



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Greece
Title:	ECRI report on racial discrimination in Greece
Date:	26 February 2015
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Context	
Issue at stake:	Recommendations for improvement of the Greek anti-discrimination legislation
Ground of discrimination:	Race/ethnic origin, religion
Source:	ECRI - European Commission against racism and intolerance (important political development)
Field:	Employment, social protection, social advantages, access to goods and services, education, housing
Applicable law:	European Convention of Human Rights (ECHR)

Content

Political development: On 20th February 2015 ECRI published its latest report on racial discrimination in Greece. In its previous 4th report of 2009, ECRI had welcomed the adoption of the Law 3304/2005 as a positive step, but had also pointed out certain gaps which required amendments¹ in order to provide wider protection against discrimination on the grounds contained in ECRI's General Policy Recommendation (GPR) No.7, even beyond the scope of the EU Directives. The new 5th report emphasises that Law 3304/2005 does not mention discrimination based on colour, language or citizenship, as is advised in ECRI's GPR No.7, § 1 a., and that no amendments have been made to reinforce Law 3304/2005 by broadening its scope to include the above-mentioned grounds. It also points out that Chapter III of the Law, which prohibits discrimination based on, inter alia, religious or other beliefs, does not extend the scope of this prohibition to social protection, education and access to goods and services despite the ECRI recommendations to that extent in its fourth report.

Moreover, the report refers to the fact that discrimination by association or discrimination by assumption, as mentioned in § 6 of ECRI's GPR No. 7, are not covered by the law. Furthermore, it is highlighted that there are no provisions in Law 3304/2005 that place a direct obligation on public authorities to prevent discrimination in carrying out their functions, as recommended in §§ 8 and 9 of ECRI's GPR No. 7.

Therefore, with its fifth report, ECRI recommends that Law 3304/2005 be amended in line with its General Policy Recommendation No. 7 to: include the grounds of colour, citizenship and language; extend the scope of Chapter III of the law to social protection, education and access to goods and services; include discrimination by association and by

¹ Athanasios Theodoridis, Report on Measures to Combat Discrimination - Directives 2000/43/EC and 2000/78/EC - Country Report 2012, Greece, 2013, p.39.

assumption; and include a direct obligation on all public authorities to prevent discrimination in carrying out their functions. ECRI also repeats its recommendation to amend Law 3304/2005 so as to enable NGOs to bring cases to court without representing a specific victim.

As far as Equality Bodies are concerned, the ECRI report notes that its fourth cycle recommendations regarding the empowerment of the Ombudsman to represent alleged victims in court or grant them legal aid, and the extension of the deadline for filing complaints, have not been followed up on.² As a result, ECRI recommends Law 3304/2005 be amended to give the Ombudsman the right to initiate court cases, to participate in them and to intervene in favour of plaintiffs whose cases s/he has investigated. The Ombudsman should be allowed to receive complaints from the private sector concerning racial discrimination. Alternatively, an independent equality authority, dealing inter alia with racial discrimination, should be created along the lines recommended by ECRI in its GPR No. 7 and the more detailed GPR No. 2 on specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level. As for the other two bodies tasked with monitoring compliance with the principle of equal treatment (Equal Treatment Committee and Labour Inspectorate), ECRI repeats that they are not independent bodies since they are an integral part of the Ministry of Justice, Transparency and Human Rights and the Ministry of Labour, Social Security and Welfare respectively. The authorities have informed ECRI that there are no plans to change the status of these bodies. Therefore, ECRI recommends that in order for the Equal Treatment Committee and the Labour Inspectorate to become independent authorities, they should be given a status similar to that of the Ombudsman. Alternatively, their competencies could be transferred to an independent authority, as recommended in § 31.

Key points of analysis:

- ECRI repeats all its recommendations from the fourth report (2009) concerning the improvement of Greek anti-discrimination legislation.
- None of ECRI's General Policy Recommendations made in the fourth report has been adopted by the Greek government and no relevant amendment has been made in the Law 3304/2005.

Internet link source:

<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

² The Ombudsman can only refer a case to the competent prosecutor or administrative authority for investigation, without having the right to initiate and participate in court cases. Since 2010, the National Commission of Human Rights (NCHR) has been proposing to amend Law 3304/2005 to allow the Ombudsman to intervene in favour of a plaintiff in cases which have been previously investigated by him/her and are subsequently heard by the courts. However, no such amendments have been made or are planned.