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EUROPEAN SOCIAL CHARTER

European Committee of Social Rights

Conclusions 2019

GREECE

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.¹

The European Social Charter (revised) was ratified by Greece on 18 March 2016. The time limit for submitting the 2nd report on the application of this treaty to the Council of Europe was 31 October 2018 and Greece submitted it on 14 May 2019.

This report concerned the accepted provisions of the following articles belonging to the thematic group "Children, families and migrants":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

Greece has accepted all provisions from the above-mentioned group except Article 19§2.

The reference period was 1 January 2014 to 31 December 2017.

The present chapter on Greece concerns 35 situations and contains:

– 16 conclusions of conformity: Articles 7§4, 7§6, 7§7, 7§8, 7§9, 8§2, 8§3, 8§4, 8§5, 19§1, 19§2, 19§3, 19§5, 19§7, 19§9 et 27§1;

– 10 conclusions of non-conformity: Articles 16, 17§1, 19§10, 19§6, 19§8, 31§2, 31§1, 7§3, 7§1, 7§5, 8§1

In respect of the other 9 situations concerning Articles 7§1, 7§2, 7§10, 17§2, 19§4, 19§11, 27§2, 27§3 and 31§3, the Committee needs further information in order to assess the situation.

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by Greece under the Revised Charter. The Government consequently has an obligation to provide this information in the next report from Greece on the articles in question.

The next report to be submitted by Greece will be a simplified report dealing with the follow up given to decisions on the merits of collective complaints in which the Committee found a violation.

The deadline for submitting that report was 31 December 2019.

¹ The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by Greece.

The Committee notes from the information contained in the report submitted by Greece that according to Article 4 of the Presidential Decree 62/1998 and Article 2§1 of the Law 1837/1989, children younger than 15 years of age – which coincides with the end of the 9-year compulsory education – are prohibited from working in any employment.

By way of exception, Article 5 of the said Presidential Decree and Article 3 of the said law, with the permission of the competent Labour Inspectorate (SEPE), allow for the employment of children over three years of age in cultural and similar activities, provided that a) their health (physical and mental) and their physical, mental, moral or social development is not prejudiced and b) they do not interfere with their regular attendance of vocational guidance or vocational training programmes, approved by the competent authority or their ability to benefit from the education provided, and for a period of three months at the maximum.

The Committee notes that in accordance with Article 1§3 of the presidential Decree 62/1998 “[...] the provisions of Law 1837/1989 “on the protection of minors in employment and other provisions (Official Gazette 85/A) and the present decree do not apply to occasional/short-term works concerning family undertakings in agriculture, forestry and livestock, provided that such works are carried out during the day”.

The Committee recalls that the prohibition of the employment of children under the age of 15 applies to all economic sectors, including agriculture, and all places of work, including work within family enterprises and in private households (Conclusions I (1969), Statement of Interpretation on Article 7§1). It recalls that the prohibition also extends to all forms of economic activity, irrespective of the status of the worker (employee, self-employed, unpaid family helper or other). The Committee asks the next report to indicate how “occasional/short-term works concerning family undertakings in agriculture, forestry and livestock” are monitored in practice in order to ensure that the prohibition of employment under the age of 15 is guaranteed in practice.

The Committee refers to its Statement of Interpretation on Articles 7§1 and 7§3 (Conclusions 2015). It points out that children under the age of 15 and those who are subject to compulsory schooling may perform only “light” work. Work considered to be “light” ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of “light work”, particularly the maximum permitted duration. The Committee considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week to avoid any risk to their health, moral welfare, development or education.

As to the length of light work during term time, the Committee considered that a situation in which children who were still subject to compulsory schooling carried out light work for two hours on a school day and 12 hours a week in term time outside the hours fixed for school attendance was in conformity with the requirements of Article 7§3 of the Charter (Conclusions 2011, Portugal).

The Committee asks for information in the next report on whether the situation in Greece is in conformity with the above-mentioned principles. It asks, in particular, for information on the daily and weekly duration of any light work that children under the age of 15 are allowed to perform during term time and school holidays.

In its previous conclusion (Conclusions XIX-4), the Committee concluded that the situation in Greece was not in conformity with Article 7§1 of the 1961 Charter on the ground that it had not been established that the legal framework regulating the minimum age of admission to employment in Greece was effectively applied. In particular, the Committee noted the

comments by the Greek National Commission for Human Rights that due to lack of human resources and of the necessary infrastructure, the Labour Inspectorate may not perform its duties effectively. It further noted that the report provided the number of complaints registered by the Labour Inspectorate and the fines imposed, but no further information was provided to clarify the situation in practice.

In this respect, the current report indicates that the Labour Inspectorate (SEPE) is responsible for supervising labour law and imposing administrative and criminal penalties in case of violation of children's rights. In cases where a minor under the age of 15 and up to the age of 18 is employed without its permission, the Labour Inspectorate imposes administrative penalties as defined in Article 24 of Law 3996/11. The report provides information on the number of booklets for minors approved by the Regional Labour Relations Inspectorates, the number of complaints for illegal employment of minors and the number of sanctions imposed over the years 2014-2017. In particular, the report indicates that one complaint was registered in 2015 and two – in 2014. It specifies that 12 fines were imposed in 2017, seven in 2016, six in 2015 and 38 in 2014.

The current report indicates that the Presidential Decree 134/2017 introduced modifications and improvements in the organisational structure of the Labour Inspectorate, where there is a corresponding increase in staff potential.

The Committee notes that the report does not provide disaggregated data on the activities and findings of the Labour Inspectorate with regard to the prohibition of the employment of children under the age of 15 and the exceptional employment of children under the age of 15 in cultural and related activities. The Committee asks the next report to provide disaggregated data on the monitoring activities and findings of the Labour Inspectorate with specific regard to the illegal employment of children under the age of 15, including the number of inspections conducted, the number of violations detected and the kind of sanctions imposed in practice.

The Committee refers to its General question on Article 7§1 in the General Introduction.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The Committee takes note of the information contained in the report submitted by Greece.

The Committee previously noted that Decree No. 62/1998 and Act 3144/03 provide for a list of activities and occupations prohibited to minors between the age of 15 and 18 and considered the situation to be in conformity with Article 7§2 of the 1961 Charter (Conclusions XIX-4).

The Committee notes from the information contained in the report that work which is considered by nature and by its working conditions to be dangerous and unhealthy for minors under 18 years of age, is expressly forbidden by Ministerial Decision 130621/2003. In particular, Article 2 of the Ministerial Decision sets out a non-exhaustive list defining jobs, projects and activities where minors are prohibited from working. The Committee asks the next report to indicate what are the dangerous or unhealthy activities set out in the above-mentioned list that minors under the age of 18 are prohibited to perform.

In its previous conclusion (Conclusions XIX-4), the Committee recalled that the situation in practice should be regularly monitored and asked the next report to provide information on the monitoring activity of the Labour Inspectorate.

In this respect, the current report indicates that the Labour Inspectorate's services are responsible for the issue of minors' employment booklets, after a medical consultation, in order to allow minors over 15 years of age to work in enterprises. According to the report, in the context of its activities, in cases of minors' employment under conditions that do not ensure their physical or mental health, the competent control bodies prohibit the continuation of work. Penalties of imprisonment and fines are provided for employers and their representatives who violate the provisions on the protection of minors-employees.

The report provides information on the number of booklets for minors approved by the Regional Labour Relations Inspectorates, the number of complaints for illegal employment of minors and the number of sanctions imposed over the years 2014-2017. In particular, the report indicates that 1 complaint was registered in 2015 and 2 in 2014. Moreover, 12 fines were imposed in 2017, 7 in 2016, 6 in 2015 and 38 in 2014.

The Committee notes that the report does not provide disaggregated data on the monitoring activities and findings of the Labour Inspectorate with specific regard to the legislation on the prohibition of employment under the age of 18 for dangerous or unhealthy activities. It therefore asks the next report to provide the relevant information, including the number of inspections conducted, the number of violations detected and the number and nature of sanctions imposed in practice in cases of violation of the regulation concerning the prohibition of employment under the age of 18 for dangerous or unhealthy activities.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

The Committee takes note of the information contained in the report submitted by Greece.

The Committee refers to its conclusion on Article 7§1 where it noted that according to Article 4 of the Presidential Decree 62/1998 and Article 2§1 of the Law 1837/1989, minors until the age of 15 – which coincides with the end of the 9-year compulsory education – are not allowed to work in any job.

As an exception, according to Article 5 of the same Presidential Decree and Article 3 of the same Law, with permission of the competent Labour Inspectorate (SEPE), the employment of children having reached the age of 3 is allowed in cultural and related activities under the condition that a) their health (physical and mental) and their physical, mental, moral or social development is not impaired and b) their regular attendance in vocational guidance or vocational training programs, approved by the competent authority or their ability to benefit from the training provided to them, for a period not exceeding three months, is not impeded.

In its previous conclusion (Conclusions XIX-4), given the lack of information in the report on the extent of illegal child employment, the Committee concluded that the situation in Greece was not in conformity with Article 7§3 of the 1961 Charter on the ground that it had not been established that the full benefit of compulsory education is safeguarded in practice.

The Committee notes from the information contained in the report that as regards minors under the compulsory schooling system (6-15 years old) and employed in cultural and related activities, their hours of daily work should not coincide with the hours of schooling (Article 5, para. 4, Presidential Decree 62/98). According to the report, in case a minor worker is employed during school time, the employer is punished with the penalties provided for in Article 458 of the Penal Code (Article 67, para. 1, Law 3850/2010) and detention or fine are imposed on the custodian of the minor (Article 27, para. 2, Law 3850/2010).

The Committee refers to its Statement of Interpretation on Articles 7§1 and 7§3 (Conclusions 2015) mentioned under Article 7§1 and it asks for information in the next report on the daily and weekly duration of any light work that children under the age of 15 are allowed to perform during term time and school holidays.

The Committee recalls that in order not to deprive children of the full benefit of their education, States Parties must provide for a mandatory and uninterrupted period of rest during school holidays. Its duration shall not be less than 2 weeks during the summer holidays (Conclusions 2011, Statement of Interpretation on Article 7§3). The Committee asks the next report to indicate whether children subject to compulsory education are granted a mandatory and uninterrupted period of rest of at least to consecutive weeks during school holidays.

As regards monitoring activities, the report indicates that for the year 2017 minors working during the time of compulsory attendance have not been denounced by employees or notified by the on-the-spot inspections.

The report provides information on the number of booklets for minors approved by the Regional Labour Relations Inspectorates, the number of complaints for illegal employment of minors and the number of sanctions imposed over the years 2014-2017. In particular, the report indicates that 1 complaint was registered in 2015 and 2 in 2014. Moreover, 12 fines were imposed in 2017, 7 in 2016, 6 in 2015 and 38 in 2014.

The Committee notes that the report does not provide disaggregated data on the monitoring activities and findings of the Labour Inspectorate with specific regard to the legislation on the Prohibition of employment of children subject to compulsory education. It therefore asks the next report to provide the relevant information, including the number of inspections conducted, the number of violations detected and the kind of sanctions applied in practice in

cases of violation of the regulation concerning prohibition of employment of children subject to compulsory education.

Pending receipt of the information requested, the Committee reiterates its finding of non conformity.

Conclusion

The Committee concludes that the situation in Greece is in not conformity with Article 7§3 of the Charter on the ground that it has not been established that the full benefit of compulsory education is guaranteed in practice.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time

The Committee takes note of the information contained in the report submitted by Greece.

The Committee notes from the information contained in the report that working time for minors shall not exceed 8 hours per day and 40 hours per week. It further notes that working time for children who have not completed 16 years of age and for those studying at secondary schools and high schools, at technical and vocational schools, public or private, recognized by the State, shall not exceed 6 hours per day and 30 hours per week. According to the report, the time spent by a teenager when working in an enterprise, as part of a system of alternately theoretical or/and practical training or work practice or apprenticeship, is taken into account in working time. When the teenager has more employers, working days and working hours are added together. Overtime work for teenagers is prohibited.

As regards resting time, the report indicates that children and young persons under the age of 18 who are no longer subject to compulsory education are entitled to a daily rest period of at least 12 consecutive hours, that must include the period from 22.00 pm to 6.00 am. Moreover, they are entitled to a weekly minimum rest of 2 consecutive days, one of which must coincide with Sunday. In case the daily working time exceeds 4.5 hours, they will be given a break of at least thirty consecutive minutes. As regards annual leave, it is granted during the period of summer school holidays on consecutive days. Furthermore, for employees who are students of educational units of the State or supervised by it, the additional leave due to exams shall be 30 additional days.

As regards monitoring activities, the current report indicates that the Labour inspectorate (SEPE) carries out the necessary inspections to establish violations of the working time of minors and imposes on the employers the prescribed penalties in cases of violations.

The report provides information on the activities of the Labour Inspectorate during the reference period. In particular, according to the report, the Labour Inspectorate conducted 61,937 audits and counter audits in 2014, 55,034 in 2015, 54,108 in 2016 and it imposed 7,664 penalties in 2014 (€36,303.669), 6,909 in 2015 (€ 31,812.109) and 5,934 in 2016 (€ 26,017.237). The report further provides statistical data on the number of Labour disputes presented before courts, resolved and rejected and on the number of denunciations- reports received over the reference period.

The Committee asks the next report to provide up-to-date information on activities and findings of the State Labour Inspectorate with regard to the legislation on reduced working time of young workers who are no longer subject to compulsory education, including the number of inspections conducted, the number of violations detected and the sanctions imposed in practice.

Conclusion

The Committee concludes that the situation in Greece is in conformity with Article 7§4 of the Charter.

Article 7 - Right of children and young persons to protection
Paragraph 5 - Fair pay

The Committee takes note of the information contained in the report submitted by Greece.

Young workers

The report indicates that in Greece, the government's decision (Act of Cabinet No. 6/2012) orders that statutory minimum wages will not change as long as the Greek state is implementing Fiscal Adjustment Programme at least until 1/1/2017. In accordance with subparagraph IA.11 of Law 4093/2012 (OG A' 222) a new system for the formation of the statutory minimum wage and daily wage for employees under private law throughout the country was established in conjunction with the plenary decision No 2307/2014 of the Council of the State. Therefore, in the country since 2012 the statutory minimum wage applicable to employees over the age of 25 was set at 586,08 EUR. A special rate of the statutory minimum wage is applicable for those under 25 years (510.95 EUR). The distinction between the age-based thresholds is not based on a steady proportion but was formed after government's unilateral decision. The report also indicates that the minimum daily wage for blue collar workers over 25 is set at 26,18 EUR and for those under 25 is set at 22,83 EUR. The above minimum wage for employees aged over 25 shall be increased by 10% for every three years of service and up to nine years and by 30% totally for nine years of service and more and the minimum daily wage for blue collar workers over 25 years of age shall be increased by 5% for every three years of service and up to 18 years and by 30% totally for over 18 years of service. The above minimum wage for employees under the age of 25 shall be increased by 10% for a three-year period of service and for service over three years and the minimum daily wage for blue collar workers under 25 years of age shall be increased by 5% for every three years of service and up to six years and by 10% totally for service of six years and more. iii) for registered unemployed persons over the age of 25 dealing with a period of unemployment longer than 12 months (long-term unemployment) who are being recruited as employees, the minimum wage in case a of the present paragraph shall be increased by 5% for every three years and by 15% totally for a service of nine years and more (the item iii) of case c was added with the first article, subsection IA.7 of Law 4254/2014, OG A' 85/7.4.2014). The Committee notes that the monthly minimum wage in Greece, as a consequence of the economic crisis, was reduced from 751,39 EUR in 2011 to 586.08 EUR in 2012. The Committee notes also that during the reference period the minimum wage remained unchanged since 2012 both for employees over 25 and under 25 years old.

The Committee recalls that young worker's wage may be less than the adult starting wage, but any difference must be reasonable and the gap must close quickly. For 15/16 year-olds, a wage of 30% lower than the adult starting wage is acceptable. For 16/18 year-olds, the difference may not exceed 20%. The adult reference wage must in all cases be sufficient to comply with Article 4§1 of the Charter. If the reference wage is too low, even a young worker's wage which respects these percentage differentials is not considered fair. The Committee in its Conclusions XX-3(2014) found the situation not in conformity with Article 4§1 of the Charter. In this respect the Committee considers that the minimum wage level for young workers is too low to ensure a decent standard of living.

The report indicates that the amount of the statutory minimum wage and salary shall be fixed by considering the state of the Greek economy and its prospects for growth in terms of productivity, prices, competitiveness, employment, unemployment rate, income and salaries. The Committee notes the efforts made by the Greek government to overcome the economic crises. It also notes that the new procedure – minimum statutory wage and salary fixing mechanism for workers under private law throughout the country shall enter into force upon completion of the Fiscal Adjustment Programme, i.e., not before 1.1.2017. The Committee in this respect asks that the next report provide updated information on increases of the minimum statutory wage after completion of the Fiscal Adjustment Programme.

The report indicates that article 55 of Law 3850/2010 stipulates that minor workers are paid on the basis of at least the minimum wage of the worker, as currently in force (art.1 IIA of Law 4093/12). In case of violation of the right to pay, the corresponding administrative penalties, as in force, are imposed as defined in article 24 of Law 3996/11. The report specifies that for the year 2017, non-payment or payment below the minimum for minors has not been denounced by employees nor has it been notified by an on-the-spot inspection.

Apprentices

The report indicates that apprentices' allowances are set at 17.12 EUR for each day of apprenticeship which represent 75% of the minimum statutory daily wage. The Committee considers this proportion acceptable. The Committee notes also that the minimum statutory wage was unchanged since 2012 as well as the apprentices allowances.

The Committee recalls that the "fair" or "appropriate" character of the wage is assessed by comparing apprentices workers' remuneration with the starting wage or minimum wage paid to adults (Conclusions XI-1 (1991), United Kingdom). However, the adult reference wage must in all cases be sufficient to comply with Article 4§1 of the Charter. Therefore, the Committee considers that the situation is not in conformity with Article 7§5 of the Charter on the ground that the apprentices' allowances are not fair since the reference wage itself is too low to secure a decent standard of living.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 7§5 of the Charter on the grounds that:

- the minimum wage of young workers is not fair;
- the apprentices' allowances are not fair.

Article 7 - Right of children and young persons to protection

Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

The Committee takes note of the information contained in the report submitted by Greece.

The Committee in its previous conclusions (Conclusions XIX-4 (2011)) found the situation in conformity with the Charter.

The Committee recalls that the satisfactory application of Article 7 cannot be ensured solely by the operation of legislation if this is not effectively applied and rigorously supervised. The report does not provide such information. The Committee therefore asks that the next report provides information on the monitoring activity of the authorities, on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding the inclusion of time spent on vocational training by young workers in the normal working time.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 7§6 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by Greece.

The report indicates that the Labour Inspectorate is responsible for supervising labor law and imposing administrative and criminal penalties in case of violation of workers' rights. Especially in the field of child labor, through a series of laws that have imposed a strict framework for child labor protection, SEPE has the necessary tools to combat child exploitation and imposes strict sanctions in cases of violation of children's rights. Article 56 of Law 3850/2010 expressly stipulates that the regular leave of minors is granted during the summer school holidays in consecutive days and, only at the request of the minor, is it allowed to grant the leave in other periods (art.56 para1). The days of leave to which the minor is entitled are determined by the applicable provisions on regular leave in force that apply to all workers. The report further states that in the case of non-granting of a regular leave or granting of a leave outside the procedures defined by the relevant provisions, corresponding administrative sanctions are imposed, as defined in art. 24 of Law 3996/11, as in force. In addition, if the employer does not grant regular leave to the minor, he/she is punished with the penalties specified in article 458 of the Civil Code (art.67 para1 of Law 3850/2010). Finally the report indicates that in 2017, no criminal or administrative penalties have been imposed for the non-granting of regular leave to minor workers.

The Committee recalls that the satisfactory application of Article 7 cannot be ensured solely by the operation of legislation, if this is not effectively applied and rigorously supervised. It therefore asks that the next report provides information on the monitoring activity of the authorities, on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding paid annual holidays.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 7§7 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

The Committee takes note of the information contained in the report submitted by Greece.

The report indicates that night work for minors is prohibited by Article 8 of the Presidential Decree 62/1998 (A' 67) and Article 5(2) of Law 1837/1989 (OG A'85),, whereas by virtue of Article 33 of Law 2956/2001 (OG A'258) night work for minors is also prohibited at family, agricultural, forestry and livestock activities. The report underlines that the Labour Inspectorate (SEPE) keeps statistical data on the employment of minors (as regards the number of issued booklets, the number of fines, sanctions imposed etc). Also, SEPE conducts annual reports which present the overall activity through detailed data in the form of tables, graphs etc.

In this respect, the Committee recalls that the satisfactory application of Article 7 cannot be ensured solely by the operation of legislation if this is not effectively applied and rigorously supervised. It therefore asked that the next report provide information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding prohibition of night work for young workers under the age of 18.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 7§8 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

The Committee takes note of the information contained in the report submitted by Greece.

The report indicates that there were no legislative arrangements apart from the codification of those in force under Law 3850/2010 (OG A'84/ 2010) "Ratification of the Code of laws for the health and security of workers", which codified the provisions of Law 1837/1989 regarding the medical certification process (Article 60), the competent health services (Article 61), the medical examinations (Article 62) and the medical certification (Article 63). (Chapter H' "Protection of minors in employment"). Article 62 of Law 3850/2010 expressly stipulates that minors from 15 years of age and over must undergo annual medical examinations up to the age of 18. This period may be shorter, if the Labor Inspector or the Doctor deems so or if the minor changes job. The report indicates also that the procedure for certifying the medical examinations is carried out by the health services following a referral by the Labor Inspectorate and is free of charge for the minor worker. The examinations of the medical certification are evidenced by the provision of the workbook to the minor (Article 8 of Law 1837/89). Any employer who employs minor workers must keep a register indicating the date of issue or of the renewal of the workbook. If the Labor Inspectors, during an on-the-spot inspection on enterprises, find that there is no workbook for minors or that it is not renewed, they impose the corresponding administrative sanctions provided for in Art.24 of Law 3196/11, as in force.

The report indicates that in 2017, twelve (12) cases of non-granting / non-renewal of a workbook have been recorded and the corresponding administrative sanctions have been imposed by the Labor Inspectors.

Conclusion

The Committee concludes that the situation in Greece is in conformity with Article 7§9 of the Charter.

Article 7 - Right of children and young persons to protection
Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by Greece.

Protection against sexual exploitation

The Committee had previously asked whether the simple possession of child pornography (depicting children up to 18 years of age) was a criminal offence. In response, the report confirms that possession of child pornography material constitutes a criminal offense under Article 348 of the Criminal Code.

According to the report, several provisions of the Penal Code provide for the prohibition and combating of all forms of sexual exploitation of children, in particular: Article 323 on traveling for the purpose of engaging in sexual intercourse or other indecent acts against children (sex tourism), Article 337 on sexual abuse, Article 339 on the seduction of children, and Article 349 on pimping.

According to the report, in April 2017, the General Secretariat for Gender Equality, in cooperation with the Office of the National Rapporteur, set up a Committee of Experts to review the existing legal framework on prostitution and to combat sexual exploitation and the demand for commercial sexual acts. The final report of the Committee proposes the abolition of legal prostitution by criminalising the purchase of sexual services. The proposal is currently under discussion among the relevant authorities.

The Committee requests that the next report provide information on the outcome of the report.

The Committee recalls that child victims of sexual exploitation should not be prosecuted for any act connected with this exploitation. It therefore requests that the next report provide information whether this principle is respected by Greece. It also requests updated information on the extent of sexual exploitation of children, in particular data on child prostitution and child pornography and measures taken to address sexual exploitation such as the adoption of a National Action Plan.

Protection against the misuse of information technologies

The Committee asked in its previous conclusion whether Internet service providers are required to monitor the material they host, to encourage the development and use of the best monitoring system for activities on the Internet and registration procedures (Conclusions 2011).

According to the report, legislation provides for the creation, within the Police, of the Cybercrime Division to prevent, investigate and repress crimes committed through the Internet or other electronic media. One of the five units of this division – The Unit for the Protection of Minors on the Internet and Digital Investigation – is responsible for the detection and prosecution of criminal offences committed against minors via the internet. In 2017, proceedings were initiated in 164 cases related to child pornography and violations of sexual integrity. Fourteen persons were arrested on Greek territory.

In May 2010, police officers of the Cybercrime Division were trained in the use of special software that detects and identifies in real time the digital traces of Internet users distributing child sexual abuse material in the country, using Peer-to-Peer (P2P) file-sharing programs. Internet users have already been detected and identified by means of this software.

In addition, specialised staff of the Unit often carry out inspections on the Internet to identify any violation of the provisions mentioned above and in particular the sexual abuse of children for remuneration over the Internet. Continuous cooperation between this Unit and Internet Service Providers, and other companies active in the provision of Internet

throughout the country is ongoing with the aim of protecting children from sexual abuse on the Internet.

Protection from other forms of exploitation

The Committee notes from the report that Articles 323 and 351 of the Penal Code provide for protection against trafficking in human beings in accordance with international and European standards.

It further notes that Greece has established a national system for the identification and referral of victims and presumed victims of trafficking in human beings. This mechanism, supervised by the Office of the National Rapporteur and managed by the National Centre for Social Solidarity (EKKA) of the Ministry of Labour, Social Security and Welfare, functions as a hub for coordinated action and partnership building between all actors involved in the fight against trafficking in human beings (public bodies, international organisations, NGOs). In addition, Law 4540/2018 stipulates that all authorities concerned should report all identified cases of trafficking in human beings to the national referral mechanism.

The Committee previously asked questions about the excessive length of judicial proceedings in the cases of trafficking. In response, the report indicates that the time limit for the hearing of a case of trafficking for sexual exploitation and, subsequently, for the final decision/judgment, may not exceed 18 months from the date of the complaint. Such a period is considered by the authorities to be reasonable.

The Committee also notes that the "National Plan of Action for the Prevention and Combating of Trafficking in Human Beings, Protection and Support of Victims and Prosecution of Perpetrators 2018-2023" is being developed with the participation of public agencies, NGOs and grass-roots organisations. It provides for the development of social integration programmes for survivors of human trafficking, focusing on the most vulnerable such as women and girls, as well as unaccompanied minors.

The Committee requests that the next report provide information on the implementation of the National Action Plan.

According to the report, between 2015 and 2017, a total of 290 presumed or identified child victims of human trafficking received assistance and support from government agencies, and/or NGOs, and/or international organizations.

Several public agencies and NGOs have organized trainings for professionals on identification and protection of victims. For example, the Hellenic Police, the National Centre for Social Solidarity, Ministry of Labour, Social Security and Solidarity, the General Secretary for Gender Equality, Ministry of Interior, the First Reception Services, and the Asylum Services, Ministry of Migration Policy, among others have periodically organized trainings on trafficking issues. Many NGOs such as A21, Praxis, Arsis, Metadrasi, Smile of the Child, Solidarity Now, among others have also participated and organized trainings on THB issues. European agencies such as FRA and EASO, as well as international organizations such as IOM-Greece and UNODC have also contributed to knowledge sharing between professionals.

The Committee recalls that in its conclusions under Article 17 of the Charter it noted the significant number of unaccompanied or separated minors arriving in Greece, and the lack of suitable or any accommodation for them. It noted that this exposes them to particular risks such as violence exploitation and trafficking. Therefore it asks what measures have been taken to increase the protection of unaccompanied or separated minors.

In its previous conclusion the Committee asked what specific measures were being taken to assist children in a street situation.

In response, the report states that Article 323 of the Criminal Code on trafficking in human beings, as amended, introduces for the first time the offence of forced begging. In a case involving a minor, the penalty is heavier.

The Committee notes from the Group of Experts on Action against Trafficking in Human Beings (GRETA) on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings report [GRETA (2017)27] that there were reports that children, mainly of Roma origin, from Albania, Bulgaria and Romania, are being trafficked and forced to beg, engage in petty crime or sell small items, including as part of “family-based” trafficking. GRETA was also informed of cases of children trafficked for the purpose of exploitation in criminal activities, namely to steer boats smuggling migrants into Greece, who were apparently detained and returned to Turkey.

The Committee recalls that under Article 7§10 of the Charter, States must prohibit the use of children in other forms of exploitation such as domestic/labour exploitation, including trafficking for the purposes of labour exploitation and begging. States must also take measures to prevent and assist street children. In all these cases, States Parties must ensure not only that they have the necessary legislation to prevent exploitation and protect children and young persons, but also that this legislation is effective in practice.

The Committee refers to the General Comment No. 21 of the UN Committee on the Rights of the Child which provides authoritative guidance to States on developing comprehensive, long-term national strategies on children in street situations using a holistic, child rights approach and addressing both prevention and response.

The Committee asks to be informed of measures taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 8 - Right of employed women to protection of maternity
Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Greece.

Right to maternity leave

The report states that under Article 7 of the National General Collective Agreement of 1993 and that of 2000-2001, compulsory maternity leave is 17 weeks for private sector employees. Eight weeks must be taken before the birth of the child and nine after. If the birth takes place before the presumed date, the remaining maternity leave is carried over to the period following the birth so that the total length of leave comes to 119 days.

As to public sector workers, the report states that under Article 52 of the Civil Service Code (as amended), women on a permanent contract (including public law entities and local self-government agencies) are entitled to five months' compulsory maternity leave for two months before and three months after the birth. The report states that if childbirth takes place after the due date, the leave granted is extended until that date without reducing the length of postnatal leave.

The Committee also notes that according to the MISSOC database, a mother may be entitled to special maternity leave of up to six months following the standard leave period.

The Committee finds that the situation is in conformity with Article 8§1 of the Charter on this point.

Right to maternity benefits

The Committee previously found that the amount of maternity benefits paid by the various social security funds was in conformity with the Charter but that the eligibility criteria set by the Social Insurance Institute (IKA) were strict, i.e. 200 days worked and contributions paid over the 2 years preceding childbirth (Conclusions XIX-4 (2011) and XVII-2 (2005)). It asked, with regard to the funds regarding a qualifying period, whether unemployment periods were taken into account to calculate such periods.

The Committee notes from the report and other sources (the European Commission and the MISSOC database) that during the reference period, a reform was adopted to reduce the number of insurance funds and harmonise the benefits awarded. The Unified Social Insurance Fund (EFKA), which operates under the authority of the Ministry of Labour, Social Security and Social Solidarity, was established on 1st January 2017 (Law 4387/2016). It includes the different funds that existed before, namely the IKA-ETAM (to which most employees and persons entering the public services since 2011 are affiliated) and the bodies to which workers in other occupations are attached (farmers, sailors, self-employed workers, civil servants and liberal professions). For private sector employees, the risks covered by the social protection scheme include sickness and maternity amongst others.

The report explains the conditions required for entitlement to maternity benefit applied by each health insurance fund. In most cases, entitlement depends on a valid insurance cover (for instance, with the Agricultural Insurance Organisation and the Insurance Fund for Employees of Banks and Public Utilities with regard to the staff of the State electricity company). All insurance contributions are deducted from pay. The Committee notes that, according to the information available on the European Commission website, the daily maternity allowances are paid to the insured employees who have paid 200 days of contributions in the two years preceding the presumed date of birth. They are paid for 56 days before the expected date of delivery and for 63 days after. The Committee understands that the periods of unemployment are still not taken into account when calculating the length of service required to be entitled to maternity benefits. In this connection, it points out that under Article 8§1 of the Charter, periods of unemployment must be taken into account in such calculations. The Committee considers therefore that the aforementioned conditions

are too strict and the situation is still not in conformity with Article 8§1 of the Charter on this point.

The report points out that during maternity leave, the insured woman receives a maternity allowance: 50% of the estimated day-wage depending on the insurance class they belong to, based on the average wage of the last 30 days of the previous year, plus a child benefit of 10% of the above amount for each child, with a maximum of 40%. The minimum amount comes to two-thirds of the woman's remuneration. According to the MISSOC database, in 2018 the maximum amounts of benefit paid are €47.47 per day for employees with no dependants and €66.46 per day for those with four dependants.

The Committee notes that a woman can also benefit from an additional maternity allowance if she is qualified for the maternity benefit and has a valid work contract. The allowance is equal to the difference (if any) between the wage paid by the employer and maternity benefit. It is paid every month by the Labour Employment Office (OAED) for as long as maternity benefit is paid (maximum 119 days). The report specifies that regarding the additional maternity allowance only, if the woman has completed 10 days of work during her last contract of employment, the employer has the legal obligation to continue to pay the wages for 15 days during her maternity leave. If the woman has completed one year of work during her last contact of employment, the employer is legally required to continue to pay her wages for one month during her maternity leave.

The Committee notes that the situation is in conformity with Article 8§1 of the Charter on this point.

In addition, a woman is entitled to a six-month Special Maternity Leave that follows the normal maternity leave, during which the insured woman receives the Special Maternity Protection Allowance. This kind of benefit is granted to mothers insured with the EFKA (formerly the IKA-ETAM) with a valid employment contract at the beginning of their maternity leave. It is paid for six months; the monthly amount matches the current statutory minimum wage (€568.08 in January 2018, €510.95 for those under 25 years of age).

The Committee underlines that, under Article 8§1, the level of income-replacement benefits should be fixed so as to stand in reasonable proportion to the previous salary (these shall be equal to the previous salary or close to its value, and not be less than 70% of the previous wage), and it should never fall below 50% of the median equivalised income (Statement of Interpretation on Article 8§1, Conclusions 2015). If the benefit in question stands between 40% and 50% of the median equivalised income, other benefits, including social assistance and housing, will be taken into account. On the other hand, if the level of the benefit is below 40% of the median equivalised income, it is manifestly inadequate and its combination with other benefits cannot bring the situation into conformity with Article 8§1.

According to Eurostat data, the median equivalised income in 2017 was €7,611, or €634.25 per month. 50% of the median equivalised income was €3,806 per year, or €317.17 € per month. The gross minimum monthly wage in Greece was €683.76 (two-thirds of the monthly minimum wage was €455.84).

In the light of the above, the Committee finds that the situation is in conformity with Article 8§1 as regards the amount of maternity benefits paid to employees who meet the conditions for affiliation.

As to employees who do not meet such conditions, they may be awarded a lump-sum benefit by the municipal social welfare offices (€440.20, half before the birth and half after), subject to a means-test and provided they suspend their activity 42 days prior to and after the date of the birth. The Committee requests that the next report provide information regarding the right to any other kinds of benefits for employed women who do not qualify for maternity benefit during maternity leave. It also asks what conditions women workers who are ineligible for social insurance benefits must fulfil in order to qualify for this subsidy. In the meantime, it reserves its position on this point.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 8§1 of the Charter on the ground that periods of unemployment are not taken into account when calculating the qualifying periods required to be entitled to maternity benefits.

Article 8 - Right of employed women to protection of maternity
Paragraph 2 - Illegality of dismissal during maternity leave

The Committee takes note of the information contained in the report submitted by Greece.

It already examined the situation with regard to illegality of dismissal during maternity leave (prohibition of dismissal and redress in case of unlawful dismissal) in its previous conclusions (Conclusions XIX-4 (2011)). It will therefore only consider the recent developments and additional information.

Prohibition of dismissal

The report states that under Article 15 of Law No.1483/1984, as amended by Article 36§1 of Law No. 3996/2011, employers are strictly prohibited from terminating employment relationships or contracts with female employees during their pregnancy or over the 18 months after childbirth, or during a long-term absence owing to illness linked to pregnancy or childbirth, except for a valid reason. According to the report, a potential decline in the performance of a pregnant woman linked to her pregnancy may not, under any circumstances, be considered a ground for dismissal. The Committee asks for clarification on the reasonable grounds for dismissal.

The Committee notes that this legislation prohibits employers from giving notice of dismissal to employees during the protected period (Supreme Court judgments Nos. 323/38 and 2064/86).

Redress in case of unlawful dismissal

In its previous conclusion (Conclusions XIX-4 (2011)), the Committee found that the situation was in conformity with Article 8§2 of the Charter on this point. The report confirms that the same rules apply to women employed in the public sector and the private sector in the broadest sense, regardless of the type of contract involved.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 8§2 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

The Committee takes note of the information contained in the report submitted by Greece.

In its previous conclusion (Conclusions XIX-4 (2011)), the Committee found that the situation was in conformity with Article 8§3 of the Charter and asked for a full and up-to-date description of the situation, including on women employed in the public sector.

The report refers to the previous report and states that where compulsory child care leave is granted, an employees' daily working hours are reduced by one hour for 30 months after the end of maternity leave, or by two hours for the first 12 months and one hour for six months. The report indicates that instead of a reduction in working hours for nursing and child care purposes, workers (men and women) have the right to request equal leave. This type of alternative leave requires the employer's consent but is counted as working time and remunerated accordingly.

The Committee asks that the next report provide a full and up-to-date description of the situation in respect of nursing breaks, including that relating to women employed in the public sector. It also asks what rules apply to women working part-time.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 8§3 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 4 - Regulation of night work

The Committee takes note of the information contained in the report submitted by Greece.

In its previous conclusion (Conclusions XIX-4 (2011)), the Committee found that the situation was in conformity with Article 8§4 of the Charter. The report provides an update of the information on the matter. Since the situation remains unchanged, it confirms its previous finding of conformity.

The Committee refers to its Statement of Interpretation on Articles 8§4 and 8§5 (Conclusions 2019) and asks the next report to confirm that no loss of pay results in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave; it furthermore asks the next report to confirm that the women concerned retain the right to return to their previous employment at the end of the protected period.

Conclusion

The Committee concludes that the situation in Greece is in conformity with Article 8§4 of the Charter.

Article 8 - Right of employed women to protection of maternity
Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

The Committee takes note of the information contained in the report submitted by Greece.

In its previous conclusion (Conclusions XIX-4 (2011)), the Committee found the situation to be in conformity with Article 8§4b of the 1961 Charter. There has been no change in the situation and the report provides an update. It confirms that the same provisions apply to women employed in the public sector. Therefore, the Committee confirms its previous finding of conformity.

The Committee points out that Article 8 of the Charter provides specific rights protecting employed women during pregnancy and maternity (Statement of Interpretation on Articles 8§4 and 8§5, Conclusions 2019). Since pregnancy and maternity are gender-specific, any less favourable treatment due to pregnancy or maternity is to be considered as direct gender discrimination. Consequently, the non-provision of specific rights aimed at protecting the health and safety of a mother and a child during pregnancy and maternity, or the erosion of their rights due to special protection during such a period are also direct gender discrimination. It follows that, in order to ensure non-discrimination on the grounds of gender, employed women during the protected period may not be placed in a less advantageous situation, also with regard to their income, if an adjustment of their working conditions is necessary in order to ensure the required level of the protection of health. It follows that, in the case a woman cannot be employed in her workplace due to health and safety concerns and as a result, she is transferred to another post or, should such transfer not be possible, she is granted leave instead, States must ensure that during the protected period, she is entitled to her average previous pay or provided with a social security benefit corresponding to 100% of her previous average pay. Further, she should have the right to return to her previous post. In this respect, the Committee asks the next report to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity the woman concerned is entitled to paid leave; it furthermore asks the next report to confirm that the women concerned retain the right to return to their previous posts at the end of the protected period.

Conclusion

The Committee concludes that the situation in Greece is in conformity with Article 8§5 of the Charter.

Article 16 - Right of the family to social, legal and economic protection

The Committee takes note of the information contained in the report submitted by Greece.

Legal protection of families

Rights and obligations, dispute settlement

As to **rights and obligations of spouses**, the Committee previously noted (Conclusions XVI-1 (2002)) that spouses are equal before the law both as regards family relations and matrimonial property. It asks the next report to confirm that this situation has not changed and to provide updated information on this point.

Issues related to **restrictions to parental rights and placement of children** are examined under Article 17§1.

The report does not reply to the Committee's request of information (Conclusions XIX-4 (2011)) on legal arrangements concerning **settlement of disputes** in particular those pertaining to children (care and maintenance, deprivation and limitation of parental rights, custody and access to children when the family breaks up), nor on **mediation services** aimed to avoid the deterioration of family conflicts, other than those addressing victims of domestic violence (see below). The Committee accordingly reiterates its request of information on these points.

Domestic violence against women

Greece has signed and ratified the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence (which came into force in Greece on 1 October 2018). The assessment under this instrument has not taken place yet.

The report indicates that the General Secretariat for Gender Equality (GSGE), as the competent governmental body for preventing and combating violence against women, implements since 2010 the "National Programme for the Prevention and Combating of Violence against Women", which is the first comprehensive and coherent action plan at national level on combating gender-based violence (domestic violence, rape, trafficking, sexual harassment). The GSGE operates a Pan-Hellenic Network of 62 Structures (40 Counseling Centers, 21 Shelters across the country and a 24-hour SOS Helpline 15900 – see details in the report) providing free counseling services, safe accommodation and other services and facilities to female victims of gender-based violence.

For the 2016-2020 programming period, the GSGE extended the target group to include not only female victims of gender-based violence, but also women victims of multiple discrimination, such as refugees, migrants, Roma women, etc. in order to help eliminate social exclusion at all levels (see details in the report).

The Committee takes note of the prevention measures taken in order to raise public awareness on violence against women (nationwide campaigns, including relevant seminars, informational material in several languages, TV and radio spots, cultural events, publicity on public transport, entries in Press, a webpage (www.womensos.gr) and a Facebook page as well as banners in web pages). It also takes note of the specific measures taken to train staff dealing with refugees and those working in shelters and counseling centres, and to ensure information of women refugees about their rights and available assistance.

The Committee takes also note of the measures planned or under way concerning the protection of victims (see above, as regards the hotline and shelters). On a more general level, the report indicates that the Law No. 3500/2006 (see below) provides that victims of domestic violence are entitled to moral support and necessary material assistance. The report also refers to Law No. 4478/2017, which has transposed into national law Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims

of crime (see details in the report), which provides inter alia for victims' right to confidential victim support general or special services and care, free of charge, before, during and for an appropriate time after criminal proceedings.

As regards prosecution of domestic violence, the Committee takes note of the information provided on Law 3500/2006, which prohibits and sanctions any form of violence among family members (Articles 2 and 7). It notes however from the European Institute for Gender Equality that violence committed by a former partner is not covered by this law and asks whether any amendment is planned in this respect. The report indicates that the law provides for criminal mediation, in order to facilitate reporting of minor offences, and that it introduces court arrangements aimed at avoiding secondary victimization.

The report does not, however, provide the information requested (Conclusions XIX-4 (2011)) on the actual implementation of the law. The Committee accordingly requests the next report to provide information on the impact of the abovementioned laws and action plans, in the light of any relevant data on violence against women and related convictions, as well as updated information on the amendments introduced in 2018, out of the reference period.

The Committee furthermore asks the next report to clarify whether treatment programmes are available for perpetrators, whether they can be temporarily removed from their house and whether the police is adequately trained to deal with domestic violence claims. It also asks the next report to clarify whether all levels of government and all relevant agencies and institutions, including NGOs, are involved in the drafting and implementation of comprehensive integrated policies on domestic violence.

Social and economic protection of families

Family counselling services

The Committee previously recalled (Conclusions XIX-4 (2011)) that states are required to set up family counselling services and services providing psychological support for children's education and asked for information in this respect.

The report refers to the counseling centres available to women victims of violence (see above) and indicates that Community Centers and the Roma Branches provide a wide range of advisory and support services to Roma families. The Committee asks the next report to clarify whether general services are available to all families (not only those addressed at refugees, Roma, victims of violence or trafficking), to provide advice and support to families, including psychological guidance advice on childrearing.

Childcare facilities

The Committee refers to its previous conclusion (Conclusions XIX-4 (2011)) as regards the childcare facilities available in Greece. According to Eurostat data for 2017, in Greece 38.7% of children aged less than three were cared for only by their parents (against the EU-28 average of 46.1%).

The Committee notes from the report that the institutional framework of municipal pre-school nurseries and childcare centres was revised in 2017 (Presidential Decree No. 99/2017, Ministerial Decision No. 41087/29-11-2017 on "Model Rules of Procedure of Municipal Nurseries and Day Care centers"). In addition to the municipal structures, the report indicates that there are kindergartens and nurseries licensed by the municipalities but run by private entrepreneurs (under Ministerial Decision No. D22/11828/293/2017) or by charities, churches and Public Entities under Private Law.

Quality criteria and operating conditions of childcare services are set by the abovementioned legislation, which also provides for their monitoring. In addition, the report indicates that the Social Adviser (under Law No. 2345/1995 «Organized Protection Services by social welfare bodies and other provisions» and Law No. 3852/2010), is responsible to supervise and

monitor the social services provided by private bodies as well as to inspect private and public kindergartens and report on the quality and adequacy of the services they provide.

According to the report, all children can be registered in the municipal nurseries, day care centers and crèches, and priority is given to children in a more vulnerable position. In particular, in response to the Committee's question (Conclusions XIX-4 (2011)), the report explains that children from vulnerable groups, including Roma children, can be registered by decision of the competent management body even in case of incomplete or missing enrolment documentation.

The Committee notes from the report the measures taken to improve and extend provision of childcare services in the framework of the Programme "Harmonization of work and family life" (for the school year 2016-2017, the total cost of this programme amounted to €189 510 046 and concerned 74 993 parents and 92 751 children). The report does not provide, however, the information requested (Conclusions XIX-4 (2011)) on the number of applications for places turned down and therefore does not allow to assess whether the situation matches the needs of families. The Committee accordingly reiterates its request of information on this point.

Family benefits

Equal access to family benefits

The Committee notes that according to Article 214 of Law No. 4512/2018, the child benefit is granted to the following categories of persons: a) Greek nationals permanently residing in Greece, b) foreign nationals permanently residing in Greece who are holders of a Greek national card c) citizens of European Union member states permanently residing in Greece, d) citizens of EEA countries (Norway, Iceland and Lichtenstein) and citizens of Switzerland permanently residing in Greece.

The Committee notes that nationals of States Parties to the Charter must be in a possession of a permanent residence permit to be entitled to family benefits. It notes in this connection from the report that according to Article 89 of Law No. 4251/1440 on Immigration and Social Integration Code and other provisions, the long-term residence status is conferred to third-country nationals residing in Greece legally and continuously for a period of five years.

The Committee observes that this situation amounts to a length of residence requirement of five years for nationals of States Parties to the Charter to be equally treated with nationals as regards access to family benefits. The Committee recalls in this regard that the length of residence requirement exceeding 6 months is excessive and therefore, not in conformity with the Charter.

Level of family benefits

In its previous conclusion (Conclusions XIX-4(2011)) the Committee considered that the situation was not in conformity with the Charter as child allowances, in particular for families with 1 child or 2 children were manifestly inadequate.

The Committee now notes from the report that the child benefit scheme was established by virtue of Article 214 of Law 4512/2018 «Arrangements for the Implementation of the Structural Reforms of the Economic Adjustment Programmes and Other provisions», which depends on the number of children, the equivalent family income and the category of equivalent family income. The beneficiary families are classified in the following three categories of equivalent family income: first category: up to € 6 000; second category: from € 6 001 up to € 10 000; third category: € 10 001 up to € 15 000.

The amount of the benefit, depending on the number of dependent children and the category of equivalent family income is set as follows:

- For the first category: € 70 per month for the first dependent child; plus € 70 per month for the second dependent child; plus € 140 per month for the third and any other subsequent dependent child.
- For the second category: € 42 per month for the first dependent child; € 42 per month for the second dependent child; € 84 per month for the third and any other subsequent dependent child.
- For the third category: € 28 per month for the first dependent child; € 28 per month for the second dependent child; € 56 per month for the third and any other subsequent dependent child.

The Committee further takes note of tax exemptions by virtue of Law No. 4387/2016, which stipulates that a taxpayer with one dependent child gets a tax exemption at the amount of € 1 950; € 2 000 for two dependent children and € 2 100 for three or more dependent children.

The Committee notes that according to Eurostat the median equivalised income in 2017 stood at € 634 per month. The Committee observes that for the families in the first category, the benefit represented 11% of the median equivalised income. For the families in the second category – 6,6% and for the families in the third category – 4,4%. Therefore, the Committee considers that the amount of child benefit is adequate.

Measures in favour of vulnerable families

The Committee recalls that positive obligations under Article 16 include implementing means to ensure the economic protection of various categories of vulnerable families, including Roma families.

In reply to the Committee's question in the previous conclusion concerning the measures taken to ensure equal treatment of Roma families as regards family benefits, the report states that Roma families do not have sufficient protection. There are difficulties facing part of the Roma population due to lack of identification documents. However, according to the report, initiatives are taken in this regard and the problem is addressed by the circular of the Prosecutor of the Supreme Court to the President of the Supreme Court, which informs all courts of first instance and county courts on the provision of free legal aid to low-income citizens that they do not possess the necessary legal identification documents.

The Committee asks how it is ensured that Roma families without identification documents have access to family benefits.

Housing for families

In its previous conclusion (Conclusions XIX-4 (2011)), the Committee found that the situation in Greece was not in conformity with Article 16 of Charter on the ground that housing conditions of Roma families were not adequate. The Committee also referred to its findings of violations of Article 16 in the framework of collective complaints European Roma Rights Centre v. Greece (Complaint No. 15/2003, decision on the merits of 8 December 2004) and International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece (Complaint No. 49/2008, decision on the merits of 11 December 2009). These violations were related to the housing situation of Roma families.

As all the aspects of housing for families covered by Article 16 are also covered by Article 31, the Committee refers to its examination of Article 31, including its findings concerning the follow-up to the violations relating to housing conditions found in its decisions on collective complaints under Article 16 (see Conclusions 2019, Article 31, for details of these complaints). In this connection, the Committee recalls that it concluded (Findings of 6/12/2018) that the violations of Articles 16 highlighted in these decisions had not been remedied and observes that the reference period of the current conclusions is covered by those findings. The Committee points out that the subsequent follow-up to these complaints will be carried out when examining the report which Greece is due to submit by 31/12/2019.

In the light of the above, the Committee can only conclude that the situation is also not in conformity with Article 16 of the Charter on account of the inadequate protection of Roma families in respect of housing, including eviction conditions.

Participation of associations representing families

In response to the Committee's question as regards the involvement of associations that represent families in the drafting of policies that affect them (Conclusions XIX-4 (2011)), the report refers on the one hand to the public online consultation process provided by law 4048/2012, which allows any citizen or association to comment on draft laws, and on the other hand to the specific measures under way concerning consultation of Roma unions on Roma issues. The Committee asks the next report to clarify whether family associations exist and whether public consultations are systematically held on policies affecting families such as family benefits, childcare, housing, domestic violence etc.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 16 of the Charter on account of:

- the excessive length of residence (5 years) required for nationals of other States Parties to be treated as equal to nationals as regards access to family benefits;
- the inadequate protection of Roma families with respect to housing, including in terms of eviction conditions.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

The Committee takes note of the information contained in the report submitted by Greece.

The legal status of the child

The Committee previously asked whether there were any restrictions to the right of a child to know his/her origins (Conclusions 2011). The Committee reiterates this request.

The Committee has noted with concern the increasing number of children in Europe registered as stateless, as this will have a serious impact on those children's access to basic rights and services such as education and healthcare.

According to EUROSTAT in 2015 there were 6,395 first time asylum applications in the EU by children recorded as stateless and 7,620 by children with an unknown nationality. This figure only concerns EU states and does not include children born stateless in Europe, nor those who have not applied for asylum. In 2015, UNHCR estimated the total number of stateless persons in Europe at 592,151 individuals.

The Committee notes that Greece experienced a very significant increase in arrivals of people seeking international protection during the reference period. According to other sources [European Network on Statelessness and Institute on Statelessness and Inclusion Country briefing Greece 2018] although reliable data on statelessness among refugee arrivals in Greece is limited, populations affected by statelessness are present among arrivals.

The Committee asks what measures have been taken by the State to reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures for obtaining nationality, and taking measures to identify children unregistered at birth).

The Committee asks further what measures have been taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation.

Protection from ill-treatment and abuse

The Committee notes that there has been no change to the situation previously found to be in conformity with the Charter (Conclusions 2011). The Committee recalls that all forms of corporal punishment are prohibited in all settings.

Rights of children in public care

The Committee previously asked what are the criteria for the restriction of custodial or parental rights and what are the extent of such restrictions. It also asked what are the procedural safeguards to ensure that children are only removed from their families in exceptional circumstances (Conclusions 2011).

According to the report art. 1532 par. 1 of the Civil Code provides that if a parent abuses their rights (e.g. by maltreating their child), violates their duties (e.g. by neglecting the child), or is not in a position to be able to care for the child (e.g. because of a mental illness), the court may deprive them of the exercise of parental rights. Article 1533 par. 1 of the Civil Code provides that a court may only discharge a parent from the care of the child if all other available measures are insufficient, or do not suffice in order to prevent any danger to the physical, mental or psychological health of the child (*ultimum remedium*). According to article. 1537 of the Civil Code, a parent forfeits parental rights when he or she has been finally sentenced to a term of imprisonment for at least one month for "a fraudulent" offence against the child, or for an offence threatening the child's life or health. This is automatic upon conviction, without any need for a special provision in the relevant court decision.

The right of contact between parent and child is distinct from parental responsibilities. Thus the discharge of parental responsibilities does not necessarily lead to the exclusion of the right of the parent to contact the child. The court will regulate the exercise of the right of contact (art. 1520 para.3 CC). The guiding principle is the best interests of the child.

The Committee further asked for statistics regarding the number of children placed in institutions and with foster families. It also asked about the procedures for complaining about the care in institutions (Conclusions 2011).

According to the report, Law 4538/2018, on «Measures for the promotion of foster care and adoption and other provisions» was adopted outside the reference period. The law aims to coordinate the bodies which provide foster care services and approve adoptions by establishing the National Foster Care – Adoption Council (E.S.AN.I.). The Committee asks the next report to provide information on the impact of the law.

The Committee notes that the report states that the data on the number of children in institutions and foster care in the National Register cannot be considered as complete or reliable as child care actors have failed to comply with their reporting obligations. Hence the above cited law provides for sanctions in the event of non reporting. The Committee requests that the next report contain information on the number of sanctions imposed under the auspices of the law with regard to reporting shortcomings.

The report cites research conducted in 2014 by the Research Center «Roots», in the context of the European campaign “Opening Doors”, which indicated there were 85 institutions (37% state run), caring for 2825 children, 182 of whom were under 3 years old.

The Committee asks the next report to provide updated information on the number of children in institutions, the number in foster care and trends in the area.

As regards the monitoring of institutions, the report states that health and welfare inspectors may inspect child care institutions.

With regard to procedures for complaining about the care in institutions, the report states that Ombudsman may receive complaints from either parents or children, can carry out investigations and make recommendations. The Committee requests that the next report include information on the number of complaints received by the Ombudsman about the treatment of children in care, as well as information on the response of the relevant authorities to the Ombudsman’s findings on these complaints.

Right to education

As regards education, the Committee refers to its conclusion under Article 17§2.

Children in conflict with the law

The Committee had previously sought confirmation that the age of criminal responsibility was indeed 15 years (Conclusions 2011). The report confirms that this is the case. The Committee notes from the report that penal sanctions may only be imposed on children over 15 years of age, children below that age may only be subject to correctional and therapeutic measures

According to the report legislation adopted in 2015 limits the imposition of prison sentences on children who have committed a criminal offence. Prison sentences may only be imposed on children over 15 years of age who have committed an offence which if committed by an adult is punishable by a life sentence or have committed the offence of rape against a victim of under 15 years of age. Children who commit other offences are only subjected to “reformatory “or therapeutic measures. The Committee asks what form “reformatory measures” take.

According to the report the duration of detention of a child to a special facility for juveniles cannot be more than 5 years or be less than 6 months for crimes punishable with imprisonment up to ten years whereas for crimes punishable with imprisonment longer than ten years, or life imprisonment, the duration of detention cannot be extended to more than 10 years or be less than 2 years.

The Committee finds the situation to be unclear. From the information in the report it appears that children may indeed be imprisoned where they have committed an offence which if committed by an adult would attract a sentence lower than a life sentence. The Committee requests that the next report provide clarification on this point.

The Committee recalls that prison sentences must on be imposed on children must be an exceptional measure of last resort, for the shortest period of time and must be subject to regular review. The Committee asks whether sentences imposed on children are regularly reviewed.

Law 4205/2013 introduced electronic home monitoring in the Greek criminal justice system, providing inter alia for the imposition of home detention with electronic monitoring for children accused of offences punishable with imprisonment of more than ten years, had the offence been committed by an adult (Article 282 para.3f PPC). In such cases, electronic home monitoring should not last more than six months, although it may to be extended by three months under certain circumstances provided by law.

The Committee recalls that in Greece pre-trial detention may not exceed 6 months.

The Committee asks whether children may be placed in solitary confinement, and if so under, what circumstances and for how long.

Articles 11 and 12 of Correctional Code stipulate that children shall be detained separately from adults. The Committee previously asked that the next report to confirm that children are in practice always separated from adults (Conclusions 2011). The report states that children are held in separate juvenile departments of general prisons but more usually in youth detention centres. However it states that young persons stay in youth detention centres until they are 21 years of age and may in certain circumstances remain until they reach 25 years of age, in order to complete their educational or vocational programs, The Committee notes that this means that children under 18 may be detained with adults up to the age of 25 and asks for further information as to how it is ensured that children under 18 are kept separate from young adults between the ages of 18 and 25.

Right to assistance

Article 17 guarantees the right of children, including children in an irregular situation and non-accompanied minors to care and assistance, including medical assistance and appropriate accommodation [International Federation of Human Rights Leagues (FIDH) v. France, Complaint No 14/2003, Decision on the merits of September 2004, § 36, *Defence for Children International (DCI) v. the Netherlands* Complaint No.47/2008, Decision on the merits of 20 October 2009, §§70-71, European Federation of National Organisations working with the Homeless (FEANTSA) v, Netherlands, Complaint No.86/2012, Decision on the merits of 2 July 2014, §50].

The Committee considers that the detention of children on the basis of their immigration status or that of their parents is contrary to the best interests of the child. Likewise, unaccompanied minors should not be deprived of their liberty, and detention cannot be justified solely on the grounds that they are unaccompanied or separated, or on their migratory or residence status, or lack thereof.

According to the report the Law «Social Security and Pension Regulations – Addressing undeclared work – Strengthening workers’ protection – Guardianship for unaccompanied minors and other provisions» was adopted in July 2018 (outside the reference period). Part

C of the said Law regulates issues relating to professional guardianship for unaccompanied minors, (responsibilities of a professional guardian, selection procedures, etc). A Guardianship Supervisory Council for Unaccompanied Minors is established together with the following Registers: a) for Unaccompanied Minors b) for Professional Guardians c) Unaccompanied Minors Accommodation Centers. A Directorate for the Protection of Unaccompanied Minors was established at the E.K.K.A. .The Law aims to improve the guardianship system for unaccompanied minors residing in the country.

Law 4540/2018 provides that unaccompanied children shall be referred to accommodation centres for unaccompanied minors or to other accommodation centres where there are areas suitably adapted for this purpose, for as long as they stay in the country or until they are placed with a foster family or in supervised lodgings .

The Reception and Identification Service of the Ministry for Migration Policy is responsible for the reception and identification of unaccompanied minors entering the country at the Reception and Identification Centres (RICs) operating at the country's borders. In case of identification of an unaccompanied minor, the Reception and Identification Center informs the competent Youth Prosecutor or, in their absence, the Public Prosecutor and the competent Authority for the protection of unaccompanied and separated minors, as well as the E.K.K.A., for the purpose of finding an appropriate accommodation center. The locally competent Youth Prosecutor, (or where they do not exist, the Public Prosecutor), acts as the temporary guardian of unaccompanied children and has responsibility for designating a person responsible for the care and protection of the unaccompanied child. In the case of a child separated from their family but accompanied by an adult relative, the competent Medical Examination and Psychosocial Support Unit of the Reception and Identification Center shall take the necessary steps to identify the minor's relationship with their companion. It shall specifically assess child's best interest in order to take measures for the child's protection from possible risks of abuse, neglect or exploitation. The possibility of assigning the child's daily care and representation to the adult companion is assessed and decided by the competent Prosecutor. Unaccompanied children, accommodated in RICs are separated from adults and hosted in a separate wing for reasons of protection.

According to the report in 2016 E.K K.A. received 5191 requests for accommodation for unaccompanied children, of which 2775 were processed. In 2017 it received 5527 requests of which 3470 were processed.

The Committee notes many human rights bodies have raised serious concerns regarding the accommodation facilities and living conditions of unaccompanied children and migrant children (Council of Europe Committee for the Prevention of Torture (CPT), Commissioner for Human Rights of the Council of Europe, Special Representative of the Secretary General on Migration, UN Committee on Economic, Social and Cultural Rights). It notes in particular that the CPT in 2016, found that the structural problem of a shortage of suitable accommodation for unaccompanied or separated children (UASC) in dedicated open shelters had become acute. With more than 3,000 unaccompanied children registered in Greece in the first six months of 2016, the competent authorities were no longer able to swiftly refer all unaccompanied or separated children to reception centres and effectively provide them with the care and protection they require. While there were reportedly some 500 shelter spaces at the time of the April visit and some 700 places at the time of the July visit, all these shelters were operating at full capacity. Indeed, this number was grossly insufficient to accommodate all UASC and around 1,400 requests for placement were pending in July. As a consequence, many of these children were, and continue to be, routinely and often for lengthy periods, held at police stations, in special holding facilities or, since March, in Reception and Identification Centres on the Aegean islands, either under administrative detention (or under so-called "protective custody" upon order of the competent public prosecutor. The Committee also notes the report of the CPT following their visit in April 2018 CPT/Inf (2019) 4) (outside the reference period) puts these figures even higher.

The Commissioner for Human Rights of the Council of Europe following her visit to Greece in June 2018 CommDH(2018 24 (outside the reference period) expressed serious concern about the situation of unaccompanied migrant children living in forms of housing arrangements other than dedicated shelters she cited overcrowding in reception centres, and a lack of activities and proper social and psychological care which results in many children spending most of their day-time outside the safe zones, where they are exposed to different risks (§33). The Commissioner further expressed concern about widespread allegations of sexual and gender based violence perpetrated in reception facilities (§34).

The Committee also notes the judgments of the European Court of Human Rights (Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia, 13 June 2019. Here the Court found a violation in respect of Greece, of Article 3 of the Convention in respect of unaccompanied minors staying in the Idomeni makeshift camp in 2016) In addition in the case of H.A. and Others v. Greece, 28 February 2019) the Court found a violation of Article 3 of the Convention on the grounds that the detention conditions to which the applicants unaccompanied minors had been subjected in the various police stations represented degrading treatment. Furthermore the Court found that the applicants' placement in border posts and police stations could be regarded as a deprivation of liberty which was not lawful within the meaning of Article 5 § 1 of the Convention.

The Committee requests further information on measures taken to find alternative to detention for asylum seeking families, to ensure that accommodation facilities for migrant children in an irregular situation, whether accompanied or unaccompanied, are appropriate and are adequately monitored and that such children have adequate access to healthcare.

Meanwhile in light of the dire accommodation situation of unaccompanied migrant children, the Committee concludes that the situation is not in conformity with the Charter.

As regards age assessments, the Committee recalls that, in line with other human rights bodies, it has found that the use of bone testing in order to assess the age of unaccompanied children is inappropriate and unreliable [European Committee for Home Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, Decision on the merits of 24 January 2018, §113]. The Committee asks whether Greece uses bone testing to assess age and, if so, in what situations the state does so. Should the State carry out such testing, the Committee asks what potential consequences such testing may have (e.g., can a child be excluded from the child protection system on the sole basis of the outcome of such a test?).

Child poverty

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of State Parties efforts to ensure the right of children and young persons to social, legal and economic protection. The obligation of states to take all appropriate and necessary measures to ensure that children and young persons have the assistance they need is strongly linked to measures directed towards the amelioration and eradication of child poverty and social exclusion. Therefore, the Committee will take child poverty levels (Children at risk of poverty or social exclusion) into account when considering the State Parties obligations under the terms of Article 17 of the Charter.

The Committee notes the very high rate of child poverty in Greece, according to EUROSTAT data for 2017 36.2% of children were at risk of poverty or social exclusion (one of the highest rates in the EU). Furthermore, 25% of children live in households with severe material deprivation.

The Committee asks the next report to provide information on rates of child poverty as well as on the measures adopted to reduce child poverty, including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc. Information should also be provided on measures focused on combatting

discrimination against, and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty.

Meanwhile the Committee reserves its position on this point.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 17§1 of the Charter on the ground of the inadequate and often unsafe accommodation of unaccompanied migrant children.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

The Committee takes note of the information contained in the report submitted by Greece.

Compulsory education

According to the report pursuant to Article 2, Paragraph 3, of Law 1566/1985 school attendance is compulsory for all children, from the age of 4 until the age of 15.

Compulsory education consists of pre-primary education (*Nipiagogeio*) (two years of school attendance, starting from the age of 4), primary education (*Dimotiko Scholeio*) (six years of school attendance), lower secondary education (*Gymnasio*) (three years of school attendance). Upper secondary education (*Lykeio*), lasting three years, is not compulsory.

The Committee recalls that education provided by States must fulfil the criteria of availability, accessibility, acceptability and adaptability (*Mental Disability Advocacy Centre (MDAC) v. Bulgaria, Collective Complaint No 41/2007, Decision on the merits of 3 June 2008*).

The Committee notes that the Commissioner for Human Rights of the Council of Europe following her visit to Greece in June 2018 [CommDH(2018)24] (outside the reference period) expressed concern about the negative affect of austerity measures on the right to education. She had noted that the State budget for the Ministry of Education was significantly reduced, from € 5,645 million in 2005 to € 4,518 million in 2017. In this context, teaching staff was reduced, schools closed and merged. This according to the Commissioner has had an impact on both access to education and on the quality of education. The Committee asks what measures have been taken to reverse the effects of austerity measures on education.

Enrolment rates, absenteeism and drop out rates

According to UNESCO in 2017 the net enrolment rate for primary education for both sexes was 98.22% , the corresponding rate for secondary education was 93.7%.

According to the report, parents or guardians failing to enroll a child at school and/or failing to supervise a child's school attendance, may be subject to sanctions under the Penal Code.

In case of persistent and unjustified absences of a child from school, police or municipal authorities, as well as the competent social services, may intervene.

An Observatory for School Dropouts has been set up within the Institute of Educational Policy (a consultative body supervised by the Ministry of Education) in order to record school dropout rates and propose measures to combat it. A "Strategy Policy Framework on School Dropouts" has also been adopted. The target is to reduce the dropout rate by 9,7% by 2020. The Committee asks to be kept informed on developments in this area.

Other measures to combat children dropping out of school have been adopted including the introduction of a unique code number that will be given to each pupil upon his/her first school registration. According to the report this unique code number will, inter alia, assure greater precision in identifying the total number of students who attend school or drop out. Furthermore, specially designed software has been developed in order to map school drop out rates.

The Committee notes the data on the report on the rate of children dropping out of school. In primary school, Grades A, B, C the rate is 1.79%, for Grades D, E, F it is 1.65%. In lower secondary the rate is 4,23% and upper secondary 1.92% (following compulsory education).

The Committee wishes the next report to provide updated information on enrolment rates, absenteeism and drop out rates as well as information on measures taken to address these rates (as opposed to simply mapping them).

Costs associated with education

According to the report, the **regions** are responsible for providing free school transport for pupils who live more than a certain distance away. The Committee notes from other sources [report of the Commissioner for Human Rights of the Council of Europe cited above] that school transport in remote areas remains problematic. It asks what measures have been taken to address issues related to this problem.

The Committee notes the existence of breakfast clubs and free school lunches for certain groups (see below).

Vulnerable groups

According to the report, measures to assist vulnerable groups include reception classes and educational support in Zones of Education Priority, provision of social workers' services within school units, Parents' Schools and all-day school programmes.

Law 3879/201062 established Education Priority Zones (ZEP) in order to provide specific support for teachers, parents and pupils. In these zones a cap is set at 15 pupils per class. The Committee asks how many ZEPs exist and how many children do they cover.

All-day school programs are available at primary school level for pupils whose both parents work or are unemployed, students whose parents/guardians belong to vulnerable social groups, such as large or single parent families, parents with chronic diseases, parents in drug rehabilitation program or are in prison and certain migrant or asylum/seeking children.

During the school year 2018-2019 the country's primary schools were given the opportunity to run Reception Classes, via a co-funded project from the European Union – the European Social Fund and the Greek State. The Reception Classes focuses on the acquisition of the Greek language and provide as extra support in respect of other basic subjects for pupils from vulnerable social groups, pupils with cultural and religious specificities, as well as refugee children in the education system.

Special educational psychologists and social workers may be placed in schools if there are special needs for support of vulnerable social groups, in particular Roma children. The Committee asks how many such support workers have been placed in schools.

The 'Programme for the Integration and Education of Roma Children' was launched in 2016 and co-funded by the EU structural funds. The programme focuses on improving access and participation of Roma children in early childhood education and care, their systematic schooling in primary and secondary education and the re-integration of early school leavers. The Committee asks to be kept informed about the results of the programme.

In order to improve the school attendance of Roma children, the Ministry of Education issued a circular which applies across the country, according to which school principals are to encourage Roma pupils attendance at school. School principals must themselves visit the areas where Roma pupils live in order to encourage families to enrol their children in school. When enrolled, Roma pupils are provided with a special card after which they can study at any school in the country. This enables them access to education should they change residence area in the middle of the school year. The Committee asks how many such cards have been issued.

Roma children are admitted to nursery school regardless of whether they are registered in the birth registry or population registers. Headmasters and Directors of nurseries must not impede the enrollment of Roma children due to lack of a certificate of permanent residence and shall accept any data attesting, in their opinion, the pupil's permanent address.

The report states that it is not permitted to segregate Roma children from other pupils. However the Committee notes the judgment of the European Court of Human Rights in the case of *Lavida and Others v Greece (2013)* and *Sampani and Others v. Greece (2012)* where the court found that the failure of the authorities to integrate Roma children into the

ordinary education system amounted to discrimination. It seeks confirmation that no de facto segregation takes place.

According to Greek law, children of asylum seekers, children seeking international protection and refugee children, are granted access to the public education system under similar conditions to those applicable to Greek citizens. The Committee asks how many such children have been granted access to public education and at what levels of education.

A programme of afternoon preparatory classes (“DYEP”) set up by a Ministerial Decision of August 2016 is implemented on the mainland for children between the ages of seven and fifteen in public schools located near reception camps, while children residing in other facilities can attend the regular morning classes in their neighbourhood’s school along with Greek pupils.

The Committee notes from the Commissioner for Human Rights of the Council of Europe’s report [see above] the low rates of school attendance among migrant children. The report cites figures from Refugee Support Aegean, suggest that during the school year 2017-2018 the number of children estimated to attend all levels of formal education was about 6 500 to 7 000, while the number of asylum-seeking and refugee children living in Greece during this period of time was approximately 20 000.

The Commissioner expressed particular concern about the lack of access to education available in the Aegean islands Reception and Identification Centres. The testimonies gathered in Lesbos by the Commissioner on this major problem are corroborated by a series of recent NGO reports, including the one published in July 2018 by Human Rights Watch, according to which “fewer than 15% of more than 3 000 school-age asylum-seeking children on the islands were enrolled in public school at the end of the 2017-2018 school year”.

The Committee asks what measures have been taken to ensure that all migrant/ asylum seeking children have effective access to education.

The Committee asks what measures/supports are available to mitigate the costs of education, books, school supplies (in addition to those mentioned above) for vulnerable groups.

As Greece has accepted Article 15§1 of the Charter the Committee will examine the right of children with disabilities to education under that provision.

Anti-bullying measures

The Committee asks what measures have been taken to introduce anti bullying policies in schools, i.e., measures relating to awareness raising, prevention and intervention.

The voice of the child in education

Securing the right of the child to be heard within education is crucial for the realisation of the right to education in terms of Article 17§2. This requires states to ensure child participation across a broad range of decision-making and activities related to education, including in the context of children’s specific learning environments. The Committee asks what measures have been taken by the State to facilitate child participation in this regard.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 1 - Assistance and information on migration

The Committee takes note of the information contained in the report submitted by Greece.

Migration trends

The Committee has assessed the migration trends in Greece in its previous conclusion (Conclusions 2011). The report does not address this point and the Committee asks that the next report provide up-to-date information on the developments in this respect.

Change in policy and the legal framework

The Committee notes that it has previously assessed the policy and legal framework relating to migration matters (Conclusions XIX-4 (2011)). The report specifies that in 2014 the Migration and Social Integration Code and other provisions were amended which depicted the existing national immigration legislative framework with a view to: i) collecting the provisions of immigration law, ii) harmonizing it with the EU law, and iii) rationalizing the existing institutional framework and addressing the shortcomings that had been identified in the application of the existing law. More specifically, the Code simplifies the procedures for the granting of residence permits, establishes one-stop shops, reduces the categories of residence permits, reexamines the terms of access to the labour market, cultivates a favourable to investments environment, promotes the long-term resident status as well as special terms and conditions of stay for "second generation" immigrants.

Free services and information for migrant workers

The Committee recalls that this provision guarantees the right to free information and assistance to nationals wishing to emigrate and to nationals of other States Parties who wish to immigrate (Conclusions I (1969), Statement of Interpretation on Article 19§1). Information should be reliable and objective, and cover issues such as formalities to be completed and the living and working conditions they may expect in the country of destination (such as vocational guidance and training, social security, trade union membership, housing, social services, education and health) (Conclusions III (1973), Cyprus).

The Committee considers that free information and assistance services for migrants must be accessible in order to be effective. While the provision of online resources is a valuable service, it considers that due to the potential restricted access of migrants, other means of information are necessary, such as helplines and drop-in centres (Conclusions 2015, Armenia).

The Committee notes that it has previously assessed the services and information provided to migrant workers (Conclusions XIX-4 (2011)). The report provides further information on the Counseling Centers and relevant services and the transformation of the Foreigners and Immigration Services of the Decentralized Administrations into efficient "one-stop shops".

The Committee recalls that in its previous conclusion it noted European Commission against Racism and Intolerance's (ECRI) recommendation that the Greek civil servants be trained in dealing with immigrants as they currently lack the necessary skills (in particular linguistic) to that end, as well as on the need to provide training to all civil servants dealing with immigrants on the relevant legislation. It asked for information on any measures taken in this respect.

The report provides extensive information on language training available to migrant workers; information which is more properly to be assessed under Article 19.11 of the Charter. The Committee recalls, however, that its question concerned training offered to civil servants and asks the next report to provide relevant information on this issue.

Measures against misleading propaganda relating to emigration and immigration

The Committee recalls that measures taken by the government should prevent the communication of misleading information to nationals leaving the country and act against false information targeted at migrants seeking to enter (Conclusions XIV-1 (1998), Greece).

The Committee considers that in order to be effective, action against misleading propaganda should include legal and practical measures to tackle racism and xenophobia, as well as women trafficking. Such measures, which should be aimed at the whole population, are necessary inter alia to counter the spread of stereotyped assumptions that migrants are inclined to crime, violence, drug abuse or disease (Conclusion XV-1 (2000), Austria).

The Committee also recalls that statements by public actors are capable of creating a discriminatory atmosphere. Racist misleading propaganda indirectly allowed or directly emanating from the state authorities constitutes a violation of the Charter (Centre on Housing Rights and Evictions (COHRE) v Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010). The Committee stresses the importance of promoting responsible dissemination of information, and of deterring the promulgation of discriminatory views.

The Committee further recalls that in order to combat misleading propaganda, there must be an effective system to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere. It underlines that the authorities should take action against misleading propaganda as a means of preventing illegal immigration and trafficking in human beings (Conclusions 2006, Slovenia).

Finally, the Committee recalls that States must also take measures to raise awareness amongst law enforcement officials, such as awareness training of officials who are in first contact with migrants.

The Committee has assessed comprehensively all measures taken in this respect in its previous conclusion and found the situation to be in conformity with the Charter.

The report specifies that the legislative measures aimed at fighting propaganda, hate speech and cybercrime, including criminal anti-racism legislation, have further been strengthened. In particular, following acts became punishable: public incitement to acts or activities, which may result to discrimination, hatred or violence against individuals or groups of individuals defined by reference to race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, or disability, in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons and the act of publicly condoning, trivializing or maliciously denying the commission or seriousness of crimes of genocide, war crimes, crimes against humanity, the Holocaust and Nazi crimes.

Furthermore, in 2013 the Law «Prevention and combating of trafficking in human beings and protection of its victims and other provisions» has been adopted and in 2016 Greece has ratified the Council of Europe's Cybercrime Convention and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

In view of this array of positive measures, the situation as regards measures against misleading propaganda which might affect migrant workers continues to be in conformity with the Charter.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 19§1 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 2 - Departure, journey and reception

The Committee takes note of the information contained in the report submitted by Greece.

Immediate assistance offered to migrant workers

This provision obliges States to adopt special measures for the benefit of migrant workers, beyond those which are provided for nationals to facilitate their departure, journey and reception (Conclusions III (1973), Cyprus).

Reception means the period of weeks which follows immediately from the migrant workers' arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty (Conclusions IV, (1975) Statement of Interpretation on Article 19§2). It must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures (Conclusions IV (1975), Germany). The Charter requires States to provide explicitly for assistance in matters of basic need, or demonstrate that the authorities are adequately prepared to afford it to migrants when necessary (Conclusions XX-4 (2015), Poland).

The Committee also reiterates that equality in law does not always and necessarily ensure equality in practice. Additional action becomes necessary owing to the different situation of migrant workers as compared with nationals (Conclusions V (1977), Statement of Interpretation on Article 19).

The Committee has assessed the situation in its previous conclusions (Conclusions XIX-4 (2011)) and considered it to be in conformity with the Charter.

The report states that as from 2016 the assistance offered to migrant workers was further strengthened by the Ministerial Decision on "Provisions on securing access of uninsured persons to the Public Healthcare System". It provides for upgraded access to public health structures for the purpose of medical treatment and healthcare services for vulnerable social groups, among which, refugees and immigrants.

Furthermore, provisions of a transitional nature were adopted for the purpose of dealing with urgent matters arising from the socio-economic crisis and the increase of problems related to access to the labour market. As from 2014, requirement for insurance for the renewal of resident permits was reduced to a minimum of 50 days. Moreover, specific residence permit is granted to vulnerable migrants: victims of human trafficking, victims of domestic violence, victims of crime, victims employed under particularly exploitative work conditions or employed regardless of being minors (regardless of their legal status), adults incapable of monitoring their affairs due to health reasons, victims of accidents at work covered by Greek legislation for as long as the treatment lasts or retire for the same reason, minors who need protection measures and are hosted in boarding institutions operating under the supervision of the competent Ministries and persons suffering from serious health problems.

Services during the journey

As regards the journey, the Committee recalls that the obligation to "provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey" relates to migrant workers and their families travelling either collectively or under the public or private arrangements for collective recruitment. The Committee considers that this aspect of Article 19§2 does not apply to forms of individual migration for which the state is not responsible. In such cases, the need for reception facilities would be all the greater (Conclusions V (1975), Statement of Interpretation on Article 19§2).

The report does not indicate that any large scale recruitment of migrant workers has been reported in the reference period. It asks what requirements for ensuring medical insurance, safety and social conditions are imposed on employers, shall such recruitment occur, and whether there is any mechanism for monitoring and dealing with complaints, if needed.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 19§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 3 - Co-operation between social services of emigration and immigration states

The Committee takes note of the information contained in the report submitted by Greece.

The Committee recalls that the scope of this provision extends to migrant workers immigrating as well as migrant workers emigrating to the territory of any other State. Contacts and information exchanges should be established between public and/or private social services in emigration and immigration countries, with a view to facilitating the life of emigrants and their families, their adjustment to the new environment and their relations with members of their families who remain in their country of origin (Conclusions XIV-1 (1998), Belgium).

It also recalls that formal arrangements are not necessary, especially if there is little migratory movement in a given country. In such cases, the provision of practical co-operation on a needs basis may be sufficient. Whilst it considers that collaboration among social services can be adapted in the light of the size of migratory movements (Conclusions XIV-1 (1996), Norway), it holds that there must still be established links or methods for such collaboration to take place.

The co-operation required entails a wider range of social and human problems facing migrants and their families than social security (Conclusions VII, (1981), Ireland). Common situations in which such co-operation would be useful would be for example where the migrant worker, who has left his or her family in the home country, fails to send money back or needs to be contacted for family reasons, or where the worker has returned to his or her country but needs to claim unpaid wages or benefits or must deal with various issues in the country in which he was employed (Conclusions XV-1 (2000), Finland).

The Committee has concluded in its 2006 conclusion ([Conclusions XVIII-1](#)) and on the basis of the reports from previous years, that co-operation in Greece between social services in emigration and immigration countries was in conformity with the Charter. In 2011 the Committee asked for updated information in this respect ([Conclusions 2011](#)).

In reply, the report specifies that the Law 4251/2014 ("the Code") provides for communication and cooperation with competent services whenever necessary. Furthermore, numerous international agreements were signed in the field of labour (i.a. with Bulgaria and Albania) and in the field of social security (i.a. with Australia, Uruguay, Canada, Venezuela, USA, Egypt, Syria).

The Committee asks the next report to provide more detail on what services are involved in cooperation under the Law 4251/2014 and whether the cooperation extends beyond social security alone (for example in family matters).

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 19§3 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 4 - Equality regarding employment, right to organise and accommodation

The Committee takes note of the information contained in the report submitted by Greece.

Remuneration and other employment and working conditions

The Committee recalls that States are obliged to eliminate all legal and de facto discrimination concerning remuneration and other employment and working conditions, including in-service training, promotion, as well as vocational training (Conclusions VII (1981), United-Kingdom).

In its previous conclusion ([Conclusions XIX-4\(2011\)](#)), the Committee noted the general principle of equal treatment laid down in the Constitution and asked, bearing in mind the economic situation in Greece, what were, if any, the differences in treatment with respect to remuneration and other employment and working conditions of the following categories: EU / EEA nationals, nationals to States parties to the 1961 Charter, other third country.

The report provides that third-country nationals who legally reside and work in Greece have the same labour and social security rights as Greek workers, pursuant to the Labour Code. The provisions of labour law apply to them as regards working time and wages, as well as other working conditions, including the right to education and vocational training. They enjoy similar benefits provided by the public social security institutions. Moreover, Moreover, seasonal migrant workers enjoy equal treatment with nationals in accordance with the item "Equal treatment of seasonal workers" of the Labour Code. Every employer, who wishes to hire seasonal employment or fishermen shall lodge an application with the relevant agency of the Decentralized Administration in his area of residence, stating the number of jobs, the details and nationality of the third-country nationals to be employed, the speciality and the duration of employment. The application shall, in particular, demonstrate that the remuneration is at least equal to the unskilled worker's monthly salary.

The Committee considers that the report does not provide an explicit reply to its question in the provided information. It notes that the salary equal to at least the remuneration of the unskilled worker may not necessarily mean equal treatment as to remuneration in all cases. It also notes from the Migration Integration Policy Index (MIPEX) 2015 report on Greece that non-EU citizens are not explicitly protected from nationality/citizenship discrimination, despite past recommendations from the Ombudsman. It asks the next report to comment on this observation.

The Committee further recalls that it is not enough for a government to demonstrate that no discrimination exists in law alone but also that it is obliged to demonstrate that it has taken adequate practical steps to eliminate all legal and de facto discrimination concerning the rights secured by Article 19§4 of the Charter (Conclusions III (1973), Statement of interpretation). It asks the next report to provide comprehensive measures taken or envisage to combat and prevent discrimination of migrant workers in the workplace, in particular in the light of their vulnerability in times of economic crisis.

The Committee also points out that posted workers have the right, for the period of their stay and work in the host State to be treated no less favourably than national workers of the host State (Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO) v. Sweden, Complaint No. 85/2012, decision on the merits of 3 July 2013, §134). It refers to its statement of interpretation on foreign posted workers (Conclusions XX-4 (2015), General Introduction) and asks for information on the legal status of these workers and the measures taken in law and in practice to ensure that they are treated equally with regard to remuneration and other employment and working conditions.

The Committee considers that if the requested information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter on this point.

Membership of trade unions and enjoyment of the benefits of collective bargaining

The Committee recalls that this sub-heading requires States to eliminate all legal and de facto discrimination concerning trade union membership and as regards the enjoyment of the benefits of collective bargaining (Conclusions XIII-3 (1995), Turkey). This includes the right to be founding member and to have access to administrative and managerial posts in trade unions (Conclusions 2011, Statement of interpretation on Article 19§4(b)).

The report confirms that migrant workers are treated equally with nationals as regards the right to strike and trade union action, freedom of association, affiliation and membership of an organization representing workers or employers, including to benefits conferred by such organizations, as well as the right to bargain and conclude collective agreements. The Committee considers that the situation is in conformity with the Charter on this point.

Accommodation

The Committee recalls that States shall eliminate all legal and de facto discrimination concerning access to public and private housing (European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§111-113). It also recalls that there must be no legal or de facto restrictions on home-buying (Conclusions IV (1975), Norway), access to subsidised housing or housing aids, such as loans or other allowances (Conclusions III (1973), Italy).

In its previous conclusion ([Conclusions XIX-4\(2011\)](#)), the Committee asked for up-to-date information on the relevant legal framework concerning accommodation, as well as on any possible cases of discrimination and, where applicable, the initiatives taken to remedy such cases.

The report states that migrant workers have access to goods and services made available to the public, including procedures for housing, on the same footing as nationals.

The Committee considers that this information is not sufficient to enable a comprehensive assessment of the situation. In particular, it asks for more information on subsidised housing policy, the number of beneficiaries, the form and the scope of the state assistance for migrant workers in this respect. Furthermore, the report does not address the issue of cases of discrimination and any initiatives to prevent or remedy it. The Committee considers that if the requested information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter.

Monitoring and judicial review

The Committee considers that in order to monitor and ensure that no discrimination occurs in practice, States Parties should have in place sufficient effective monitoring procedures or bodies to collect information, for example disaggregated data on remuneration or information on cases in employment tribunals (Conclusions XX-4 (2015), Germany).

The Committee further recalls that under Article 19§4(c), equal treatment can only be effective if there is a right of appeal before an independent body against the relevant administrative decision (Conclusions XV-1 (2000) Finland). It considers that existence of such review is important for all aspects covered by Article 19§4.

The report does not address this aspect. The Committee notes from previous reports (see [Conclusions XVIII-1 \(2006\)](#)), the existence of the 'Labour Inspectorate', with its capacity of monitoring authority for the implementation of the labour legislation. It also notes from the MIPEX report, cited above, that the Ombudsman can provide victims with independent advice and investigations, as well as engage in proceedings on their behalf. However, it

further notes from the MIPEX report that the limits on equality bodies' powers include the exercise of quasi-judicial powers and the launching of proceedings and that gaps remain in procedures and enforcement.

The Committee asks the next report to provide comprehensive information on the functioning and powers of monitoring bodies, the outcomes of their work, together with examples of collected data in the field of fight against discrimination in employment. Furthermore, it asks for information on judicial remedy in cases of discrimination. Meanwhile, it considers that it has not been demonstrated that the situation is in conformity with the Charter in this respect.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by Greece.

In its previous conclusion ([Conclusions XIX-4 \(2011\)](#)), the Committee considered that in the reference period the situation in Greece was not in conformity with Article 19§5 of the 1961 Charter on the ground that, independently from their status, not all migrant workers from States parties to the Charter benefited from the tax exemption for the acquisition of a first family house. Until 2010, the Ministry of Finance had not granted refugees the right to tax exemption for the purchase of a first residence under Act No. 1078/1980 (see also [Conclusions XVII-1 \(2005\)](#)). This situation was considered by the Greek National Commission for Human Rights to be in breach of Article 29.1 of the Geneva Convention of 28 July 1951 relating to the status of refugees. The Committee noted that the legal framework changed in 2010, however, as the changes fell outside the reference period, they could not be taken into consideration.

The report states that according to the provisions of Article 1, of Act No. 1078/1980, the tax exemption in respect of the acquisition of the first family house is granted to all persons who reside permanently in Greece or intend to settle in Greece within two years of the purchase.

Finally, the report confirms that migrant workers enjoy the right of equal treatment with nationals as regards taxes, on condition that the working person is a resident for tax purposes in the Greek territory. They are also subject to the same conditions as regards social benefits and contributions.

Conclusion

The Committee concludes that the situation in Greece is in conformity with Article 19§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 6 - Family reunion

The Committee takes note of the information contained in the report submitted by Greece.

The Committee notes from the Migration Integration Policy Index 2015 (MIPEX) that families are less and less likely to reunite in Greece, due to its rigid residence rules and its disproportionate required incomes and fees. In particular, separated non-EU families who want to reunite in Greece face more restrictions and requirements than in other State Parties to the Charter. The Committee asks the next report to comment on these observations.

Scope

This provision obliges States Parties to allow the families of migrants legally established in the territory to join them. The worker's children entitled to family reunion are those who are dependent and unmarried, and who fall under the legal age of majority in the receiving State. "Dependent" children are understood as being those who have no independent existence outside the family group, particularly for economic or health reasons, or because they are pursuing unpaid studies (Conclusions VIII (1984) Statement of Interpretation on Article 19§6).

In its previous conclusion ([Conclusions XIX-4 \(2011\)](#)), the Committee concluded that the scope of the right to a family reunion was not in conformity with the 1961 Charter since children of migrant workers between eighteen and twenty-one years of age could not directly benefit, either by law or in practice, from the right to family reunion. Family members between eighteen and twenty-one years may receive '*an independent residence permit, that is the furtherance of the permit for family reunion*' and which '*may be renewed based on one of the reasons defined in the law (work, studies, etc.)*'. As there has been no change in the situation, the Committee reiterates its conclusion of non-conformity.

Conditions governing family reunion

The Committee recalls that a state must eliminate any legal obstacle preventing the members of a migrant worker's family from joining him (Conclusions II (1971), Cyprus). Any limitations upon the entry or continued present of migrant workers' family must not be such as to be likely to deprive this obligation of its content and, in particular, must not be so restrictive as to prevent any family reunion (Conclusions XVII-1 (2004), the Netherlands; Conclusions 2011, Statement of Interpretation on Article 19§6).

The Committee furthermore recalls taking into account the obligation to facilitate family reunion as far as possible under Article 19§6, States Parties should not adopt a blanket approach to the application of relevant requirements, so as to preclude the possibility of exemptions being made in respect of particular categories of cases, or for consideration of individual circumstances (Conclusions 2015, Statement of Interpretation on Article 19§6).

The Committee recalls that States Parties may require a certain length of residence of migrant workers before their family can join them. A period of one year is acceptable under the Charter, but a longer period is considered excessive (Conclusion 2011, Statement of Interpretation on Article 19§6). Residence requirements in Greece mean that sponsors must have two years of legal stay to become eligible for family reunion and the Committee has previously found it to not to be in conformity with the Charter ([Conclusions XIX-4 \(2011\)](#)). The situation has not changed and the Committee reiterates its conclusion in this respect.

Furthermore, the Committee recalls that the level of means and the requirement of having sufficient or suitable accommodation to house the family or certain family members should not be so restrictive as to prevent any family reunion (Conclusions XVII-1 (2004), the Netherlands). Social benefits shall not be excluded from the calculation of the income of a migrant worker who has applied for family reunion (Conclusions 2011, Statement of

Interpretation on Article 19§6). In its previous conclusion, given the available information, the Committee considered that the relevant conditions were difficult to achieve before the family reunion and asked for more information in this regard, including data on rejections of application for family reunion based on criteria relating to available means, housing and health insurance. In reply, the report solely provides an overall number of permits for family reunifications. At the same time, the Committee notes from MIPEX 2015 report on Greece that many families would not pass the Greek law restrictive definitions of the family and disproportionate fees and income requirements because they do not reflect the reality of life and families in Greece and that the number of reuniting non-EU families has been on a sharp decline.

In the light of the above, the Committee considers that it has not been demonstrated that the situation is in conformity with the Charter on this point.

Remedy

The Committee recalls that restrictions on the exercise of the right to family reunion should be subject to an effective mechanism of appeal or review, which provides an opportunity for consideration of the individual merits of the case consistent with the principles of proportionality and reasonableness (Conclusions 2015, Statement of Interpretation on Article 19§6).

The report does not provide any information in this respect. The Committee request the next report to explain in detail the mechanism of appeal or review available in cases concerning family reunion and underlines in the lack thereof, there will be nothing to show that the situation is in conformity with the Charter on this point.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 19§6 of the Charter on the grounds that:

- children of migrant workers between eighteen and twenty-one years of age cannot benefit from the right to family reunion;
- the requirement of the length of residence for a migrant worker before being able to exercise family reunion is excessive;
- it has not been established that the level of means and the requirement of having sufficient or suitable accommodation to house the family or certain family members are not so restrictive as to prevent any family reunion.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 7 - Equality regarding legal proceedings

The Committee takes note of the information contained in the report submitted by Greece.

The Committee recalls that States must ensure that migrants have access to courts, to lawyers and legal aid on the same conditions as their own nationals (Conclusions 2015, Armenia).

It further recalls that any migrant worker residing or working lawfully within the territory of a State Party who is involved in legal or administrative proceedings and does not have counsel of his or her own choosing should be advised that he/she may appoint counsel and, whenever the interests of justice so require, be provided with counsel, free of charge if he or she does not have sufficient means to pay the latter, as is the case for nationals or should be by virtue of the European Social Charter. Whenever the interests of justice so require, a migrant worker must have the free assistance of an interpreter if he or she cannot properly understand or speak the national language used in the proceedings and have any necessary documents translated. Such legal assistance should be extended to obligatory pre-trial proceedings (Conclusions 2011, Statement of interpretation on Article 19§7).

The Committee further notes that it addressed the legal framework relating to equality in legal proceedings and found it to be in conformity with the requirements of the Charter. Considering the fact that the situation was repeatedly reported to have remained unchanged, the Committee could renew its positive conclusion, most recently in 2015 ([Conclusions XIX-4](#)). It then requested a full and up-to-date description of the situation in law and practice.

In reply, the report provides that all persons with low income may request free legal aid. Victims of certain crimes (domestic violence, slavery, trafficking in human beings, kidnapping of minors and other serious crimes, children victims of rape, sexual exploitation, etc.) are provided with free legal aid irrespective of their income. In addition, according to the Code (Law 4251/2014) as regards trafficking victims, the competent prosecution, judicial and police authorities shall give priority to the provision of translation and interpreting services. In addition, foreign detainees shall be informed in a language they can understand about the rules of conduct and their rights and obligations as soon as they are admitted to an institution.

The Committee asks the next report to confirm that all migrant workers without sufficient knowledge of Greek, not only trafficking victims or detainees, have access to interpreter and translation in judicial proceedings, free of charge if lacking means.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 19§7 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 8 - Guarantees concerning deportation

The Committee takes note of the information contained in the report submitted by Greece.

The Committee has interpreted Article 19§8 as obliging 'States to prohibit by law the expulsion of migrants lawfully residing in their territory, except where they are a threat to national security, or offend against public interest or morality' (Conclusions VI (1979), Cyprus). Where expulsion measures are taken they cannot be in conformity with the Charter unless they are ordered, in accordance with the law, by a court or a judicial authority, or an administrative body whose decisions are subject to judicial review. Any such expulsion should only be ordered in situations where the individual concerned has been convicted of a serious criminal offence, or has been involved in activities which constitute a substantive threat to national security, the public interest or public morality. Such expulsion orders must be proportionate, taking into account all aspects of the non-nationals' behaviour, as well as the circumstances and the length of time of his/her presence in the territory of the State. The individual's connection or ties with both the host state and the state of origin, as well as the strength of any family relationships that he/she may have formed during this period, must also be considered to determine whether expulsion is proportionate. All foreign migrants served with expulsion orders must have also a right of appeal to a court or other independent body (Statement of Interpretation on Article 19§8, Conclusions 2015).

In its previous conclusion, the Committee found the situation to be not in conformity with the Charter on account of the fact that a migrant worker might be considered as a threat to public order and therefore expelled where he/she has been prosecuted for a crime punishable by at least three months imprisonment ([Conclusions XIX-4 \(2011\)](#)).

The legal framework has not changed in the reference period and the relevant provision of the 2005 Immigration Law, an alien is considered to be dangerous to public order or security and subject to administrative expulsion when prosecuted for an offence punishable by a custodial sentence of three months or more, regardless of the length of the actual sentence. The report provides that when deciding on the expulsion, the Police Director takes into account the gravity of the offence, the alien's criminal past, family status, the circumstances in which the offence was committed, the duration of his/her stay in the country and the possible threat posed by his/her presence in the territory to the public order or security.

While acknowledging the possibility for an individual assessment of the circumstances of a migrant worker in the process of expulsion proceedings, the Committee considers that the legal possibility of expulsion following commitment of a crime punishable to 3 months imprisonment as a bottom line, goes beyond what may be permissible under the Charter. The Committee recalls that the presence on the territory of a state of a person who has committed an offence does not constitute, in itself, a threat to national security or an offence against public order. Moreover, any consideration of an expulsion may only be resorted to if the individual concerned has been convicted of a serious criminal offence. An offence punishable by at least three months imprisonment is not considered a serious offence under the Charter.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 19§8 of the Charter on the ground that a migrant worker may be considered as a threat to public order and therefore expelled if prosecuted for a crime punishable by at least three months imprisonment.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 9 - Transfer of earnings and savings

The Committee takes note of the information contained in the report submitted by Greece.

The Committee recalls that this provision obliges States Parties not to place excessive restrictions on the right of migrants to transfer earnings and savings, either during their stay or when they leave their host country (Conclusions XIII-1 (1993), Greece).

The Committee further notes that it previously addressed the legal framework relating to transfer of earnings and savings of migrant workers ([Conclusions XIX-4 \(2011\)](#) and [Conclusions XVIII-1 \(2006\)](#) with a full assessment) and found it to be in conformity with the requirements of the Charter.

During the reference period, limitations on cash withdrawals and transfers were imposed by Law of 2015 in order to preserve financial stability by limiting the outflows of deposits from the banking system at the time of a financial crises. The report states that the restrictions, which affected also transfers of capital abroad, were necessary to shield the Greek economy from adverse financial and macroeconomic developments. The restrictions apply in an equal manner to national and migrants and are being gradually relaxed on the basis of the " 2017 Roadmap for gradual relaxation and lifting of restrictions on capital movements". In the the reference period the transfer of funds abroad was allowed up to 1,000 EUR per month, subject to exceptions allowing for unrestricted transfer of salary for employees in diplomatic missions and payment of pensions and welfare benefits abroad by social insurance bodies governed by Greek law, as well as increased limits for transactions imposed by serious health reasons or exceptional social reasons and for accomodation and subsistence cost for students studying abroad.

The Committee considers that the imposed limitations were justified and proportionate to the legitimate aim pursued and as such permissible under the Charter. It asks the next report to provide up-to-date information on the developments in this respect.

Referring to its Statement of Interpretation on Article 19§9 ([Conclusions 2011](#)), affirming that the right to transfer earnings and savings includes the right to transfer movable property of migrant workers, the Committee asks whether there are any restrictions in this respect in Greece.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 19§9 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 10 - Equal treatment for the self-employed

The Committee takes note of the information contained in the report submitted by Greece.

On the basis of the information in the report the Committee notes that there continues to be no discrimination in law between migrant employees and self-employed migrants in respect of the rights guaranteed by Article 19.

However, in the case of Article 19§10, a finding of non-conformity in any of the other paragraphs of Article 19 ordinarily leads to a finding of non-conformity under that paragraph, because the same grounds for non-conformity also apply to self-employed workers. This is so where there is no discrimination or disequilibrium in treatment.

The Committee has found the situation in Greece not to be in conformity with Articles 19§6 and 19§8. Accordingly, for the same reasons as stated in the conclusions on the abovementioned Articles, the Committee concludes that the situation in Greece is not in conformity with Article 19§10 of the Charter.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 19§10 of the Charter as the grounds of non-conformity under Articles 19§6 and 19§8 apply also to self-employed migrants.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 11 - Teaching language of host state

The Committee takes note of the information contained in the report submitted by Greece.

The Committee recalls that the teaching of the national language of the receiving state is the main means by which migrants and their families can integrate into the world of work and society at large. States should promote and facilitate the teaching of the national language to children of school age, as well as to the migrants themselves and to members of their families who are no longer of school age (Conclusions 2002, France).

Article 19§11 requires that States shall encourage the teaching of the national language in the workplace, in the voluntary sector or in public establishments such as universities. It considers that a requirement to pay substantial fees is not in conformity with the Charter. States are required to provide national language classes free of charge, otherwise for many migrants such classes would not be accessible (Conclusions 2011, Norway).

The language of the host country is automatically taught to primary and secondary school students throughout the school curriculum but this is not enough to satisfy the obligations laid down by Article 19§11. The Committee recalls that States must make special effort to set up additional assistance for children of immigrants who have not attended primary school right from the beginning and who therefore lag behind their fellow students who are nationals of the country (Conclusions 2002, France).

As regards teaching of Greek language to school-age children of migrant workers, the report provides that minor foreigners residing in Greek territory are subject to compulsory schooling, as are nationals and that the same rules on school enrolment apply for all children, regardless of residence status. In learning Greek they are supported by tutorial teaching within the mainstream program in "Receptions classes" functioning in primary and secondary schools. The scheme consists of supplementary teaching and/or tutorial support in two cycles: for students with elementary or no knowledge of Greek, who follow an intensive language programme and in parallel, attend a number of courses of the mainstream curriculum, and for students with knowledge of Greek at an intermediate level, for whom supplementary teaching is provided in Greek language and eventually in some other courses: in some cases, they might be assisted by a second teacher within their normal classes. Furthermore, as from the school year 2016-17, afternoon classes, named "Reception School Facilities for Refugee Education" were made available as a preparatory transitional intervention scheme aiming to ensure the gradual integration to the educational system of the refugee children living in refugee Accommodation Centers. Early childhood (pre-school) education for newly-arrived children is also offered. The Committee considers that the situation is in conformity with the Charter in this respect.

As regards language courses for adult migrants, in 2018 the Department of "Greek Language and Skills Development" was created within the Ministry of Justice, tasked with exploring the educational needs of adult third-country nationals; design and implementation of the policy on the education of adult citizens of third countries and, in particular, issues of Greek language, history and Greek culture, design, followed by supervision and implementation of relevant national programs in this field; organization and implementation of language tests and the design and implementation of courses of the Greek language, history and Greek culture. The report stresses that, in order to ensure equal access to general adult education, particular attention will be given to members of vulnerable social groups, such as migrants. The implementation of the relevant measures was scheduled for the period 2016 – 2018.

The Committee asks the next report to provide comprehensive information on the implementation of the measures adopted in the field of the teaching of Greek language for adult migrants. In particular, it wishes to be informed about the shape of the new policy on

education of adult foreigners and on any programmes specifically aimed at teaching the national language to migrant workers and their families, in particular: on what basis foreign citizens had the right to instruction of the national language; whether any special or extracurricular classes, or other forms of assistance, if any, were available to adult migrants to assist their learning, and what were the costs associated with such classes.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1 - Participation in working life

The Committee takes note of the information contained in the report submitted by Greece.

Employment, vocational guidance and training

The Committee recalls that the aim of Article 27 is to promote the reconciliation of professional and family responsibilities by providing equal opportunities to people with family responsibilities with equal opportunities in respect of entering, staying in and re-entering employment. Article 27 requires States Parties to take specific measures in the field of vocational guidance and training, so as to enable workers with family responsibilities to enter the labour market and remain active members in the workforce, or to re-enter the labour force after an absence due to those responsibilities, as well as to assist them in participating and advancing in economic activity (Conclusions 2007, Armenia).

To be able to return to professional life, such persons may need special assistance in terms of vocational guidance and training. However, even if the standard employment services (those available to everyone) are well developed, the lack of extra services for people with family responsibilities cannot be regarded as a violation of human rights (Conclusions 2003, Sweden).

Under Article 27§1, States must develop an overall national policy or strategy to enable persons with family responsibilities to carry out occupational activities in a non-discriminatory manner.

The report states that the rights of workers with family responsibilities with regard to their protection in their employment and occupation are specified in the provisions of Law No. 1483/1984 (on protecting and facilitating the lives of workers with family responsibilities, as amended), Law No. 4075/2012 (on regulations on insurance, as amended) and Law No. 3896/2010 (on the implementation of the principle of equal opportunities and equal treatment of men and women in the field of employment and occupation).

According to the report, Law No. 1483/1984 applies to workers bound by an employment contract or any other form of employment relationship in the public sector. This law and the Presidential Implementing Decree No. 193 of 1988 cover workers of both sexes with dependent children or other family members requiring care or support; they are designed to help them enter the workforce, stay in employment, and secure their career development. The Committee takes note of the definition of dependent persons contained in Article 2 of Law No. 1483/1984. Article 4 of this law expressly prohibits all direct or indirect discrimination against workers covered by this law, so that they can enter and stay in employment, and their career development can be secured. The Committee asks that the next report indicate whether there are categories of workers who are excluded from the scope of this law.

Furthermore, discrimination on grounds of marital status or the use of childcare facilities is equated with discrimination based on sex and is prohibited under Law No. 3896/2010. The report mentions that under Article 29§1 of this law, the State must foster dialogue between the social partners and non-governmental organisations to promote the implementation of the principle of equal opportunities and equal treatment for men and women in employment and occupation, in the public and private sectors, and to make it possible to reconcile work and family life.

Under Laws Nos. 3896/2010 and 4075/2012, all workers, after the end of their parental leave, are entitled to return to their job or to an equivalent post under terms which are no less favourable to them, and to benefit from any improvement in working conditions to which they would have been entitled during their absence.

The Committee takes note of the measures taken in the public sector to strengthen the institution of the family, particularly those aimed at promoting members of large families and at recruiting members of single-parent families.

The report describes the measures taken to increase participation in the labour market, including, in particular, the provision of full-time care facilities for children (up to compulsory school age) and care services for dependent elderly people. These also include flexible working arrangements, integrated leave policies and the harmonisation of retirement age for men and women. The report also describes the steps taken by the Ministry of Labour, Social Security and Social Solidarity to increase women's participation in the labour market.

The report states that an operational human resources development programme was launched for the period from 2014 to 2020. Its aim was to implement the government's human resources development strategy and policies, to foster genuine social cohesion and to reconcile work and family life. The Committee takes note of the various measures implemented under this programme and their outcome.

Conditions of employment, social security

The Committee recalls that implementing Article 27§1 may also require the adoption of measures concerning the length and organisation of working time. Workers with family responsibilities should be allowed to work part-time or to return to full employment (Conclusions 2005, Estonia). These measures cannot be defined unilaterally by the employer but should be provided by a binding text (legislation or collective agreement).

In this regard, the report states that every worker has the right to move from a full-time contract to a part-time contract, provided that he/she has completed one year's service with the employer. Workers have the opportunity to return to full-time employment (Law 1892/1990, as amended). Under section 10 of Law 1483/1984, parents of children with mental or physical disabilities working in a company employing at least 50 person can apply for a reduction in their working hours of one hour per day.

Workers with family responsibilities should be entitled to social security benefits under different schemes, in particular health care, during the periods of parental/childcare leave. Legislation or practice should provide for arrangements entitling workers to take time off from work on grounds of urgent family reasons where sickness or accident make the immediate presence of the worker indispensable.

The legislation should provide guarantees to grant part-time work to a parent raising a child or nursing a sick family member when requested, and provide for arrangements enabling parents to reduce or cease their professional activity because of the serious illness of a child.

The Committee asks whether the legislation complies with these standards.

The Committee further recalls that Article 27§1 requires State Parties to take account of the needs of workers with family responsibilities in terms of social security. Workers should be entitled to social security benefits under the different schemes, in particular health care, during periods of parental/childcare leave. Periods of leave due to family responsibilities should be taken into account when determining the right to pension and calculating its amount. Crediting periods of childcare leave in pension schemes should be secured equally to both men and women.

Child day care services and other childcare arrangements

The Committee notes that, as Greece has accepted Article 16 of the Charter, the measures taken to develop and promote child day-care facilities are examined under that provision.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 27§1 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 2 - Parental leave

The Committee takes note of the information contained in the report submitted by Greece.

The Committee recalls that Article 27§2 focuses on parental leave and its arrangements which are clearly distinct from those of maternity leave, and come into effect after the latter. National regulations related to maternity or paternity leave fall under the scope of Article 8§1 and are addressed under that provision. The States should provide each parent with the possibility to obtain parental leave.

Consultations between social partners throughout Europe show that the parental leave system, whose primary purpose is to care for the child, is of the utmost importance to reconcile work and family life. Whilst recognising that the duration and conditions of parental leave should be determined by States Parties, the Committee considers it important that national regulations should entitle men and women to an *individual right* to parental leave following the birth or adoption of a child. In order to promote equal opportunities and equal treatment between men and women, the leave should, in principle, be provided to each parent, and at least some part of it should be non-transferable.

In this respect, the report states that under Articles 48 to 54 of Law No. 4075/2012, parents employed in the public sector or the private sector, including those on fixed-term contracts, are entitled to a period of four months' unpaid leave until the child turns six. The Committee notes that this is an individual, non-transferable right. In addition, biological, adoptive and foster parents are entitled to 10 working days of unpaid parental leave per year to care for a child under the age of 18, who is ill or has been injured in an accident (Article 51). Furthermore, under Article 51 of the Civil Service Code (Law No. 3528/2007), when both parents are civil servants, both are entitled to unpaid leave of up to five years to raise their children until they reach the age of six.

The Committee recalls that under Article 27§2 of the Charter, the States are under a positive obligation to encourage either parent to take parental leave. The States shall ensure that an employed parent is adequately compensated for his/her loss of earnings during the period of parental leave.

The arrangements for payment of compensation fall within the States Parties' margin of appreciation. The measures may take such forms as: paid leave (continued payment of wages by the employer), social security benefits, any alternative benefit from public funds, or a combination of several types of compensations just mentioned. Regardless of the modality applied, the amount of the compensation shall be adequate (Statement of interpretation on Article 27§2, General Introduction to Conclusions 2015).

Working parents who are entitled to parental leave under Articles 50§2 and 51 of Law No. 4075/2012, benefit from proper comprehensive social security coverage during their absence from work and recognition of the period of absence as actual working time (Article 40 of Law No. 2084/1992). According to the report, parental leave periods are taken into account both when determining pension rights and when calculating the amount of the pension. Periods of absence from work due to parental leave are also regarded as periods of effective service for the purposes of calculating employees' income, annual leave and holiday bonuses, the development of their career, and the calculation of any compensation they should be granted in the event of dismissal.

The Committee asks what financial compensation or benefits are provided during the period of parental leave. In the meantime, it reserves its positions on this point.

The Committee notes that, under Article 52 of Law No. 4075/2012, any employee returning from parental leave has the right to resume work in his or her previous job under the same conditions as before.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 3 - Illegality of dismissal on the ground of family responsibilities

The Committee takes note of the information contained in the report submitted by Greece.

Protection against dismissal

The Committee refers to its conclusion under Article 27§1 of the Charter, in which it notes that Law No. 1483/1984 applies to workers bound by an employment contract or any other form of employment relationship in the public sector. This law and Presidential Implementing Decree No. 193 of 1988 cover workers of both sexes with dependent children or other family members requiring care or support. Under Article 14, family responsibilities may not be a ground for dismissal. Dismissal or any other unfavourable treatment of an employee who is absent for family reasons is prohibited.

As to civil servants, the report states that the Civil Service Code (Law No. 3528/2007) leaves no scope for employees to be dismissed on grounds related to family responsibilities.

Effective remedies

The Committee points out that Article 27§3 of the Charter requires that courts or other competent bodies are able to order reinstatement of an employee unlawfully dismissed, or in cases when the employee prefers not to continue or re-enter employment, order compensation that is sufficient both to deter the employer and proportionate to the damage suffered by the victim. When compensation is granted it should not be subject to predefined upper limits, as this may preclude damages from being awarded which are commensurate with the actual loss suffered or sufficiently dissuasive (Conclusions 2005, Estonia). If there is such a ceiling on compensation for pecuniary damage, the victim must be able to seek compensation for non-pecuniary damage through other legal avenues (e.g. anti-discrimination legislation), and the courts competent for awarding compensation for pecuniary and non-pecuniary damage must give rulings within a reasonable time (Statement of Interpretation on Articles 8§2 and 27§3 (Conclusions 2011)).

The report states that any breach of these provisions constitutes an infringement of labour legislation for which administrative and/or civil sanctions are provided for to compensate the persons in question fully, covering both pecuniary ancillary and consequential damage and non-pecuniary or non-material damage. The Committee asks whether both types of compensation are awarded by the same courts, and how long it takes on average for courts to give their rulings. It asks for confirmation that there is no upper limit on the amount of compensation that may be awarded.

The Committee also asks for the next report to state whether reinstatement is the rule.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 31 - Right to housing
Paragraph 1 - Adequate housing

The Committee takes note of the information contained in the report submitted by Greece.

Under Article 31§1 of the Charter, the Committee requires that the States Parties shall guarantee to everyone the right to housing and shall promote access to adequate housing. States must take the legal and practical measures which are necessary and adequate for the effective protection of the right in question. They enjoy a margin of appreciation in determining the steps to be taken to ensure compliance with the Charter, in particular as regards the balance to be struck between the general interest and the interest of a specific group and the choices which must be made in terms of priorities and resources (European Roma and Travellers Forum (ERTF) v. France, Complaint No. 64/2011, decision on the merits of 24 January 2012, § 95).

More particularly, in connection with the means of ensuring steady progress towards achieving the goals laid down by the Charter with regard to the right to housing, the Committee has emphasised that implementation of the Charter requires State Parties not merely to take legal action but also to make available the resources and introduce the operational procedures necessary to give full effect to the rights specified therein (International Movement ATD Fourth World (ATD) v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, § 61).

Criteria for adequate housing

According to the report, the population census carried out in 2011 provided the following information: 97.66% (10 563 717 persons) lived in households, 99.59% of them lived in normal residences while the remaining 0.41% lived in non-ordinary residences (for example, hut, caravan, boat, etc.). 1,11% (120 199 persons) lived in collective accommodation establishments (intended to be inhabited by many individuals or groups of persons). The largest percentage of the population (51.14%) was living in residences with a population density of 20 to 39 square meters per inhabitant, while 20.11% lived in residences with a population density of less than 20 square meters per inhabitant. In this respect, the Committee notes from the European Index of Housing Exclusion 2019 (FEANTSA and Abbé Pierre Foundation, Eurostat-EU-SILC 2017) that the overcrowded housing rate in Greece for 2017 was 29%, well above the average rate for the European Union.

The Committee recalls that for the purpose of Article 31§1, the notion of adequate housing must be defined in law (Conclusions 2003, France).

It asks if such a definition exists and requests that the next report indicate in which legal text it may be found.

It further recalls that under Article 31§1, “adequate housing” means a dwelling which is safe from a sanitary and health point of view, i.e. it must possess all basic amenities, such as water, heating, waste disposal, sanitation facilities and electricity and must also be structurally secure, not overcrowded and with secure tenure supported by the law (see Conclusions 2003, France and Defence for Children International (DCI) v. the Netherlands, Complaint No. 47/2008, decision on the merits of 20 October 2009, § 43).

According to the Committee, the standards of adequate housing shall be applied not only to new constructions, but also gradually to the existing housing stock. They shall also be applied to housing available for rent as well as to housing occupied by their owners (Conclusions 2003, France).

The Committee asks the next report to provide information on the following:

- regulations on health and sanitation requirements of residences and overcrowding;

- whether these rules apply to the entire housing stock (new buildings and existing housing stock);
- relevant and updated figures and statistics on adequacy of dwellings (number of substandard dwellings).

Responsibility for adequate housing

The Committee recalls that it is incumbent on the public authorities to ensure that housing is adequate through different measures such as, in particular, an inventory of the housing stock, injunctions against owners who disregard obligations, urban development rules and maintenance obligations for landlords. Public authorities must also limit against the interruption of essential services such as water, electricity and telephone (Conclusions 2003, France).

The Committee asks the next report to indicate how public authorities ensure that housing is adequate.

Legal protection

The Committee recalls that the effectiveness of the right to adequate housing requires its legal protection through adequate procedural safeguards. Tenants or occupiers must have access to affordable and impartial judicial or other remedies (administrative review, etc.) (Conclusions 2003, France). Any appeal procedure must be effective (European Federation of National Organisations Working with the Homeless (FEANTSA) c. France, Complaint No. 39/2006, decision on the merits of 5 December 2007, § 78).

The Committee notes from the report that by virtue of Law 3869/2010 “Debt settlement of heavily indebted natural persons” (last amended by Law 4366/2016) citizens, after applying to the competent court, may be exempted from part of their debts, on the basis of a new debt settlement plan, and simultaneously protect their main residence, by excluding it from liquidation until 31 December 2018. Article 9, paragraph 2 of this law provides for the possibility of a State contribution to the repayment of the monthly instalments of the debt settlement plan up to three years, protecting the main residence of financially weak debtors upon their request, following the issue of a court decision. This concerns in particular debts arising from a building loan. The report stresses however that the large number of applications submitted under this law together with technical legislative defects led to the accumulation of pending applications, with the result that proceedings before the competent courts could last many years. The situation has evolved positively, since the number of pending cases under this legislation show a decrease of 9.73% between 2016 and 2017, due to the effectiveness of legislative improvements made in 2016 and an increase in court staffing.

The Committee takes note of the information provided concerning Law 3869/2010, which aims at protecting the main residence of persons heavily indebted from liquidation and ultimately from eviction. It asks however for more general information in the next report on the existence of remedies (judicial or non-judicial) concerning the right to adequate housing available to tenants or occupiers. In this connection, it asks the next report to provide information on the affordability and effectiveness of those remedies and on the existing case-law.

Measures in favour of vulnerable groups

The Committee reiterates that States Parties shall guarantee equal treatment with respect to housing on the grounds of Article E of the Charter. Article E prohibits discrimination and therefore establishes an obligation to ensure that, in the absence of objective and reasonable justifications, any individual or groups with particular characteristics enjoys in practice the rights secured in the Charter. Moreover, Article E not only prohibits direct discrimination but also all forms of indirect discrimination. Discrimination may also arise by

failing to take due and positive account of all relevant differences or by failing to take adequate steps to ensure that the rights and collective advantages that are open to all are genuinely accessible by and to all (Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010, § 35).

As regards the right to housing the Committee has held that equal treatment must be assured to the different groups of vulnerable persons, particularly low-income persons, unemployed, single parent households, minors, persons with disabilities including mental health problems, etc. (Conclusions 2003, Italy). Moreover, with regard to Roma in particular, the Committee has held that as a result of their history, the Roma have become a specific group of disadvantaged group and vulnerable minority. They therefore require special protection. Special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases (Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010, §§ 39-40). Housing policies which have resulted in the spatial and social segregation of Roma (poorly built housing, on the outskirts of towns, segregated from the rest of the population), have also led to breaches of the Charter (European Roma Rights Centre (ERRC) v. Portugal, Complaint No. 61/2010, decision on the merits of 30 June 2011, § 48).

The Committee previously found a violation of Article 16 of the Charter in respect of the situation of Roma in Greece due to the insufficiency of permanent dwellings, lack of temporary camping sites and forced evictions of Roma (European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, and International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece, Complaint No. 49/2008, decision on the merits of 11 December 2009). In its previous conclusion on Article 16 (Conclusions 2011), the Committee also found that the situation was not in conformity with Article 16 of the 1961 Charter on the grounds inter alia that housing conditions of Roma families were not adequate.

In its Findings 2018, the Committee took note of the measures taken by the Special Secretariat for Roma (established under the authority of the Ministry of Labour, Social Security and Social Solidarity on 31 October 2016) such as mapping and classifying the settlements and camps in order to plan appropriate housing interventions, which constituted a progress. However, given that the Government acknowledged that living and housing conditions of Roma in Greece were largely characterized as unsuitable and the lack of information on other aspects, the Committee found that the situation had not yet been brought into conformity with the Charter.

The Committee takes note of the information provided in the current report in respect of Article 16 of the Charter. According to the mapping carried out by the Special Secretariat for Roma, there are 371 settlements and Roma living areas with a total population of 110 007 inhabitants. 74 of them are highly degraded camps (in unacceptable living conditions in huts, shelters lacking basic infrastructure); 181 settlements are mixed camps (houses together with short-term facilities such as huts, tents or prefabricated containers with partial infrastructure usually in the vicinity of a build-up area); and 116 are deprived and socially excluded neighbourhoods. According to the National Strategy for the Social Integration of Roma, Roma population who live in highly degraded settlements should be immediately relocated into housing complexes designed according to social housing principles (organised areas of transitory relocation). In Roma settlements which lack basic infrastructure, interventions aimed at improving living conditions should be made. The strategy also provides for a rent subsidy for the relocation of Roma from the existing settlements to residential areas; the subsidy is paid by the municipality to the owner of the residence. For the implementation of this strategy, Law 4483/2017 (Article 159) specifically regulates the authorisation and operation of transitory relocation areas for special vulnerable groups and the intervention for improving the living conditions of settlements, in case transitory relocation is not feasible due to lack of available appropriate land.

The Committee further notes that the ECRI in its fifth report on Greece adopted on 10 December 2014 observed that the living conditions (access to water, electricity, heating, sewage system) in many Roma settlements in Greece continued to be a cause of concern. The United Nations Committee on Economic, Social and Cultural Rights also noted in 2015 (Concluding observations on the second periodic report of Greece, adopted on 9 October 2015) that approximately 140 000 Roma lived in at least 200 socially excluded locations, in substandard housing conditions, often lacking access to basic services, such as safe drinking water or sanitation facilities, electricity or waste disposal facilities. The Committee also notes from other sources (European network of legal experts in gender equality and non-discrimination, Country report 2018) that in practice there has been no significant change in the housing situation of Roma.

The Committee takes stock of the progress made, in particular of the measures taken by the Special Secretariat for Roma in mapping and classifying the Roma settlements and camps, and of the programmes and legal measures aimed at improving the housing conditions of Roma, including the operation of transitory relocation areas. It asks for detailed information in the next report concerning the implementation of the National Strategy for the Social Integration of Roma in respect of housing conditions of Roma and in particular on the number of relocations into transitory relocation areas and of interventions for the improvement of living conditions of existing settlements. In the light of the information available and having regard to the number of existing settlements with unacceptable living conditions or with partial access to infrastructure, the Committee considers that the situation is not in conformity with Article 31§1 of the Charter on the ground that the measures taken by public authorities to improve the substandard housing conditions of Roma are insufficient.

Furthermore, the Committee refers to its Statement of Interpretation on the rights of refugees under the Charter (Conclusions 2015). In this respect, the Committee notes that during the reference period Greece has been particularly affected by the refugee movements across Europe, experiencing very high numbers of migrant arrivals, with a peak of 856 723 sea arrivals in 2015. The Committee therefore asks the next report to indicate which measures are taken to ensure adequate housing for refugees.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 31§1 of the Charter on the ground that the measures taken to improve the substandard housing conditions of Roma are insufficient.

Article 31 - Right to housing

Paragraph 2 - Reduction of homelessness

The Committee takes note of the information contained in the report submitted by Greece.

The Committee recalls that under the Charter, homeless persons are those persons who legally do not have at their disposal a dwelling or another form of adequate housing in the terms of Article 31§1 (Conclusions 2003, France; European Federation of National Organisations working with the Homeless (FEANTSA) v. the Netherlands, Complaint No. 86/2012, decision on the merits of 2 July 2014, § 106).

Article 31§2 of the Charter is directed at the prevention of homelessness with its adverse consequences on individuals' personal security and well-being. States Parties must therefore take action to prevent categories of vulnerable people from becoming homeless (Conclusions 2011, Portugal).

- This implies that they shall implement a housing policy for all disadvantaged groups of people to ensure access to social housing and housing allowances (this is more specifically related to Article 31§3) and that they shall encourage the long term re-integration of homeless persons such as, for example, measures aiming at raising the employment rate, increasing the stock of social and non-profit housing, allocating social benefits to those in urgent needs, developing social security programmes and supporting NGOs' activities (see section on "preventing homelessness" below).
- It also requires that procedures be put in place to limit the risk of evictions and to ensure that when these do take place, they are carried out under conditions which respect the dignity of the persons concerned (see section on "forced evictions" below).

States Parties must also take measures to reduce homelessness with a view to eliminating it. Reducing homelessness requires the introduction of emergency measures, such as the provision of immediate shelter (see section on "the right to shelter" below).

In the light of the above, for the situation to be in conformity with Article 31§2, States Parties must (Conclusions 2011, Portugal):

- adopt the necessary legal, financial and operational means of ensuring steady progress towards achieving the goals laid down by the Charter;
- maintain meaningful statistics on needs, resources and results;
- undertake regular reviews of the impact of the strategies adopted;
- establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage;
- pay close attention to the impact of the policies adopted on each of the categories of persons concerned, particularly the most vulnerable.

Preventing homelessness

The Committee notes from the report that according to the 2011 population census (out of the reference period), there were 3 381 homeless (0.03% of the Greek population): 61.90% of them lived in accommodation for the homeless, while the remaining 38.10% lived on the street. As regards the legislative measures and other actions designed to combat homelessness, the report indicates that Article 29 of Law 4052/2012, as amended by Law 4254/2014, established the definition of homeless people as a vulnerable social group that needs social protection: "a homeless individual is defined as an individual who legally resides in the country and lacks access or has unstable access to adequate, owned, rented or granted residence that meets the necessary technical requirements and has the basic water supply and electricity services". It further established that "the term 'homeless people' includes especially those who live on the streets, in shelters, are hosted temporarily in institutions or other closed structures, as well as those who live in unsuitable living quarters". Pursuant to this Law, a project on the development of tools and procedures for the recording

of homeless people and on the definition of the methodology used to process housing requests is being implemented. As a part of this project, a pilot recording of homeless people took place in May 2018 (outside the reference period) in seven big municipalities. The results of this recording are under assessment and will be made available soon. The Committee asks the next report to provide information on the results of this exercise.

The Committee further notes from the report that following the introduction of Law 4472 in 2017 a housing allowance – based on income and property criteria – will be given as of 1st of January 2019 (outside the reference period) to households paying rent or a mortgage loan for first residence. The allowance will range from €70 to €210 depending on the composition of the household. This allowance will be subject to a residence criterion: the beneficiary and the adult members of the household have to legally reside in Greece for at least five years. There is also a specific housing allowance for uninsured elderly people (maximum of €362 per month).

The report explains that a joint ministerial decision defines the terms and conditions for the operation of Dormitories, Open Day Centres for the Homeless, Transitional Housing-Shelters and Assisted Living Flats for the Homeless. Shelters-Hostels operate at the National Centre for Social Solidarity (EKKA), offering emergency temporary shelter to vulnerable individuals and groups, including adults in a social emergency situation-homelessness. There are other Hostels-shelters run by NGOs which cooperate with the National Centre for Social Solidarity. According to the statistics provided in the report, during 2017, 337 individuals were beneficiaries of the shelters of the National Centre for Social Solidarity.

The report finally indicates that other projects aimed at preventing or combatting homelessness are being implemented, such as “Housing and Employment for the homeless” and “Social Solidary Income”. The first one is aimed at reducing homelessness in cities with a population higher than 100 000 inhabitants. It provides for a rent subsidy for a period of up to 18 months, basic expenses for household and public utilities and job subsidy for a period of up to 12 months. It targets in particular families and individuals who are accommodated in Transitional Housing-Shelters for the Homeless or Dormitories, as well as those who are living on the streets or in unsuitable facilities.

The Committee takes note of all these measures. It notes that the official data provided in the report on the figures of homeless people dates from 2011 (out of the reference period). In this connection, it notes from other sources that the estimated number of people sleeping rough in the sole region of Attica in 2015 appeared to be much higher (17 720 persons; see FEANTSA country profile Greece). The Committee asks the next report to provide updated information on the number of homeless persons and to indicate whether the offer of emergency structures for the homeless (dormitories, shelters) corresponds to the demand. It also asks the next report to provide updated information on the implementation of the abovementioned measures and the results achieved in reducing homelessness.

Pending receipt of the information requested, the Committee defers its conclusion on this point.

Forced eviction

The Committee recalls that in order to comply with Article 31§2 of the Charter, legal protection for persons threatened by eviction must include (Conclusions 2011, Portugal):

- an obligation to consult the parties affected in order to find alternative solutions to eviction;
- an obligation to adopt measures to re-house or financially assist the persons evicted in case of eviction justified by the public interest
- an obligation to fix a reasonable notice period before eviction;
- prohibition to carry out evictions at night or during winter;
- access to legal remedies;
- access to legal aid;

- compensation in the event of illegal eviction.

Furthermore, when evictions do take place, they must be:

- carried out under conditions which respect the dignity of the persons concerned;
- governed by rules of procedure sufficiently protective of the rights of the persons.

The Committee further recalls that illegal occupation of a site or dwelling may justify the eviction of the illegal occupants. However, the criteria of illegal occupation must not be unduly wide. The eviction should be governed by rules of procedure sufficiently protective of the rights of the persons concerned and should be carried out according to these rules (European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, § 51, International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece, Complaint No. 49/2008, decision on the merits of 11 December 2009, § 56).

The Committee asked for information on some of the aforementioned points in its previous conclusion on Article 16 (Conclusions 2011). The Committee further found that the situation was not in conformity with Article 16, having regard *inter alia* to the fact that many forced evictions of Roma took place, without specifying in advance a suitable place to install a safe and legal settlement. In this connection, the Committee refers to its decisions in European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, and International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece, Complaint No. 49/2008, decision on the merits of 11 December 2009, where it found a violation of Article 16 in respect of the situation of Roma precisely on this particular ground.

In its Findings 2018 on the follow-up to these decisions the Committee noted that according to the report submitted by Greece, no legislative amendments on this matter had occurred. The report indicated however that, in accordance with the Constitution and European Union law, the authorities avoided taking any expulsion measures or using any other means of forced eviction, until a prior relocation site was identified, where the persons concerned could be able to stay legally and which met at least the basic standards of decency, while measures were taken to deal with the practical aspects of their relocation. The Committee asked the next report on the follow-up to those decisions to provide information on the legal remedies available in case of forced evictions, and to confirm that procedures such as prior consultation with Roma families, adequate notice or provision of alternative accommodation in case of eviction existed in the national legislation. It found in the meantime that the situation had not been brought into conformity with Article 16.

The current report merely reiterates the information provided in the report on the follow-up to the abovementioned decisions and does not include any other information on the general legal framework for evictions.

The Committee notes that the United Nations Committee on Economic, Social and Cultural Rights recommended in 2015 that Greece should take steps to ensure that Roma communities were consulted through eviction procedures, afforded due process guarantees and provided with alternative accommodation or compensation (Concluding observations on the second periodic report of Greece, adopted on 9 October 2015). In addition, the United Nations Human Rights Committee held in 2016 that Greece would violate the right of the residents of a Roma settlement located in Halandri (greater Athens) to their home and family life if it enforced eviction and demolition orders against their lodgings so long as satisfactory replacement housing was not available to them (views adopted on 3 November 2016, concerning communication No. 2242/2013).

The Committee reiterates its questions on the legislative framework on forced evictions (see Conclusions 2011, Findings 2018 and the points mentioned above) and further asks the next report to provide specific information on the number of evictions or forced relocations of

Roma. Meanwhile it considers that the situation is not in conformity with the Charter on the grounds that:

- it has not been demonstrated that there is adequate legal protection for persons threatened by eviction;
- it has not been demonstrated that there are sufficient procedures in place ensuring that evictions of Roma are carried out in conditions respecting the dignity of the persons concerned.

Right to shelter

According to Article 31§2, homeless persons must be offered shelter as an emergency solution.

The Committee recalls that to ensure that the dignity of the persons sheltered is respected, shelters must meet health, safety and hygiene standards and, in particular, be equipped with basic amenities such as access to water and heating and sufficient lighting. Another basic requirement is the security of the immediate surroundings (Defence for Children International (DCI) v. the Netherlands, Complaint No. 47/2008, decision on the merits of 20 October 2009, § 62).

Since the right to shelter is closely connected to the right to life and is crucial for the respect of every person's human dignity, under Article 31§2 of the Charter, States Parties are required to provide adequate shelter also to children unlawfully present in their territory for as long as they are in their jurisdiction. (DCI v. the Netherlands, §§ 47 and 64).

The temporary provision of shelter, however adequate, cannot however be considered a lasting solution.

- As regards, persons lawfully resident or regularly working within the territory of the Party concerned accommodated in emergency shelters, they must, within a reasonable time, be offered either long-term accommodation suited to their circumstances or housing of an adequate standard as provided by Article 31§1.
- As regards persons unlawfully present within the territory, since no alternative accommodation may be required by States for them, eviction from shelter should be banned as it would place the persons concerned, particularly children, in a situation of extreme helplessness which is contrary to the respect for their human dignity (DCI v. the Netherlands, § 63).

The Committee refers in this connection to its Statement of Interpretation on Article 31§2 (Conclusions 2015) and recalls that eviction from shelters without the provision of alternative accommodation must be prohibited.

The Committee notes from the report (see section on "preventing homelessness" above) that the definition of homeless individual under Law 4052/2012 only covers persons who are legally residing in Greece. In the light of its case-law mentioned above, the Committee asks the next report to clarify whether shelters/emergency accommodation to homeless persons is provided regardless of residence status and whether the law prohibits eviction from emergency accommodation/shelters.

According to the report, during 2017, the Agency for the management of housing requests as regards asylum seekers and unaccompanied children received 5 527 housing requests for unaccompanied children from which 1 707 were satisfied, according to the most urgent needs. Additionally, the report indicates that "safe zones" have been institutionalised for children at the accommodation centres.

The Committee notes that many international bodies and actors have raised concerns about the living conditions of reception centres for migrants and asylum-seekers in Greece, especially on the Aegean islands, where the situation is particularly critical (United Nations Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of Greece, 9 October 2015; Special Representative of the Secretary General

of the Council of Europe on migration and refugees, Report of the fact-finding mission to Greece 7-11 March 2016, 26 April 2016; Commissioner for Human Rights of the Council of Europe, report following her visit to Greece from 25 to 29 June 2018 (outside the reference period)). Some of these actors, as well as the European Court of Human Rights (*Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia*, 13 June 2019, where the Court found a violation of Article 3 of the Convention in respect of unaccompanied minors staying in the Idomeni makeshift camp in 2016), have also noted with great concern the situation of unaccompanied migrant children. According to research by the National Centre for Social Solidarity (EKKA), there were 3 290 unaccompanied minors in Greece as of 15 August 2018 (outside the reference period), for only 1 191 available places in dedicated shelters or supported independent living apartments. Among the 2 241 children registered on the waiting list, 437 were reported as homeless and 254 lived in informal housing arrangements (see Report of the Commissioner for Human Rights, § 31). The Committee finally notes that it has recently declared admissible a collective complaint regarding the situation of migrant minors in Greece, in which it has decided to indicate immediate measures to the Government, including access to age-appropriate shelters (*International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece*, Complaint No. 173/2018, decision on admissibility and on immediate measures of 23 May 2019, outside the reference period).

The Committee asks the next report to provide information on whether the right to shelter is adequately guaranteed for migrants, including unaccompanied migrant children, and asylum-seekers. The report should provide details for the next reference period concerning the number of shelters/accommodation centres available for these persons, the number of persons belonging to these groups applying for shelter, the types and the quality of shelters/accommodation centres (security, health, hygiene standards, overcrowding).

Pending receipt of this information, the Committee reserves its position in this respect.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 31§2 of the Charter on the grounds that:

- it has not been established that there is adequate legal protection for persons threatened by eviction;
- it has not been established that there are sufficient procedures in place ensuring that evictions of Roma are carried out in conditions respecting the dignity of the persons concerned.

Article 31 - Right to housing

Paragraph 3 - Affordable housing

The Committee takes note of the information contained in the report submitted by Greece.

Under Article 31§3 of the Charter, the Committee considers that an adequate supply of affordable housing must be ensured for persons with limited resources (Conclusions 2011, Portugal).

Housing is affordable if the household can afford to pay initial costs (deposit, advance rent), current rent and/or other housing-related costs (e.g. utility, maintenance and management charges) on a long-term basis while still being able to maintain a minimum standard of living, according to the standards defined by the society in which the household is located (Conclusions 2003, France).

Social housing

Social housing should target, in particular, the most disadvantaged (International Movement ATD Fourth World (ATD) v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 98-100).

The Committee recalls that in order to increase the supply of social housing and make it financially accessible, it considers that under Article 31§3 States Parties are required:

- to adopt measures for the provision of housing, in particular social housing (Conclusions 2003, Sweden);
- to ensure that waiting periods for the allocation of housing are not excessive; judicial or other remedies must be available when waiting periods are excessive (ATD v. France, § 131).

The Committee notes from its previous conclusion on Article 16 of the 1961 Charter (Conclusions 2011) that Article 21 (4) of the Constitution stipulates that housing is subject to special State care for those without any or with insufficient accommodation. The current report indicates that the Worker's Housing Organisation (O.E.K) founded in 1954 for the purpose of housing protection of workers by providing a low-cost working residence, was abolished in 2012. The Organisation for Workforce Employment (O.A.E.D.) has undertaken the rights and obligations of O.E.K., adding to its purposes the housing protection of the country's labour force (workers and employees that contribute to its funds). During the reference period a series of ministerial decisions and measures have been adopted for O.A.E.D.'s beneficiaries. O.A.E.D. has undertaken the implementation of a ministerial decision for the settlement of overdue and non-overdue debts for beneficiaries of a work residence in an O.E.K. settlement or those who had been granted loans by O.E.K. These settlements concern a total of approximately 120 000 families of beneficiaries of the former O.E.K. The report admits that the concern to pursue a social housing policy is currently limited to the settlement of old debts and to the completion of pending obligations, although given the revenues resulting from the collection of resources there is a possibility for developing a housing policy.

The Committee takes note of the information provided in the report concerning the measures adopted to alleviate the beneficiaries of the former O.E.K. (who had received either a residence in a settlement or a loan) from the burden of accumulated debts. It asks the next report to indicate whether other measures have been planned or taken for the provision of social housing for the most disadvantaged groups, including those persons who were not beneficiaries of the former O.E.K. and the unemployed.

The Committee recalls that in order to establish that measures are being taken to make the price of housing accessible to those without adequate resources, States Parties to the Charter should not show the average affordability ratio required of all those applying for housing, but rather that the affordability ratio of the poorest applicants for housing is compatible with their level of income (European Federation of National Organisations

working with the Homeless (FEANTSA) v. Slovenia, Complaint No. 53/2008, decision on the merits of 8 September 2009, § 72). The Committee therefore asks the next report to indicate the affordability ratio (rent-to-income ratio) for the lowest income quintile.

Housing benefits

Under Article 31§3, States Parties are required to adopt comprehensive housing benefit systems to protect low-income and disadvantaged sections of the population (Conclusions 2003, France). A housing benefit is an individual right: all qualifying households must receive it in practice; legal remedies must be available in case of refusal (Conclusions 2003, France).

The Committee recalls that the right to affordable housing must not be subject to any kind of discrimination on any grounds mentioned by Article E of the Charter (Conclusions 2011, Turkey).

The Committee notes from the report that the housing allowance established under Law No. 4472 of 2017, the implementation of which will start in January 2019 (outside the reference period), will only be granted if the recipient of the allowance and the adult members of the household have legally resided in Greece for the last five years. The Committee considers that a five-year residence requirement for entitlement to housing allowance could exclude certain categories of non-nationals living lawfully in Greece. It therefore asks the next report to explain why this restriction is necessary and to indicate if there are other types of housing benefits for foreigners lawfully residing in Greece and not eligible for the abovementioned allowance.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.