



*HELLENIC REPUBLIC*  
**GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS**

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**Submission to the United Nations Committee on Economic, Social and Cultural Rights:**

**GNCHR Report on the List of Issues in relation to the  
Second Periodic Report of the Hellenic Republic for the implementation of  
the International Covenant on Economic, Social and Cultural Rights (ICESCR)**

**September 2015**

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## THE GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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*The Greek National Commission for Human Rights (hereinafter GNCHR) was established by Law 2667/1998 as an independent advisory body to the State on matters pertaining to the promotion and safeguard of human rights. The main rationale behind the establishment of the GNCHR was to ensure the constant monitoring of developments concerning human rights and the briefing of both the administration and public opinion on the dangers posed to human rights. The founding law of the GNCHR is based on the Paris Principles adopted by the UN General Assembly; the GNCHR has been granted status 'A' by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).*

*The GNCHR has a pluralistic composition. Its 32 members are nominated by NGOs, trade unions, independent authorities, universities, bar associations, political parties, Parliament and the Administration.*

*According to its founding law, the GNCHR's mission consists in:*

- a) the constant monitoring of human rights issues, the information of the public and the advancement of research in this connection;*
- b) the exchange of experiences at international level with similar organs of international organizations, such as the UN, the Council of Europe, the OECD, or of other States;*
- c) the formulation of policy proposals on matters related to its objectives.*

*The GNCHR mandate covers the whole spectrum of human rights; however it does not deal with individual cases.*

*Since its establishment, the GNCHR has dealt with a broad range of human rights issues. Among the factors playing a role for its agenda-setting are the urgency of a particular topic as well as its importance in terms of the seriousness of human rights violations involved, the numbers of individuals affected or its impact on the public.*

*The GNCHR publishes each year an Annual Report, describing its yearly activities and containing all its decisions. The Annual Report is communicated to Parliament, the Prime Minister, State authorities and other institutions.*

*All the reports, decisions and resolutions of the GNCHR are made public via the website of the GNCHR, their communication to the competent authorities, press releases etc.*

### *Preliminary remarks*

The GNCHR welcomes the opportunity to submit further information to the Committee on Economic, Social and Cultural Rights (hereinafter: CESCR) concerning the List Of Issues in relation to the examination of the Second Periodic Report of the Hellenic Republic for the implementation of the ICESCR, during the 56<sup>th</sup> session of the CESCR.

On 9.1.2012, the Ministry of Foreign Affairs (D4 Human Rights Directorate) of the Hellenic Republic has forwarded to the Greek National Commission for Human Rights (hereinafter: GNCHR) the Draft of the second Report of the Hellenic Republic concerning the implementation of the ICESCR for comments, according to the provisions of Article 1(6e) of the GNCHR founding Law 2667/1998. After examining the content of the Draft Report, the GNCHR submitted to the Ministry of Foreign Affairs its [observations](#) as unanimously adopted by its Plenary (9.3.2012). The Ministry of Foreign Affairs has already taken into consideration some of the GNCHR's observations before submitting the Second Periodic Report of the Hellenic Republic to the CESCR (hereinafter: the Report) (E/C.12/GRC/2, 16.12.2013).

In January 2015 and in view of the upcoming adoption of a list of questions on the Report of Greece (CESCR 54<sup>th</sup> session, March 2015) the GNCHR submitted to the CESCR [written information](#) in relation to the implementation of the ICESCR. The information provided was related to reports adopted by the GNCHR Plenary until January 2015<sup>1</sup>.

The GNCHR had addressed a series of issues such as: the limitation of the scope of social rights<sup>2</sup>; the mounting barriers to access to Justice and judicial protection; the continued increase in unemployment; minimum and average wage and family needs; equal pay for work of equal value; measures to ensure safety and health at the workplace; measures for the elimination of discrimination in the enjoyment of social rights; right to work of older persons; working conditions for all workers, including overtime, paid and unpaid leave; public holidays with pay; weekly rest period; the right of all workers to a reasonable period of notice for the termination of employment; the impact of changes to collective bargaining on social rights; the right to social insurance and security; the reconciliation of working and private life, including protection of maternity; mental health; the right to health and care; access to health services; special educational programmes organized and addressed to young people with special needs (vision, hearing, mobility); care and protection of persons with special needs and disabilities.

The GNCHR observes that ever since there has been no progress regarding the respect for the rights guaranteed under the ICESCR. The avalanche of often unpredictable, complicated, conflicting and constantly modified “austerity measures” of immediate and even retroactive effect, which exacerbate the general feeling of insecurity, as indicated in the GNCHR “Recommendation on the imperative need to reverse the sharp decline in civil liberties and social rights” of 8 December 2011, is continuing<sup>3</sup>.

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<sup>1</sup> GNCHR, “[Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights \(ICCPR\)](#)”, 5.12.2013; GNCHR, “[Recommendations of the National Commission for Human Rights \(NCHR\) for Childhood Protection: Health and Welfare](#)”, 8.5.2014; GNCHR, “[Recommendations based on the Bill on Special Education](#)”, 10.7.2014; GNCHR, “[Observations on the 24<sup>th</sup> Greek Report on the application of the European Social Charter and on the 9<sup>th</sup> Greek Report on the application of the Additional Protocol to the European Social Charter which was sent to the European Committee of Social Rights of the Council of Europe](#)”, 10.9. 2014; GNCHR, “[International Convention on the Rights of Persons with Disabilities: Problems regarding its implementation](#)”, 9.10.2014; GNCHR, “[Protection of the rights of older persons](#)”, 20.11.2014.

<sup>2</sup> As it concerns pending cases before international monitoring bodies for alleged breaches of international human rights’ law, it should be noted that the Greek General Confederation of Labour, which nominates a member to the GNCHR, has filled a Collective Complaint before the Council of Europe’s European Committee of Social Rights, regarding the violation of numerous workers’ social rights guaranteed by the European Social Charter (Case 111/2014).

<sup>3</sup> The eleventh austerity package was voted by the Greek Parliament in August 2015 under the title “Pension Arrangements - Ratification of the Financial Assistance Draft Contract by the ESM and provisions for the implementation of the Financing Agreement” (Law 4336/2015, OJ A 94/14-8-2015)

***GNCHR Statement on the impact on human rights in Greece  
of the continuing austerity measures***

In this context, the GNCHR submits to the CESCR, in view of its 56<sup>th</sup> session, the most recent [“GNCHR Statement on the impact on human rights in Greece of the continuing austerity measures”](#), unanimously adopted in July 2015 by the Plenary. The Statement, to be found in attachment to the present document, has already been disseminated among national, European and international policy-makers and the first reactions are encouraging.

The GNCHR recalls that, since 2010, it has already drawn the attention of the Greek State to the [“need for constant respect of human rights during the implementation of the fiscal and social exit strategy from the debt crisis”](#), whilst a year and a half later it issued a Recommendation [“on the imperative need to reverse the sharp decline in civil liberties and social rights”](#). In June 2013, the Plenary of the GNCHR recalled in its Report entitled [“Recommendation and decisions of international bodies on the conformity of austerity measures to international human rights standards”](#) its concerns about the rapid deterioration of living standards coupled with the effective dismantling of the Welfare State.

The recent “GNCHR Statement on the impact on human rights in Greece of the continuing austerity measures” took note of the judgments of national supreme courts as well as of relevant decisions and reports issued by national, European and international monitoring bodies and drew attention to the prolonged implementation of austerity measures, which eventually acquire a permanent character. In this Statement, the GNCHR observed with particular concern the degradation of human rights in Greece and, at the institutional level, an effective reversal of priorities and values, as fiscal and financial objectives have taken precedence over fundamental rights and social values. The GNCHR is echoing what has been already affirmed by competent international and European monitoring bodies, namely that austerity measures violate rules of international and European human rights law; and moreover that the financing rules of International Financial Institutions (IFIs), including the International Monetary Fund or of other international or European mechanisms relating to the economic or financial support of a State, cannot circumvent the obligation to respect international and European human rights law, especially as these rules are also binding on all States participating in these mechanisms.

In this regard, the GNCHR cannot but reiterate the need to refer to the impact of the financial crisis and the financial austerity measures, which have clearly affected the rights covered by the Covenant and urgently call upon the EU institutions, the EU Member-States and the Greek authorities to immediately and jointly mobilize towards the preservation of our common European values.

***In view of all the evidence on the impact of continuing austerity measures  
on the rights covered by the Covenant***

The Committee may wish to recommend that the State Party:

- a) constantly weigh the impact of fiscal measures on social protection and security as well as commit to protect social cohesion through the creation of a permanent mechanism that would effectively monitor the respect of human rights in practice and evaluate and assess the impact of austerity measures on both the enjoyment of and access to human rights by all those living in Greece (Human Rights Impact Assessment Mechanism);
- b) refrain from actions that endanger the universality, indivisibility and interdependence of human rights; indeed, as social rights are also a prerequisite for the substantive and effective exercise of civil and political rights their decline affects all human rights and democratic institutions;
- c) take immediate corrective measures for the unhindered enjoyment of the rights covered by the Covenant, given the exacerbation of general labour inequality, as well as the disproportionate impact on women and the systematic discrimination against young people, which lead to serious misconduct, overexpansion of the informal sector of the economy and the emergence of situations of lawlessness and violence,

d) restore the system of collective bargaining and collective agreements and re-establish the procedure for concluding national general collective agreements (NGCAs) as well as their content and scope with a view to maintaining the NGCA status as an institutional instrument serving the general interest and the interest of workers in particular, through the establishment of general minimum standards of wages and working conditions for all workers throughout Greece. In order to effectively reverse the heavy consequences affecting a large part of society, this re-establishment should be combined with the repeal of the legislative suspension of the application of crucial principles that govern the minimum standards of collective labour protection;

e) refrain from acts of State's intervention to freedom of association and abolish provisions that violate its fundamental principles and rights;

f) take all necessary and adequate measures so that the Labour Inspectorate is adequately staffed and appropriately strengthened, so that any labour protection policy may be effective;

g) take urgent and effective measures, in cooperation with all competent authorities (including the Court of Auditors, the National Actuarial Authority, the General Accounting Office), for implementing the State guarantee for social security by the State and the constant assessment of the adverse consequences of the multiple austerity measures on social security rights for large segments of the population;

h) elaborate concrete and effective plans to secure the achievement of the full enjoyment of the Covenant's rights, e.g. through restoring healthcare and welfare, unemployment and disability benefits and services on the basis of social justice and social solidarity.

**The Statement of the GNCHR on the impact of the continuing austerity measures on human rights goes as follows:**

**Statement of the Greek National Commission for Human Rights (GNCHR)  
on the impact of the continuing austerity measures on human rights\***

Following its unanimous decisions on the status of human rights in Greece during the implementation of measures to address the financial crisis<sup>4</sup>, the Greek National Human Rights Commission (GNCHR), the independent advisory body to the Greek State specialised in human rights issues (founded by Law 2667/1998),

***I. Recalling***

1. the judgments of the national supreme courts<sup>5</sup> as well as the decisions and reports issued by national, European and international monitoring bodies concerning the continuing violation of a significant number of human rights in Greece, due to the financial crisis and the implementation of austerity measures<sup>6</sup>,

***II. Reaffirms that***

2. austerity measures undermine fundamental constitutional principles and violate constitutionally guaranteed human rights such as the principle of equality (Article 4(1) of the Greek Constitution, hereinafter “the Constitution”) and its more specific expression, namely the contribution of citizens to public charges in proportion to their means (Article 4(5) of the Constitution), the right of equal access to education (Article 16(2) of the Constitution), the right to property (Article 17 of the Constitution), the right to health (Article 21(3) and Article 5(5) of the Constitution), the right to work (Article 22(1) of the Constitution), the right to social security (Article 22(5) of the Constitution), freedom of association (Article 23 of the Constitution), the principle of proportionality (Article 25(1) of the Constitution), the principle of social solidarity (Article 25(4) of the Constitution) as well as the principle of protected public trust towards State Institutions; moreover, austerity measures undermine the value of the human being, the respect and protection of which constitute the primary obligation of the State (Article 2 of the Constitution), seriously hinder the development of all persons (Article 5 of the Constitution), compromise the rule of law and the welfare State (Article 25(1) of the Constitution) and undermine the economic development of the country (Article 106 of the Constitution);

3. austerity measures violate rules of international and European human rights law, as affirmed by competent international and European monitoring bodies; and moreover the financing rules of International Financial Institutions (IFIs), namely of the International Monetary Fund or of other international or European mechanisms relating to the economic or financial support of a State, cannot circumvent the obligation to respect international and European human rights law, especially as these rules are also binding on all States participating in these mechanisms;

***III. Recalls the commitments and obligations undertaken by the EU institutions and all EU member-States as these derive from***

4. the EU Treaties, which place civil and social rights at the core of the EU and set social objectives (social inclusion, social justice and social progress) inextricably linked to the financial objectives and crucial to their effectiveness. Besides, the European Union “*is not merely an economic union, but is at the same time intended, by common action, to ensure social progress and seek constant improvement of the living and working conditions of the peoples of Europe, as is emphasised in the Preamble to the Treaty*”<sup>7</sup>;

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\* Adopted by the GNCHR Plenary at its session of 15 July 2015.

<sup>4</sup> Attached Annex, II.

<sup>5</sup> Attached Annex, II and III.

<sup>6</sup> Attached Annex, II and III.

<sup>7</sup> ECJ, Cases C-50/96 *Schröder* [2000] ECR-774 and C-270/97 *Sievers* [2000] ECR I-933. It is noted that the aforementioned remains in the Preamble of the TEU and TFEU even after the Lisbon Treaty.

5. the Charter of Fundamental Rights of the European Union which echoes the common constitutional traditions of the EU members-States and the international human rights treaties that they have all ratified; guarantees indivisible civil and social rights, first and foremost the right to human dignity; proclaims that the EU “*places the individual at the heart of its activities*”<sup>8</sup> and is explicitly binding on both the member-States and the EU institutions. It is to be recalled that on the basis of this commitment, the European Network of National Human Rights Institutions (ENNHRI) has sent open letters to the Presidents of the European Commission and the European Central Bank, requesting them to take appropriate measures for the elimination of the serious violations of human rights that have been brought about by the austerity measures in Greece<sup>9</sup>.

***IV. Observes with particular concern that the prolonged implementation of austerity measure, which eventually acquire a permanent character,***

6. leads to the degradation of the protection of human rights and, ultimately, to their non-fulfilment;
7. reverses the hierarchy of values and goals of the EU, giving priority to fiscal and financial objectives to the detriment of fundamental social values and disrupting the fair equilibrium between economic and social goals during the implementation of national policies of recovery from the debt crisis;
8. undermines the State’s ability to guarantee basic economic and social rights due to drastic cuts in social expenditure;
9. dismantles the welfare State and intensifies the deterioration of living standards resulting in the impoverishment and destitution of an increasing part of the population, the widening the social divide and the disruption of the social fabric, as noted by international monitoring bodies<sup>10</sup>;
10. strengthens extremist and intolerant elements and undermines the democratic institutions;
11. deprives from States such as Greece, which due to their geographical position constitute main points of entry and management of immigrant and refugee flows towards the EU, the capacity to fulfil their fundamental obligations with regard to the protection of human rights;
12. erodes the institutional foundations of the EU, as a union among the peoples of Europe based on the respect and protection of human rights, human dignity, equality and solidarity.

***V. Urgently calls, once again, upon the EU institutions, the EU member-States as well as the Greek authorities to***

- 13. immediately and jointly mobilize towards the preservation of the values on which the European civilisation has been founded: human dignity and value, respect for human rights, equality, freedom and solidarity;**
- 14. act in unison for the creation of a permanent mechanism that would evaluate and assess the impact of austerity measures on both the enjoyment of and access to human rights by all those living on EU territory (Human Rights Impact Assessment)<sup>11</sup>;**  
**with a view to**
- 15. restoring the regulatory *gravitas* of human rights in the process of financial policy-making,**
- 16. constantly weighing the impact of fiscal measures on social protection and security as well as committing to protect social cohesion, which the EU institutions and all EU member-States jointly and separately are bound to safeguard.**

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<sup>8</sup> Charter of Fundamental Rights of the European Union, Preamble.

<sup>9</sup> Attached Annex, II.

<sup>10</sup> Attached Annex, II and III.

<sup>11</sup> Attached Annex, IV.

# ANNEXES

## **I. DECISIONS-OPINIONS OF GNCHR**

*GNCHR Unanimous Decisions on Austerity Measures and Human Rights*

## **II. FINDINGS NATIONAL, EUROPEAN AND INTERNATIONAL INSTITUTIONS**

*Decisions and Findings of National Institutions*

*Supreme Courts*

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*Decisions and Recommendations of International Institutions in Greece*

*United Nations (UN)*

*International Labour Organization (ILO)*

*Council of Europe*

*European Union (EU)*

*European Group of National Human Rights Institutions*

## **III. INTERNATIONAL AND EUROPEAN PAPERS ON ECONOMIC CRISIS AND HUMAN RIGHTS**

*UN*

*Council of Europe*

*European Union*

## **IV. HUMAN RIGHTS IMPACT ASSESSMENT: AN INSTRUMENT FOR THE PROTECTION OF HUMAN RIGHTS ESPECIALLY IN TIMES OF FINANCIAL CRISIS**



## I. DECISIONS-OPINIONS OF GNCHR

### GNCHR Unanimous Decisions on Austerity Measures and Human Rights

- *GNCHR Decision on The need for constant respect of human rights during the implementation of the fiscal and social exit strategy from the debt crisis* (7.6.2010), available from: [http://www.nchr.gr/images/English\\_Site/CRISIS/2010\\_Crisis.pdf](http://www.nchr.gr/images/English_Site/CRISIS/2010_Crisis.pdf).
- *GNCHR Recommendation: On the imperative need to reverse the sharp decline in civil liberties and social rights* (8.12.2011), available from: [http://www.nchr.gr/images/English\\_Site/CRISIS/nchr\\_crisis.pdf](http://www.nchr.gr/images/English_Site/CRISIS/nchr_crisis.pdf).
- *The NCHR Recommendation and decisions of international bodies on the conformity of austerity measures to international human rights standards* (27.6.2013), available from: [http://www.nchr.gr/images/English\\_Site/AusterityMeasuresHR/gnchr.austeritymeasures.2013.pdf](http://www.nchr.gr/images/English_Site/AusterityMeasuresHR/gnchr.austeritymeasures.2013.pdf).

## II. FINDINGS NATIONAL, EUROPEAN AND INTERNATIONAL INSTITUTIONS

### Decisions and Findings of National Institutions

- **Supreme Courts**

#### **Symvoulio tis Epikrateias (Supreme Administrative Court)**

**Symvoulio tis Epikrateias, Plenary, no. 1972/2012** declaring that the possibility of Public Power Corporation (AEH) to interrupt the power supply, constitutes a constitutionally impermissible interference in the contractual relationship between the consumer and the electricity supplier, which is in breach of Article 5(1) of the Constitution (economic freedom and freedom of contract) and the principle of proportionality, as it leads to an infringement of the universality of providing a network of public utilities services, for a reason which is not related to the provision of that service.

**Symvoulio tis Epikrateias, Plenary, no. 3354/2013** declaring unconstitutional the measure of pre-retirement suspension regime, as insufficiently justified, not necessary, inadequate and based on illicit criteria, such as age.

**Symvoulio tis Epikrateias, Plenary, no. 1906/2014** declaring unconstitutional the transfer from the State to Hellenic Republic Asset Development Fund (HRADF- ΤΑΙΠΕΔ) of shares corresponding to 34,033% of the share capital of Athens Water Supply and Sewerage Company (EYDAP S.A.). It was considered that the alienation of the Greek government from the majority of the share capital of EYDAP SA, whose preservation is necessary as to avoid the transformation of the public enterprise into private, infringes Articles 5(5) and 21 of the Constitution.

**Symvoulio tis Epikrateias, Plenary, no. 2192-2196/2014** declaring unconstitutional the retrospective pension and salaries reductions of armed military and security forces, in implementation of Law 4093/2012.

**Symvoulio tis Epikrateias, Plenary, no. 2307/2014** declaring that the provisions of Article 3(1), (2) and (4) of the Ministerial Council Act 6/2012 abolishing the right to unilaterally resort to arbitration are contrary to article 22(2) of the Constitution.

**Symvoulio tis Epikrateias, Plenary, no. 4003/2014** declaring that the administrative omission of readjusting the objective property values as imposed by article 41(1) of the Law 1249/1982 was unlawful.

**Symvoulio tis Epikrateias, Plenary, no. 4741/2014** declaring unconstitutional the cuts in the remuneration and the benefits of high level academic personnel to the national Higher Education Institutions.

**Symvoulia tis Epikrateias, Plenary, no. 2287-2290/2015** *declaring unconstitutional the main and supplementary pension cuts enacted by Laws 4051/2012 and 4093/2012.*

**Symvoulia tis Epikrateias, Suspension Commission, no. 59/2014** *on a request for suspension of the enforcement of regulatory acts based on Article 21(5) of Law 4052/2012 (as supplemented by Law 4093/2012), which introduced, in order to reduce public expenditure on health, pursuant to the second Memorandum, limits on prescription, including monthly spending cap per physician. Because this measure “could lead to a reduction in the level of health services provided to citizens” and “having balanced the public interest of reducing public expenditure on health with the public interest to preventing potential harm in public health”, the Suspension Commission of the Council of State ordered the suspension of the enforcement of this measure.*

#### **Areios Pagos (Supreme Court for Civil Cases)**

**Areios Pagos no. 293/2014 (referral to Plenary)** *declaring unconstitutional the “extraordinary property tax in favour of the Greek State to the electrified for residential or commercial use structured surfaces”.*

#### **Special Court of Article 88(2) of the Constitution (Remuneration Court)**

**Judgment no. 88/2013** *declaring unconstitutional the provisions of Law 4093/2012 which introduced a new fourth) drastic reduction of the salaries of the judges, with retroactive effect and the obligation to reimburse salaries which had been lawfully collected.*

- **Hellenic Parliament**

Truth Committee on Public Debt, Preliminary Report, June 2015, available from: [http://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/Report\\_web.pdf](http://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/Report_web.pdf).

#### **Decisions and Recommendations of International Institutions on Greece**

- **United Nations (UN)**

##### **Treaty Bodies**

CEDAW, Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Greece adopted by the Committee at its fifty fourth session (11 February – 1 March 2013), CEDAW/C/GRC/CO/7, available from: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGRC%2fCO%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGRC%2fCO%2f7&Lang=en).

##### **Special Procedures**

UN Special Rapporteur on the human rights of migrants, François Crépeau, Report Mission to Greece to the UN Human Rights Council 23rd Session, 17 April 2013 (A/HRC/23/46/Add.4), available from: <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Cephas Lumina, Report Mission to Greece (22–27 April 2013) to the UN Human Rights Council 25th Session, 11 March 2014 (A/HRC/25/50/Add.1), available from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/118/82/PDF/G1411882.pdf?OpenElement>.

- **International Labour Organization (ILO)**

##### **Committee on Freedom of Association**

Committee on Freedom of Association, 365th Report (November 2012), case 2820, available from: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_193260.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_193260.pdf).

## **Committee on the Application of Standards**

Committee on the Application of Standards, 2014 Report (103rd ILC), available from: [http://www.ilo.org/ilc/ILCSessions/103/reports/reports-to-the-conference/WCMS\\_235054/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/103/reports/reports-to-the-conference/WCMS_235054/lang--en/index.htm).

Committee on the Application of Standards, 2013 Report (102nd ILC), available from: [http://www.ilo.org/ilc/ILCSessions/102/reports/committee-reports/WCMS\\_216456/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/102/reports/committee-reports/WCMS_216456/lang--en/index.htm).

Committee on the Application of Standards, 2011 Report (100th ILC), available from: [http://www.ilo.org/global/standards/WCMS\\_165970/lang--en/index.htm](http://www.ilo.org/global/standards/WCMS_165970/lang--en/index.htm).

### *Committee of Experts on the Application of Conventions and Recommendations*

Committee of Experts on the Application of Conventions and Recommendations, 2015 Report, available from: [http://www.ilo.org/public/libdoc/ilo/P/09661/09661\(2015-104-2\).pdf](http://www.ilo.org/public/libdoc/ilo/P/09661/09661(2015-104-2).pdf).

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Committee of Experts on the Application of Conventions and Recommendations, 2013 Report, available from: [http://www.ilo.org/ilc/ILCSessions/102/reports/reports-submitted/WCMS\\_205472/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/102/reports/reports-submitted/WCMS_205472/lang--en/index.htm).

Committee of Experts on the Application of Conventions and Recommendations 2012 Report, available from: [http://www.ilo.org/ilc/ILCSessions/101stSession/reports/reports-submitted/WCMS\\_174843/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/101stSession/reports/reports-submitted/WCMS_174843/lang--en/index.htm).

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## **ILO's High Level Mission to Greece**

ILO's High Level Mission to Greece, Report (November 2011), available from: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/missionreport/wcms\\_170433.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/missionreport/wcms_170433.pdf).

### ▪ **Council of Europe**

#### **European Committee of Social Rights (ECSR)**

Complaint 65/2011, *General Federation of Employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece*, available from: <https://wcd.coe.int/ViewDoc.jsp?id=1953177&Site=CM>.

Complaint 66/2011, *General Federation of Employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece*, available from: [https://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC66Merits\\_en.pdf](https://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC66Merits_en.pdf).

Complaint 76/2012, *Federation of employed pensioners of Greece (IKA-ETAM) v. Greece*, available from: [https://www.coe.int/t/dghl/monitoring/socialcharter/complaints/CC76Merits\\_en.pdf](https://www.coe.int/t/dghl/monitoring/socialcharter/complaints/CC76Merits_en.pdf).

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## IV. HUMAN RIGHTS IMPACT ASSESSMENT: AN INSTRUMENT FOR THE PROTECTION OF HUMAN RIGHTS ESPECIALLY IN TIMES OF FINANCIAL CRISIS

### Introductory Remarks

The GNCHR, an independent advisory body to the Greek State on matters pertaining to human rights protection, examines *inter alia* the compatibility and adaptation of the Greek legislation to the provisions of international human rights law, issues opinions to state authorities and submits recommendations and proposals for taking legislative, administrative or other measures which will contribute to the improvement of the protection of human rights (GNCHR founding Law 2667/1998, Article 1(7) (b) and (i)).

In this context, the GNCHR Plenary has unanimously adopted, since 2010, a series of recommendations regarding the negative impact of the financial crisis and the austerity measures on the enjoyment of human rights in Greece<sup>12</sup>. In these decisions, the GNCHR has underlined the rapid and dramatic deterioration of the living standards of the population and the dismantling of the Welfare State, have contributed to the pauperization of a significant part of the population, the widening the social divide, the disruption of the social fabric, the strengthening of extremist and intolerant elements and the undermining of democratic institutions.

Furthermore, the GNCHR has highlighted that the human rights impact of austerity measures which are continuously imposed in the context of the “support mechanism” to the Greek economy, has not been assessed, as it should in consultation with the relevant stakeholders<sup>13</sup>.

Consequently, with a view to specifying its recommendations, the GNCHR<sup>14</sup> reiterates that the Impact Assessment on Human Rights may become a key tool for protecting human rights in times of crisis and describes its key features.

In drafting the present report<sup>15</sup>, the GNCHR has taken into account the following references:

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<sup>13</sup> GNCHR, *NCHR Recommendation: On the imperative need to reverse the sharp decline in civil liberties and social rights* (December 2011), *op. cit.* and *The NCHR Recommendation and decisions of international bodies on the conformity of austerity measures to international human rights standards* (June 2013), *op. cit.*, par. 63.

<sup>14</sup> The issue of Impact Assessment on Human Rights has received special attention by the National Human Rights Institutions in Europe (NHRIs). In the Athens Declaration 2006 the European National Institutions for the Promotion and Protection of Human Rights recommended the development of a model impact assessment based on the case-law of the European Committee of Social Rights (adopted at the Fourth Round Table of European National Human Rights Institutions for the Promotion and Protection of Human Rights and the Council of Europe Commissioner for Human Rights, 27–28 September 2006), 20 November 2006, CommDH/NHRI(2006)10, available from: [www.coe.int/t/commissioner/Source/CommDH-NHRI\(2006\)10\\_E.doc](http://www.coe.int/t/commissioner/Source/CommDH-NHRI(2006)10_E.doc), par. 4.

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