritized to ensure that civil servants and educators have the knowledge and skills necessary to create more inclusive and equitable environments. Furthermore, it is also unclear whether other organizations or entities have provided training on relevant gender issues within the public sector.

IX) EDUCATION – QUESTION 14 LOIS

53. Pertaining to paragraph 155 of the draft State's reply, the GNCHR deplores that regardless of the developments in the area of education and training up to date, sexist stereotypes are reinforced both by teachers and by curricula and teaching material. Although the Greek Constitution and national laws guarantee the principle of non discrimination, in practice there are still obstacles in all levels of education towards children belonging to vulnerable groups.⁴⁹ The GNCHR shares the conclusions of the *Working Group on Discrimination against Women and Girls* in its visit in Greece in April 2019, which has pointed out, that education can be a key site to shift rigid gender norms and stereotypes. In that context, the Hellenic Foundation for European & Foreign Policy (ELIAMEP) conducted in 2019, a study on the main causes of Greece's gender equality gaps in research and higher education. Following the study based on data from 2019, the conclusion that can be drawn, is the need for the national competent authorities to mainstream gender equality in further reforms in higher education and research.⁵⁰ Access to formal primary, secondary and tertiary education, as well as, the content of the school curricula taught to girls and boys, is a major influencing factor on gender differences and, correspondingly, on choices and access to rights. The stereotypes that still exist with regard to the educational and professional options available to women help to preserve inequalities. This has serious repercussions on the labour market, limiting career diversification and often placing women in occupations that are less valued and remunerated.⁵¹ Gender bias in education extends beyond socialisation patterns. Bias is embedded in textbooks and teacher interactions with students. How students and teachers construct gender in the classroom, reflecting the social norms of the society in which they live, impacts on the learning environment. *She Figures 2021*, whose results for Greece are collected by the National Documentation Centre (EKT), which is also the statistical representative of the country, highlights that the gender gap in education is narrowing but women remain under-represented in research and innovation in Greece.⁵²

⁴⁹ See UN CRC [Concluding observations](#) on the combined fourth to sixth periodic reports of Greece, CRC/C/GRC/CO/4-6, 28 June 2022, par. 17 and [GNCHR Submission to UNCRC](#), January 2020.

⁵⁰ Anagnostou, D., "[Gender equality and the reform of higher education in Greece](#)", Policy-Paper-No-30, Hellenic Foundation for European & Foreign Policy (ELIAMEP), 2019.

⁵¹ EIGE [Education](#).

⁵² [She Figures 2021: The gender gap in education is narrowing but women remain under-represented in research and innovation in Greece](#), 16.3.2022

54. It is worth mentioning that in 2018, 26,742 students graduated from secondary vocational education (ISCED3-Voc) in Greece, of which 9,775 were female graduates (36.6%). Among the EU-28 member states, in terms of the percentage of female students in the grade, Greece (36.6%) occupies the 5th lowest position, a value significantly below the corresponding value of the index in the EU-28 (46.6%).⁵³ Moreover, from 2001 to 2018 it is observed an increase of the educational level of women compared to their male peers. Women opt for and successfully respond to fields of study (such as STEM) that during the past decades were considered as destined to men. Women nowadays dominate the graduate groups in Education and Health, Economics and Business Administration. They also show a lower rate of early school leaving (in the group of young people between 18 and 24), as well as higher rates of tertiary education (in the group of people between 30 and 34) compared to men. However, the labour market is persistently not remunerating their options and enhanced skills. As it also demonstrated by the labour indicators, women receive lower wages than men, while at the same time, they do not take on leadership positions both in the private and the public economic sector. According to the data of KANEP/GSEE in the period of reference (2002-2019), if the high percentages of poverty and working insecurity persist in the upcoming years, the education and social awareness will be totally undermined. In parallel, it is possible that the upturn of positive indicators will be thwarted in 2018, as already for the first time there is a slight decrease in the index in 2019.⁵⁴

55. Regarding paragraph 160 of the draft State's reply, the GNCHR mentions that although sexual education encompasses educational activities for the understanding and critical thinking, as well as, activities for the development of life skills in terms of gender, it does not include subject areas regarding the LGBTQ+ (sexual orientation, expression, identity or sex characteristics).

56. As far as paragraph 163 of the State's draft reply is concerned, the 130 teachers of secondary education and the 58 teachers of Primary education who were trained in programmes related to sexual education, have not acquired adequate knowledge about issues of sexual orientation, expression, identity and sex characteristics, since no evaluation took place.

57. In paragraph 166 of the draft State's reply, the GNCHR adds that the achievement of substantive gender equality through lifelong learning requires no reference to the dipole (man – woman), following the adoption of Law 4604/2019, which regulates issues concerning gender identity, sexual orientation, sex characteristics in line also with the ratification of the Istanbul Convention.

58. Regarding paragraph 168 of the draft State's reply, the GNCHR notes that despite the fact that Law 4547/2018 establishes support structures in the educational community towards the promotion of inclusive education, the Institute of Educational Policy did not implement any measures towards the LGBTIQ+ people, unlike other vulnerable groups, such as persons with disabilities.

⁵³ Greek General Confederation of Labour (GSEE) Observations on Greece's combined 8th and 9th periodic report to CEDAW, 2021, p. 21, [in Greek]. The data is elaborated by the Educational Policy Development Center of GSEE (KANEP/GSEE). Source: Eurostat - Graduates by education level, programme orientation, sex and field of education [educ_uoe_grad02].

⁵⁴ Greek General Confederation of Labour (GSEE) Observations on Greece's combined 8th and 9th periodic report to CEDAW, 2021, p. 9-10 [in Greek]. The data is elaborated by the Educational Policy Development Center of GSEE (KANEP/GSEE).

59. The GNCHR notes that the Law 5023/2023 should be also mentioned in the draft State's reply and that there is no single reference to the access of disabled girls to school.

60. Regarding paragraphs 160-163 of the draft State's reply, the GNCHR⁵⁵ welcomes the initiative of the Ministry for Education and Religious Affairs, which introduced from the school year 2020-2021 the "*Lab Workshops*" into the compulsory school program of all Kindergartens, Primary and Secondary Schools across the country.⁵⁶ Nonetheless, while the aim of the "*Lab Workshops*" is to improve *inter alia* a comprehensive sexual education, taking into account the relevant educational material, it seems that the teaching is reduced to sexual health, contraception, impact and harms of pornography, physical and digital harassment and abuse,⁵⁷ rather than implementing comprehensive sex education and promoting an effective tolerance and respect for diversity in schools.⁵⁸ Besides, an inclusive sexual education entails a comprehensive preparation and an appropriate training of teachers and educators.⁵⁹ In addition, the GNCHR expresses further concerns about the fact that the "*Lab Workshops*" are not taught in practice by specialist teachers, thus encouraging the State to entrust specialized personnel, who will be continuously trained through specified school programs in line with the UNESCO toolkit. In this respect, the GNCHR reiterates its recommendations about the need for effective measures at all education levels through anti-discrimination programs and relevant educational material, in order to promote respect for diversity in school environment, irrespective of sexual orientation and gender identity.⁶⁰ Overall the GNCHR recommends to the competent State authorities and Organisations that the "*Lab Workshops*" should not be seen as individual educational interventions, but they should be implemented accompanied by continuous education of teachers and specialized school curricula aiming, in line also with UNESCO toolkit, to equip students with the knowledge, attitudes, values and skills suitable for the development of respectful social and sexual relationships and to consider how their choices affect their own well-being and that of others.⁶¹

⁵⁵ GNCHR Observations on the National Action Plan for Children Protection against sexual abuse and Exploitation 2022-2027, November 2022, p. 35-36, GNCHR Submission to UNCRC, January 2020, p. 30-32.

⁵⁶ See Ministerial Decision No. 94236/ΓΔ4/2021, Curriculum Framework for Skills Laboratories of all types of schools, Kindergartens, Primary and Secondary Schools, (OGG 3567/B' 4.8.2021). See also Alfavita [Skills Workshops in schools: Curriculum and thematic units](#), 4.8.2021, European Commission, EACEA, Eurydice [Greece, Teaching and Learning in Primary Education](#), 19 April 2021.

⁵⁷ See in the website of the Institute of Educational Policy the relevant printed material under the Title: *Discovering my body - sex education*, "[The course of adolescent relationships from yesterday until today](#)". See website of the [Organisation Intersex Greece](#) and especially the [Campaign](#) for Comprehensive and Inclusive Sex Education Moving Forward (ProHorao) co-signature text By Rainbow School.

⁵⁸ See in the website of the Institute of Educational Policy the relevant printed material under the Title: *Discovering my body - sex education*, "[The course of adolescent relationships from yesterday until today](#)".

⁵⁹ See website of the [Organisation Intersex Greece](#) and especially the [Campaign](#) for Comprehensive and Inclusive Sex Education Moving Forward (ProHorao) co-signature text By Rainbow School.

UNESCO online [toolkit](#) for designing or reviewing programmes on comprehensive sexuality education (CSE).

⁶⁰ GNCHR Statement [in Greek]: [Ensuring the timely start of the school year for children with disabilities and/or special educational needs](#), 22 July 2016.

⁶¹ The Committee on the Elimination of Discrimination Against Women urges states parties to make sexuality education compulsory and to provide it "systematically" in schools, including vocational schools ([General recommendation No. 36](#) (2017) on the right of girls and women to education). The Committee on the Rights of the Child similarly recommends that states parties make sexuality education part of the official curricula for primary and secondary school and has expressed concern about programs that allow parents to opt-out on behalf of their children, UNESCO online [toolkit](#) for designing or reviewing programmes on comprehensive sexuality education (CSE), Center for Reproductive Rights: [An International Human Right: Sexuality Education for Adolescents in Schools](#), 9.1.2008.

X) EMPLOYMENT – QUESTIONS 15-16 LoIs

61. The GNCHR has repeatedly reiterated that the financial crisis exacerbated an evident setback in protecting women's labour rights.⁶² At the same time, the emergency restrictive measures on employment to combat the pandemic, such as flexibility in working hours or teleworking without a comprehensive regulatory framework,⁶³ deteriorated already existing inequalities.⁶⁴ Bearing in mind the disproportionate impact of the financial crisis and austerity measures,⁶⁵ as well as, of the subsequent restrictive employment measures to tackle the pandemic, on women's labour rights, the GNCHR expresses its serious concerns about the fact that Greece remains behind other countries in the EU towards women's rights, despite the legal and policy frameworks in force, notably due to poor implementation of law, persistence of discrimination and lingering consequences of financial restrictive measures.⁶⁶ Nevertheless, the GNCHR welcomed the main measures taken for the protection of work during the pandemic, such as the submission of employees to a scheme of suspension of employment contracts, the provision of financial assistance as a special purpose allowance and the prohibition for businesses of terminating employment contracts. The Government, in order to assess and address all the issues identified by *the Committee on the Application of Standards of the International Labour Conference*, should collaborate with employers' and workers' organizations, the Ombudsman and the law enforcement authorities.⁶⁷

62. With regard to paragraphs 171, 176, 179 and 183 of the draft State's reply related to the gender-pay gap, the unemployment rates, the childcare services and the protection of pregnancy and maternity respectively, the GNCHR identifies certain gaps in the existing

⁶² Since 2011, the ILO CEACR through its Reports concerning Greece expresses its concerns at the "disproportionate impact" of the crisis and austerity measures on women and the widening of the pay gap to their detriment.

See further: "[Statement of the Greek National Commission for Human Rights \(GNCHR\) on the impact of the continuing austerity measures on human rights](#)", 15.7.2015, GNCHR, "[Observations on the 24th Greek Report on the application of the European Social Charter and on the 9th Greek Report on the application of the Additional Protocol to the European Social Charter](#)", 9.10.2014, GNCHR, "[Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights \(ICCPR\)](#)", December 2013.

⁶³ Eurofound, [Working During COVID-19](#), July 2021.

⁶⁴ OBSERVATION (CEACR) - ADOPTED 2016, PUBLISHED 106TH ILC SESSION (2017).

⁶⁵ [Observations by the Greek National Commission for Human Rights \(GNCHR\) on State's draft reply to the list of issues prior to the submission of the third periodic report of Greece on the implementation of the International Covenant on Civil and Political Rights \(ICCPR\)](#), March 2023, GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR [Extraordinary times call for extraordinary responses: Summary of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights](#), 12 July 2021, GNCHR, [Factsheet on the Impact of Economic Reform Policies and Austerity Measures on Human Rights](#), 2019, GNCHR, "[Statement of the Greek National Commission for Human Rights \(GNCHR\) on the impact of the continuing austerity measures on human rights](#)", July 2015, GNCHR, "[Observations on the 24th Greek Report on the application of the European Social Charter and on the 9th Greek Report on the application of the Additional Protocol to the European Social Charter](#)", October 2014, GNCHR, "[Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights \(ICCPR\)](#)", December 2013.

⁶⁶ [Observations by the Greek National Commission for Human Rights \(GNCHR\) on State's draft reply to the list of issues prior to the submission of the third periodic report of Greece on the implementation of the International Covenant on Civil and Political Rights \(ICCPR\)](#), March 2023, p. 6 and EIGE, [Index score for Greece for 2019](#) is 51.2% whereas the average score in EU countries is 67.4%. Greece's score in the [domain of power](#) is 24.3%.

⁶⁷ [Direct Request \(CEACR\) - adopted 2020](#), published 109th ILC session 2021.

legislation and in its implementation in practice,⁶⁸ that limit women's labour rights, such as non-equal pay for work of equal value, high female unemployment rate, dismissals of pregnant women in the private sector in flagrant breach of the law, absence of a minimum single maternity benefit to all working mothers and a continuous reduction of the already insufficient day-care structures for children and dependent persons. As for the gender pay-gap, it should be particularly pointed out that the multiple State interventions to collective autonomy, especially as to the scope and mandatory character of both general and sectoral Collective Agreements setting uniform labour standards, resulted, among others, in its widening.⁶⁹ Indicatevely, the gender pay gap in Greece in 2018, was 10.4%,⁷⁰ whereas the unemployment rate in 4th quarter 2018 was 23.7% for women and 14.7% for men. Given that, the gender pay gap in the EU stands at 12.7 % in 2021 and has only changed minimally over the last decade, this is a significantly larger gap than the EU average.⁷¹ It means that women earn 13.0 % on average less per hour than men. In the same year the labor force rate for women in Greece was 43.9%, while the rate for men was 60.0%.⁷² The failure to collect reliable statistics on gender discrimination in the workplace in Greece still continues.⁷³

63. The results of the INE GSEE Annual Report 2020, are similar,⁷⁴ which also shows that the pandemic had a serious impact on young women's unemployment. Specifically, in the fourth quarter of 2020, the unemployment rate for women aged from 15 to 19 exceeded 70%, when in the first quarter of the same year, it was equal to 35.6%. For women aged from 25 to 29, the unemployment rate increased from 25% in the 4th quarter of 2019, to 33% in the 4th quarter of 2020. The GNCHR shares the findings of the INE GSEE, according to which the pandemic crisis reinforced gender inequality, especially at young ages, in a labor market that was already characterized by high inequality and fragmentation.⁷⁵

64. Paying particular attention to work-life balance in line with the EU Directive 2019/1158 on work-life balance (paragraph 177 of the draft State's reply) and to the submission of relevant complaints in case of labour disputes (paragraph 188 of the draft State's reply), the GNCHR regrets the tendency of mothers in Greece to settle the dispute between them and their employers privately, thus accepting a violation of their rights, afraid of losing their jobs, while those who complain to the Ombudsman's Office or to the Independent authority of

⁶⁸ [GNCHR Observations](#) on the National report submitted in accordance with par. 5 of the annex to HRC resolution 16/21 in view of the Third Cycle of Universal Periodic Review (UPR) of Greece during the UN Human Rights Council's 39th Session, July 2021, [Submission by the Greek National Commission for Human Rights \(GNCHR\) to the UN Human Rights Council's Universal Periodic Review of Greece](#), September 2015.

⁶⁹ [Submission by the Greek National Commission for Human Rights \(GNCHR\) to the UN Human Rights Council's Universal Periodic Review of Greece](#), September 2015.

⁷⁰ EUROSTAT, [Gender pay gap Statistics 2021](#)

⁷¹ European Commission, [The gender pay gap situation in the EU](#).

⁷² 2019-04-01 [Observatory of the General Secretariat for Gender Equality 19th e-bulletin - Female Unemployment](#), p. 1.

⁷³ [GNCHR Observations](#) on the National report submitted in accordance with par. 5 of the annex to HRC resolution 16/21 in view of the Third Cycle of Universal Periodic Review (UPR) of Greece during the UN Human Rights Council's 39th Session, July 2021, Greek General Confederation of Labour (G.S.E.E) CEACR Observations 30.8.2019.

⁷⁴ INE ΓΣΕΕ, [Annual Report 2020](#), The Greek economy and the employment, October 2020, p. 10, [in Greek].

⁷⁵ INE GSEE, [Bulletin of economic developments 10](#), The effects of the pandemic crisis on the labor market in 2020, April 2021, p. 8. About equal opportunities and treatment between men and women in Greece, see also ILO, [Application of International Labour Standards 2020](#), Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference 109th Session, 2020, [Report III \(Part A\)](#), p. 394.

Labor Inspectorate, are often hesitant to proceed to further action, and voices its concerns about the essential implementation of recent Law 4808/2021 and the achievement of equality between men and women.

65. In light of the above mentioned, the GNCHR further expresses its concerns about the application of flexible working arrangements for working parents or careers that is often the case of working mothers. The implementation of work-life balance measures should primarily promote the participation of women in the labour market, the equal sharing of caring responsibilities between men and women, and the closing of the gender gaps in earnings and pay, instead of reinforcing existing inequalities in this field. The GNCHR expresses its disappointment with regard to the fact that Greece is one of the Member States that does not grant parental leave to parents who are same-sex couples.

66. In relation to paragraph 189 of the draft State's reply, the GNCHR stresses that a crucial factor in the context of discrimination, harassment and violence at work is the absence of a legislative provision for the possibility of ex officio examination by the Labor Inspectorate of employers' compliance with the legislation against discrimination at work, even if the employee does not expressly invoke in his complaint the violation of the relevant legislation. Equally decisive for cases of discrimination, violence and harassment is the joint examination of the complaint by both the Labor Relations Inspectorate and the Occupational Health and Safety Inspectorate, without requiring the employee to submit two separate complaints.

67. Pertaining to paragraph 184 of the draft State's reply, the GNCHR welcomed the ratification of the ILO Convention No. 190 *on Violence and harassment in the world of work* in national law,⁷⁶ expressing its belief that it will contribute to the prevention of such incidents, the punishment of perpetrators and especially the timely and proper protection of victims of violence and/or harassment, provided that it will not remain inactive and it will be accompanied by the appropriate implementation measures. Nevertheless, the GNCHR notes with regret the non-compliance of the new Law 4808/2021 with the existing framework, to the extent that the law provisions do not take into account the EU acquis in the field of violence and harassment in the world of work. The GNCHR has already emphasised the need for the *ILO Recommendation R206 concerning the elimination of violence and harassment in the world of work* to be employed for the interpretation and supplementation of the ILO Convention No. 190, as it encompasses the main implementation pillars of the ILO Convention No. 190. The GNCHR notes also that it is required, among other things, that the protective institutional framework is properly formulated on the basis of the root causes of violent behaviors and acts.

68. As the GNCHR has underlined in its Observations on the Draft Bill of Law 4808/2021, the Labour Inspectorate i) does not examine ex officio the dimension of discriminative or sexually or morally abusive practices when examining workers' complaints on violations of their labour rights, unless the workers explicitly invoke the provisions on anti-discrimination and/or harassment and violence legislation and ii) separates according to the Labour Inspections internal competency, the examination of workers' complaints either to the Labour Relations' Inspectorate or to the Health and Safety Inspectorate, despite the fact that for example discrimination against pregnant workers or violence at work need to be jointly

⁷⁶ See [Summary of GNCHR Observations on Draft Law of Ministry of Labour and Social Affairs *On the Protection for Employment*, 2021](#), [GNCHR Report on the Draft Law of the Ministry of Labour and Social Affairs *On the Protection for Employment*, 2021](#), [GNCHR Observations on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination \(CERD\)](#), 2021.

addressed. Furthermore, the GNCHR places particular emphasis on the confusion caused by the Draft Law with regard to the limits of the relative competences of the finally three (3) co-responsible Independent Authorities – the Labour Inspectorate (SEPE), the Ombudsman and the National Transparency Authority – stressing that ambiguity and duplication of responsibilities are to the detriment of victims of violence and harassment, as well as of CSOs assisting them. To this end, the GNCHR has recommended the clarification and complete rewording of the relevant provisions.⁷⁷

69. Concerning paragraphs 185 and 186 of the draft State's reply, the GNCHR points out the lack of specific actions in favour of women with disabilities towards their equal participation in the labor market and in decision-making positions. So there is still a need to horizontally cover and mainstream the perspectives of women and girls with disability in the designing of social policies including Roma women, migrants, refugees and asylum seekers women, imprisoned and released mothers, or elderly women with disabilities, who are in practice subjects of multidiscriminations.⁷⁸

70. In paragraph 193 of the draft State's reply, the GNCHR regrets that the maternity allowance introduced by Law 4659/2020, excludes transgender and non-binary persons since the Law only refers to "mothers", without recognizing the identity status of transgender persons.

71. Finally, in addition to the above mentioned, the GNCHR calls upon the State authorities to respond to the Committee's request for information on "*data on the number of migrant women employed as domestic workers and information on measures taken to ensure that women migrant domestic workers are guaranteed the same level of protection and benefits as other workers*", as well as on "*steps taken to ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization*".

XI) HEALTH – QUESTIONS 17-18 LoIs

72. The GNCHR would like to stress that Greece's score is the highest (85.8 points) in the domain of health, where the country ranks 17th in the EU. With a score of 94.9 points, the country performs best in the sub-domain of health status, ranking 4th among all Member States. Since 2019, Greece's score has improved by 1.5 points in the domain of health, moving up three places in ranking. Progress in the sub-domain of behaviour (+ 4.4 points) has driven this change, improving its ranking from the 23rd to the 20th place.⁷⁹

73. Moreover, the GNCHR calls upon the State authorities to respond to the Committee's request for information on measures taken "*to ensure that information provided by health-care professionals to women seeking abortion is science-based and covers the risks of having or not*

⁷⁷ [Observations by the GNCHR on the 5th National Report on the implementation of the Revised European Social Charter](#), January 2023, p. 28 and [GNCHR on Draft Law of the Ministry of Labor and Social Affairs "For the Protection of Labor - Establishment of an Independent Authority "Labor Inspection" - Ratification of Convention 190 of ILO on the Elimination of Violence and of harassment in the world of work - Ratification of Convention 187 of ILO on the Framework for the Promotion of Safety and Health at Work - Transposition of Directive \(EU\) 2019/1158 on work-life balance"](#), June 10, 2021, p. 7, 15, 19-20 and 28-29. See also GSEE, Observations submitted by the Greek General Confederation of Labour–GSEE for the implementation of "Labour Rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29) of the revised European Social Charter, 19.9.2022.

⁷⁸ [Annual Report of the the Observatory on Disability Issues of the National Confederation of Disabled People of Greece \(NCDP\) 2021](#), p. 17, [in Greek].

⁷⁹ [Gender Equality Index 2022](#), GREECE.

having an abortion; and to ensure the confidentiality of the personal data of women and girls seeking abortion”.

XII) ECONOMIC EMPOWERMENT OF WOMEN – QUESTION 19 LOIS

74. The so-called “Women on Boards” Directive aims to introduce transparent recruitment procedures in companies, so that at least 40% of non-executive director posts are occupied by the under-represented sex until 2026. In Greece, [the National Action Plan for Gender Equality 2021-2025](#) contains important initiatives to increase the participation of women in positions of power, responsibility and leadership, while it also emphasizes the need to effectively implement the existing legislation. (For example, according to Law 4706/2020, the listed companies in Greece must include from 2021 women in their boards of directors at a rate of at least 25%). Greece’s slow progress in gender equality filed shows that under government’s key priorities should be strengthened and coordinated efforts to promote gender equality. Companies and social organizations should also focus to this end.⁸⁰

XIII) DISADVANTAGED AND MARGINALIZED GROUPS OF WOMEN – QUESTION 21 LOIS

A. MIGRANT, REFUGEE AND ASYLUM SEEKING WOMEN

75. It is true that Law 4936/2022⁸¹ (that replaced Law 4636/2019 which is referred in the State’s Report), gender is a factor to be taken into consideration regarding reception conditions and guarantees on asylum procedures. However, back in 2019-2020 where there was a severe overcrowding in the reception facilities on the Eastern Aegean Islands, provisions of the applicable law at that time were not met in practice. According to the Commission,⁸² the condition of reception and living arrangements for those seeking international protection in and around the Reception and Identification Centre (RICs) in Vathi of Samos out of control and diminishes every concept of human dignity of the persons living in its areas.⁸³ Although the RICs was constructed to accommodate a maximum of 648 individuals, during the GNCHR’s visit, there were approximately 7.208 people residing in makeshift tents and containers. In its recent judgment in the case *A.D. v. Greece* (no. 55363/19)⁸⁴ the European Court of Human Rights recognized the violation of Article 3 ECHR (prohibition of torture and inhuman or degrading treatment treatment) in favor of a pregnant asylum seeker women who lived in dire conditions in Samos for 2.5 months. Among other evidence, the Court was based on the GNCHR Report on the human rights of migrants at borders and especially in the findings from its field visit in Samos in January 2020 (par. 19, 20 and 35 of the judgement).

76. With regard to paragraphs 234 -236, the GNCHR highlights that, despite the improvement of living conditions, the new model of “*Controlled Access Reception Centers*” being implemented in several Aegean Islands for those entering the Greek territory irregularly from Turkey, raises doubts as to its compatibility with EU standards and whether it constitutes a suitable environment for persons with vulnerabilities, such as women victims of violence. On

⁸⁰ ELIAMEP, [In focus – Equality between women and men in Greece and in the EU](#), Chryssa Papalexatou, Manos Matsaganis, November 11, 2022.

⁸¹ [Law 4939/2022](#) on “Legal code on reception, international protection for applicants of international protection/stateless”.

⁸² GNCHR, [Reference Report on the asylum and migration issue](#), issue B’, September 2020 [in Greek].

⁸³ GNCHR, [Press Release](#): In Samos, the system has collapsed, 23.1.2020.

⁸⁴ European Court of Human Rights, [A.D. v. Greece](#) (no. 55363/19), 4.4.2023.

11 July 2022, the European Ombudsman opened a case to assess how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece.⁸⁵ The case is still open at the time of the writing. On January 2023, the European Commission send a letter of formal notice to the Greek State on incorrect transposition of certain provisions of the Receptions Directive.⁸⁶

77. In the context of paragraph 237 of the draft State's reply, and according to MSF operating in Samos, closed centres for refugees on Greek islands exacerbate psychological trauma.⁸⁷ In addition, there is limited access to adequate healthcare for those residing in Zervou center. Since February 2022, doctors have only visited the centre on occasional days for a few hours at a time. The healthcare provision within centres continues to be problematic with continuous lack of medical staff and medical supplies. Regarding the living conditions of women asylum seekers in accommodation centers in mainland Greece, single mothers, married or separated/divorced women from Afghanistan testify that they experience severe loneliness and practical and financial inconvenience due to the lack of access to public service, transport and legal aid. They have spent most of their time in Greece inside their containers, within the walls and fences of the refugee camps. They need specialised medical or psychological treatment and legal support. Meanwhile, delays in the registration of asylum claims or subsequent applications deprive them of financial support for months and leave them dependent on free food catering by the state to survive.⁸⁸

78. Pertaining to paragraph 232 of the draft State's reply, the GNCHR brought to the attention of the State, as early as 2002, reports from NGOs, such as Amnesty International and the World Organization against Torture, on illegal practices of violent push backs at the Greek-Turkish maritime and land borders, which raise concerns about respect for the fundamental rights of third-country nationals and the *non-refoulement* principle.⁸⁹ More recently, the GNCHR noted an increase in incidents reported by international organizations,⁹⁰ civil society⁹¹ and the press on individual or group pushbacks allegedly taking place at the Greek-Turkish land and sea borders - which also constitute the EU's external borders. The GNCHR consistent to its role as a "*human rights watchdog*", issued several Statements (in 2017 and 2018) calling the Greek State to take all measures in order to ensure the respect of the *non-refoulement* principle, the unhindered, timely and effective access to international protection procedures for all foreigners with irregular entry without discrimination based on race,

⁸⁵ European Ombudsman, [How the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece](#) (case OI/3/202/MHZ).

⁸⁶ European Commission, [January infringement package: key decisions](#), 26.1.2023.

⁸⁷ MSF Greece, [Closed centres for refugees on Greek islands exacerbate psychological trauma](#), 30.11.2022.

⁸⁸ Refugee Support Aegean, [Refugee women in the offside](#), 21 March 2023.

⁸⁹ GNCHR, [Proposals for the Reception of Asylum Seekers and their access to asylum procedures](#), 6.6.2002. GNCHR, [Ratification of the Protocol for the Implementation of Article 8 of the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Turkey on Combating crime, Especially Terrorism, Organized Crime, illicit drug trafficking and illegal Immigration](#), 31.1.2002.

⁹⁰ The UN Human Rights Committee, the UN Committee Against Torture, the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on the Human Rights of Migrants, the UN Refugee Agency, the International Organisation for Migration, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Council of Europe's Commissioner for Human Rights and the European Parliament have raised concerns over reported incidents of pushbacks.

⁹¹ Reports, information and complaints submitted by the Hellenic League for Human Rights, the Greek Council for Refugees and Amnesty International which are GNCHR's Members but also from Refugee Support Aegean, Human Rights 360, HIAS and ARSIS.

religion, ethnicity, participation in a social group of political opinion; and the timely and thorough investigation of all complaints on informal, violent pushbacks in Evros.⁹²

79. In 2020, the GNCHR, worried about multiple reports on violent pushbacks during the period 28.02.2020-2.3.2020 and allegations of pushbacks at sea using life-threatening practices decided to prioritize this issue and shift its attention into formulating concrete proposals to the State in order to effectively tackle this phenomenon whose characteristics have gradually but steadily being consolidated, revealing a repeated methodology. Following a hearing of relevant stakeholders, the GNCHR issued a Statement⁹³ whereby it responded to above allegations by proposing to the Greek authorities the establishment of an official independent mechanism for recording and reporting informal forced returns. The GNCHR highlighted specific issues on migrants' rights at borders, including allegations of informal forced returns and reported use of violence, as well as the accountability required for the alleged violations, in its Report on the State of Migrants' Rights at Border, in 2021 which followed its Reference Report on the Refugee and Migrant Issue.⁹⁴

80. In 2021, the GNCHR, noting that there is a complete disregard by the Greek authorities of the relevant recommendations by the GNCHR and other national and international bodies to effectively investigate reported incidents of informal forced returns whereas, based on testimonies, there is a gradual but steady consolidation of the characteristics of the phenomenon through a repeated methodology decided to establish a Recording Mechanism of Incidents of Informal Forced Returns,⁹⁵ building on the best practices stemming from the founding and the operation for 11 years of the Racist Violence Recording Network.⁹⁶

81. In early 2023, the GNCHR presented the Recording Mechanism and its first results (Interim Report).⁹⁷ The Recording Mechanism aims to monitor, record and report incidents of informal forced returns of third country nationals from Greece to other countries, through personal interviews with the alleged victims and through a common, transparent, and scientific recording methodology. It seeks to promote and consolidate respect of the principle of non-refoulement as well as to safeguard guarantees and compliance with legal procedures. Moreover, the aim of the Recording Mechanism is to boost accountability for reported human rights violations alleged to have occurred during informal forced returns of third country nationals from Greece to other countries. The Recording Mechanism has recorded 50 incidents of informal forced returns which according to the alleged victims occurred in April 2020 as of to October 2022. The 50 incidents are supported by 58 personal testimonies recorded through personal interviews with the alleged victims. Among them, 26% are female (11 out of 43 victims). This initiative is supported (technically) by the UNCHR and was

⁹² GNCHR's [Statement](#) on complaints regarding illegal pushbacks in Evros, 22.7.2017 [in Greek]. GNCHR's [Statement](#) on complaints regarding informal pushbacks at the region of Evros, 29.11.2018.

⁹³ GNCHR, [Statement](#) on the reported practices of push backs, 9.7.2020.

⁹⁴ GNCHR, [National Report on the Situation of Human Rights of Migrants at the Borders](#), July 2021.

⁹⁵ The GNCHR established the Recording Mechanism at the Plenary meeting of 27 September 2021

⁹⁶ The [Racist Violence Recording Network](#) (RVRN) is a joint initiative of the Greek National Commission for Human Rights (GNCHR) and the Office of the United Nations High Commissioner for Refugees in Greece (UNHCR) comprised of stakeholders offering medical, social, legal services and/or coming in direct contact with victims of racist violence or victims of other hate or bias motivated violent attacks. Currently it is comprised of 52 NGOs and 2 observers.

⁹⁷ Recording Mechanism of Incidents of Informal Forced Returns, [Interim Report](#), January 2023.

welcomed by the IOM, the FRA and the FRO of Frontex. Detailed qualitative and quantitative data will be published later in 2023.⁹⁸

B. ROMA WOMEN

82. In the context of paragraphs 247-249 of the draft State's reply, the GNCHR stresses the importance of the adoption of the *Roma Inclusion National Strategy 2021-2027*, as well as, of the *Action Plan for Roma's Social Inclusion 2017-2021* and the relevant Programmes which promote the Roma inclusion. However, despite the developments and the positive policies and social inclusion measures, extreme poverty, inequalities and stereotypes in case of Roma population persist, with the Roma women facing an additional burden. The GNCHR, since its establishment, has been closely monitoring the progress made by the authorities towards the protection of Roma rights including Roma women's rights.⁹⁹ In particular, Roma women suffer multiple discrimination and exclusion with key problems: a) the high school dropout, b) early or forced marriages and c) strict hierarchy and disadvantaged position of women and mainly Roma girls in the family and the community. In Greece a significant proportion of Roma population has never attended school, while most of Roma girls' drop out of school before the age of 16. In 2016 the percentage of Roma girls aged 16 and above who never attended school was 49% compared to 38% for Roma boys.¹⁰⁰ Taking into account that according to the above research early marriages are observed in 97% of the total Roma population,¹⁰¹ it is obvious that the situation today for Roma women has not particularly improved. From this point of view, and considering that the gender gap in education is increased by early marriages, the GNCHR remains deeply concerned. Furthermore, the adverse conditions observed in employment sector, largely attributed to prejudice and discrimination,¹⁰² as shown by the unemployment rate among Roma, which is 64%,¹⁰³ and the almost zero work opportunities for Roma women, form the basis for extended gender inequalities and domestic violence. All these crucial factors along with the degraded living conditions (52.6%), the severe housing deprivation and poverty, impose a particular burden to Roma women and children, resulting in their marginalization.

83. To conclude, the GNCHR reiterates here its constant recommendations to the competent State authorities, based on which, the following must be guaranteed for all Roma women and girls: i) equal access to education and schooling, ii) equal employment opportunities, iii) family planning (early marriage and childbirth) and information on the value of basic checks

⁹⁸ GNCHR, [Press Release](#): Presentation of the Recording Mechanisms of Incidents of Informal Forced Returns and its first Interim Report, 24.1.2023.

⁹⁹ [GNCHR Observations by the GNCHR](#) on State's draft reply to the list of issues prior to the submission of the third periodic report of Greece on the implementation of the ICCPR, March 2023, GNCHR [Contribution](#) to the New National Strategy for the Social Integration of the Roma for the period 2021-2027 p. 21-23, [in Greek], [GNCHR Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination of the CERD, July 2021, p. 30-31.

¹⁰⁰ FRA, [Discrimination against and living conditions of Roma women in 11 EU Member States Roma survey](#) – Data in focus, 2016, p. 13.

¹⁰¹ Ministry of Labor and Social Affairs, General Secretariat of Social Solidarity, & Combating Poverty [SUMMARY](#) of Census of Roma Settlements and Population at national level (year 2021) Athens, September 2022, p. 5, [in Greek].

¹⁰² FRA, [Discrimination against and living conditions of Roma women in 11 EU Member States Roma survey](#) – Data in focus, 2016, p. 22-23.

¹⁰³ Ministry of Labor and Social Affairs, General Secretariat of Social Solidarity, & Combating Poverty [SUMMARY](#) of Census of Roma Settlements and Population at national level (year 2021) Athens, September 2022, p. 10, [in Greek].

such as mammography, pap test and basic principles of contraception, iv) raising awareness about domestic violence, v) access to free childcare services, and vi) establishment second chance schools for Roma women.

C. WOMEN WITH DISABILITIES

84. The GNCHR has welcomed the adoption of the first [National Action Plan \(NAP\) for the Rights of Persons with Disabilities](#) in 2020 and contributed to the Committee's work. The first Annual Implementation Report of the NAP contains the course of the implementation measures, acknowledging in its Preamble the high complexity of its targets and actions, which result in possible delays to be evaluated and justified.¹⁰⁴ Nonetheless, the GNCHR, in its monitoring activity over the implementation of the NAP in practice, and in light of the recommendations of the *Observatory on Disability Issues of the National Confederation of Disabled People of Greece* (NCDP) to the Roadmap on the implementation of the CRPD,¹⁰⁵ identifies with concern structural problems and deficits. According to the recommendations of the Observatory, in most country's regions, persons with disabilities face high percentages of poverty, low standards of living, unfair treatment, limited access to health services and to education, limitations to access buildings and public transports. Considering these aggravated conditions, the GNCHR calls upon the competent State authorities to endorse separate regional Action Plans. Nonetheless, it is worth mentioning here, a new positive development in the field of disability rights, namely the adoption of Law 5023/2023, which, among others i) recognizes the equal recognition before the law, ii) improves the implementation of "reasonable accommodation" in all in sociopolitical areas, by promoting the necessary adjustments towards persons with disabilities and ii) harmonizes the disability terminology used by the Criminal Code, the Civil Code, the Administrative Code and the Code of Administrative Procedures with the HRBA of disability in line with the UN CRPD, in order for new legal terms that reflect dignity and respect to be adopted when referring to persons with disabilities, and in order to further promote and protect the rights of persons with disabilities.¹⁰⁶ In principle, the Law 5023/2023 extends the principle of equality and non-discrimination for persons with disabilities into more sociopolitical fields, however it is still in place the legal scheme of the substitute decision making, which restricts the legal capacity of persons with intellectual or psychosocial disabilities.

85. In view of the above mentioned, the GNCHR, while highlighting evolvement of the legal framework after the enforcement of Law 5023/2023, deems necessary to stress the shortage of a link on the situation of women with disabilities and the needs of parents and guardians of children with disabilities. At the same time, the GNCHR recommends that the State add in its reply the policy brief that the NCDP's Observatory on Disability Issues published regarding the challenges that women with disabilities face in Greece.

86. Pertaining to paragraph 252 of the draft State's reply, and as far as the research on the situation of women with disabilities and the needs of parents and guardians of children with

¹⁰⁴ [Annual Implementation Report of the National Action Plan for the Rights of Persons with Disabilities](#), conducted by the Minister of State, November 2021, p. 5, [in Greek].

¹⁰⁵ See [Newsletters on the website of the Observatory on Disability issues](#) [in Greek].

¹⁰⁶ Law 5023/2023 "The principle of non discrimination irrespective of disability or chronic condition, update of the terminology of the Civil Code, the Code of Civil Procedure, the Criminal Code, the Code of Criminal Procedures, the Code of Administrative Procedures, the Code of Notaries and the Law 4478/2017, for the harmonisation with the Convention for the Rights of persons with disabilities, ratified by law 4074/2012 and other provisions for the facilitation of the access of persons with disabilities to justice".

disabilities, which has been conducted in cooperation with the Research Centre for Gender Equality, is concerned, the GNCHR asks for the link of this research to be included in the State's reply.

XIV) MARRIAGE AND FAMILY RELATIONS – QUESTION 22 LOIS

87. The GNCHR expresses its deep disappointment with regard to the failure of the competent State authorities to take concrete steps towards the training of legal professionals, including the judiciary, ethnic communities and religious leaders on the Convention and the Committee's General Recommendations.

88. In addition, with regard to the civil partnership pact (Law 4356/2015), the GNCHR takes the opportunity to urge once again the competent authorities to finally revise the concept of marriage for all couples, regardless of gender, with full rights (eg. marital benefits, allowances, parental leave, child custody and parental care, childbirth, retirement, inheritance and other tax issues). Moreover, it stresses that given the wide variety of family forms, the competent authorities should ensure the fundamental rights of children living in "rainbow" families to enjoy equal treatment and respect for their family life.

XV) CLIMATE CHANGE – QUESTION 23 LOIS

89. In the context of paragraphs 275 and 276 of the draft State's reply, the GNCHR welcomes the efforts carried out by the state to enhance the representation of women in environmental matters. However, following the OECD's remarks,¹⁰⁷ the GNCHR notes that current impact assessments of environmental and climate policies in Greece do not take gender considerations into account. Gender equality priorities, such as women's economic empowerment and leadership are often not well integrated into measures across policy domains, lacking targeted sectoral action that could improve women's presence in environment-related economic activities. Alarmed by the case *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* (application no. 53600/20), which is currently pending before the ECHR,¹⁰⁸ the GNCHR highlights the urgent need for the efficient implementation of a legal framework for the protection of women against climate change, noting that they are more vulnerable towards these phenomena in comparison to men and children according to recent quota.¹⁰⁹ In this regard, the GNCHR would like to ask the State to engage more actively into the ensurance of gender equality concerning climate matters and provide more data relating to these actions. Despite the general framework on climate change, issued with the current Law 4693/2022 in conformity with the Paris Agreement and [the National Plan for Energy and Climate](#), the GNCHR deems the current actions towards the aforementioned issues as insufficient, thus it calls the Greek State to take all appropriate measures with a view to ensuring the full implementation in Greece of the EU and international environmental compliance standards.

90. As a State Party to the CEDAW, Greece has obligations under the Convention to take steps to avoid exacerbating climate change and its disproportionate adverse impacts on women in Greece and abroad - including by adequately regulating business actors operating in the country. This obligation requires Greece not only to reduce its domestic emissions of fossil fuels, but also to take all measures appropriate to reduce any threat of climate-induced harms

¹⁰⁷ OECD, [Empowering Women in the Transition Towards Green Growth in Greece](#), 11 July 2022.

¹⁰⁸ ECHR, [Factsheet – Climate change](#), February 2023.

¹⁰⁹ WHO, [Gender, Climate change and Health](#), 2014, *KlimaSeniorinnen Schweiz*, [Climate Action](#)

on women rights resulting from activities taking place in the territory of Greece or under the control of the Greek State.

91. Greece, by granting exploration and extraction licenses to fossil fuel producers, is breaching its obligations under the CEDAW, as the greenhouse gas emissions deriving from the aforementioned activities contribute to the generation of climate change-related events and further exacerbates pre-existing gender gaps between men and women - resulting in additional harms for women both within and outside Greece's jurisdiction. Thus, Greece's obligations under the CEDAW, including Extraterritorial Obligations by States (ETOs), require that the State pursues adequate mitigation policies nationally and prevents harms resulting from new and ongoing fossil fuel exploration, production and exports"

XVI) SUSTAINABLE DEVELOPMENT GOALS - QUESTION 24 LOIS

92. Paragraph 279 of the State's draft reply did not address gender-related issues, leading to a lack of clarity on the extent to which the Management Information System (MAZI) has integrated gender considerations in its implementation.

93. In relation to paragraph 180 of the State's draft reply, the GNCHR welcomes the Voluntary National Review (VNR) on the implementation of the 2030 Agenda for Sustainable Development.¹¹⁰ The part of the VNR that refers to Goal 5 (gender equality) includes actions that contribute to the attainment of the Goal. In addition, regarding the total progress towards achieving all 17 SDGs, the overall performance of Greece is 76.81/100. The score can be interpreted as a percentage of SDG achievement. A score of 100 indicates that all SDGs have been achieved.¹¹¹ The progress towards achieving gender equality and empowering women has been measured through five indicators.¹¹² The scores obtained by Greece are indicative. The first indicator is the demand for family planning satisfied by modern methods, which currently stands at 66.10 (year 2022) for Greece. While there has been some improvement in the score, significant challenges still remain, and the progress is not sufficient to attain goal. The second indicator is the ratio of female-to-male mean years of education received, which is currently at 95.37 (year 2019). Although the score has been moderately improving, challenges still persist, and the progress is insufficient to achieve the goal. The third indicator, the ratio of female-to-male labor force participation rate, stands at 73.67 (year 2020), and the SDG has been achieved. However, the fourth indicator, the seats held by women in national parliament, currently stands at 21.67 (year 2020). As it appears, there are significant challenges that still remain, and the score is stagnating or increasing at less than 50% of required rate. Lastly, the gender wage gap, expressed as a percentage of the male median wage, is at 8.91 (year 2020), and although the score is decreasing, challenges still remain. It is worth mentioning that in 2000, the score was 23.57, while in 2014, the score was 9.91. These indicators serve as important benchmarks to assess progress towards gender equality and at the same time identify areas where action is needed. It is obvious that the State needs to implement more targeted policies to encourage women's involvement in political affairs and reduce the gender wage gap in alignment with the SDGs, given that these disparities, according to the UN data, are the most enduring.

¹¹⁰ Presidency of the Hellenic Government, Greece, [Voluntary National Review \(VNR\)](#), On the Implementation of the 2023 Agenda for Sustainable Development, 2022.

¹¹¹ Sustainable Development Report, [Rankings](#) The overall performance of all 193 UN Member States.

¹¹² SDGs, [Greece, Goal 5](#)



XVII) ADDITIONAL INFORMATION – QUESTION 25 LOIS

94. The GNCHR recognizes the need for additional information about the support that Greece provided regarding the EU-wide assistance number 116 016 for victims of violence against women.