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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-second session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 April 2004, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Greece (E/1990/5/Add.56; E/C.12/Q/GRC/1; HR/CESCR/NONE/2003/7; HRI/CORE/1/Add.121)

1. At the invitation of the Chairperson, Ms. Boulkou, Ms. Diakoumakou, Mr. Garipis, Mr. Karayiannis, Mr. Kastanas, Mr. Konstantopoulos, Ms. Kyriakaki, Ms. Manganara, Ms. Moustakatou and Mr. Sarris (Greece) took places at the Committee table.
2. Mr. KARAYIANNIS (Greece), introducing his country's initial report (E/1990/5/Add.56), said that, although the report covered mainly the period between 1996 and 2001, some references were made to previous decades in order to give a complete picture of the situation prevailing in Greece. His Government attached great importance to the work of the treaty bodies and regretted the delay in the submission of the report. The preparation process, which had involved 13 different ministries, had enabled the Government to take stock of the progress achieved so far in the implementation of the rights enshrined in the Covenant and to identify areas where further efforts were needed. The Committee's guidelines on the form and content of periodic reports had been followed to the maximum extent possible.
3. The principles of the universality, indivisibility and interdependence of human rights were fully reflected in the Greek Constitution, which had been revised in 2001 to incorporate a provision confirming that Greece was a welfare State under the rule of law. According to the Constitution, the Government was responsible for ensuring compliance with that provision and for guaranteeing the rights of individuals.
4. A number of major developments had taken place since the submission of the report. For instance, the Ministry of the Interior, Public Administration and Decentralization had channelled over 10 million euros into an integrated action programme introduced in 2002 to promote the social integration of the Roma people. Under the programme, housing works had already been completed in 53 municipalities and it was envisaged that substantial housing loans would be provided to 9,000 members of the Roma population living in tents, shacks or other temporary constructions. A number of special committees had been established at the central and regional levels to monitor the implementation of the programme, with the participation of representatives of the State and Roma organizations. Furthermore, the scope of application of the legislation governing the relocation of repatriated Greeks from the former Soviet Union had been extended in order to address the urgent housing needs of disadvantaged sectors of the population. On that basis, the Minister of the Environment, Town Planning and Public Works had the authority to approve urgent housing projects for those sectors. Since 1997, a total of 1,682 prefabricated houses had been given to members of the Roma population and a further 800 were being constructed.

5. In June 2003, the Ministry of Health and Welfare had opened an Emergency Social Care Unit that, inter alia, operated a telephone hotline providing information and psychological counselling to victims of trafficking. Furthermore, in accordance with a new law, an inter-ministerial committee had been established to address the problem of trafficking in human beings.

6. Under a law adopted in 2004, a number of measures had been taken to provide disabled people with adequate social protection and a decent standard of living.

7. The only officially recognized minority in Greece was the Muslim minority in Thrace, which was protected on the basis of the 1923 Treaty of Lausanne. The minority consisted of three distinct groups, each with its own distinct spoken language and traditions, the members of which being either of Turkish origin (about 50 per cent), of Pomak origin (about 35 per cent) or Roma (about 15 per cent). Their common religion was the basis of their denomination as a minority. The non-recognition of a group as a minority on legal and factual grounds did not impair the enjoyment of the group's economic, social and cultural rights.

8. There was a growing interest in Greece on the part of the legal community and civil society in the international human rights treaties. His Government would do its utmost to draw the attention of all interested parties to the importance of the Covenant and to the work and conclusions of the Committee.

Articles 1-5 of the Covenant

9. Mr. PILLAY said that he welcomed the presence of a high-level and representative delegation. Given that the international human rights treaties that had been incorporated into the Greek legal order could be invoked before the courts, he wondered why so few court judgements referred explicitly to the provisions of the Covenant or to the equivalent social rights that were enshrined in the Constitution. In its written replies, the State party indicated that many constitutional provisions and social rights were formulated in broad terms. Did that mean that those rights were not justiciable? It also stated that the Greek courts had sought to give flesh and blood to some provisions which, at first glance, did not establish a legally enforceable individual right. The State party should perhaps reconsider its interpretation of the Covenant, as there should be no question about the enforceability of its core elements. As no answer had been provided to question 2 in the list of issues, the delegation should indicate what was being done to remedy the fact that the public knew so little about the Covenant.

10. Mr. ATANGANA said that, according to the information provided by the State party, the Greek Ombudsman had recently called on the citizens of the municipality of Nea Kios to negotiate and cooperate with the Roma living in a nearby encampment in order to address the mounting racial tension between the two groups. He wondered whether that measure was sufficient. He would also like to know whether the Ombudsman had taken any steps to address the fact that the Roma were increasingly being exposed to threats and violence by the police.

11. Mr. TIRADO MEJÍA said that a number of sources suggested that Greece was failing to comply with the provisions of the international human rights instruments that formed part of its national legislation. He would like to know the extent to which the Covenant was being implemented in Greece and wondered what the Government's position was with regard to the

Optional Protocol. He would also be interested in knowing what steps had to be taken by citizens who wished to defend the rights contained in those instruments before a court of law. The delegation should also indicate the extent to which the National Commission on Human Rights had participated in the preparation of the report and how independent that body was.

12. Mr. SADI said that he welcomed the strong female presence in the delegation. He had been somewhat surprised to learn that the 1923 Treaty of Lausanne, rather than the International Covenant on Civil and Political Rights, to which Greece was a party, constituted the legal basis for the protection of the country's Muslim minority. He would like to hear the Government's views on article 27 of that Covenant, which articulated quite clearly the rights and the protection that should be enjoyed by minorities, and on its Optional Protocol. He would also like further information about how the Government dealt with minorities - whether officially recognized or not.

13. Ms. BRAS GOMES said that, while she appreciated the measures that were being taken to reduce discrimination against the Roma community, it appeared from the information provided that a substantial share of the responsibility for race-based discrimination against the Roma lay with local government leaders whose territories incorporated Roma encampments. She expressed concern that a safety net appeared to be in place to provide protection for those officials. According to an independent source, the Greek Ombudsman had recently found a municipality to be guilty of illegally evicting a group of Roma from a settlement near Athens due to the construction of facilities for the forthcoming Olympic Games. She would like to know what measures were being taken to encourage local authorities to comply with existing legal principles regarding the fair treatment of the Roma. She would also like to know whether the legislative framework regulating the treatment of foreigners in Greece had been amended to incorporate the recommendations of the Ombudsman; if not, she would like to know whether there were any legislative obstacles to their incorporation.

14. Mr. MARCHÁN ROMERO said that, while he respected the fact that the Muslim minority was the only officially recognized minority in Greece from a legal point of view, the Committee addressed the question of minorities in a much broader sense. Nevertheless, he welcomed the positive spirit in which the delegation had stated that the non-recognition of a particular group as a minority on legal and factual grounds did not impair the enjoyment of that group's economic, social and cultural rights.

15. Mr. MALINVERNI asked the delegation to explain what was meant in response to question 1 in the list of issues by the statement that each constitutional provision guaranteeing economic, social and cultural rights had a "minimum of normative substance". The State party had further indicated in its replies that, as soon as the Parliament fulfilled a "constitutional mandate" and adopted an act implementing economic, social and cultural rights, it could not repeal that act without replacing it and could not amend it in a way that directly contravened the "mandate". He would be interested in knowing whether economic, social and cultural rights were considered to be directly and legally binding or whether they were seen simply to be part of a constitutional mandate.

16. He shared the concerns expressed by other Committee members with regard to the fact that Muslims were the only officially recognized minority. Under a number of international human rights instruments, including the Framework Convention of the Council of Europe for the Protection of National Minorities, a minority did not have to be officially recognized in order to exist and to receive the protection of the State.

17. Mr. KASTANAS (Greece) said that, although the question of the self-executing nature of the Covenant had never been addressed explicitly by the Greek courts, reference had been made to the Covenant and other international treaties on economic, social and cultural rights in a number of court judgements, particularly in cases relating to family benefits and the right to social security. Furthermore, the courts were willing to consider whether or not a law was in conformity with the Covenant. References to the Covenant were, nevertheless, very rare, because Greek courts tended to refer initially to the extensive catalogue of social rights contained in the Constitution. They would later refer to the international treaties to which Greece was a party if they found that those instruments provided broader protection.

18. In fact the country's legislation provided a comprehensive framework conducive to the fulfilment of the rights enshrined in the Covenant.

19. The principles of equality and non-discrimination were of great importance in the implementation of social, economic and cultural rights. Any legislation which violated constitutional provisions on economic, social and cultural rights could not be applied. Pursuant to a ruling by the Supreme Court, any regulation which favoured a certain category of beneficiaries had to be extended to all persons who had been excluded from that category without reasonable justification.

20. Under international law, certain criteria had to be met in order for a State to recognize a group as a minority. For example, although the Government acknowledged the right of every member of the Muslim minority to speak his or her language and practise his or her religion, it refused to classify the entire Muslim minority as Turkish as that was clearly not the case and ran counter to the Treaty of Lausanne. It was up to the State to determine whether a group met the criteria for official recognition as a minority. No treaty body had ever requested a State to officially recognize a group as a minority and to grant it minority rights. However, the fact that a particular group had not been recognized as a minority did not hinder in any way its enjoyment of economic, social and cultural rights.

21. The Greek authorities were sensitive to the situation of vulnerable social groups, such as the Roma people. Numerous measures were being implemented to meet the demands of those groups in various fields. In its concluding observations in 2001, the Committee on the Elimination of Racial Discrimination had welcomed the measures taken by Greece to promote equality among individuals. The National Commission on Human Rights was an independent national institution which had been established on the basis of the Paris principles and which had been a member of the European Coordinating Committee of National Institutions since 2002.

22. Training and awareness-raising among members of the judiciary were essential for effective implementation of international human rights instruments. In the past, the Ministry of Justice had conducted information campaigns on human rights treaties for judicial officials. In 2000-2001, the training department of the national school of judges had organized seminars

on the impact of the European Convention on Human Rights on the interpretation and application of Greek law. Further steps would be taken to ensure wider dissemination of the Covenant among legal practitioners, judges, and individuals who wished to assert their economic, social and cultural rights.

23. Mr. KONSTANTOPOULOS (Greece) said that all Greek people, including Greek Roma, were equal under the Constitution. The police acted in accordance with the Constitution and handled all cases of Roma delinquency with particular delicacy. If a dispute arose between the Roma and local authorities regarding decisions taken by the latter, the police sought to resolve it. In cases involving insults, threats or bodily harm, the relevant provisions of the Penal Code were applied. Reports of maltreatment of the Roma people by the police, submitted by non-governmental organizations (NGOs), were immediately investigated and the NGOs concerned informed of the conclusions.

24. Ms. KYRIAKAKI (Greece) said that the Government was concerned about the Roma people and the allegations of police interference. The police worked to protect the rights of all people regardless of their ethnicity and made every effort to prevent human rights violations. In the case of Nea Kios, police had intervened only when asked to do so in order to help ease tension between the town residents and the local Roma.

25. Ms. MOUSTAKATOU (Greece) said that the Ombudsman often dealt with economic, social and cultural rights. In July 2003, in an effort to expand the Ombudsman's jurisdiction, a department had been established to deal specifically with children's rights, and had thus far received 90 cases.

26. In addition to their own activities to support women's issues and raise public awareness, NGOs and, in particular, women's organizations, had participated in the preparation of a human rights report. The Ministry of the Interior, Public Administration and Decentralization had recognized the importance of the report and, upon its completion, intended to coordinate its publication and dissemination among public administration services.

27. Ms. DIAKOUMAKOU (Greece), replying to Mr. Malinverni's question, said that in 2003, the European Council Directive 97/80/EC on the burden of proof in cases of discrimination based on sex had been incorporated into Greek legislation. When an individual claimed that his or her rights had been violated on the ground of unequal treatment, it was up to the other party to prove that the equal treatment principle had not been violated. The application of the legal provisions relating to equality of treatment in employment was supervised by the Labour Inspectorate.

28. Under article 22 of the Constitution, all employees were entitled to equal pay for work of equal value. Another article prohibited discrimination on the ground of gender in the application of the terms and conditions of work and professional development and career. Trade unions were free to inform employees about the provisions on equal treatment and the measures taken to implement them.

29. Mr. PILLAY said that the State was not fulfilling its obligations under the Covenant with regard to the right to housing. According to the delegation, all provisions of the Greek Constitution were legally binding. However, paragraphs 347 and 350 of the initial report indicated that the right to housing was not legally enforceable and deviated from the legally binding right to adequate housing enshrined in the Covenant.
30. Mr. KASTANAS (Greece) said that the primary responsibility for fulfilling the rights enshrined in the Covenant lay with legislators. There were limits to what judges could do to implement social, economic and cultural rights. It was the legislators' duty to take measures to ensure that the right to adequate housing was being implemented. However, although courts could intervene if a legislator failed to act when a certain right had been violated, they could not order the State to provide an individual with living quarters.
31. Ms. IYER said that both the Ombudsman and the National Commission on Human Rights had stressed that the constitutional provisions safeguarding human rights and equality were not being implemented effectively. In that regard, she welcomed the integrated action programme to promote the social integration of Roma and the fact that some houses had already been handed over to them.
32. Ms. BARAHONA RIERA commended the delegation on the clear presentation of the report. The legal framework for gender equality was one of the most advanced she had seen. Certainly, legislation was the first step towards achieving gender equality. The Greek Constitution also recognized the legality of adopting positive measures to promote gender equality and non-discrimination in general, an innovative and praiseworthy approach.
33. However, practical implementation was equally important, and she would thus welcome concrete examples of the implementation of such positive measures, or cases where they had been used as a basis for court rulings.
34. Mr. CEAUSU asked for clarification regarding constitutional provisions that guaranteed certain civil and social rights exclusively to Greek citizens (E/1990/5/Add.56, para. 40). It was common to most Constitutions to reserve certain political rights for citizens. It would, however, be unusual, and not consistent with a State party's obligations under the Covenant, to refuse foreigners the right to assembly, the right to join trade unions, freedom of association and equality before the law. The issue was particularly pertinent given that Greece had a sizeable migrant worker population, which should be granted those rights.
35. As to exceptions to foreign workers' access to social protection (E/1990/5/Add.56, para. 50), he asked whether foreigners, unless in possession of a passport or any other identification document, could legally be refused emergency medical treatment.
36. Mr. SADI asked the delegation to specify the provisions of the Shariah law that the State party considered to be in contravention of the fundamental principles of national legislation, or of its obligations under international treaties.
37. Mr. KASTANAS (Greece), replying to the question on foreigners' rights, said that although certain constitutional provisions reserved a number of specific services to Greek citizens, they did not explicitly prohibit the provision of such services to foreigners. In practice,

it was incumbent on the legislator to ensure that legislation was consistent with constitutional provisions that safeguarded the right to life and respect for human dignity irrespective of citizenship, as well as with relevant international treaty obligations.

38. Mr. GARIPIS (Greece) said that all foreigners, regardless of their legal status, had access to hospital treatment free of charge. As a result, the Government had amassed considerable debt, as for example in 2003 around 1 million foreigners had received free hospital treatment in Greece.

39. Ms. BOULKOU (Greece) said that, although she was pleased that several members of the Committee had raised questions on gender equality, the positive measures that had been implemented to that end would best be discussed under the relevant articles of the Covenant.

40. Ms. MOUSTAKATOU (Greece) said that, while she would discuss the practical application of positive measures later, relevant statistics might prove useful to illustrate gender equality practices.

41. Although active female participation in politics was still limited, the number of candidates and elected national representatives had increased steadily. Over the course of the last three elections female representation in State institutions at all levels had doubled. Out of the 300 members of the Greek Parliament 39 were women, which represented a substantial increase. In addition, the current Parliament had the first woman President in Greek history, and 17 per cent of prefectural councillors were women. Overall, the implementation of positive measures had proved successful.

42. Ms. DIAKOUMAKOU (Greece) said that the right of migrant workers to join trade unions was explicitly guaranteed in Greek legislation. The right to equal pay for men and women also applied to migrant workers. Trade unions and employers recognized the importance of equal treatment of foreign and Greek workers and the unprejudiced applicability of international labour agreements.

43. Ms. KYRIAKAKI (Greece), replying to the question on the contribution of the Greek National Commission on Human Rights and the Greek Ombudsman, said that considerable efforts had been made to implement their recommendations, particularly when devising government programmes relevant to the Roma community. In the case of Maroussi municipality, for example, the Commission had suggested that the local authorities should provide rental housing for Roma people to address problems in relation to Roma settlements in the area. The Government had supported that proposal, which would enable the municipality to undertake the necessary infrastructure adjustments in preparation for the Olympic Games.

44. Special committees had been created to facilitate cooperation at the national, regional and local levels, with particular emphasis on the participation of the Roma community. Roma representatives had been actively involved in the process of allocating housing within the context of resettlement aimed at improving living conditions for the Roma population.

45. An intermunicipal network established in all concerned municipalities participated in monitoring the implementation of the integrated action programme for the social integration of Roma and the State housing programme.

46. It was true that considerable disparities persisted between the social and the legal reality of the Roma community, but considerable efforts were made within the framework of the integrated action programme to remedy the shortcomings. A programme had been launched to grant Roma people housing loans with a view to facilitating access to adequate housing. Around 9,000 loans would be granted and financial resources had already been allocated for that purpose. Thus far, 4,797 successful applications had been processed and the applicants were due to receive a loan of 60,000 euros. The programme was a significant step forward towards implementing the right to adequate housing.

47. As to the rights of foreigners, article 51 of Act No. 2910/2001 made explicit reference to providing equal access to public services for all foreigners, especially in cases of humanitarian need.

48. Ms. MANGANARA (Greece), replying to the question on reconciliation of Islamic Shariah law with Greek public order and international obligations, said that Greek legislation prohibited practices that contravened the fundamental principles of national legislation or international treaty obligations, such as polygamy, marriage under the age of legal responsibility and marriage by proxy. Any such practices could be challenged.

49. Ms. BARAHONA RIERA said that it would be useful to learn about the judicial status of the positive measures enshrined in the Constitution. She asked whether those measures were used as a basis for court rulings with a view to affirming non-discrimination against women.

50. Ms. DIAKOUMAKOU (Greece) said that one example of the implementation of positive measures was the introduction of a quota system in public employment.

51. Ms. BOULKOU (Greece) said that when discussing the implementation of specific measures, her delegation would welcome any recommendations or comments by the Committee.

52. In terms of gender equality in employment, the great disparity in employment figures for men and women in rural areas remained a cause for concern. Of the total workforce employed in the primary sector, 57.1 per cent were men and only 22.9 per cent were women. In addition, the employment status of women was decidedly inferior to that of men. Fifty per cent of rural working women were non-remunerated employees of family farms, 28 per cent were in paid employment, 19 per cent were self-employed and only 3 per cent were owners of family farms. Consequently, one of the main objectives for agricultural rural development was to increase the proportion of women in paid employment in the primary sector and their promotion as managers or owners of farms. Legislation had been modified to that end, but positive practical measures needed to follow.

53. Since 2002 all government programmes had contained provisions for specific financial incentives for women with a view to promoting their active and autonomous participation in primary sector activities.

54. In addition, efforts had been made to achieve greater diversification of rural economies, for example through the promotion of agrotourism. Legislation had been modified to reduce the number of members required to found cooperatives in order to encourage women to collaborate. The subsequent proliferation of cooperatives indicated the success of that strategy.

55. Within the framework of the LEADER programme for rural development, local action groups had been created to promote and monitor its implementation. One of the basic criteria to receive funding for a given project was the extent to which the project created employment opportunities for women. Another prerequisite was the undertaking of a gender appraisal so as to ensure that specific needs of local women were accommodated in the framework of a given project.

56. Mr. GARIPIS (Greece) said that a recent decision taken by the Council of State was another example for the implementation of positive measures. In the past, in cases where both members of a couple had been civil servants, only one of them had been granted a family allowance. The Council's new ruling stipulated that, based on the principle of equality, the allowance would henceforth be granted to both.

57. Mr. KONSTANTOPOULOS (Greece) said that the Ministry of Public Order actively took into consideration the comments and recommendations made by the National Commission on Human Rights. The Commission had submitted a proposal for a bill regarding arms possession and use of firearms by police personnel and its recommendations had been incorporated in subsequent legislation.

58. Another example concerned restrictive orders against women employed by the Greek police. The National Commission on Human Rights had issued a special report on the matter and had called on the Ministry of Public Order to abide by the relevant provisions in the Constitution, relevant case law of the Council of State and European Union legislation, all of which prohibited gender-based exclusion, including restrictive orders against women. In response, the Ministry had proposed a bill with a view to eliminating restrictive orders against women police officers.

Articles 6-9 of the Covenant

59. Mr. TEXIER said that it was regrettable that Greece had taken 17 years after acceding to the Covenant to submit its initial report.

60. He noted that the report provided unemployment-related data from 1999 and wondered whether the delegation could supply more recent figures. It would also be useful to learn about current employment trends. The report revealed considerable regional differences in unemployment, often owing to seasonal fluctuations in tourist areas. He asked whether specific measures had been taken to redress those regional imbalances.

61. He would also be interested to learn what role the justice system played in safeguarding the right to work, and whether there were any judicial institutions that specifically ruled on labour disputes. He asked the delegation to give an indication of the volume of labour-related claims and to specify the most frequent grounds for those claims. In addition, he asked what role the courts played in the implementation of international labour conventions.

62. The delegation should provide current minimum wage figures. It should also explain how the minimum wage was determined and what role, if any, was played by the State in that determination. He asked how often the minimum wage was re-evaluated and what factors were taken into account in doing so. He enquired whether a Greek worker could earn a decent living and support a family with a minimum-wage income.

63. Regarding the issue of discrimination against women in the workplace, it was encouraging that a recent law had shifted the burden of proof from the victim to the employer. Moreover, that echoed the current practice in a large number of countries. He asked whether such a shift applied to other forms of discrimination as well. He wished to know what percentage of women was employed in traditionally male-dominated professions, what trends had emerged in that regard and whether women in such professions suffered discrimination. He requested details on differences in pay levels between men and women in Greece.

64. He wished to know which institutions and bodies were prohibited by law from striking. He asked what percentage of labour conflicts was resolved through collective bargaining as compared to those in which employees resorted to striking.

65. Mr. MALINVERNI said that the State party had provided only a partial answer to question 7 in the list of issues by indicating that it had conducted a study on the participation of women in decision-making activities in the banking system. He would be interested in knowing what broader measures had been taken by the State party to address gender-based job discrimination in the private sector. He would also like to know whether the figures indicating that two thirds of Roma children did not attend school were accurate. If so, he wondered what measures were being taken to address that problem.

66. Ms. BRAS GOMES enquired whether the legislated reduction in employers' social security contributions had increased the level of employment, as intended, and whether it had adversely impacted the financial viability of the social security system. She requested details on the reform of the social security system begun in 2002 and enquired whether the emphasis on pension adequacy had met its stated goals of preventing poverty in old age and protecting the purchasing power of pensions. The risk in the Greek system, which provided various benefits for various target groups, was that the decision to grant or withhold benefits was often subjective. She asked what the position of the Government was concerning the establishment of a rights-based minimum guaranteed income for all.

67. She asked how long the special unemployment benefit was paid to persons who had exhausted their entitlement to unemployment compensation and how the system protected them once the special unemployment benefit had been exhausted as well.

68. Mr. CEAUSU asked whether the Labour Inspectorate could shut down an enterprise, construction site or workshop, for example, if it considered that the employer had failed to respect occupational safety and health regulations. He enquired whether legislation on occupational safety and health applied to self-employed persons and to family enterprises.

69. Mr. MARTYNOV said that the figures for youth unemployment for persons aged 15 to 29 appeared to be very high. Since numerous programmes to address the issue had been under way for quite some time, he wondered whether the persistence of the problem meant that the

coverage of the programmes was inadequate or whether the programmes themselves were not effective. He wondered what steps the Government planned to take to deal with the high rate of youth unemployment.

70. He requested additional information on the mechanisms used to promote the employment of disabled persons in both the private and public sectors. He asked how the legal provisions concerning the employment of such persons were enforced, including the number of labour inspections carried out for that purpose. He wondered whether the Government planned to introduce specific legislation to protect disabled persons from discrimination in employment. The delegation should explain why the Government had not yet ratified International Labour Organization Convention No. 117 concerning Basic Aims and Standards of Social Policy and ILO Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, which were fundamental to the social rights of individuals. He enquired whether Greece intended to ratify those conventions.

71. Mr. GARIPIS (Greece) said that there were no special courts in Greece to handle labour disputes, as the latter were handled through civil procedure. There were, however, two means of settling disputes out of court. One was through mediation by the staff of the employment services in each city and the other was through the office of the Ombudsman, particularly for issues relating to collective bargaining. Neither means of settlement was compulsory and workers could file a complaint with the civil court at any time. A special streamlined procedure existed to handle labour disputes and judges tended, in general, to support workers. The reasons for the disputes most often concerned unpaid wages; only 10 per cent were trade union-related.

72. Ms. DIAKOUMAKOU (Greece) said that the average unemployment rate in 2003 had stood at 8.9 per cent; that was the first time in five years it had fallen below 10 per cent. The Government was encouraged by the steady downward trend in unemployment and would continue its efforts in that area. To address regional differences in the unemployment rate, the Ministry of Employment implemented specific programmes for regions where unemployment exceeded the national average.

73. The minimum wage for all workers was determined each year by the National General Labour Collective Agreement, which was concluded by employers' and workers' organizations. The State ratified the Agreement by law, but did not intervene in the procedure itself. Collective agreements were also concluded at the sectoral, professional or enterprise level and the wages established by such agreements could exceed, but could not fall below, those stipulated by the National General Labour Collective Agreement. The social partners took into account the inflation rate and general economic situation of the country in determining the minimum wage.

74. The shift of the burden of proof from the victim of discrimination to the alleged perpetrator applied to all types of discrimination, whether direct or indirect.

75. Ms. BOULKOU (Greece) said that in many remote areas of the country men and women were not remunerated equally. One of the reasons was that women who performed jobs in processing and manufacturing were often wrongly classified as unskilled workers. In order to

remedy that situation the Government had intensified awareness raising and advocacy of legal rights and had implemented vocational training programmes in which graduates received diplomas recognizing their skill level. Control mechanisms were still not adequate in such remote areas, but it was hoped that the situation would improve.

76. Mr. SARRIS (Greece) said that according to the Civil Servants' Code, only certain categories of civil servants were prohibited from striking. Those included the staff of the military, police force and fire brigade, as well as the civil staff of the National Information Service.

77. Ms. DIAKOUMAKOU (Greece) said that no legislation currently existed to protect disabled persons from employment discrimination; however, a bill incorporating European Council Directive 2000/78/EC prohibiting discrimination in employment on grounds of religion and belief, disability, age and sexual orientation was scheduled for submission to Parliament. A framework law provided for the compulsory placement of disabled persons in private enterprises and public entities that employed more than 50 workers. The obligatory recruitment of disabled persons was set at 2 per cent of regular staff for private enterprises and at 3 per cent for public entities. Special units responsible for the placement of disabled persons had been created within the public employment services and enterprises were required to submit annual reports on the number of staff employed and the types of positions to be filled through mandatory hiring. Disabled persons hired under the framework law had the same status as other staff, but were entitled to longer periods of annual leave. Numerous other programmes were aimed at creating jobs for disabled persons, providing them with psychological counselling and rewarding enterprises that successfully incorporated disabled persons into their staff.

The meeting rose at 6 p.m.