



Greek National Commission for Human Rights (GNCHR)

**Comments by the GNCHR
to the European Committee of Social Rights
on the 2nd National Report
on the non-accepted provisions of the (rev.) European Social Charter**



July 2026



The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection and the National Human Rights Institution (NHRI). It was established with Law 2667/1998 in accordance with the UN Paris Principles and is governed by Law 4780/2021. Its members are persons appointed by twenty institutions (independent Authorities, third level trade unions, NGOs, universities and research institutions)



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(Articles 3 para 4 and 19 para 12)

I. Introductory observations

The Greek National Commission for Human Rights (GNCHR), acting in its capacity as the independent advisory body to the Greek State on human rights protection, and in accordance with the UN Paris Principles, sets forth its observations regarding the national reporting process on provisions of art. 3 para 4 and 19 para 12 of the revised European Social Charter (rev. ESC), which have not been accepted by Greece.

The observations of the Greek National Commission focus primarily on the State's obligation to report on the non-accepted provisions in alignment with the fundamental principles of transparency, legal completeness, and genuine evaluation. Specifically, reporting on non-accepted provisions should be governed by the following main principles:

- **Clarity on Legislative Evolution and Domestic Practice:** National reports should avoid superficial or purely positive presentations of existing legislation; they must be accompanied by comprehensive data reflecting the real situation on the ground regarding the non-accepted rights.
- **Substantive Explanation of Obstacles:** States are obligated to articulate clear legal, administrative, financial, or economic reasons and constraints, justifying the rationale underlining their refusal not to be bound by specific provisions.
- **Forward-Looking Evaluation and Timelines:** Reports must provide a transparent evaluation regarding whether—and within what expected timelines—the State anticipates overcoming these obstacles to formally notify the Council of Europe of an updated acceptance.

II. Specific observations on the 2nd national Report on non-accepted provisions

In evaluating how the State addresses non-accepted provisions, that is, article 3 para 4 and article 19 para 12, the GNCHR would like to refer to its submitted Observations on the 7th National Report on the implementation of the European Social Charter regarding Articles 2, 3, 4, 5, 6, and 20, while adding that the report should have been more precise:

1. Regarding the Right to Safe and Healthy Working Conditions (Article 3, Paragraph 4) “to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.”

- **Beyond Formal Legislation:** The presentation of the applicable legislative framework on occupational safety and health (OSH) is deemed inadequate, since

it does not entail analytical data so as to reflect the compliance levels and the practical enforcement of the non-accepted right. The Greek National Commission refers back to its previously expressed concerns as adduced in its Comments on the 7th National Report on the implementation of the ESC with respect to the due presentation of developments in the applicable legislative framework, including references to the Labour Code (Presidential Decree No. 62/2025, Government Gazette A' 121), which codifies Greek labour legislation. More particularly, the GNCHR echoes its Members' argument on the serious regulatory problems arising from the integration into the (administrative) Labour Code (KED) of the Greek Code of Laws on Health and Safety of Workers (KNYAE, Law 3850/2010), which constitutes a real and substantial codification of the crucial legislation on health and safety at work and has been adopted in accordance with the Greek Constitution through a parliamentary procedure. The inclusion of changes to the legislation in the relevant articles of the KED and not directly in the KNYAE, which also contains provisions for the incorporation of European legislation, as well as provisions for the implementation of the rev. ESC and ratified ILO fundamental conventions on OSH, places the regulatory framework at high risk of legal uncertainty to the detriment of the interests of both employees and employers.¹

- **Structural and Institutional Scrutiny:** The report should be assessed as part of the State's report on the implementation of article 3 of the rev. ESC, along with the coherence and stability of the national legislative framework on OSH after its codification and the level of addressing crucial systemic issues including the under-recording of occupational accidents and the complete lack of recording for occupational diseases. GNCHR observes that Greek legislation allows for non-specialized doctors or doctors of other specialties to perform occupational doctor duties. The practice designated above faces severe criticism from medical bodies for undermining professional standards and compromising worker health surveillance, while treating occupational health as an administrative formality rather than a distinct medical science².
- As it concerns the **current institutional framework on Health and Safety** and the safeguarding of fair working conditions in public and private, the GNCHR, referring once again to the consequences of the austerity measures in Greece on individual and collective labor and on social security rights, takes the opportunity to reiterate the need to implement the fundamental constitutional principles of proportionality and social solidarity, in order to achieve and maintain a fair balance between conflicting rights.³ The Greek Commission has pointed out that the importance of the prior evaluation of the consequences of the imposed restrictive measures on those rights and the restoration of legal certainty and protection next with regard to the relevant institutional framework, so that uncertainty and possible irreversible consequences in the exercise of

¹ Comments by the GNCHR to the European Committee of Social Rights on the 7th National Report on the implementation of the European Social Charter (Articles 2, 3, 4, 5, 6, and 20), June 2026, pp 25-27.

² Hellenic Society of Occupational and Environmental Medicine available at iatrikiergasias.gr (in Greek)

³ GNCHR, [Observations by the GNCHR on the 5th National Report on the implementation of the Revised European Social Charter \(Reference Period 01/01/2017 - 31/12/2020\)](#), pp 16-17.

fundamental constitutionally guaranteed labor rights may not gain ground. As critical issues the National Commission has indicated that: a) notwithstanding the ratification of the Protocol to ILO Convention No. 29 on Forced Labour,⁴ the State has not yet paid due attention to the proper institutional and practical implementation of the framework for preventing and combating forced labor, b) the restrictions on access to employment and social security in the case of applicants of international protection exacerbate labor delinquency and abusive behavior towards these persons, c) vulnerable groups, such as the elderly or persons with disabilities which, due to the accelerated shift of public and private services to digital technology and the cessation of social security benefits combined with the physical presence, are threatened by further deterioration of their living standards and consequently their economic and social exclusion.⁵ This being said, the GNCHR would like to stress the specific need to guarantee fair working conditions, especially in intrinsically hazardous or unhealthy professions in times of crisis, such as the pandemic Covid-19, underlining that Greece has not yet complied with the European Committee of Social Rights ruling on the Collective Complaint 30/2005 (IMDA against Greece), with regard to the adoption of measures either to reduce working hours or to grant additional paid leave to workers in these professions. Apart from the above, worth mentioning here is the submission of a Collective Complaint by the Amnesty International on the Violation of the Right to Protection of Health and the Principle of Non-Discrimination against the Greek government, on 2 November 2022. Amnesty International maintained that the Government violated provisions of the revised ESC regarding the right to health and non-discrimination due to the effects of austerity measures, which were imposed after the financial crisis of 2009/2010.⁶

⁴ GNCHR, [Observations](#) of the Greek National Commission for Human Rights (GNCHR) on the Draft Law of the Ministry of Labour and Social Security entitled “Strengthening Employment – Transposition of Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 – Simplification of Digital Procedures and Enhancement of the Digital Labour Card – Upgrading the Operational Capacity of the Ministry of Labour and Social Security and the Labour Inspectorate”, 2025 (in Greek).

⁵ GNCHR [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020, 12 June 2020, GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

⁶ See [Amnesty International Collective Complaint](#) on the Violation of the Right to Protection of Health and the Principle of Non-Discrimination, Violation of Article 11 (1) Read Alone of In Conjunction with Article E, Amnesty International v. Greece, 2 November 2022, [in Greek]. More particularly, Amnesty International filed a collective complaint to the Secretary General of the Council of Europe against Greece - a right acquired by her after the ratification of the revised ESC and the unconditional acceptance of its collective complaint system (articles 96, 98) by Greece in 2016. The substance of this action is based on the negative impact on the right to health and the prohibition of discrimination of the austerity measures adopted by the Greek government in the period 2009-2010 and onwards, during the economic crisis. In particular, the applicant invokes a violation of Articles 11.1 (right to health protection) and Art. E Part V (prohibition of discrimination), arguing that the austerity measures have undermined the accessibility and affordability of healthcare in Greece, with a disproportionate impact on specific marginalized individuals and groups.

2. Regarding the Rights of Migrant Workers and Their Families (Article 19, Paragraph 12): *“to promote and facilitate, as far as practicable, the teaching of the migrant worker’s mother tongue to the children of the migrant worker”*

- **Comprehensive Policy Assessment:** Fragmentary references to funded programs or short-term actions do not constitute a stable national policy and cannot substitute for structural integration measures. The effective implementation of Article 19§12 requires that mother tongue teaching be embedded within a comprehensive and sustainable integration policy. From this point of view, the competent authorities should ensure the preservation of children's linguistic and cultural identity. At the same time, the State should guarantee the effective support for teaching the language of the host country, recognising language acquisition as a cornerstone of equal participation in education and social inclusion.
- **Disaggregated Data Requirements:** Assessment of the relevant policies requires adequate, transparent and disaggregated data on the implementation of measures promoting the teaching of migrant workers' mother tongue, including their geographical coverage, the educational settings in which they are provided, and the categories of beneficiaries.
- **Educational Policy Framework:** The State should provide comprehensive information on the implementation of mother tongue teaching, including the educational scope, criteria and settings, evidence on the geographical implementation of the measures, on the categories of beneficiaries, their legal status, and the criteria governing participation, so as to enable an effective assessment of compliance with Article 19§12.

The GNCHR calls on the Greek State to increase its efforts to ensure the respect of migrants’ rights arriving in the same migratory flows as refugee and asylum seekers, highlighting the need for strengthened international and European cooperation. This

In support of its position, Amnesty International cites its Report of 2020, which analyses the performance of the National Health System over the decade of the economic crisis. In fact and in response to the economic crisis, starting in 2010, the Greek government began to reduce public spending and introduce a series of austerity measures. Public spending on health was reduced by 42.8% and per capita, spending on health (in other words per person) also fell by 40%. The general cuts in public expenditure were accompanied by structural changes in various governmental sectors. Regarding the public health system, the cost-sharing on pharmaceuticals was increased from 13.3% in 2012 to 18% in 2013, additional user fees were introduced for users of the health system (a measure that was eventually abolished), and the time-consuming waiting for healthcare access negatively affected people waiting for care. In Article E Part V (prohibition of discrimination) the report examines how austerity measures have affected specific groups of people in Greece, including people with lower incomes and people with disabilities, those who were unemployed and/or homeless, refugees and asylum seekers, and people with chronic health conditions. Finally, Amnesty International denounces the way in which Greece has applied the austerity measures described above, stressing that it is not in line with the obligations imposed by international human rights standards, since not all alternatives were exhausted before resorting to austerity measures. For these reasons, Amnesty International calls for Greece to be condemned for violating Articles 11 and E Part V of the revised ESC.



holistic and human rights-based approach is a steady GNCHR recommendation to the Greek State.⁷

⁷ [GNCHR Written Contribution](#) for the List of Themes prior to Greece's review of its combined 23rd and 24rd periodic report by the Committee on the Elimination of Racial Discrimination (CERD) in its 114th Session, August 2024.