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NEWS REPORT

Country:	Greece
Title:	Ombudsman's Annual Report 2016
Date:	17 March 2017
Expert:	Athanasios Theodoridis
<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 and new antidiscrimination Law 443/2016

Content

Policy development: The Ombudsman's Annual Report 2016, which was published on March 7, 2017, describes the actions the Ombudsman has taken during 2016 as a body charged through Law 3304/2005 with the promotion of equal treatment in the field of public sector.¹ Specifically, during 2016 the Ombudsman investigated 219 cases which appeared to involve unequal treatment against a person or a group of persons. The number of cases archived was 48, as they were considered beyond jurisdiction, insubstantial or because the applicants failed to provide the necessary information for further investigation. The outcome for 37 cases was positive (meaning that the Ombudsman's intervention succeeded in securing the administration's compliance), whilst in 19 cases the administrative authorities refused to comply.² In 24 cases the Ombudsman found that the administrative authorities were acting in conformity with equal treatment obligations. The remaining 91 cases are still being investigated. In total, 141 out of the 219 complaints were made in 2016, while 78 were from previous years. Overall, 60 concerned employment, 55 education and 104 the supply of goods, services and housing.

With reference to discrimination based on ethnic origin the Ombudsman argued that the benefits system of the long-term unemployed constitutes a complex provision of social insurance which falls within the scope of social welfare and therefore, it also falls within the scope of application of the principle of equal treatment of long-term third-country residents and second generation holders of resident permits.

As far as housing of Roma is concerned, the Ombudsman has highlighted the disproportionate burden which comes as a result of equating shacks built with shoddy

¹ On 7 December 2016, its mandate was extended to cover the private sector as well. However, during the 23 remaining days of 2016 there was no time for Ombudsman to start to receive and examine complaints.

² When the administration refuses to comply, the Ombudsman has no authority to impose its opinion but it can only include this refusal in its Report.

and cheap materials to permanent and conventional buildings.

In the field of education, in 2016 the Ombudsman continued to investigate relevant cases, which mainly concern the best integration of Roma children into the school environment by aiming to provide essential education and ensuring that they remain in school. Within the framework of investigating a series of complaints the Ombudsman visited again this year a large number of settlements and houses throughout the whole country, as well as the schools where Roma students were enrolled, cooperating with authorities and services which deal with this issue. The Ombudsman referred to the Ministry of Education by highlighting that the educational community should take into consideration the specificities of this particular group and the factors which prevent their regular school attendance - often rooted in family traditions and obligations-, in combination with the appropriate support offered by social services so as to provide the best possible understanding and support for their equal educational participation. As regards disability in education, the Ombudsman for 2016 has received a smaller number of complaints for special education and training, however this does not necessarily mean that the main problems identified in its findings concerning the lack of manpower and resources to ensure the functioning of the Special Education Units and education (SMEAE) on the one hand, and the support of students with disabilities and / or special educational needs with specific training in mainstream schools on the other, have been effectively resolved.

During 2016 the Ombudsman received a significant number of complaints concerning the provision of an upper age limit (40 years) for filling positions based on a priority listing in the permanent staff of the Distributors Branch at the Hellenic Post Office. The Ombudsman stated that the reasons for setting a maximum age limit should be based on the fact that no other, less severe means exist than setting a specific age limit for attaining the objective of the organization targets, while it should be clear that the age limit constitutes a genuine and determining requirement for the exercise of that profession. It also pointed out that the exclusion from participation in related personnel selection procedures of persons belonging to older age groups appear to be based on the general assumption that these individuals may not possess the necessary characteristics to meet the increased possible requirements of their profession.

Key points of analysis: The Report describes the Ombudsman's actions for the year of 2016 as a body responsible for promoting the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, in compliance with its jurisdiction as established through Law 3304/2005.

Internet link source: <https://www.synigoros.gr/resources/ee2016-14-diakriseis.pdf>.