



## Promoting Equal Treatment The Greek Ombudsman as a National Equality Body Special Report 2012

### Executive summary

The Greek Ombudsman is deeply concerned by the apparent regression of Greek society and the State in terms of their readiness to combat discrimination. In particular, the alarming rise in racist violence, both in the number of incidents reported and their intensity, as well as the competent state bodies' degree of effectiveness in protecting vulnerable social groups, is increasingly worrying.

This report records the Greek Ombudsman's activity as a national equality body promoting the principle of equal treatment, irrespective of racial or ethnic origin, religion or faith, disability, age or sexual orientation, under the provisions of Law 3304/2005 (see more in the chapter *International Activity*).

The total number of complaints investigated in 2012, in which discrimination on the above mentioned grounds was reported, was 112.

#### Discrimination on grounds of age

Although age discrimination in employment and occupation is extremely difficult to be justified under the conditions laid down by the provisions of Law 3304/2005, it occurs with great frequency and age limits are often set in the recruitment process.

In the case of access to the armed forces and security forces, the establishment of a maximum age, in principle, can legitimately, objectively and reasonably be justified as constituting an essential condition attributable to the very nature of the relevant professional duties.

Nevertheless, the Ombudsman expressed the view that a general exclusion of all officials in the security forces and the armed forces on the grounds of age, regardless of specialty or professional duties, could not be justified under the conditions laid down by the Directive 2000/78/EC. Thus, when investigating reports of an upper age limit of 32 years, which had been set by the Police Headquarters in the recruitment of biologists for the police's forensic laboratories, the Ombudsman pointed out that the professional duties of the particular post did not justify exclusions due to age.

#### Discrimination based on disability and reasonable adjustment measures

The number of complaints containing allegations of discrimination on grounds of disability in employment and the workplace remains low. This may be due more to the lack of information to those concerned rather than compliance of public services and enterprises which are subject to the Ombudsman's authority to inspect.

In 2012 it was found that the complaints filed with the Ombudsman on discrimination based on disability concerned mainly the assignment of different tasks to an employee with a disability as a way of fulfilling the employer's obligation to take measures for reasonable adjustment.

In a complaint submitted by a nurse with a disability, working in a provincial public hospital, requesting that she be assigned exclusively administrative duties, the Ombudsman asked the hospital for information on the number of positions provided for nurses in the hospital and to what extent those positions were covered. It also requested information on whether there were nurses in the hospital with equivalent or less qualifications compared to the complainant and if they were assigned purely administrative duties. The hospital's administration provided the Ombudsman with the requested information, showing that not many options were offered. Nevertheless, the complainant's request was granted.

### **Integration of a child with disability in a special school**

Unequal treatment of children based on disability raises additional concerns, particularly since such violations relate directly to minors who are already vulnerable due to their age.

In many cases, the Ombudsman's interventions in cases related to ensuring the necessary services to children with disability and special educational needs were hindered by structural problems or lack of financing. In the specific case, however, the Ombudsman's intervention proved to be of vital importance and led to the best possible solution to the problem.

During a GO team visit to a Roma camp near Amaliada, it was found that a minor with disability was not going to school. School attendance of the child in a special school in Athens had been discontinued because the child could not adapt to the life of a boarding school. The Ombudsman undertook to investigate the case taking also into account a report submitted to the U.N. by a representative of the UNHCR. It searched for a suitable school in Amaliada or nearby Patra and approached the pertinent authorities in order to activate the transfer, in collaboration with social services of Pyrgos who supported the family. At the end of 2011-2012 the child was placed in a school in Patras which was deemed the most suitable; he attended without fail and became totally integrated in the educative system; he is now following studies for the year 2012-2013.

### **Discrimination based on race – relocation of Roma settlement**

In the year 2012, the Ombudsman determined, on the basis of the Roma cases examined, that there was either deterioration or stagnation of the existing, problematic situation encountered by this vulnerable community. The adverse living conditions and the limited social integration the Roma face are largely due of the fact that the competent authorities of local government do not take the necessary initiatives for their alleviation.

Representative of Greek Roma appealed to the Authority protesting against the impending demolitions of homes/lodgings of a significant number of families who for a long time reside in the area "Pefko Politi" (Nosmimatokopio), in the municipality of Halandri. The Ombudsman's intervention in the case revealed the diachronic, very serious omissions of the involved public services, which indeed lead to a condemnatory judicial decision against the State, which was ordered to compensate land owners, whose property was illegally occupied by the Roma residents, on the basis of the relevant, for civil liability of the state, provisions.

The Ombudsman pointed out that the likelihood of violent expulsion of Roma from their encampment site, without any prior care/plan for their relocation, undermines the principle of safeguarding the public interest and requested that suitable land for the relocation, even temporary, of the Roma to be found. The Authority underlined that the execution of forced eviction, in addition to violating the rights of Roma themselves, constitutes a violation of the international obligations of the country. Simultaneously, the Ombudsman intervened with the relevant education authorities in order to ensure that the enrollment and the support of Roma pupils, in the nearby schools, is provided and safeguarded.