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NEWS REPORT

Country:	Greece
Title:	Ombudsman's special Annual Report 2015 on discrimination
Date:	13 April 2016
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<u>Context</u>	
Issue at stake:	Monitoring of discrimination cases concerning public sector on behalf of the competent Equality Body
Ground of discrimination:	All grounds
Source:	National Equality Body
Field:	Employment, social protection, social advantages, access to goods and services, education, housing
Applicable law:	Antidiscrimination Law 3304/2005

Content

Policy development:

The Ombudsman Report, which was published on March 22, 2016, describes the actions the Ombudsman has taken during 2015 as a body charged through Law 3304/2005 with the promotion of equal treatment irrespective of racial or ethnic descent, religious or other beliefs, disability, age or sexual orientation. During 2015, according to the aforementioned criteria, the Ombudsman investigated 224 cases, which appeared to display unequal treatment against a person or a group of persons. 109 cases thereof were in fact unresolved cases of previous years. The amount of cases that were archived was 42, as they were considered beyond jurisdiction, insubstantial or because the applicants failed to provide the necessary information for further investigation. The outcome for 32 cases was positive, whilst in 16 cases the Administrative authorities refused to comply.¹ In 22 cases the Ombudsman found that the Administrative authorities were acting in conformity with equal treatment obligations. The remainder 112 cases are still being investigated.

With reference to discrimination based on ethnic origin and the access to public office, the Ombudsman repeated in its 2015 Report that the particularities of specific offices (such as the Police and the army) lead, initially, to an exclusion of foreigners from holding positions in public offices. However, she emphasised that differences amongst Greek citizens based on their ethnic origin should not be considered a fair criterion for discrimination. According to the Report, 2015 displays stagnation in governmental actions or initiatives for the improvement of living conditions and addressing the acute problems the Roma face in relation to housing. Within this framework, many issues remain unresolved, especially concerning the solution of problems related to housing of Roma throughout the country. Moreover, in relation to the important issue of Roma housing, within the framework of examining the case of a Roma settlement in Sofades

¹ Please note that the recommendations from the Greek Equality body are not binding.

(Karditsa), the Ombudsman highlighted that the integrated means of calculating the fines for urban-planning violations, whether they consisted of makeshift huts constructed with cheap materials or permanent conventional houses, raises questions of legality. The investigation of referrals in 2015 that related to the education of Roma children demonstrated that the issue of the educational exclusion of Roma children still remains unresolved and complicated, even though the State, through timeless declarations and efforts, has carried out educational and support programmes in order to attract and maintain Roma children in school.

As for the section of disability, the issue of reasonable accommodation and defining its content has frequently been addressed by the Ombudsman. In 2015, it examined whether permanent or non-permanent employees of an unlimited-term contract at Citizen Services Centers, which have been appointed due to points awarded for locality, may ask to be transferred elsewhere; if they are disabled, prior to the established ten-year mark (even if they have vowed to remain in their position for ten years). The Ombudsman stated that the Government, as an employer, had failed to take the necessary measures for reasonable accommodation as stipulated by article 10 Law 3304/2010, by refusing to relocate employees with disabilities. According to the 2015 Ombudsman Report, non-discrimination in the field of disability is ensured through the establishment and application of special measures which eliminate or minimize those conditions which obstruct the equal enjoyment or rights and lead to a *de facto* discrimination. The incomplete or non-existent establishment of such measures and especially their incomplete materialization, even when they are required by law, has constantly been addressed by the Ombudsman, as can be seen by the cases that were examined in 2015. As for discrimination based on grounds of age, the Ombudsman in 2015 recognised, in principle, as a legitimate aim the support of students that are of a young age and that fulfil all the necessary financial and social prerequisites in order to ensure their support through scholarships. As for discrimination on grounds of religion in the field of education, the Ombudsman, in its 2015 Report, supported that in order to respect religious freedom, a student that has been excused from a course of religion should not be sanctioned in any way, nor should he/she be forced to undergo an onerous precondition, such as being forced to reveal his/her religious beliefs. Finally, its 2015 Report applauds the introduction of a partnership law that does not discriminate on grounds of sexual orientation has in fact been the object of public intervention by the Ombudsman many times in the past.

Key points of analysis:

The Ombudsman in its 2015 Report used all positive aspects of anti-discrimination legislation, which are mostly related to the establishment of new institutional tools. On the other hand, it also highlights the shortcomings of the relevant legislative framework concerning both its regulatory range as well as the fragmentation of responsibilities caused by the existence of three distinct equality bodies.

Internet link source: <http://www.synigoros.gr/resources/docs/ee2015-17-nomoth-protaseis.pdf> Last accessed 08/05/2016.