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FLASH REPORT

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| Country: | Greece |
| Title: | Legislation concerning conditions for receiving social allowances |
| Date: | 12 February 2020 |
| Expert: | Athanasios Theodoridis |
| <u>Context</u> | |
| Issue at stake: | Non equal treatment on the ground of racial or ethnic origin in regard with the reception of social allowances |
| Grounds of discrimination: | Racial or ethnic origin |
| Field of application: | Housing, Education, Social advantages ,Social protection |
| Source: | National legislation |
| Applicable law: | Law 4659/2020, Articles 15 and 17 |

Content

Law development: According to Article 15 of Law 4659/2020,¹ which was voted on 3 February 2020, equal treatment with Greek citizens is now explicitly guaranteed in respect of annual child care allowances for various categories of persons such as stateless persons, third-country nationals who have received a refugee status or a subsidiary protection status or who have been granted a humanitarian residence permit.

Furthermore, Article 17 of the new law adds a paragraph 5 to Article 3 of Law 4472/2017,² which introduces as a prerequisite for housing allowance the adequate education of every minor member of a household during compulsory education. In particular, the granting of the allowance requires not only the child's enrolment in school but also the child's actual attendance in such a way as to exclude households whose minor members are obliged to repeat the same class because of a large number of unjustified absences from school. As the Explanatory Report that introduced Law 4659/2020 in the Parliament points out, this provision aims to eliminate the phenomenon of students being absent from their school duties and thereby reinforcing the compulsory education system by introducing incentives for parents as beneficiaries of the allowance to exercise their care.

However, according to the Hellenic League for Human Rights,³ which is one of the most reliable civil society organisations in Greece, this arrangement obviously affects the Roma social group because it relies on the problematic link between school attendance and the provision of assistance that the state considers necessary for decent living, and

¹ Greece, Law 4659/2020 on 'birth allowance and other provisions' (Νόμος 4659/2020 για 'επίδομα γέννησης και άλλες διατάξεις') (OG A 21/03.02.2020).

² Greece, Law 4472/2017 on 'measures of social support and other provisions' (Νόμος 4472/2017 για 'μέτρα κοινωνικής στήριξης και άλλες διατάξεις') (OG A 74/19.05.2017).

³ Press release of Hellenic League of Human Rights (HLHR), issued on 3 February 2020, available in Greek at: <https://www.hlhr.gr/%ce%b4%cf%84-%ce%b5%ce%bb%ce%b5%ce%b4%ce%b1-%ce%b3%ce%b9%ce%b1-%cf%84%ce%bf%cf%85%cf%82-%cf%80%ce%b5%cf%81%ce%b9%ce%bf%cf%81%ce%b9%cf%83%ce%bc%ce%bf%cf%8d%cf%82-%ce%b5%ce%b9%cf%82-%ce%b2%ce%ac%cf%81/>.

consequently it is rather a state effort to impose school attendance and not an organised attempt to deal with the school absenteeism, as it transfers to the minor family member - or to his or her teacher - the responsibility of whether or not the family will receive a social allowance.

Key points of analysis: Equalising the legal status of Greeks with a number of citizens of other countries in terms of social benefits is a positive legal development. However, Law 4659/2020 seems to impose restrictions on Roma in receiving housing allowance.

Internet link source: <https://www.e-nomothesia.gr/oikogeneia/nomos-4659-2020-phek-21a-3-2-2020.html>.