



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the second periodic report of Greece*

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Greece on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/GRC/Q/2) at its 70th and 71st meetings (see E/C.12/2015/SR.70 and 71), held on 5 and 6 October 2015, and adopted the following concluding observations at its 78th meeting, held on 9 October 2015.

A. Introduction

2. The Committee welcomes the second periodic report submitted by the State party, the supplementary information provided in the replies to the list of issues (E/C.12/GRC/Q/2/Add.1), the State party's common core document (HRI/CORE/1/Add.121) and the replies provided by the delegation. It is grateful to the State party for the statistical information provided, which has greatly assisted the Committee in assessing the fulfilment of economic, social and cultural rights in the State party. The Committee also welcomes the constructive dialogue held with the State party's high-level and large delegation.

B. Positive aspects

3. The Committee welcomes the State party's ratification of, or accession to, the following instruments since the previous dialogue, held in 2005:

(a) International Convention for the Protection of All Persons from Enforced Disappearance, on 9 July 2015;

(b) Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, on 31 May 2012;

(c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 11 February 2014;

(d) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 22 February 2008.

* Adopted by the Committee at its fifty-sixth session (21 September-9 October 2015).



4. The Committee notes with appreciation the measures taken by the State party to enhance the promotion and protection of economic, social and cultural rights, including:

(a) The adoption of Law No. 4320/2015 on immediate measures for coping with the humanitarian crisis;

(b) The adoption of Regulation No. 223/2014, establishing the Fund for European Aid to the Most Deprived;

(c) The adoption of Law No. 4198/2013 on preventing and combating trafficking in human beings and protecting its victims and other provisions, which transposes into national law Directive 2011/36/EU of the European Parliament and of the Council of the European Union;

(d) The adoption of the National Roma Integration Strategy in 2011.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. While the Committee notes the information provided by the State party that the Covenant constitutes an integral part of Greek domestic law and prevails over any contrary provision of law, it regrets the lack of information on decisions adopted by domestic courts that invoke the Covenant (art. 2 (1)).

6. **The Committee recommends that the State party provide in its next periodic report information on decisions taken by courts at all levels that invoke the Covenant. It also recommends that the State party raise awareness among members of the judiciary and the general public about the Covenant and the justiciability of economic, social and cultural rights. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.**

Obligations of the State party under the Covenant in the context of the economic crisis

7. The Committee notes with concern that, despite the measures taken by the State party to mitigate the economic and social impact of the austerity measures adopted in the framework of the memorandums of understanding in 2010, 2012 and 2015, the financial and economic crisis has had a severe impact on the enjoyment of economic, social and cultural rights, particularly by certain disadvantaged and marginalized groups with regard to the rights to work, to social security and to health. The Committee notes with interest the information provided by the State party's delegation that efforts have been and will continue to be taken to uphold the rights protected under the Covenant, in the framework of negotiation and conclusion of agreements with creditors and in their implementation (arts. 2 (1) and (2), 6, 7, 9 and 11-14).

8. **The Committee reminds the State party of its obligation under the Covenant to respect, protect and fulfil economic, social and cultural rights progressively, to the maximum of its available resources. While acknowledging that certain adjustments are at times inevitable, the Committee draws the State party's attention to the Committee's open letter of 16 May 2012 to States parties on economic, social and cultural rights in the context of the economic and financial crisis, in particular to the recommendations contained therein with regard to the requirements resulting from the Covenant regarding the applicability of austerity measures. In that context, the Committee recommends that the State party review the policies and programmes adopted in the framework of the memorandums of understanding implemented since 2010, and any other subsequent post-crisis economic and financial reforms, with a view to ensuring that austerity measures are progressively waived and the effective**

protection of the rights under the Covenant is enhanced in line with the progress achieved in the post-crisis economic recovery. The State party should further ensure that its obligations under the Covenant are duly taken into account when negotiating financial assistance projects and programmes, including with international financial institutions.

Non-discrimination

9. The Committee notes with concern that the State party recognizes only the Muslim religious minority in western Thrace as a minority. It also notes the lack of statistics on the composition of the population in the State party. The Committee is concerned about the persistent discrimination against persons with immigrant backgrounds and Roma in the State party, particularly in employment, education, health care and housing (art. 2 (2)).

10. **The Committee recommends that the State party collect statistical data on the composition of the population, on the basis of voluntary self-identification, with a view to formulating, implementing and monitoring targeted and coordinated programmes and policies at the national and regional levels aimed at improving the enjoyment of economic, social and cultural rights. In this regard, the Committee, referring to its general recommendation No. 20 (2009) on non-discrimination in economic, social and cultural rights, encourages the State party to revisit its narrow interpretation of “minorities” and recommends the State party to take effective measures for the recognition of all minorities in order to fully protect their rights, including with respect to their language, religion, culture and identity.**

Migrants, asylum seekers and refugees

11. The Committee appreciates the efforts by the State party to receive and host the exceptionally high number of migrants and persons fleeing armed conflict or persecution and its continued cooperation with the Office of the United Nations High Commissioner for Refugees in this regard. The Committee is concerned about the insufficient number of, and substandard conditions in, reception centres for migrants and persons fleeing armed conflict or persecution. It is also concerned about the limited enjoyment of the Covenant rights by migrants and persons fleeing armed conflict or persecution arriving to the State party's shores (art. 2 (2)).

12. **The Committee recommends that the State party intensify its efforts to ensure the full enjoyment of economic, social and cultural rights by migrants, asylum seekers and refugees. In implementing its Covenant obligations towards such persons the State party is recommended to seek and strengthen international cooperation and assistance, in particular with European Union member States. The Committee further recommends that the State party take measures to increase the number of reception centres, improve the living conditions therein, and ensure that everyone in those centres has access to medical care, interpreters, adequate food, clothing and social support.**

Unemployment

13. Despite the measures taken by the State party, the Committee is concerned that the unemployment rate is exceptionally high, disproportionately affecting the youth, whose unemployment rate is around 50 per cent. It is particularly concerned about long-term unemployment, which affects 73 per cent of all unemployed persons in the State party. While noting that the long-term unemployment allowance is now paid to all categories of unemployed people, the Committee is concerned that accessing the allowance is procedurally difficult (art. 6).

14. The Committee recommends that the State party step up its efforts to reduce unemployment, in particular unemployment among young persons and women, with a view to moving progressively towards the full realization of the right to work, *inter alia*, by:

(a) Strengthening the programmes and strategies aimed at reducing unemployment rates and ensuring that policies to promote employment effectively target groups disproportionately affected by unemployment;

(b) Addressing the causes of youth unemployment, creating employment opportunities for young people and enhancing the quality of technical and vocational training and education, taking into account labour market opportunities, including by implementing the National Youth Guarantee Implementation Plan, which entered into force in 2013;

(c) Reinforcing the support for jobseekers, with special focus on the long-term unemployed, including by providing them with adequate training to enhance their skills;

(d) Continuing to assess the impact of the economic and fiscal measures taken during the financial and economic crisis on the labour market and, in particular, on the enjoyment of the right to work.

The Committee refers the State party to its general comment No. 18 (2005) on the right to work.

Equality between men and women

15. Despite the steps taken to promote equality between men and women, the Committee is concerned about the persistent and significant wage gap between women and men and women's overrepresentation in part-time employment. It remains concerned that women are still underrepresented in all levels of political and public life, including in decision-making positions. The Committee is concerned that in the election of September 2015 the representation of women in the Hellenic Parliament reached only 19 per cent and that the new Government has seven women in the Cabinet, despite the one-third quota for women candidates (art. 3).

16. In the light of the Committee's previous recommendations (see E/C.12/1/Add.97, para. 13) and general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, the Committee recommends that the State party:

(a) Take proactive measures to provide men and women with equal career opportunities by promoting the pursuit of education and training in fields that are traditionally dominated by either sex;

(b) Take measures to close the gender wage gap, including efforts to combat horizontal and vertical occupational sex segregation in the labour market;

(c) Promote women's access to high-level positions in the public and private sectors, including by adopting and implementing temporary special measures, and address obstacles to their career advancement;

(d) Systematically implement the one-third quota of women candidates and ensure that women enjoy equal rights in political and decision-making positions.

Just and favourable conditions of work

17. The Committee takes note of the explanation provided by the State party on the guarantees in place against the practice of replacing fixed-term employment contracts by part-time contracts, but remains concerned at reports indicating the persistence of such practice and at the negative impact this may have on the enjoyment by workers of their rights (art. 7).

18. The Committee recommends that the State party take all appropriate measures to ensure that guarantees in place are applied to prevent the practice of replacing fixed-term contracts by part-time contracts and other flexible forms of employment with lower pay, including by creating decent work opportunities that offer job security and adequate protection of workers, with a view to respecting workers' labour rights.

Minimum wage

19. Despite the State party's declared intention to raise the minimum wage, the Committee is concerned about the reductions of the minimum wage resulting from the austerity measures taken, particularly in respect of young workers' salaries, which were disproportionately affected. The Committee is concerned that the current level of the minimum wage is not sufficient to provide workers and their families with a decent living (art. 7).

20. The Committee recommends that the State party take the steps necessary to ensure that all workers receive a minimum wage that enables them to ensure a decent living for themselves and their families, and that it is periodically reviewed and adjusted. In this regard, the Committee reminds the State party of its obligations to comply with the Covenant and ensure that austerity measures are progressively waived for the effective protection of article 7 of the Covenant.

Collective bargaining

21. The Committee is concerned about the new legal framework introduced on the right to collective bargaining, which has fundamentally changed the structure of collective bargaining and may put employees in a disadvantaged position in the determination of wages and working conditions by direct negotiation (arts. 7 and 8).

22. The Committee recommends that the State party take all the necessary measures, including the establishment of effective control and monitoring mechanisms, with a view to ensuring that agreements concluded at the enterprise level fully respect the rights of employees, in particular those under articles 7 and 8 of the Covenant, and that adequate remedies are available in practice.

Social security

23. The Committee is concerned about the restructuring of the State party's social security system that was carried out as a consequence of the austerity measures implemented and that led to drastic cuts in social security benefits and restrictive entitlements and conditions. It is also concerned that the current coverage and benefits are inadequate to ensure a decent living for the recipients and members of their families and are not in line with article 9 of the Covenant. The Committee is further concerned about the insufficient assistance provided to persons whose benefits have been reduced or discontinued and at the cuts and stringent terms and conditions imposed on non-contributory old-age benefits, which have a negative impact on the living conditions of older persons and their families (art. 9).

24. **The Committee recommends that the State party reconsider cuts to benefits from non-contributory schemes insofar as they affect the most disadvantaged and marginalized groups, and reverse the cuts on contributory social security benefits as soon as possible. Referring the State party to the Committee's general comment No. 19 (2007) on the right to social security, the Committee recommends that the State party adopt a human rights-based approach in assessing the impact of cuts on benefits and provide disaggregated statistics in its next periodic report on how the austerity measures have affected the enjoyment of the right to social security.**

Domestic work

25. The Committee expresses concern about the absence of comprehensive legislation that fully protects the rights of domestic workers, and at the conditions of work, including pay and working terms, being laid down through individual agreements between employers and domestic workers. It notes with concern the absence of statistics, disaggregated by age and sex, on domestic workers in the State party (arts. 6 and 7).

26. **The Committee recommends that the State party regulate domestic work through a law and ensure that its legislation and regulations:**

(a) **Guarantee domestic workers the same conditions as other workers as regards remuneration for work of equal value, protection against unfair dismissal, occupational health and safety, rest and leisure, limitation of working hours, social security, housing and change of employer;**

(b) **Pay particular attention to conditions that render domestic workers vulnerable to compulsory labour and sexual assault;**

(c) **Establish an inspection mechanism for monitoring the conditions of work of domestic workers.**

Domestic violence

27. The Committee reiterates its previous concerns (see E/C.12/1/Add.97, paras. 16 and 37) about the high incidence of domestic violence, the low rates of prosecution and the absence of effective measures to protect victims. While the Committee welcomes the statistical data provided by the State party, it regrets that that information is not made readily accessible to the general public and does not contain data disaggregated by sex, age, other relevant status and relationship between victim and perpetrator (art. 10).

28. **The Committee recommends that the State party strengthen measures aimed at preventing and combating domestic violence by addressing the root causes of such violence and ensuring the effective implementation of the existing relevant legal and policy frameworks, including by:**

(a) **Pursuing its efforts to raise widely the awareness of the public at large, and in particular boys and men, about the unacceptability of any form of domestic violence and its criminal nature;**

(b) **Continuing to encourage the reporting of domestic violence cases by, inter alia, informing women of their rights and existing legal avenues to receive protection against domestic violence and strengthening the services available to victims, including victims with disabilities;**

(c) **Ensuring that law enforcement authorities, as well as medical and social workers, continue to receive appropriate training to deal with cases of domestic violence, including on the special needs of persons with disabilities;**

(d) **Ensuring the effective prosecution of, and sanctions against, perpetrators;**

(e) **Systematically and regularly collecting statistical data on domestic violence disaggregated by sex, age, ethnicity/minority status and relationship between victim and perpetrator and making the statistical information readily accessible to the public.**

Poverty

29. The Committee is concerned that, despite the State party's efforts to combat poverty, including through the national strategy for social integration, the population at risk of poverty or social exclusion increased sharply since 2010, reaching 36 per cent in 2013. The Committee is also concerned about the high poverty rates among the most disadvantaged and marginalized individuals and groups. It is further concerned that the proportion of persons at risk of poverty or social exclusion who are foreign nationals resident in Greece reached 68.3 per cent in 2013 (art. 11).

30. **The Committee draws the State party's attention to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10). The Committee recommends that the State party strengthen its efforts to combat poverty, focusing particularly on the most disadvantaged and marginalized individuals and groups. The State party should guarantee that its social assistance system targets the poor effectively. It should also ensure that adequate financial resources are allocated, including through international assistance and cooperation, for the effective implementation of poverty reduction programmes and that the programmes are adjusted accordingly when measures taken do not achieve the expected results.**

Economic exploitation of children

31. In the light of its previous recommendations (see E/C.12/1/Add.97, paras. 19 and 40), the Committee remains concerned at the incidence of child labour, including forced begging and informal and dangerous work on the streets, and that children in such situations are exposed to exploitation and trafficking in persons (art. 10).

32. **The Committee urges the State party to intensify efforts to combat child labour, including through systematic and effective labour inspections and by investigating, prosecuting and sanctioning those responsible and providing victims with rehabilitation and assistance. It should also undertake awareness-raising campaigns for employers and parents on the dangers of child labour and the importance of education, and systematically collect data to assess the impact of measures taken to combat the economic exploitation of children.**

Forced evictions and access to adequate and affordable housing for Roma

33. In the light of its previous recommendations (see E/C.12/1/Add.97, paras. 22 and 44), and despite the efforts made by the State party, the Committee remains concerned that approximately 140,000 Roma live in at least 200 socially excluded locations, in substandard housing conditions, often lacking access to basic services, such as safe drinking water or sanitation facilities, electricity or waste disposal facilities. The Committee is concerned that Roma have been excluded from the general trend of regularization of "irregular" houses and have been subjected to forced evictions, leaving families with children without any alternative housing, compensation and protection. It is further concerned at the lack of information available on the number of persons who are homeless or inadequately housed, and at the lack of shelters for homeless persons (arts. 2 (2) and 11).

34. The Committee recommends that the State party should, taking into account the Committee's general comment No. 4 (1991) on the right to adequate housing, adopt all appropriate measures to ensure access to adequate housing for Roma, inter alia by regularizing "irregular" houses where possible, ensuring that adequate resources are allocated to increase the supply of social housing units and providing appropriate forms of financial support, such as rental subsidies. The Committee also recommends that the State party take steps to ensure that Roma communities are consulted throughout eviction procedures, afforded due process guarantees and provided with alternative accommodation or compensation enabling them to acquire adequate accommodation, and that the State party take into account the Committee's general comment No. 7 (1997) on forced evictions. The Committee encourages the State party to make use of the regional funds available to improve access to adequate housing for Roma. The State party should also collect data on the number of persons who are homeless or inadequately housed and take policy and financial measures to expand the availability and quality of social housing for homeless persons and low-income families.

Health-care system

35. The Committee is concerned about the severe impact of the financial crises on the health system, especially in the mental-health sector, which led to a decrease in health expenditure and critical understaffing of the health system. It notes the explanation provided by the delegation, but is concerned that asylum seekers and undocumented migrants continue to encounter difficulties in gaining access to health-care facilities, goods, services and information (art. 12).

36. **Taking into account its general comment No. 14 (2000) on the right to the highest attainable standard of health, the Committee recommends that the State party:**

(a) **Progressively increase health-care expenditure as a proportion of gross domestic product with a view to complying with its obligation to fulfil the right to health under the Covenant and the State party's Constitution;**

(b) **Take effective measures to ensure that there are sufficient health-care professionals, including mental-health staff, to meet the demands in medical treatment;**

(c) **Take steps to ensure that all persons belonging to disadvantaged and marginalized groups, in particular asylum seekers and undocumented migrants and members of their families, have access to basic health care, including by guaranteeing health examinations to such persons upon their arrival in the State party and ensuring the availability of translation services and information on health-care services;**

(d) **Take measures to further improve the infrastructure of the primary health-care system.**

HIV/AIDS

37. While the Committee notes the efforts taken by the State party in preventing and combating HIV/AIDS, it regrets the decrease in those measures, including the suspension of the distribution of free condoms, due to the financial and economic crisis. The Committee also notes with concern the increase in the number of HIV infections reported among injecting drug users (art. 12).

38. **The Committee recommends that the State party continue its efforts to prevent and combat HIV/AIDS by enhancing its national preventive strategy, including its**

awareness-raising activities, taking into account the spread of HIV infection beyond the original risk groups and providing adequate funding for its prevention activities, including for needle and syringe exchange programmes.

Inclusive education for children with disabilities

39. Despite measures taken by the State party, including Law No. 4115/2013, which facilitates the integration of students with special education needs in mainstream schools, the Committee is concerned at reports indicating that the enrolment rate of children with disabilities in schools is extremely low and that only 15 per cent of children with disabilities go to school (arts. 13 and 2 (2)).

40. **The Committee recommends that the State party collect data, disaggregated by sex and national or ethnic origin, on the school enrolment and drop-out rates of children with disabilities at various levels of education, to identify obstacles to accessing and continuing education and to devise appropriate strategies. The State party should also ensure that all children with disabilities have access to quality and inclusive education.**

Education for Roma children

41. Despite the positive measures taken by the State party, including the education priority zones project, the Committee expresses its concern at reports of a low rate of enrolment, low levels of school attendance and a high drop-out rate among, and de facto segregation of, Roma children in special schools (arts. 13 and 2 (2)).

42. **The Committee recommends that the State party redouble its efforts to address the insufficient level of education of Roma and immediately take measures to increase the attendance rates of Roma students and their retention in school by, inter alia, providing sufficient comprehensive measures to cover education-related expenses and raising awareness of the importance of education among Roma families. The Committee also recommends that the State party abolish procedures that lead to the de facto segregation of Roma pupils.**

Access to the Internet

43. The Committee expresses its concern about the limited access to the Internet among certain disadvantaged and marginalized groups (art. 15).

44. **The Committee recommends that the State party continue to expand the availability of the Internet throughout the country, and that it facilitate access to the Internet, and to other scientific and technological advances, for disadvantaged and marginalized groups, in order to enhance their enjoyment of economic, social and cultural rights.**

D. Other recommendations

45. **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

46. **The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, particularly among parliamentarians, public officials and judicial authorities, and to inform the Committee in its next periodic report about the steps taken to implement them. It also encourages the State party to engage non-governmental organizations and other members of civil society in**

the process of consultation at the national level, prior to the submission of its next periodic report.

47. The Committee requests the State party to submit its third periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 October 2020.
