



Information relevant to the implementation of the Convention on the Elimination of all forms of Discrimination against Women – CEDAW

21.10.2020

In view of the upcoming 79th Pre-Sessional Working Group, the Greek National Commission for Human Rights welcomes the opportunity to submit Country Specific Information to the Committee regarding the implementation of the CEDAW in Greece by highlighting shortcomings and challenges in recent legislation and practice on specific areas of concern.

I. Discrimination

In terms of recent developments related to the legislation on equal treatment, the GNCHR has welcomed the inclusion of gender identity and sex characteristics as well as of the social and marital status in the list of prohibited grounds of discrimination in public and private sector employment². Law 4604/2019 expanded the principle of non-discrimination based on gender, sexual orientation or gender identity to all private or public law relations of physical persons, introduced “gender mainstreaming” in all

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² Article 1 Law 443/2016. GNCHR [Observations](#) on the Draft Law of the Ministry of Justice, Transparency and Human Rights «Implementation of the principle of equal treatment regardless of race, color, national or ethnic origin, descent, religion or belief, disability or chronic illness, age, marital or social status, sexual orientation, gender identity or characteristics and other provisions», 20.9.2016, p. 13 [in Greek].

policies touching upon private and public life and defined -for the first time- “gendered discrimination”.³ However, it fell short of containing an explicit prohibition based on sex characteristics in line with the provisions of Laws 4443/2016 and 4491/2017. In addition, by virtue of Law 4604/2019 the definitions of “direct” and “indirect” discrimination stipulated in Law 3896/2010 were replaced; the new wording adopted raises questions as to its compatibility with EU law.⁴ Furthermore, during the recent Constitutional amendments, the GNCHR proposal to enrich the non-discrimination grounds including sex, gender identity and sex characteristics, among others, (art. 5 (2)) was not retained⁵.

II. Violence against women and domestic violence

The GNCHR welcomed the ratification by the Greek State of the *Istanbul Convention on preventing and combating violence against women and domestic violence* by Law 4531/2018, which constitutes the first legally binding text providing a comprehensive prevention, protection and prosecution towards violence against women.⁶ This law complemented and improved Law 3500/2006, which was lacking a coordinated effective approach to violence prevention, prosecution and victim protection.⁷ The new law, among others, strengthens the criminal provisions punishing female genital mutilation, criminalizes stalking and domestic violence, enhances the rights of victims of domestic violence, facilitates the implementation of the Convention and designates as “coordinating body” the General Secretariat of Family Policy and Gender Equality -

³ Article 2 par. 9 defines gendered discrimination as physical, psychological or verbal conduct, through which persons are degraded, inter alia, on the grounds of gender identity.

⁴ See Article 2: “Definitions” of Directive 2006/54/EC.

⁵ The GNCHR proposed to extend the “absolute protection of life, honor and liberty already provided for, without discrimination of nationality, race, language or religion or political belief”, to include protection against discrimination based on color, disability, age, sex, sexual orientation, gender identity or sex characteristics, national or social origin, ethnic minority, property, birth or other status, in accordance with international and European human rights standards. This proposal was discussed at the Parliament but was not finally adopted given the lack of special majority required. GNCHR, [Proposals](#) for the reform of the Constitution, 7.2.2019, p. 5 [in Greek].

⁶ The President of the GNCHR Maria Gavouneli participated in the meeting of 22nd October 2019 of the Special Standing Parliamentary Committee on Equality, Youth and Human Rights regarding “Information on the monitoring of the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)”. See also GNCHR [Observations](#) on Draft Law “Ratification of the Council of Europe’s Convention on Preventing on preventing and combating violence against women and domestic violence and adaptation of the greek legislation, March 2018 [in Greek]

⁷ Law 3500/2006 was strongly criticised as an inadequate and ineffective tool, creating legal uncertainty and difficulties in implementation, such as non-inclusion of all forms of violence, definition of rape based on violence and not on the absence of consent.

GSFPGE within the Ministry of Labour and Social Affairs. Key obligation of the State is to respond adequately to such violence within the wider framework of achieving equality between women and men but also children and the elderly.⁸ Two other positive legislative steps were taken in line with the Istanbul Convention, i.e. the redefinitions of gender by Law 4604/2019 and of the legal concept of rape on the basis of non-consent in the Penal Code (art. 336).

An innovative element of Law 4531/2018 is the provision of raising awareness and public information actions regarding different forms of violence.⁹ In this regard, the GNCHR, acting as a bridge-builder between civil society and the State and under its promotional and educative mandate, could play a significant role in raising awareness and training activities. The GNCHR has already addressed specific Recommendations to the competent State authorities to this end¹⁰.

The GNCHR has been monitoring the implementation of the Convention since its ratification, addressing the issue of discrimination against women in a cross-cutting manner in various areas of its work. Under this mandate, the GNCHR welcomes the monitoring role of the GSFPGE¹¹ and the data collection and research conducted by its Observatory. On the other hand, the Commission shares the concerns of the *UN Working Group on discrimination against women and girls* regarding the non-prosecution of perpetrators despite the significant number of domestic violence reported cases.¹² Likewise, measures such as the introduction into schools of educational material on the elimination of gender stereotypes and the training of professionals in the field have not yet been launched.¹³ Moreover, lack of available sex-disaggregated data in relation to all

⁸ See [European Council of Europe, General Leaflet on the Istanbul Convention](#).

⁹ [The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\): Questions and answers](#).

¹⁰ GNCHR, Annual Report 2018. Similar proposals and Recommendations have recently been addressed in view of domestic violence during the pandemic. GNCHR Statement on "*Domestic violence in the time of the coronavirus: Women's organizations share their experience*", Parliamentary Committee on Equality, Youth and Human Rights, (May 2020); GNCHR [Press Release](#): Domestic violence in the time of coronavirus: Women's organizations share their experience, 22.5.2020.

¹¹ The GSFPGE is part of the National Mechanism for Gender Equality at central national level together with: 1) the Research Centre on Gender Equality (KETHI), 2) the Gender Equality Units of all ministries and 3) the Ombudsman (Equality Section). See Article 4(1) of law 4604/2019

¹² The *WG on discrimination against women and girls* has visited Greece in April 2019. The WG experts are concerned that there is uneven coordination of support services for victims of the various forms of gender-based violence, as well as programmes for perpetrators. Human Rights Council, *Visit to Greece: Report of the Working Group on discrimination against women and girls*, A/HRC/44/51/Add.1.

¹³ See also European Commission, European network of legal experts in gender equality and non-discrimination, [Country report gender equality: Greece 2020](#).

forms of gender-based violence and crimes against women remains also a key challenge that impedes progress.

A recent positive development is the adoption of the National Action Plan on Women, Peace, Security by the Ministry of Foreign Affairs¹⁴ in cooperation with all competent Ministries and agencies.

III. Participation in political and public life

Greece ranks last in the EU on the Gender Equality Index¹⁵, with the lowest scores in relation to women in power. In the political field, the Greek Parliament elected in 2020 the first female President of the Hellenic Republic, while in the Cabinet only 6 out of 53 members are women. The quotas introduced in favour of women's participation in the elections¹⁶ have not substantially contributed to an increase in elected representatives. In justice, both Presidents of the Supreme Court and the Council of State are women. Severe inequalities occur with respect to women in leadership positions in the private sector. Only 9% of board members of the largest publicly listed companies are women. To address the imbalance, Law 4706/2020 introduced a 25% quota for the representation of women in administrative boards of listed companies in the Athens Stock Exchange.¹⁷ Similarly, Law 4276/2020 adopted a positive measure (quota) in favour of the under-represented sex, i.e. female with a view to the balanced participation of men and women in the administrations of sports clubs¹⁸.

IV. Employment

In terms of positive recent developments, the GNCHR highlights the transposition of EU Directives on gender equality into the national legal order, the designation of the Greek

¹⁴ In implementation of UN Security Council Resolution 1325/2000.

¹⁵ EIGE, [Index score for Greece for 2019](#) is 51.2% whereas the average score in EU countries is 67.4%. Greece's score in the [domain of power](#) is 24.3%.

¹⁶ In fact, Law 4604/2019 (article 15) increased the quotas for each sex from 1/3 to 40% of the total number of candidates for parliamentary national and European elections.

¹⁷ For more information please visit: <https://www.equalitylaw.eu/downloads/5251-greece-gender-quota-of-a-minimum-of-25-for-administrative-councils-of-listed-companies-100-kb>

¹⁸ Article 2: "General Assembly of a sports club - Nominations - Amendment of article 5 of law 2725/1999" includes in paragraph 5 the following wording: "The number of candidates of each sex must be at least equal to one third (1/3) of the number of seats to be elected, including that of the president. If during the calculation made on the basis of the above-mentioned fraction a decimal number appears, it is rounded to the next whole unit".

Ombudsman as the Equality Body with an enhanced monitoring mandate¹⁹ and some initiatives undertaken by the GSFPGE²⁰. However, the GNCHR has identified certain gaps in the existing legislation and in practice²¹ that limit women's labour rights, i.e. the high female unemployment rate²², dismissals of pregnant women in the private sector in flagrant breach of the law, the absence of a minimum single maternity benefit to all working mothers, the continuous reduction of the already insufficient day-care structures for children and dependent persons.²³ Moreover, the multiple State interventions to collective autonomy, especially as to the scope and mandatory character of both general and sectoral Collective Agreements setting uniform labour standards, resulted in the widening of the gender pay-gap²⁴. Additionally, the lack of a coordinated data system results in the failure to collect reliable statistics on gender discrimination in the workplace in Greece²⁵.

The GNCHR has repeatedly reiterated that the financial crisis exacerbated an evident setback in protecting women's labour rights²⁶. At the same time, the emergency restrictive measures on employment to combat the pandemic, such as flexibility in working hours or teleworking without a comprehensive regulatory framework²⁷, deteriorated existing inequalities²⁸.

¹⁹ Discrimination between men and women continues to be the main reason that action is sought by the Greek Ombudsman according to its special Annual Reports on Equal Treatment

²⁰ UPR Mid-term reports, Greece

<https://www.ohchr.org/en/hrbodies/upr/pages/uprimplementation.aspx>

²¹ Submission by the Greek National Commission for Human Rights (GNCHR) to the UN Human Rights Council's Universal Periodic Review of Greece, September 2015

²² 2019-04-01 Observatory of the General Secretariat for Gender Equality 19th e-bulletin - Female Unemployment [in English]

²³ Greek General Confederation of Labour (G.S.E.E) CEACR Observations 30.8.2019
The GNCHR Annual Report 2016, p. 251

²⁴ Submission by the Greek National Commission for Human Rights (GNCHR) to the UN Human Rights Council's Universal Periodic Review of Greece, September 2015

²⁵ Greek General Confederation of Labour (G.S.E.E) CEACR Observations 30.8.2019.

²⁶ Since 2011, the ILO CEACR through its Reports concerning Greece expresses its concerns at the "disproportionate impact" of the crisis and austerity measures on women and the widening of the pay gap to their detriment.

See further: "Statement of the Greek National Commission for Human Rights (GNCHR) on the impact of the continuing austerity measures on human rights", 15.7.2015; GNCHR, "Observations on the 24th Greek Report on the application of the European Social Charter and on the 9th Greek Report on the application of the Additional Protocol to the European Social Charter", 9.10.2014; GNCHR, "Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the International Covenant on Civil and Political Rights (ICCPR)", 5.12.2013.

²⁷https://www.eurofound.europa.eu/data/covid-19/working-teleworking?var=D002&cat_sel=Yes,%20permanently_Yes,%20temporarily&chart_type=Bar&country_filter=Greece

²⁸ Observation (CEACR) - adopted 2016, published 106th ILC session (2017)

Finally, the GNCHR appreciates the recent launch of the Pegasus project²⁹, which contains policy proposals for addressing the existing gender gap in pensions on a multifaceted basis, in order to overcome, *inter alia*, the shortcomings of the recent Law 4387/2016³⁰.

V. Disadvantaged groups of women

Women with disabilities

It is the oft-repeated opinion of the GNCHR that the existing protection scheme for persons with disabilities lacks continuity and coherence in the context of the measures and services provided as well as coordinated data.³¹ Insufficient free-of-charge care services targeting at women with disabilities limit their ability to participate in public and professional life. The actions undertaken by the Greek State cover specific policy fields lacking, thus, a horizontal inclusion and mainstreaming of the dimension of disability at the designing of social policies.³² Another source of concern for the GNCHR is the exclusion of minimum wage from the content of national general collective agreements, a development that especially affects persons with disabilities³³.

The GNCHR recognizes actions achieved by the GSFPGE in order to support women³⁴, and programs designed by the Ministry of Labour and Social Solidarity³⁵ in favour of persons with disabilities regardless of gender. Unfortunately, the cumulative effects of

²⁹ The "PEGASUS: Addressing the Gender Pension Gap in Greece" Project is implemented with the collaboration of the General Secretariat for Family Policy & Gender Equality (coordinator), the Research Centre for Gender Equality (KETHI) and the National Center for Social Research (EKKE) and is co-funded by the European Union's "Rights, Equality and Citizenship" Program (2014-2020), September 2020. See also Pegasus: Policy proposals for tackling the gender gap in pensions in Greece – Synopsis file:///E:/CEDAW/PEGASUS_SYNOPSH.eng.pdf

³⁰ Law 4387/2016 *Unified Social Security System - Insurance-pension system reform - Income and gambling tax arrangements and other provisions*. See in detail "PEGASUS: Addressing the Gender Pension Gap in Greece" Project.

³¹ [Shadow Report submitted by the Greek National Commission for Human Rights to the UN Committee on the Rights of Persons with Disabilities](#)

³² [NCDP Alternative Report of Greece 2019 \(final version\) and response to the List of Issues](#)

³³ [Shadow Report submitted by the Greek National Commission for Human Rights to the UN Committee on the Rights of Persons with Disabilities](#)

³⁴ <http://www.isotita.gr/>

³⁵ GNCHR Annual Report 2017 – Contribution of the Greek Ministry of Labour

the recent financial measures and cuts in benefits³⁶ were exacerbated under the current pandemic³⁷.

The GNCHR welcomes with great satisfaction, as one of the stakeholders involved in the process, the first *National Action Plan 2020-2023 on the Rights of Persons with Disabilities*, which includes comprehensive protection policies and measures relevant to women with disabilities, chronic diseases, older women etc. in accordance with the UN guidelines.³⁸

Roma

Mindful of the multiple discrimination faced by women belonging to the Roma minority in Greece, the GNCHR has established a partnership with the JustRom programme of the Council of Europe on the empowerment of Roma women and their effective access to justice through raising awareness and training activities.³⁹ Equal access to education and school attendance is a key for progress in the social inclusion of Roma girls, who often quit school to enter into an early marriage and childbirth.⁴⁰ Likewise, equal employment opportunities for Roma women will enhance their financial independence and empower their social integration. Following recent on-site visits at camps in Northern Greece,⁴¹ the GNCHR took note of the poor housing and living conditions - even housing deprivation- of certain communities of the Roma population, which entail an increased health risk in times of coronavirus. Other entrenched problems in Roma neighbourhoods are shortages of water supply, electricity and waste disposal while in some areas (Xanthi, Larissa) many families faced serious obstacles related to food

³⁶ GNCHR: [Protection of the rights of older persons](#) GNCHR and Factsheet on the "Impact of Economic Reform Policies and Austerity Measures on Human Rights" (2010-2018)

³⁷ [GNCHR Report on the need for protection of human rights with regard to the measures taken in response to the coronavirus \(COVID-19\) pandemic and recommendations to the State](#)

³⁸ Positive measures in this direction were included in the National Action Plan on Gender Equality 2016-2020 See: <http://www.isotita.gr/ethniko-programma-drasis/>
[National Action Plan on Gender Equality 2016 -2020](#)

³⁹ For more information on the program, see for instance: https://pjp-eu.coe.int/en/web/access-to-justice-for-roma-women/greece?fbclid=IwAR2qA4zYmVzBEPF79KM3pjM4eTz-HhcQ_eXcWW7qC0pGhnGaT2JpZKhK9vs.

⁴⁰ More particularly, the Panhellenic Confederation of Greek Roma in its 12.10.2020 Memo addressed to the GNCHR has stressed the importance of giving an opportunity to Roma women to attend second chance schools along with their children.

⁴¹ GNCHR, [Press Release](#): Visit of a GNCHR's delegation in Roma camps in Thessaloniki, 5.11.2019 [In Greek].

supply and hygiene⁴². To address these problems, the Greek State allocated 2,255,000 EUR to 98 municipalities for medical supplies and equipment to Roma communities.

Migrants

Asylum-seeker, refugee and migrant women face multiple obstacles accessing and enjoying their rights common to all migrant population residing in Greece as a result of the high number of new arrivals in recent years, poor living conditions in overcrowded reception and accommodation centers, the lengthy asylum procedures and the lack of sufficient integration measures for the day after. Among newcomer migrants, women and girls account for around 50%.⁴³ Most girls are accompanied by a member of their family and few of them are unaccompanied or separated.⁴⁴ Following a recent on-site visit in Samos, the GNCHR found with regret that the system had collapsed.⁴⁵ Most worrying are the security incidents in and around camps, such as domestic violence, rapes of women and girls, extortions from smugglers and acts of trafficking which remain unreported due to the lack of a support system (e.g. shelters for victims outside the RICs) and mechanisms to facilitate their access to justice (such as the provision of interpretation services at the Police Directorates and Hospitals). Moreover, women usually qualify for a “vulnerable” person according to EU law and therefore, their specific needs must be always taken into consideration by the state authorities. Although the recent Law 4636/2019, as amended, restricted the protective scope for vulnerable asylum seekers, in light of the pandemic the Greek State coordinated the relocation of a significant number of vulnerable people from the islands into mainland Greece. Finally, the GNCHR has repeatedly advocated for the abolition of the administrative detention measure imposed on vulnerable people, among them families with small children as it disproportionately affects their rights.

⁴² For more details see the GNCHR’s [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State p. 4. See also FRA, Coronavirus pandemic in the EU – Impact on Roma and Travellers, [Bulletin No.5](#), 1 March – 30 June 2020, p. 11

⁴³ For instance, according to [UNCHR data](#), on February’s arrivals (2020), women accounted for 22% and girls for 21%.

⁴⁴ Pursuant to official statistical data, currently 4222 unaccompanied children live in Greece of which a 7,2% are girls. National Center for Social Solidarity, [Situation Update: Unaccompanied Children in Greece \(UAC\)](#), 30 September 2020.

⁴⁵ GNCHR, [Press release](#): In Samos the system has collapsed, 23.1.2020.