



URGENT GNCHR STATEMENT

on labour and social security rights in Greece

28 April 2017

The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection. It was established by Law 2667/1998 in accordance with the UN Paris Principles. Thirty-two institutions whose activities cover the field of human rights are currently represented in the GNCHR (independent authorities, departments of university-level educational institutions, workers' and disabled persons' confederations, NGOs, political parties and ministries).

URGENT GNCHR STATEMENT ON LABOUR AND SOCIAL SECURITY RIGHTS IN GREECE¹

The Greek National Commission for Human Rights (GNCHR), in its capacity as the National Human Rights Institution and the independent advisory body to the Greek State on matters pertaining to the protection of human rights (Law 2667/1998):

I. Further to the unanimous decisions adopted by the GNCHR Plenary

- 2.** in 2010, *on the need for constant respect of human rights during the implementation of the fiscal and social exit strategy from the debt crisis,*
- 3.** in 2011, *on the imperative need to reverse the sharp decline in civil liberties and social rights,*
- 4.** in 2013, *on the conformity of austerity measures to international human rights standards,*
- 5.** in 2015, *on the impact of the continuing austerity measures on human rights,*

as well as

- 6.** the open letter, in 2014, of the European Network of National Human Rights Institutions (ENNHRI) to the President of the European Commission and the President of the European Central Bank, for the adoption of measures in order to eradicate the severe human rights violations resulting from the austerity measures in Greece.

II. The GNCHR reaffirms

- 7.** the obligation to comply with the judgments of the national supreme courts as well as the decisions and recommendations issued by national, European and international monitoring bodies on labour rights (collective and individual) and social security rights finding violation of the Greek Constitution and the binding international instruments for the protection of human rights and repeatedly indicating the necessity for the revision of these restrictive measures, which so far has not yet been accomplished;
- 8.** that the funding conditions of international financial institutions, such as the International Monetary Fund (IMF) or other European and international mechanisms relating to the economic or financial support of a State cannot circumvent the obligation to respect the international and European human rights law, especially as these rules are also binding on States participating in these mechanisms, namely the EU member-states;
- 9.** that within the European and the international framework for the protection of human rights, solely those practices responding, effectively and not theoretically, to the obligations of Greece to respect the national Constitution, as well as the European and international provisions that are binding on Greece for the protection of labour and social security rights, are to be considered as “good practices” for policy-making that is related or has impact on human rights;
- 10.** that the exclusive implementation and the cumulative effect of financial measures addressing the economic and social crisis, which have eventually acquired a permanent character, entrenching at the same time the characteristics of a crisis on human rights: a) undermine the Greek State’s ability to ensure the protection of the fundamental economic and social rights, due to the imposed restrictive measures and the severe cuts on social costs, hence they have led to violations of the core of the relevant human rights ; b) lead to the breakdown of internal demand and social operation of the Greek State, thus condemning the country to permanent economic recession; c) dismantle the welfare State and intensify the deterioration of living standards in Greece, resulting in the impoverishment of an increasing part of the total population and the destitution of vulnerable groups, the widening of social divide and the disruption of the social fabric; d) lead to the degradation of the protection of human rights and, ultimately, to their non-fulfillment.

¹ Adopted by the GNCHR Plenary.

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

11. 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, as the EU Court stipulates 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*”²;

12. the Charter of Fundamental Rights of the European Union which echoes the common constitutional traditions of the EU member-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*”³ and is explicitly binding on both the member-States and the EU institutions.

IV. Observes with particular concern as

13. the prolonged implementation of austerity measures 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. As a result, it 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, regarding labour and social security rights, upon the EU institutions, the EU member-States as well as the Greek authorities to

14. avoid imposing further austerity measures and review the existing measures that violate the national, European and international regulatory framework for the protection of employment, freedom of association and social security;

15. adopt, without delay, a regulatory framework for the restoration of the system and the principles of collective bargaining and collective agreements provided for by Law 1876/1990, as well as for the reentry into force of suspended provisions, the respect of trade unions rights, collective autonomy and social dialogue, the protection of wage and employment, the tackling of undeclared work, the efficient safeguarding of the State’s guarantee on funding social welfare and security, the restoration of the enjoyment of social welfare and security rights, based on social justice and solidarity, the elimination of systematic discriminations against young people in the workplace (e.g. the payment), the combating of the disproportionately negative impact of the crisis and the austerity measures on vulnerable groups;

16. 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 in Greece and on EU territory in general (Human Rights Impact Assessment), given the pledges on the protection of 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;

17. require sincere and immediate mobilization of all the EU institutions and the EU Member-States towards the restoration of the regulatory *gravitas* of human rights in the process of financial policy-making.

Athens, 28 April 2017

² ECJ, Cases C-50/96 *Schröder* [2000] ECR-774 and C-270/97 *Sievers* [2000] ECR I-933. It is noted that the relevant provision remains in the Preamble of the TEU and TFEU even after the Lisbon Treaty.

³ Charter of fundamental rights of the European Union, Preamble.