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1. INTRODUCTION

This report aims at recording the Greek Ombudsman's (GO) activity, as a national body promoting the principle of equal treatment, for the sixth consecutive year after the assignment of the relevant competence to the GO with regard to the public sector under the provisions of L. 3304/2005.

- The overall number of complaints filed in 2010 has dropped slightly in comparison to the previous year. In spite of this reduction, however, a comparative increase is observed in the number of complaints filed in 2010 which fall within the regulatory scope of L. 3304/2005. This could be assessed as a sign of progressive familiarisation with a regulatory framework that is extremely complex. This assessment seems to apply more to discrimination on grounds of disability and to discrimination against the Roma.
- As far as discrimination on the grounds of disability is concerned, the number of complaints examined in the framework of L. 3304/2005 has been rising steadily in the last two years. This is due, to a certain extent, to the relaying of complaints to the GO by organisations representing disabled individuals, and also to the suggestion to their members to submit their complaints directly to the GO.
- The increase in complaints involving discrimination against the Roma is due, to a great extent, to the fact that the GO has liaised with organisations and services which deal with the protection of their rights through the “Roma network” that our Authority established and operates since 2007. The inclusion of the Roma in housing programmes, where the administration acts as guarantor for mortgage loans, also accounts for a substantial number of complaints which the GO can investigate within the regulatory scope of L. 3304/2005 (article 4 paragraph 1 section h).
- In 2010, the almost complete absence of cases of discrimination on the grounds of age can partially be explained by the suspension of State recruitment. In any case, it is evident that there is a need to further inform the public of the protection provided by anti-discrimination law.
- The problem of underreporting of discrimination on grounds of sexual orientation and of religious or other beliefs is of course more complex; both at a national and a European level, the number of complaints filed is consistently low. However, it is extremely worrying that, in the year 2010, there are absolutely no complaints lodged with the GO on these grounds. The absence of such complaints, which involve disclosure of sensitive sides of one's personal and social life, cannot be taken as a sign, much less as proof, of an absence of discrimination on these grounds. On the contrary, it rather suggests that those discriminated against are hesitant to expose their personal or social lives and sustain the cost that lodging a complaint possibly entails and also indicate the failure of the GO to reach these groups and to gain their trust.
- The above findings point to the fact that the GO needs to become more active in providing targeted information, especially to vulnerable groups where underreporting of discrimination is evident. To this end the GO announced in 2009 a strategic plan which included the creation of networks of cooperation and exchange of information, drawing on the experience gained from the successful operation of the “Roma network”. However, this plan was not implemented in 2010, mainly due to the serious cutbacks in the GO's budget. Given the further cutbacks expected in the year 2011, the GO will seek funding from European programmes in order to proceed with its implementation.

- The GO considers the establishment of Municipality Mediators as an encouraging and promising development, both in the sense of familiarizing local authorities with the protection provided and the obligations involved in anti-discrimination legislation and an effective channel for the victims of discrimination to address their grievances and be informed of their rights. The GO will seek an institutional cooperation with the Municipality Mediators in order to share knowledge and experience and improve the flow of information concerning particular regional issues involving discrimination.
- Finally, particularly encouraging has been the successful GO intervention in a significant number of complaints investigated in 2010, especially in the areas of discrimination on grounds of disability and racial origin (Roma), compared to the previous year, and also with any other year. This is extremely promising, both in terms of the GO making the best possible use of the institutional tools offered by current legislation, and as it indicates a gradual familiarization of the administrative bodies involved with the relevant anti-discrimination legislation.

2. PRESENTATION OF CASES

In the course of 2010, the GO investigated fifty three (53) cases in which it was alleged that there was discriminatory treatment on the grounds set out in the provisions of L. 3304/2005.

From these cases eleven (11) were filed. Three (3) did not fall within the GO's competence, six (6) were unfounded, and two (2) were terminated because of the complainant's failure to provide sufficient information.

In the twenty four (24) cases whose investigation was completed in 2010, the outcome was in principle positive for the complainant in thirteen (13) cases, while in six (6) the administration refused to act in compliance with the GO's proposals, and in five (5) it was found that the administration had acted in compliance with the law.

The remaining eighteen (18) cases are still under investigation as the administration's final response is still pending. It should be noted that in thirteen (13) cases, mainly involving the housing of Roma populations (see chapter 3), the GO has opted, due to the structural character of the discrimination, to keep them active until the problem is definitely resolved.

COMPLAINTS FILED IN 2010 ON DISCRIMINATORY TREATMENT ACCORDING TO THE GROUND OF DISCRIMINATION	<i>Total no. of complaints investigated in 2010</i>	<i>Number of complaints submitted in 2010</i>	<i>Discrimination in the workplace</i>	<i>Discrimination in vocational training, further training, internship</i>	<i>Discrimination in education</i>	<i>Discrimination in the provision of goods and services</i>
<i>Discrimination on grounds of ethnic origin</i>	2	1	2			
<i>Discrimination on grounds of racial origin</i>	36	18	2		1	33
<i>Discrimination on grounds of disability - reasonable adjustment</i>	14	8	13	1		
<i>Discrimination on grounds of age</i>	1	1	1			
<i>Discrimination on grounds of sexual orientation</i>	-	-	-	-	-	-
<i>Discrimination on grounds of religious or other beliefs</i>	-	-	-		-	-
Total	53	28	18	1	1	33

2.1. DISCRIMINATION ON GROUNDS OF ETHNIC ORIGIN

2.1.1 Employment

2.1.1.1 Request for positive measures for repatriates

A repatriate from the former Soviet Union filed a complaint with the GO protesting that, in a call for expression of interest for the recruitment of staff to cover temporary needs of the Thessaloniki Municipality, no explicit provision was included regarding the more favourable treatment of this special category of candidates. The GO pointed out that the “omission” to take a positive measure in favour of repatriates cannot be considered discriminatory, pursuant to the provisions of L.3304/05. A violation of the principle of equal treatment of persons regardless of their racial or ethnic origin would be the case if a person or group of persons were excluded from access to employment or to a specific professional activity, for reasons linked either directly or indirectly with their racial or ethnic origin. Respectively, the obligation to establish positive or special measures in the direction of preventing or setting off disadvantages suffered by population groups due to their racial or ethnic origin aims at lifting established weaknesses or impediments of a group which exhibits these ethno-racial features in the exercise of its legal rights (case 130943/2010).

2.1.1.2 Rejection of the candidacy of a naturalised Greek citizen of non-Greek descent for appointment in the Military Justice Corps (see Annual Report 2009:2.1.1.1)

The application of a Greek lawyer for appointment in the Military Justice Corps, was rejected on the grounds that although “*he has Greek nationality, his parents are not Greek by birth but Pakistani*”; therefore, pursuant to article 14 § 3 of the Code of Military Justice Corps (L.2304/1995): “*an alien, who has acquired Greek citizenship, shall not be appointed as a member of the judiciary.*” An appeal by the interested party, in which L.3304/2005 was invoked, was rejected by the Military Justice Directorate of the Ministry of National Defence on the grounds that “*the provision of the Code of Military Justice Corps (KDSSE) is absolutely clear and in view of the nature, the special institutional mission and the objective of the Armed Forces the legislator can deem that the public interest necessitates that the profession of a military judge can be exercised only by Greek citizens who are Greek by birth*”. In its intervention, the GO pointed out that article 14 § 3 KDSSE puts naturalized Greek citizens of non-Greek descent at a disadvantage in comparison to those of Greek descent or Greeks by birth, on grounds pertaining to their ethnic origin. This constitutes a direct discrimination pursuant to the provisions of L. 3304/2005. More specifically, it was pointed out that invoking a difference in the degree of certainty and intensity of patriotic feeling between Greek citizens, whether by birth or through the naturalisation process, in deciding the suitability for the post in question, is contrary to the law. Such a classification cannot conceivably be interjected as regards Greek nationals. Even if an alien acquired Greek citizenship by means of naturalisation, the State has irrevocably decided on issues of their “ethos and personality” pursuant to article 7§3 of the Greek Citizenship Code. If, on the other hand, they had Greek citizenship already, as persons born to naturalised parents, then they cannot be considered to be “aliens” in the first place. In its answer to the GO, the Ministry insisted on its views, informing the GO that the lawyer in question appealed to the Courts seeking the annulment of their decision. In view of this development, as the GO does not have a mandate in cases pending before the Courts, the investigation of the case was terminated. A special report was issued by the GO outlining its conclusions and calling for a revision of the above mentioned provisions in the Code of Military Justice Corps.

It is worth mentioning that in April 2010 the Ministry of National Defence, citing the GO’s special report on this matter, did not include the ethnic origin barrier on naturalised Greek citizens in its call for appointment to the Military Justice Corps. However, this change of stance was limited only to the text of the specific call and the provisions of the law in question have not, to date, been revised (case 4806/2009).

2.2. DISCRIMINATION ON GROUNDS OF RACIAL ORIGIN

2.2.1 Housing

2.2.1.1 Inability to fulfil contractual obligations regarding housing loans obtained on the basis of the national programme for housing of the Greek Roma

The problems in the implementation of the housing programme for the Greek Roma have been reported in great detail in both the 2008 and 2009 Annual Reports of the GO. Joint Ministerial Decision no. 33165/2006 (Government Gazette B' 780-29.06.2006), which sets out the requirements for admittance to the programme for mortgage loans guaranteed by the state, included several prerequisites, one of which was the enrolment of the applicants in the municipal registry. Given the fact that a large number of Greek Roma are not registered in the municipal rolls, due mostly to their life circumstances, this requirement was not met by a substantial number of them.

The Greek Ombudsman has indicated as particularly problematic, in the implementation of this programme, the absence of a mechanism for supervising and monitoring its actual materialization. This lack rendered the assessment of the degree of success of the implementation of the programme's objectives, dubious (cases 18637/2005, 1853/2007, 9817/2008, 15366/2008, 1110/2009, 6736/2009).

In 2010 the Greek Ombudsman received a significant number of complaints from Greek Roma and local Roma associations representing them. These complaints asked for the GO's intervention in order to prevent the confiscation of their property due to their inability to meet the contractual obligations with the relevant banks which had issued their mortgage loans with the guarantee of the Greek state. It is worth pointing out that the usually overdue sums owed ranged between €1,500 to €3,500 compared to the total amount of the loan granted at €60,000, or to the overall value of the property, which often exceeded by far the amount owed. Indicative of this practice is the case of the confiscation of a property in the area of the Heraklia, Serres, in which, according to the confiscation order, for half of the joint ownership of the property (first residence, which is valued at €90,000) the property was to be taken away (passed by the banks to the possession of the state) due to unpaid loan payments, for a period larger than six months, for a sum of just €3,016.

The General Secretary of the Ministry of the Interior intervened, proposing that the relevant services must consider the requests of the complainants *"with the prospect of the continuation of implementation of the Programme, in cooperation with the competent Ministry of Finance and within the existing fiscal obligations of Greece and the terms of the Memorandum of Economic and Fiscal Policy"* however this proposal has not been taken into account, nor has it brought about any changes in the practice of confiscation of properties followed thus far. The evidence examined by the Greek Ombudsman is that the relevant Tax Offices still proceed to confiscate properties acquired within the framework of the above programme.

In regards to this particular case, the Greek Ombudsman pointed out that par. 3, of article 65 of L. 3842/2010 provides for the postponement of the collection of part or of the total amount owed, for a period of five (5) months, if the debtor is temporarily unable to pay the debt. However, despite the fact that the complainants made use of this provision, their requests were rejected by the relevant Tax Office with the justification that their temporary financial inability was not connected with specific circumstances described in the law, i.e. they were not the result of catastrophe, grave illness, etc..

Undoubtedly, any amounts owed to the Tax Office/Greek State will have to be paid by the debtors. However, in order for the Greek State to achieve the collection of the payments due, it is

necessary for the jointly competent ministries (Ministry of the Interior and that of Finance) to cooperate and take all suitable measures which will secure the interests of the Greek State. The achievement of the objectives of the housing programme for the Roma, which the State itself initiated, is certainly in the interest of the State. Therefore measures which would accommodate the payment of the loans would be the best course to follow for the achievement of the aforementioned goals.

Thus, the Greek Ombudsman proposed that the involved Ministries adopt special provisions pertaining to: a) the readjustment of the terms of repayment of the mortgage loans, b) the payment of the sums outstanding to the Tax Office, which already passed to the Greek State by the banks, be resolved through a settlement with the debtors, in order for the repayment to be possible, and c) the postponement of confiscation of such properties which have been acquired through the housing programme, and the collection of these debts by the use of milder means (e.g. partial payment of the instalments, extension of the payment period, etc.). The General Secretariat of Fiscal Policy, and the General Secretariat of Tax & Customs Issues of the Ministry of Finance, in their response to the above intervention simply reiterated what the existing provisions prescribe and thus did not take any action on the basis of the Ombudsman's proposals (cases 135201/2010, 126886/2010, 129260/2010).

2.2.1.2 Implied partiality from the part of the Municipality of Ano Liossia against a Roma resident who requested a building permit

A complainant of Roma origin, the legal owner of a buildable plot which he had purchased with part of the money he obtained through a mortgage loan, as a beneficiary of the national housing programme for the Greek Roma, complained to the GO about the refusal of the Ano Liossia Municipality to respond to his pending requests regarding the legality of activities of the municipality on the basis of which a reclassification of the use of his land, which he purchased for building a home, occurred. The complainant asked the GO to examine if the illegal, according to his claims, actions of the municipality, constituted an act of discrimination against him on the basis of his race. More specifically, according to the complainant, by a decision of the Municipal Council, part of his plot was declassified in order to be used as public space. This declassification however rendered his plot useless for building a home. Simultaneously the aforementioned decision of the municipal council made no reference whatsoever to his compensation for losing his land. No other alternative was offered to him (i.e. another land to use for building his home since the previous one was bound for reasons of public interest). The important element in this case was that the process of declassifying/reclassifying the specific plot of land commenced when the complainant approached the municipality, as he was obliged to do in order to request a building permit. In addition, it seems that the decision in question was taken while the municipal authority was aware that the use of the above plot for the building of a residence had already been approved with a prior decision of the relevant, supervisory to the municipality, Regional Office.

From the investigation of the case it ensued that the Municipality's initiative to declassify the existing use of the land, as well as the way this declassification occurred (i.e. it did not follow the legal steps required and the fact that it affected only the plot of the complainant), gave rise to questions as to the purpose and legality of the Municipality's actions, as they appeared to constitute indirect discrimination against the complainant on the basis of his racial origin.

This eventuality was reinforced by the fact that the procedure stipulated in the existing legislation for declassifying land was not followed in this case (i.e. there was no prior approval of the decision of the Municipal Council by the General Secretary of the Region, a town-planning study, a new act of implementation etc.). Furthermore, the owner of the land was not notified of the impending change in order to be able to submit his objections. In view of the above, the GO requested that copies be sent of all documents required for the implementation of planned road change with the use of this partition of the land, in order to assess if it was in compliance with the

legislation in force. In response to the GO's document, the municipal authority acknowledged that the procedure for the implementation of the Municipal Council's decision was not implemented and that, in view of the GO's observations, the complainant's objections were valid and that they should be accepted. However, the Municipal Council's final decision for redressing the damage done to the complainant has not yet been taken. In view of this development, the Greek Ombudsman will continue to follow the developments of this issue until it is completely resolved (case 126336/2010).

2.2.1.3 Fines imposed for constructing and maintaining makeshift buildings

In 2010 the Greek Ombudsman investigated three similar, in terms of their subject matter, cases of citizens of Roma origin, who reside with their families in arbitrary makeshift buildings in the area of Porto Cheli, Argolida. Fines had been imposed on these individuals for building and maintaining makeshift buildings which they used as houses and threats of demolition of their homes had been made to the occupants.

More specifically, the complainants protested to the GO regarding the height of the fines imposed, compared to the value of these constructions, as well as of the danger of demolition of their homes.

The GO addressed the relevant services and pointed out that, pursuant to the legislation in force (Ministerial Decision 9732/2004), the fines imposed and especially their calculation was to be based on the total surface of the arbitrary building in conjunction with the zoning rate applicable in the area, as the Finance Ministry's objective system for this calculation required. Thus, on the basis of the relevant applicable calculation table, for residences made of makeshift construction materials (wood, tin, etc.), significant reductions in terms of the fine apply, taking into account the overall building's objective value (as their surface is to be multiplied by special coefficients depending, on the way of construction and equipment used for building). However, in the inspection reports, notified to the complainants, there was no mention of the construction materials. Also, from the calculation made in these reports for the imposition of fines it appears that the use of reduced coefficients, stipulated in the above ministerial decision, had not been applied. Furthermore, the nature of the construction materials and the temporary character of the makeshift buildings, which are significant factors for the reduction of the fines, had not been taken into account.

Thus the GO intervened and asked that the fines imposed be reconsidered on the basis of the provisions in force, especially in view of the requirements of Joint Ministerial Decision no. 23641/2003 pertaining to the creation of Roma camps. It was also made clear by the GO that no expulsion or destruction of residences should ensue prior to the application of the legal procedure for such actions and prior to the specification by the relevant municipal authority of a suitable place for the relocation, even temporary, of the affected residents.

In response to the above, the Ermionida Section of Land-Planning, City-Planning & the Environment notified the GO of a relevant question they had addressed to the Ministry for the Environment, Energy & Climate Change. In its response to this question, the relevant Ministry was in agreement with the GO's aforementioned views. The GO will follow the developments of this case until the problem is resolved (cases 129733/2010, 129735/2010, 129730/2010).

2.2.2 Provision of services

2.2.2.1 Difficulties in the issuing of an identity card to Greek Roma citizens

Citizens of Roma origin asked the GO to mediate so that they could obtain identity cards. The problem they identified as crucial in their complaint was the lack of a stipulation which will permit or assist the registration of non-registered Roma in municipal rolls. Due to this, unregistered Roma were facing insurmountable difficulties in their effort to register in the

municipal rolls. Such a registration, beyond the official recognition it provides to them as Greek citizens, also affects their access to a large array of rights. Lack of such registration makes it difficult for this population group to have any kind of transaction with the administration.

Although this case does not fall *stricto sensu* within the regulatory scope of L. 3304/2005 on equal treatment, which prohibits discrimination due to racial origin, as far as access to goods and services is concerned, it does however illustrate the structural nature of the problem faced by the Roma. The GO published a Special Report on the "*Municipal Roll Registration for the Greek Roma*", a summary of which is included in the 2009 Annual Report. In this report, specific proposals are made to the administration in order to solve the problem. In 2010, the GO reiterated its concerns by addressing a document to the Ministry of the Interior, requesting the Ministry's views on the subject. The Ministry informed the GO that these proposals will be used constructively in planning the National Strategic Action for the Roma, which is expected to be submitted at the end of 2011. As for the investigation of individual complaints filed with the GO in the current year, these were successfully resolved on an individual basis, after the interested parties were informed of the procedure they had to follow in order to obtain the necessary documents which will enable them to register in the municipal rolls (cases 1279/2009, 1280/2009, 1281/2009 and 1282/2009, 132425/2010, 134114/2010).

2.2.3 Education

2.2.3.1 Impeded access to education for Roma children

It was in school year 2010-2011 that the implementation of the "Education and Lifelong Learning" Operational Programme began; this programme covers school years 2010-2013, is executed by the Aristotle University of Thessaloniki and the National Kapodistrian University, and is implemented throughout Greece. The programme's aim is to reinforce access to and participation in education of Roma children. Within the framework of this programme, an Advisory Committee has been set up by the Ministry of Education which includes, among others, representatives of the Council of Europe, of the European Commission, of the Intra-Municipal Roma Network, and of the Greek Ombudsman (the members of this Advisory Committee have already held one meeting). In spite of this positive development, which is included in the general effort to improve educational conditions for Roma children, the fact is that there are still serious problems in implementing the planned actions and mainly in achieving the objectives pursued. In practice, an exceptionally large number of school-aged children who reside in reservations, in various areas of Greece, do not attend school at all. More often than not, the weaknesses and shortcomings ascertained in terms of promoting equality in schooling and in increasing the participation of Roma children, are linked to problems in municipal roll registration of the children themselves and their families. This of course aggravates the social exclusion of this vulnerable population group.

Indicative of this problem is the case of a Parents' Association which protested to the GO regarding the impending enrolment of Roma children at a primary school, claiming that these students did not have the necessary supporting documents for registering at the school. In their complaint, the Parent's Association pointed out that their school was indeed included in the schools which were to implement the "*Education for Roma children*" Programme. However, this programme was not supported by professional psychologists, social workers etc., which would play an important role in the smooth and effective integration of Roma children in the school.

The GO investigated the complaint and found that the conditions for Roma children enrolment in the school had been observed; the GO then pointed out that the Parents' Association of the school had an obligation to cooperate with the relevant educational services. In spite of the GO's efforts to mobilise and raise awareness in cooperation with the agencies involved, these students did not attend school after all, for reasons which had to do with failure of the

administration to arrange transport for them. The GO, the relevant Division of Education and representatives of the “*Education for Roma children*” Programme proceeded to a series of actions, addressing the Municipality and the Prefecture, so as to settle the problem of transport expenses. However, the attendance of the students was finally not made possible for the current school year (case 133403/2010).

2.2.4 Job-finding/employment

2.2.4.1 *Difficulties in including Roma professionals and business-owners in an OAED (Greek Manpower Employment Organisation) subsidised programme*

In terms of integrating the Greek Roma in the labour market and helping them find jobs in general, the GO has investigated complaints concerning the suspension of a programme to subsidise Roma Young Professionals and Business-Holders (YPBs) in Eastern Macedonia and Thrace. Specifically, the GO has investigated collective complaints by citizens of Roma origin from areas in Xanthi, regarding suspensions of payments of the OAED subsidies programme in the Eastern Macedonia and Thrace Region. This programme was addressed to young self-employed individuals and business-owners with cultural specificities (Roma). As a result of irregularities found in the submission of the supporting documents required, the aforementioned service proceeded to suspend payments of the subsidies stipulated. The GO ascertained a prolonged stagnation in the development of the said programme, and this further aggravated the living conditions of the subsidised Roma. In a document addressed to the OAED Administration, the GO called for a rapid solution for the continuation and completion of this undertaking so as not to abandon this effort to integrate a socially excluded group. At the OAED President’s invitation, a work meeting occurred at the OAED offices, between the GO, OAED board members and representatives of its Regional Administrations. At the meeting, the common will to face these problems was expressed. The solution selected as most appropriate was to re-examine all the files of the applicants/beneficiaries of the programme and to immediately complete the process of subsidisation to the beneficiaries for whom there was no doubt about the authenticity of the supporting documents they submitted. The cases remain pending until a definite solution of the problems has been achieved (cases 131031/2010 and 133438/2010).

2.3. THE EXCEPTION OF CITIZENSHIP

The issue of the exclusion of citizenship from the regulatory scope of L. 3304/2005 has been repeatedly addressed in the GO’s Annual Reports. This exclusion renders the investigation of complaints concerning discrimination against foreign nationals on grounds of racial or ethnic origin, particularly difficult. In view of this, complaints filed with the GO concerning discrimination against foreign nationals, are investigated in the framework of the GO’s general competency.

A significant development in 2010 was the introduction of L. 3838/2010 “*Modern Provisions Regarding Greek Citizenship and Political Participation of Aliens of Greek Origin and Migrants Residing Legally in Greece*” concerning citizenship rights of children who are born in Greece or have attended six (6) years of Greek schooling and third-country nationals voting rights in the municipal elections. This law’s implementation is expected to lift, to a significant extent, the above mentioned difficulty and to widen significantly the regulatory scope for this category of citizens.

It is still imperative, however, to reassess the stipulations of L. 3304/2005 which concern the exclusion of citizenship from the field of implementation of the law, especially in the area concerning: a) foreign nationals from third countries who have settled in Greece and have been living in the country for a long time, and b) cases of complaints by third-country nationals, the

investigation of which gives rise to serious suspicion of discrimination on grounds of racial or ethnic origin.

2.4. DISCRIMINATION ON GROUNDS OF DISABILITY

2.4.1 New Cases

2.4.1.1 Reasonable adjustment due to health problems

A nurse at the Xanthi General Hospital filed a complaint with the GO, claiming that his request to be moved to a post which would be more fitting to his qualifications and health problems had been refused by the hospital. According to the complainant, during his work as a nurse he developed a lower back pain condition (lumbago) which became aggravated because of his work in the Surgical Unit, then the Emergency Room and, finally, the Intensive Care Unit (ICU). At the staff doctor's recommendation, the nurse had to avoid lifting heavy objects and standing for extended periods of time.

The GO addressed the Xanthi General Hospital requesting information regarding measures that the hospital had taken in order to accommodate the complainant's request, taking into account the specific requirements of his health. In its response the Hospital stated that: a) the complainant had not requested convalescence leave around the time his lower back problems appeared, nor had he been examined by a health inspection committee, competent to certify his temporary or permanent inability to work. Therefore, his condition was not considered as one that required "special measures" to be taken by the Hospital, b) the workload at the ICU where he is posted, does not aggravate his condition compared to the work required at other units of the Hospital and that, in any case, serious staff shortages do not allow for any movement of nurses from one to unit to another, c) various other requests by the complainant had been satisfied, such as periods of training leave, permission to carry out private activity, etc., a fact that, according to the Hospital, proved that the complainant's allegations of a hostile work environment were overstated.

In view of the above, the GO found, in this case no direct or indirect discrimination on grounds of disability, since the nurse had not been dealt with in a less favourable way than other employees in similar situations, nor did he find himself at a disadvantage compared to his colleagues due to his health problems (case 13034/2009).

2.4.1.2 *Request to recall a transfer for health reasons*

An employee of the Xanthi Post Office asked the GO to mediate so that his transfer to the central Post Office of Xanthi would be recalled, claiming he was unable to respond to the duties of the new job due to serious problems with his health (multiple sclerosis). When his condition was diagnosed in 2006, he was transferred from letter delivery to mail sorting and was granted a two hours reduction in his working day with regular pay. He worked in this post until June 2010; then he was transferred to the central post office, and has been working there since, as a general duties employee. However, as his new post requires constant moving within the workplace, the complainant claims it is hard for him to respond to his new duties and has requested to be transferred back to his old post.

The GO addressed the Xanthi Post Office for further information and pointed out the employer's responsibility to take appropriate measures to accommodate the special requirements of employees with serious health problems. The Director of the Xanthi Post Office in his response stated that: (a) the employee's workload hardly became significantly heavier as a result of the transfer, as it only required his moving from the first floor to the ground floor of the same building, and (b) that the duties of a mail sorter are really not that different from those of an in-service general duties employee, and only to the extent that he needs to bring, once a day, the files

from the outside boxes into the office area. The GO, for its part, pointed out that he, as employer, bears the burden of proving that in the complainant's case there had been no violation of the principle of equal treatment on grounds of disability. The case is still pending (case 132546/2010).

2.4.1.3 Inappropriate behaviour towards an employee with health problems

The Disabled Association (ESAmA) filed a complaint with the GO on behalf of an employee of a public corporation who suffers from rheumatoid arthritis, asking for the GO's mediation to stop incidents of demeaning behaviour she was facing from her colleagues at her workplace. Shortly after the complaint was filed, the complainant informed the GO that the problems she was facing had been settled. After this positive development, the GO stopped further investigation of the complaint (case 133409/2010).

2.4.1.4 Request to be transferred for health reasons in the framework of reasonable adjustment

A nurse at a children's clinic of a public hospital who suffers from lumbar disk herniation, filed a complaint with the GO claiming that the working conditions of her current post were seriously aggravating the state of her health. For this reason, she requested the GO's intervention so that she could be transferred to the hospital's outpatient unit. To determine whether there were reasonable grounds for the complainant's assertions, the GO asked for a certificate from the staff doctor describing the state of the complainant's health, as well as the types of work she should avoid. The GO was then informed that, at the hospital director's order, the complainant was assigned to the morning shift only and this gave her the possibility to avoid the more burdensome working conditions of the post in question. Given this development, the GO deemed that, on the part of the employer, the necessary measures of reasonable adjustment had indeed been taken and concluded the investigation of the complaint (case 126130/2010).

2.4.1.5 Request to change duties in the framework of reasonable adjustment

An employee working as a gardener in a municipal service requested the GO's mediation in order to be assigned different work since, due to an older injury, his left hand and arm were weak, and this condition could be aggravated by his current post. The GO contacted the head of the relevant service and was told that, due to the small size of the Municipality, the limited number of unskilled staff and the work that needs to be carried out, it is impossible to assign particular workers with particular tasks. The GO was also told that the complainant had been asked to state in writing which tasks he was in a position to undertake and that he did not respond. On the basis of this information and taking into account article 10 of L. 3304/2005 interpreted in the light of sections 16, 17, 20 and 21 of the Preface of Directive 2000/78, the GO reached the conclusion that a possible satisfaction of the complainant's request would go beyond the obligations of the municipal service to take measures of reasonable adjustment (case 127388/2010).

2.4.1.6 Extending the application of measures of reasonable adjustment stipulated for disabled individuals in the public sector to also apply to private-law employees in the public sector

A disabled teacher at a public school, filed a complaint with the GO protesting the rejection of a request she had filed with the Ministry of Education asking them to acknowledge her right to take six (6) additional days of leave, as stipulated for disabled employees working in the public sector. The relevant request was rejected on the grounds that the legal framework that applies to private-law employees in the public sector (Presidential Decree 410/1988) does not include such a provision. As far as the admissibility of the request is concerned, the GO deemed in principle that any accommodations stipulated by law to benefit disabled public sector employees are equivalent to measures of reasonable adjustment in the meaning of article 10 of L. 3304/2005 and that, consequently, a possible non acknowledgement of these accommodations constitutes a violation of the principle of equal treatment which the GO has the authority to investigate. On the

merits of the case, the GO pointed out to the Ministry of Education that pursuant to article 8 § 4 of L. 2643/1998, the above right is acknowledged to for all salaried staff working in the public sector and recommended that the complainant's request be re-examined. The request was finally granted and the GO filed the complaint (case 124223/2010).

2.4.1.7 Request to grant additional convalescence leave to a disabled person

A permanent employee at a public entity suffering from multiple sclerosis (67% disability), filed a complaint with the GO protesting the rejection of a request she had filed asking that the service grant her an additional twenty two (22) days of leave with payment, by analogy to the current stipulations regarding persons requiring periodical hospitalisation, pursuant to article 50 § 2 of the Code of Situation of Public Civil Employees and Employees of Legal Entities of Public Law (L. 3528/2007). Her request had been rejected on the grounds that the medical diagnosis she had produced did not mention the specific periods for which she would require periodical hospitalisation. The complainant clarified that the condition in question has periods of exacerbation and remission, and therefore it is impossible to define beforehand the specific period for which the periodic hospitalisation will be necessary. In the framework of an informal mediation to the service involved, the GO put forward the argument that, for sufferers of conditions that are difficult to treat, a right to double the convalescence leave is stipulated on the basis of article 54 § 3 of the Employees Code, and thus the leave for periodical hospitalisation should be granted with relevant flexibility. The public entity submitted a relevant question to the Division of Human Resources Administration of the Ministry of the Interior which, making reference to an older decision by the Ministry, replied that, for granting leave for periodic hospitalisation, it is strictly required (among other things) to pinpoint specifically the period for which this hospitalisation is required. In the light of this, the GO deemed it advisable to ask the complainant to produce a new diagnosis which mentions explicitly that, in her case, it is impossible to determine exactly the period for which she will require periodic hospitalisation. The case is still pending (case 129707/2010).

Developments in older cases

2.4.2 Employment

2.4.2.1 Difficulties in accessing the workplace (*See Annual Report 2009: 2.4.1.2*)

A disabled employee (wheelchair user) of a Prefectural Administration filed a complaint with the GO regarding the fact that she was forced to accept a service transfer without justification, as a result of which she moved to a department where access was difficult for her and assigned duties inferior to her qualifications. In the framework of its investigation of the complaint, the GO found that the reasons put forward for the complainant's reassignment were vague and asked that they be specified, applying, in fact, the partial reversal of the burden of proof. In the course of 2010 the GO received a response from the service involved, from which it ensued that its views had not been accepted (case 7159/2009).

2.4.2.2 Reasonable adjustment of working hours (*See Annual Report 2009: 2.4.1.6*)

A disabled individual employed in a municipal entity sought the GO's mediation, so that he be permitted to work only during the afternoon shift, due to dizziness he suffers in the morning hours, caused by a old head injury. From a document produced by the complainant, it ensued that the municipal entity he works for has rotating shifts, that employees have to alternate between weeks of morning shifts and weeks of afternoon shifts, and that arrangements had already been made to enable the complainant to work some days in the morning and some days in the afternoon within the same week period, provided that the other employees consent. The GO wrote to the municipal entity asking whether an attempt had been made to coordinate the working shifts of the other employees (performing similar tasks) to only work morning shifts in

order to accommodate the complainant's request, thus arranging the matter with his colleagues' consent. In its response, the municipal entity in question pointed out that only one employee performs tasks similar to the complainant's (who happens to be disabled as well) and that the shifts have been distributed according to an arrangement between the two. In this light, the GO concluded that the municipal entity had exhausted the possibilities for taking measures of reasonable adjustment as these are specified in article 10 of L. 3304/2005 and filed the complaint (case 24322/2009).

2.4.2.3 Inability of justice clerk to access the venue of her disciplinary board hearing (See Annual Report 2009: 2.4.1.9) & Unfavourable treatment of a public prosecutor (See Annual Report 2009: 2.4.1.10)

The GO received no reply from the Equal Treatment Committee of the Ministry of Justice on the two cases it had forwarded to the Committee. These cases, which fell beyond the GO's mandate, involved complaints of a justice clerk and a public prosecutor regarding discriminatory treatment on grounds of disability in their employment (cases 5253/2009 and 9036/2009).

2.4.3 Professional training

2.4.3.1 Dismissal of a cadet police constable on grounds of disability (See Annual Report 2009: 2.4.1.5)

The Disabled Association (ESAmEA) filed a complaint with the GO protesting against the dismissal from the Police Constables School of a cadet Constable who, after his admission to the School, became seriously disabled as a result of an off-duty accident. In the context of its investigation, the GO requested information on the treatment in principle of policemen (cadets and in active employment) who become disabled off duty and whether, in the case in question, prior to the cadet's dismissal, the possibility of the complainant remaining in the Police Academy was examined (by readjusting the curriculum so as to enable the person involved the opportunity to subsequently assume duties which can be carried out despite his disability). The GO requested the re-examination of the dismissal decision and awaited the Police Constable School's response. In 2010 the Head of Human Resources of the Greek Police replied to the GO stating that the Police is governed by a special legal framework which excludes the implementation of L. 3304/2005. In terms of this argument, the GO said that in compliance with L. 3304/2005 the prohibition of discrimination on grounds of disability in the workplace and in employment applies to all persons, both in the public and in the private sector, and includes special provisions for the armed forces (article 8 § 4) or for special professional requirements (article 9). Consequently, its implementation in special categories of staff is not annulled by the existence of a special legal framework for these categories. On the merits of the case, the GO accepted as admissible the view of the Hellenic Police Headquarters that health and an excellent physical condition of the general duties staff (which graduate from the schools for Police Constables and which are assigned with carrying out active service), is indeed a necessary and appropriate requirement so that this staff can be in a position to carry out successfully the duties assigned to them as active-service policemen. These features are relevant to the nature of the duties and therefore justify, as an exception, the discriminatory treatment on grounds of disability, pursuant to the provisions of articles 8 § 4 and 9 of L. 3304/2005. In this framework, the GO deemed adequate the clarifications provided and filed the complaint. In any case, the GO pointed out that the criterion of health and an excellent physical condition should be implemented with greater flexibility when it comes to special duties jobs within the Police, in order to implement the principle of proportionality which allows for an exception from the principle of prohibiting discrimination on grounds of disability (or age) in the armed forces to the extent that this is necessary and appropriate given the nature of the specific duties assigned (case 19266/2009).

2.5. DISCRIMINATIONS ON GROUNDS OF AGE

2.5.1 Age limit in the recruitment of land registry staff

A complainant protested to the GO regarding the age limit set in the recruitment of land registry staff. The investigation of the case was terminated due to a pending trial. The Council of State's decision (no. 2454/2010) deemed that the age limit of thirty five (35) set in the above call for expression of interest is contrary to the provisions of articles 5 paragraph 1 and 25 paragraph 1 of the Constitution (case 131572/2010).

3. MAKING THE BEST POSSIBLE USE OF THE GO'S INSTITUTIONAL CAPACITIES FOR THE IMPLEMENTATION AND PROMOTION OF THE PRINCIPLE OF EQUAL TREATMENT

3.1. COORDINATED STRATEGIC INITIATIVE FOR THE ROMA SETTLEMENT

In the course of 2010, no significant improvement was ascertained in central or regional planning in terms of improving Roma living conditions or the individual problems faced by this vulnerable population group. The GO's intervention has been of vital importance in preventing Roma expulsions from areas in which they have settled, in at least three cases (described below). All in all, however, despite the clear, repeated and insistent recommendations of the GO, both to regional and to central administration, to take measures immediately to face the aggravated problems, this year we have not discerned the undertaking of any central coordinating initiative in this direction, nor any instances of individual regional planning which we could point out as an indication for further initiatives and actions. The planning and submission of the National Strategy on the Roma, which is expected to be completed in the course of 2011, could constitute the starting point for a different approach to the issue, making full use of the experience of the services involved and correcting mistakes of the past.

To a great extent the absence of progress in the questions of social exclusion of the Roma has to do with issues of a structural nature. In addition to these, the problems are aggravated by the current legislative framework and the inadequacy of mechanisms for the implementation and supervision of the relevant actions. Furthermore, the recession is expected to make the situation even worse, as it is to be reasonably expected that prioritisation in this conjuncture will bring these issues further down on the list, at the very time that the vulnerable social groups are expected to be affected severely by its consequences. At the same time, the social tension created between this population group and other citizens, who are also affected as a result of the absence of measures of social support, remains extremely worrying. This fact, combined with the absence of mechanisms and agencies of public mediation and social peace-building, maintains this situation and aggravates it. The GO has attempted to ease the tension and mediate to restore social peace in areas where the situation was particularly problematic.

The cases submitted in 2010 concerning the living conditions of the Roma, their relocation and the threats of expulsion, are outlined below. Cases submitted in previous years, which have, however, been the object of investigation or further development within 2010, are also included.

3.1.1 Protection from expulsion – mandatory relocation of homeless Roma settlers

In 2010 the GO intervened in three instances to prevent the expulsion and demolition of Roma settlements. The issue of tearing down Roma makeshift buildings is extremely complex, given that the existing legislation does not take into account particularities relevant to the way of living of this population group and cannot easily be combined with more specific actions and programmes planned and implemented to provide them with housing.

3.1.1.1 Roma Settlement at Foufla, Atalanti

A complainant protested to the GO an alleged threat of expulsion of the Roma to the “Foufla” location in Atalanti. The GO found that the actions of the municipal authority, in implementing a 2008 decision by the municipal board on the *“immediate clearing”* of the area settled by the Roma and on exerting *“...pressure with any legal means towards the Roma settling in the area already purchased by the Municipality for this purpose...”*, were not legitimate. From the evidence submitted to the GO it ensued that the legal procedures had not been followed concerning the selection and necessary adjustments of the relocation site. The GO addressed the mayor of Atalanti requesting copies of all relevant decisions of the municipal board and services involved. In addition, the GO requested that the General Secretary of the Sterea Ellada Region ascertain, in light of the provisions of the Joint Ministerial Decision (23641/3.7.2003), the legitimacy of the selection of the relocation site and of the adjustments carried out to ensure its suitability. Furthermore, the Divisions of Rural Development, Public Health, City Planning and Environment of the Prefecture of Fthiotida, the Technical Service for the Municipalities and Communes of the Sterea Ellada Region, the 14th Ephorate of Prehistoric and Classical Antiquities and the 24th Ephorate of Byzantine Antiquities were asked to proceed with all the necessary actions required in order to assure the suitability of the location selected. The Development Programmes Division of the Ministry of the Interior informed the GO that *“from the evidence available so far it ensues that the environmental terms of the project were approved by decision no. 1060/8.6.2010, the auction proceedings were approved, a contractor was named and a contract for the project was signed”*. The case is still pending until the investigation of all the parameters relating to the planned relocation of the Roma residing in the area is complete (case 125601/2010).

3.1.1.2 Charavgi location - Chalkida, Evoia

An association of owners of arbitrary buildings at the “Charavgi” location in the Municipality of Chalkida, requested the GO’s intervention for the inclusion of their area in the Chalkida city plan, the removal of a landfill facility and the relocation of a Roma population residing in the area. The GO’s mediation focused on recommendations to the Municipality in order to prevent actions contrary to the laws on equal treatment and the protection of vulnerable groups. Moreover, the GO carried out an on-site inspection of the area and informed the General Secretary of the Sterea Ellada Region, the Evoia Prefect and the Chalkida Mayor of its findings. Specifically, the GO found that a significant part of the problems is due to the perpetuation of the status of building illegality in the area and proposed to the competent services to examine, in cooperation with the Ministry for the Environment, the immediate approval of a local road-planning map in the Charavgi area, making use of the provisions for the Roma housing programme. In response to the GO’s proposals, the Ministry for the Environment, General Division of City-Planning suggested that *“the possibility should be explored of including the said stretch of land in an ‘emergency’ housing programme with the approval of a road-planning map”*, either on the basis of the provisions of article 6, L. 2790/2000, or on the basis of the provisions of article 26, L. 1337/1983. In spite of this positive development, the Chalkida Municipality and the Sterea Ellada Region have not responded to the GO’s suggestions. The GO is still monitoring the implementation of the plan to integrate the “Charavgi” area in the city plan of Chalkida, as well as of the relations between local inhabitants, maintaining regular communication with both the local authorities and the residents of the area (cases 15676/2009, 19469/2009).



Chalkida (Charavgi location)

3.1.1.3 *Nea Alikarnassos*

In the area of Nea Alikarnassos, Heraklion, Crete, efforts were made in the past for the housing of the Roma population. More specifically, as early as 2003, an operational plan of action had been drawn up for the relocation of the local Roma, and the Ministry of the Interior /Development Programmes Division had assigned funds for its implementation. This plan was abandoned and the area was later selected for the pilot implementation of a programme in which almost the entire population would be included in the mortgage loans programme guaranteed by the Greek State. According to the evidence at the GO's disposal, from 2006 until today, in both stages of the mortgage loans programme to Greek Roma, at least 169 loans were granted. However, from the census carried out in 2009 by the Nea Alikarnassos municipal authority, it ensued that Roma mortgage holders continued to reside in the camp, in poor living conditions. The number of mortgage holders that did acquire a house, making use of the loans granted, is not certain; yet it seems that the majority of the Roma population of the area are still living in the same conditions as in the past. In any case, after the process of loan granting was complete, the municipal authority, deeming that their presence at the camp was not justified, in cooperation with the Heraklion Police, the Heraklion Public Prosecutor's Office and the City Planning Division of the former Prefectural Self-Government of Heraklion, imposed fines for the construction and maintenance of makeshift buildings and notified residents of decisions to demolish their homes.

In response to these developments, a citizen of Roma origin who resides at the Nea Alikarnassos camp, filed a complaint with the GO protesting a fine that was imposed on him for a makeshift building at a place that had been designated for his temporary installation. Apart from its wider intervention in this area, the GO, investigating the citizen's complaint, examined whether it is legal to maintain, at a place deemed as suitable for temporary settlement, a makeshift building and more specifically whether the provisions of Presidential Decree 267/98 "*on the process of categorising and demolishing arbitrary buildings*" apply in this case. In this framework, the Environment and Land Planning Division of the General Division of the Region of the Crete Region determined that it is possible to install, temporarily, makeshift shelters (tents, sheds with cheap materials) within the camp, without requiring a building permit. The investigation of the case is still pending and an on-site inspection in the area has been planned in order to better evaluate the situation (case 127487/2010).

3.1.1.4 *Karakonero – Neo Karnagio, Rhodes*

The GO has received reports concerning alleged threats of expulsion of Roma residing in the "Karakonero" area in Neo Karnagio in Rhodes. However, no plan for the relocation of the Roma population residing in this area has been officially announced by the Rhodes municipal

authority, the Decentralised Administration of the South Aegean, or the competent services of the central administration. The GO, in its interventions to the authorities, has pointed out that a possible expulsion of the Roma living in the area would not be legal unless a suitable venue for their immediate relocation has been established. If this condition is not met, an expulsion would only lead to an arbitrary settlement in another area, a phenomenon which is often observed in such cases and which contributes to the perpetuation of the problem (case 137/2009).



Rhodes - Karnagio

3.1.2 Living Conditions. Inclusion of settlements in the city plan: The delay in the administration's response and its consequences

The GO continues to investigate cases where the inhabitants of settlements that have existed for a long time (such as the inhabitants of Drossero, Ksanthi, or of Avantos Str. in Aleksandroupoli, or Aghia Sofia, Thessaloniki, or of Charavgi, Chalkida), protest over poor living conditions. Inadequacies in infrastructure (water, sewage, electricity, roads etc.), the lack of provisions for education of Roma children and the absence of primary health care, have been reported. The GO considers the integration of the settlements in question in the city plan as the most appropriate solution in resolving the above mentioned problems. However, the delays (e.g. of more than ten years for Drossero, Ksanthi) in responding to the needs of these populations, by local and central Administration, leads to the further arbitrary expansion of the settlements and renders obsolete any existing plan for integration and improvement of the living conditions of the inhabitants. It is indicative that requests by inhabitants of these settlements pertaining to water-supply and electricity, road-building, the operation of a school, etc., are rejected invoking an inability to provide these services to arbitrary settlements. The GO has so far not been informed of any positive development for any of the settlements mentioned above (cases 131746/2010, 130907/2010, 133770/2010, 4639/2007).

3.1.3 Issues of Settlement /Relocation - Roma living conditions

3.1.3.1 Votanikos, Athens

The GO has been dealing with cases concerning the Roma settlement in the Votanikos area in Athens, since 2004. The results of the GO's investigation of these cases were summed up in a Special Report in 2008. The fact that this issue is pending before the European Court of Human Rights and also the need to free up the space for the implementation of decisions to re-model the area, seems to have mobilised the services involved to find a solution for the population's relocation. The GO, however, has received no official decision or a specific

relocation plan. The study carried out by the Central Association of Greek Municipalities and Communes (KEDKE), financed by the Ministry of the Interior, aiming to find a suitable area for the relocation of the Votanikos Roma, does not propose a specific area for this purpose. The study records the overall plots available in the wider Attiki area, without, however, examining the suitability of each one of them for this specific use (case 7611/2009).

3.1.3.2 Patima II Area, on the borders between the Municipalities of Chalandri and Gerakas

In a complaint filed with the GO, ninety (90) citizens, residents and land owners at the Patima II area on the borders between the Municipalities of Chalandri and Gerakas, protested over the competent services' failure to respond to the problems they face due to the arbitrary settlement of Roma in their area. The failure of the authorities to take measures encourages, according to the aforementioned complaint, the further arbitrary settlement and leads to a steady decline in the value of their property.



Chalandri (Patima)

The GO had already alerted, as early as 2005, the competent services (Ministry of the Interior, Prefecture and the Municipality of Chalandri) of the increasing social tension in the area and of the need for immediate measures for the relocation of the Roma population. However, in spite of the GO's suggestions and proposals, so far the services involved have not taken any steps to resolve the problem.

The GO, in dealing with this complaint, reiterated the obligations of the administration towards this vulnerable population as laid out in the Joint Ministerial Decision no. 23461/2003 (Government Gazette B' 973/15.07.2003) and proposed ways for its effective implementation. The investigation of this case is still pending (case 133276/2010).

3.1.4 Developing good neighbourly relations

3.1.4.1 Agrinio

Despite the GO's intervention in the Agrinio area in 2009, which included an on-site investigation and contacts with local authorities, there has been no positive development regarding either the expropriation of a private plot on which the Roma have settled, or the creation of a new settlement in the framework of the integrated programme for the social integration of the Roma. In a complaint filed in 2010, a complainant protested to the GO for incidents of theft and serious damages to her house, which she attributes to sabotage by the Roma residing in the area. In addition, the complainant protested over the police authorities' inadequate investigation of her complaint and claimed that the police authorities limit themselves to only recording the incidents, without making efforts to trace and arrest the perpetrators. This, as she points out, increases the tension between the local inhabitants and encourages the disregard of the law in the area. The investigation both of this particular complaint, and of those filed beforehand regarding the issue of relocating this particular settlement, are still pending (cases 17164/2009, 8410/2006).



Agrinio (alleged sabotage of complainant's house)

3.1.4.2 Positive developments in Aliartos

The Municipality of Aliartos, taking also into account the GO's proposals, has announced a number of initiatives in order to secure social peace in the area and to reverse the climate of tension and of altercations between Roma and non- Roma local inhabitants. The GO awaits the Municipality's implementation of these initiatives hoping it will become an encouraging example of good practice for other areas too (case 15083/2009).

3.2. ACTIONS FOR RAISING PUBLIC AWARENESS, TRAINING AND IMPROVING TECHNICAL KNOW-HOW

3.2.1 Training of Greek Ombudsman's staff and educational services

In 2010, the GO continued to work closely and exchange technical know-how with other institutions, both in Greece and abroad, on the implementation and promotion of the principle of equal treatment. At the same time, drawing on knowledge and experience acquired so far, the GO participated in a series of training seminars aimed at informing and raising public awareness on issues relating to combating discrimination in the workplace.

3.2.2 Greek Ombudsman's actions to promote the principle of equal treatment

The GO participated, for the third consecutive year, in the Athens Pride Festival and distributed informational leaflets concerning the role of our institution in the protection of victims of discrimination on the grounds of sexual orientation, as well as of their rights.

The GO's strategic plan for the Roma is expected to be implemented in the course of 2011 with funding by European programmes. This plan includes: (a) the publication of a comprehensive booklet for local authorities, with specific practical guidelines for the implementation of actions aimed at combating social exclusion of the Roma and facilitating their contact and transactions with local authorities. Information on existing European and national funding programmes will also be provided, (b) the reinforcement of the Roma network which was set up by the GO in 2007, (c) the upgrade of the GO's webpage for the Roma, which offers an interactive map depicting Roma settlements throughout Greece, or at least the areas where the GO has intervened, and (d) the publication of a leaflet aimed at victims of discrimination to be distributed to targeted groups.

3.2.3 Participation in national and international networks against discrimination

Since 2005 the GO has been participating in the European Network of Equality Bodies (Equinet), which brings together and coordinates designated bodies in implementing EU Directives against discrimination in the EU member and accession states. The GO actively participates in all of Equinet's working groups ("Equality Law in Practice", "Policy Formation", "Communication", "Strategic Development") and is represented in annual meetings for coordinating tasks and exchanging information on discrimination issues, as part of actions selected by each group. The

GO, in the framework of the tasks of each group, also contributes working documents regarding the implementation of anti-discrimination laws in Greece. In 2009, a GO staff member was elected to the Equinet's Board, contributing to jointly assessing national particularities in planning and implementing Equinet's strategic actions and initiatives. The GO has, since 2009, undertaken the coordination of the network's actions in discrimination against the Roma in Europe. This initiative concluded with an opinion statement, which was presented during a Summit for the Roma people held in Cordoba, in March 2010.

4. ISSUES ARISING FROM THE APPLICATION OF THE NEW LEGAL FRAMEWORK & PROPOSALS

In the six years that the legal framework to combat discrimination and promote the principle of equal treatment has been in force, a number of issues concerning the effectiveness of L. 3304/2005, have been ascertained. These issues are summarised as follows:

- The GO has repeatedly voiced in its Annual Reports its concerns regarding the outreach, comprehensiveness and effectiveness of the legislation in force against discrimination. It is indicative that international bodies¹ for monitoring the implementation of laws to combat discrimination have also pointed out the difficulties, suggesting specific measures to be taken to improve the legal framework as well as the protection provided.
- The choice made in the law to delegate competencies to three supervisory bodies (the GO, the Labour Inspectorate of the Ministry of Labour, and the Equal Treatment Committee of the Ministry of Justice), two of which lack the independent nature required by the relevant EU Directives, renders very difficult both the comprehensive handling and supervising of the relevant cases and the coordination of actions for the effective promotion and implementation of the principle of equal treatment.
- The regulatory scope of L. 3304/2005 is still cause for concern in terms of the range of protection provided, and also of the interpretative hurdles having to do with specifying the content of its individual notions. The exclusion of citizenship, the restriction of the field of discrimination to specific sectors and individual areas of administrative action only, the narrowing down of notions such as "provision of services", the fact that many forms of discrimination are of a structural nature in Greece, all illustrate the weaknesses of the legislation in force in terms of effectively handling the range and scope of discrimination in Greece. The need for a legislative extension of L. 3304/2005's scope of implementation beyond the currently limited fields is evident. Besides, the EU legislator has had the providence of explicitly giving this very possibility to the national legislative bodies; Greece, however, has not made use of this possibility so far.
- The general competency of the GO, as laid out in L. 3094/2003, often permits the GO's intervention in fields of discrimination to which L. 3304/2005 does not apply. The joint implementation of the GO's special competency as the body promoting the principle of equal treatment and its general competence as a body protecting civil rights permits the auxiliary implementation of provisions having a regulatory affinity with L. 3304/2005 and renders possible the widening of the protection finally provided to persons being discriminated against.
- The small number of complaints filed regarding discrimination issues is still cause for concern. To a great extent, it suggests a lack of public awareness as to their rights and the options available for their protection. The problem of underreporting of discrimination is significantly aggravated by the complexity of the current legal framework.

¹ See UN Committee on the Elimination of Racial Discrimination (CERD), 75th Session (Geneva, 3-28.8.2009), "Concluding Observations" on Greece <<http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.GRC.CO.19.doc>>, as well as European Commission against Racism and Intolerance (ECRI), Report on Greece, released on 15.09.2009, available at: <<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-GRC.pdf>>

