



## **Executive Summary**

### **Equal Treatment: Special Report 2017**

The issue of equal treatment and non-discrimination, in the context of effective safeguarding of human rights and promoting substantive equality, is extremely complex and multifaceted. Although equality is a fundamental principle at European and national level, it is not yet a fact everywhere.

The economic crisis and the arrival of third-country nationals activated the solidarity reflexes of the Greek Society. However, it has also given way to extreme behaviours and speeches exhibiting racist motives and hatred, thus, creating significant barriers obstructing full and equal access of our fellow humans to their non-negotiable fundamental rights, as well as to their enjoyment thereof.

The Greek Ombudsman, under its new structure, is the national body responsible for monitoring and promoting the principle of equal treatment. It seeks to intervene in full consultation with the complaints, while simultaneously ensuring the maximum possible discretion and confidentiality during the interventions and the communications that take place in the examination of such complaints.

This is the first Report of the Greek Ombudsman in the context of its extended competence for equal treatment issues. The Report reflects the work as well as the strategic planning of the Authority. It is also aimed at facilitating the understanding of the Greek Ombudsman's role and the results of its actions, as well as to increase the familiarization of the persons affected with the possibilities of receiving the protection provided for by law.

The indicative cases included in this Report show the trends of individual complaints by ground of discrimination, the difficulties encountered in the process of combating violations and the ways of successfully dealing with violations of the principle.

For the first time, in 2017, the statistical analysis of the cases handled by the Greek Ombudsman include an overview of the handling of cases examined on all grounds of discrimination. In this year, the Greek Ombudsman received 738 complaints, 77% of which fell within its competence and, thus, were further investigated. As far as the well-founded complaints, a 69% of the cases were successfully resolved.

The classification of the cases and the analysis of the issues and trends highlighted are based on gender, ethnic or racial origin, religious or other beliefs, disability or chronic disease, age, social status, family status, sexual orientation and multiple discrimination.

**Gender and labor relations** refer to the equal and balanced participation of men and women in employment, occupation and in decision-making bodies. Gender, as a ground of discrimination, appears in the majority of the complaints the Ombudsman received, amounting to 40% of all the cases filed. It appears that inequalities in employment disproportionately affect women workers, yet men are also victims of discriminations, especially as regards to child-care or other dependents. Some of the issues concerning gender and labor relations are maternity leave and the adverse consequences on women's career development; protection of men's parental right; termination of employment contracts and unfair dismissal declarations and sexual harassment.

The complaints due to discrimination based on **national or ethnic origin** account for 8% of the cases, while 5% are due to **race or color**. This category mainly includes cases of discrimination against the Roma, people who originated from northern India and lead a nomadic lifestyle and retained their own physical and cultural features on grounds of their racial and ethnic origin, or against alien citizens, especially third country nationals, who are treated unfavorably for reasons relating to their different colour, national or ethnic origin. The issues in regards to discriminations based on national, racial or ethnic origin include social exclusion of the Roma, asylum seekers and refugees, European Union citizens, and Greek citizens who acquired citizenship through naturalization.

Complaints submitted to the Greek Ombudsman claiming discrimination on the grounds of **religion or other believes**, do also fall within the scope of the anti-discrimination legislation. Complaints investigated concern licensing of places of worship, conscientious objection to military service, rights of burial of heterodox, and issues of registration of a child as a unbaptized as a prerequisite for the submission of a family allowance application.

The complaints due to **disability or chronic disease** amount to 19% of the cases filed. The social, legal, economic or environmental factors, which hinder the full exercise of rights for persons' with disability must be identified and eliminated. Change is therefore necessary to consider disability as a manifestation of human diversity. Part of the issues discussed on this field are occupational prejudices towards specific diseases, indirect discriminations on grounds

of disability or chronic disease, and refusal to adopt reasonable accommodations measures.

Direct or indirect discrimination on grounds of **age** represent 9% of the complaints. This form of discrimination in the field of employment and occupation is prohibited according to Law 4443/2016. The age criterion, in order to be deemed as justified, must constitute an essential characteristic necessary for the execution of the specific work activity, must serve the purpose of achievement of a legitimate aim and, finally, it must be a reasonable and absolutely necessary measure. Certain claims pertaining to age discrimination include inadequate justification of the age criterion, the absence of objective data and the need to disconnect age from established stereotypes.

The protection of **family status**, concerning 12% of filed cases, was already provided for by Law 3896/2010, in direct correlation with the prohibition of any form of direct or indirect discrimination on grounds of gender. The concept of family status includes any form of family relationship that creates strong family ties and living arrangements. The complaints investigated by the Greek Ombudsman in this field especially concern a differential treatment of persons due to the type of union with another person of similar or different sex, as well as the unfair treatment of parents or children of single-parent families and of divorced persons or their children.

**Social status**, as a ground of discrimination, is a novel concept in the Greek national legislation. The explanatory report of Law 4443/2016 attempts to establish the boundaries of this concept, in the context of social stigmatization of a person, due to his/her distinctiveness as a member of a specific social subset, e.g. ex-addicts, ex-convicts, sex workers, or homeless people. Unfavorable treatment on grounds of social status may also be exercised on groups having common specific characteristics of race, color, national or ethnic origin, who belong to a specific social sub-category, such as the Roma, against which stereotypical perceptions prevail and are reproduced, thus exacerbating social exclusion and the difficulty to enjoy equal rights. Although, in accordance with Law 4443/2016, the cases of discrimination on grounds of social status pertain exclusively to the field of occupation and employment, the Ombudsman seeks to point out the importance of horizontal extension of protected fields, such as education, social protection, goods and services. Some of the cases filed refer to impediments to an occupation on grounds of social status, extreme poverty, social exclusion, and Social Solidarity Income.

The Ombudsman firmly underlines that **sexual orientation**, apart from being a social

fact, is an element of the individual's personality separately protected by the national and international legislation. The small number of complaints received is considered to be an indicator not only of the hesitation of victims to reveal delicate data of their private life, but of the fear that work environment would worsen following the complaint. The main problems addressed in this report regarding this field are sexual orientation, and gender identity and sex characteristics.

Law 4443/2016 introduces the concept of **multiple discrimination**, that is, the unfair treatment, exclusion, or restriction of a person bearing more than one of the protected characteristics. It is, therefore, necessary to investigate whether there are more than one grounds of discrimination contributing to the more unfavorable treatment of a person or group of persons, bearing specific protected characteristics. In this context, it is a challenge for the Ombudsman to identify either the coexistence of more than one grounds of discrimination or the existence of grounds that in combination, may demonstrate the worsening of the unfavorable situation encountered by the concerned persons. Some of the issues encompassed in the cases investigated are multiple discrimination on grounds of family status and disability, and widespread multiple discrimination ascertained in the private sector.

In addition to the cases handled, the Greek Ombudsman has promoted the principle of equal treatment through a wide range of initiatives such as activities related to the dissemination of information, actions raising awareness of agencies, services, and the general public. In addition, the Independent Authority has made targeted interventions to eliminate stereotypes and prejudices.

The Greek Ombudsman, as the national body responsible for monitoring and promoting the principle of equal treatment, will continue to contribute to the consolidation of the principle of equal treatment, at an institutional, political and social level, with the same perseverance and dynamism, aiming at even greater efficiency. Furthermore, the aim of the Greek Ombudsman is to highlight the importance of confronting and gradually breaking down the stereotypes and the prejudices that prevent equal enjoyment of rights, and to emphasize the need for wider coordination of the activities of the competent bodies, so that the principle of equal treatment can have a large social impact.