

Cultural relativism and austerity measures: threats to human rights and democracy

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Preliminary remarks

1. Gender equality is a universal fundamental value, principle and right, to be respected, implemented and promoted in all fields, as required by binding international and European instruments. These instruments do not merely prohibit discrimination on grounds of sex; they, moreover, impose the promotion of substantive, real, gender equality. Thus, substantive gender equality is a universal principle of proactive nature whose implementation requires adequate positive measures. Positive measures are not an exception to or derogation from gender equality. They do not constitute discrimination, as the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) explicitly stipulates (Article 4(1)), but a means to promote gender equality.²

2. The equal and substantive participation of women in all areas and at all levels of social, economic, cultural and political life is an essential condition for democracy. It is imposed by treaties of global scope as a fundamental right of every woman, but has been achieved in a small number of countries only. There is a dialectic relationship between gender equality and democracy: while there is no democracy without gender equality, it is only in a democratic framework that this equality can be substantive, real, and not merely formal. Moreover, while the equal and substantive participation of women is an objective to be constantly pursued, it is also a means. A means to safeguard and promote universal values and principles – indeed the fundamental rights of every human being, including economic and social rights, without any distinction.

3. Women are the great victims of inhuman and degrading practices across the world, which are justified by cultural relativism. Yet, cultural relativism conflicts with rules of global effect and is an affront to the multitude of human rights defenders who are fighting everywhere against these practices. Women are also the great victims of the economic crisis and austerity measures which ignore fundamental rights, particularly economic and social rights, and threaten democracy. International and European organisations and treaty bodies, as well as our every day experience, confirm the vulnerable position of women in both respects.

4. Therefore, we still have a long way to go, on a road fraught with all kinds of pitfalls, and we must constantly keep a lookout for risks of regression. Moreover, we must always recall that women are neither a group nor a minority, but one of the two forms of the human being and more than half of humanity.

I. The INGOs of the Council of Europe recall the universal and proactive nature of gender equality and condemn cultural relativism

5. The Conference of the International Non-Governmental Organisations (INGOs) enjoying participative status with the Council of Europe (CoE), adopted, last June, a Recommendation under the title “*Gender equality: a universal value, principle and human right to be respected and promoted in all fields*”.³ This Recommendation recalls the binding and proactive nature of gender equality and condemns cultural relativism.

¹ This text draws on a paper on ‘Gender equality and social rights: essential conditions for democracy’ presented by the author at a round table of the INGOs of the CoE on ‘Building inclusive democracy through women’, on 7 October 2012, within the framework of the World Forum for Democracy: http://www.coe.int/t/dgap/forum-democracy/default_EN.asp? and on a contribution to the *European Gender Equality Law Review* No. 2-2012: ‘Greece’: <http://ec.europa.eu/justice/gender-equality/document>

² See H. Masse-Dessen, ‘The place of gender equality in European equality law’, *European Gender Equality Law Review* No. 1-2011, pp. 6-12: <http://ec.europa.eu/justice/gender-equality/document>

³ CONF/PLE(2012)REC5: http://www.coe.int/t/ngo/Articles/CONF_PLE_2012_REC5_equality_en.asp.

6. The Recommendation quotes binding European⁴ and international⁵ instruments, which guarantee substantive gender equality. These instruments, which are based on the equal dignity of all human beings proclaimed by the Universal Declaration of Human Rights, proclaim the universal and non negotiable character of human rights, including gender equality. They call for the respect of all cultures, but they absolutely exclude:

- that ethnic, cultural, religious or linguistic traditions or customs may be invoked in order to prevent the exercise of human rights, including gender equality;
- that violations of human rights, including discrimination and violence of any form on grounds of gender, such as early and forced marriages, ‘honour crimes’, female genital mutilation or violation of sexual and reproductive rights, be justified by social, cultural, religious or other traditions and customs.

7. The Recommendation also recalls that these instruments, which are invoked by peoples and individuals of all cultures, require that the States take all appropriate measures in order to eliminate prejudice and social, customary and other practices based on the idea of the inferiority or superiority of either sex or stereotypical roles of men and women leading to violations of human rights, in particular women’s rights. These practices are also imported in Europe where they are exercised against migrant women and girls.

8. Indeed, the partisans of cultural relativism do not recognize that persons of certain countries or communities have the same rights as themselves. Yet, these persons, as individuals or members of groups or organisations are fighting, thrown in prison, tortured, executed for these rights around the world. Relativists ignore and despise them; for the relativists, all these persons are subhuman. Relativism is racism – a bomb in the foundations of democracy. It is mainly women and girls who suffer the inhuman and degrading treatment that relativists consider justified and thus approve.

9. The Recommendation deeply deplores the failure of the 56th Session of the UN Commission on the Status of Women (27/02-15/03/2012) to reach “*agreed conclusions*” due to some governments opposing women’s rights on the basis of religious, cultural or traditional arguments. Indeed, this failure shows clearly the efforts to disrespect fundamental universal principles and values and to perpetuate the subordinate position of many women around the world, on the basis of cultural relativism.

II. Parliamentary Assembly of the Council of Europe: “Austerity measures – a danger for democracy and social rights”

10. In June 2012, the Parliamentary Assembly of the CoE (PACE) adopted *Resolution 1884* (2012) entitled “*Austerity measures – a danger for democracy and social rights*”.⁶ This Resolution recalls that “since 2009, strict austerity programmes have been applied across Europe with the intention of consolidating public budgets.” Yet, “more recently, *both the economic effectiveness of austerity measures and the root causes of the crisis are increasingly being questioned by international experts and organisations. The short- and long-term negative effects of the measures on democratic processes and social rights standards have also come in for criticism*”.

⁴ The European Convention on Human Rights and Fundamental Freedoms, as interpreted by the European Court for Human Rights, the European Social Charter, as interpreted by the Committee of Social Rights, the Convention on Preventing and Combating Violence against Women and Domestic Violence, as well as the EU Treaties and the EU Charter of Fundamental Rights, as interpreted by the EU Court of Justice.

⁵ The CEDAW and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression. The Declaration and Plan of Action of the World Conference on Human Rights (Vienna 1993), the Declaration and Platform for Action of the 4th World Conference on Women (Beijing 1995) and the CoE White Paper on Intercultural Dialogue, which recall international rules, are also referred to.

⁶ Council of Europe Parliamentary Assembly Resolution 1884 (2012) of 26 June 2012: <http://www.assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=18745&Language=EN>

11. The PACE “is worried about the *impact of current austerity programmes on democratic and social rights standards*. It is concerned that *the restrictive approaches currently pursued, predominantly based on budgetary cuts in social expenditure, may not reach their objective of consolidating public budgets, but risk further deepening the crisis and undermining social rights as they mainly affect lower income classes and the most vulnerable categories of the population*”.

12. “Facing the consequences of ‘unbridled’ economic liberalism, the European social model and its various national expressions should be protected as a common European vision and *the welfare State should be further strengthened*, including through new social partnerships *placing the human being at the centre of concerns*”.

13. The PACE is concerned that “the implementation of austerity measures is often linked to bodies whose character raises questions of democratic control and legitimisation, such as the so-called ‘troika’ (International Monetary Fund, European Commission and European Central Bank)”.⁷ It is also concerned at the expected adverse effects of the European Stability Mechanism and the European Fiscal Treaty.⁸

14. The PACE “recommends a *profound re-orientation of current austerity programmes*, ending their quasi-exclusive focus on expenditure cuts in social areas such as pensions, health services or family benefits”. It also recommends “measures aimed at increasing public revenues by taxing higher income categories and property wealth more strongly, by shoring up the tax base and by enhancing tax collection, the efficiency of the tax administration and the fight against tax fraud and evasion.”

15. “Instead of the austerity approach, energetic measures in favour of economic recovery should be taken, based on the creation of new quality employment opportunities, equal access to employment and support to young people in transition from education to professional careers”.⁹

16. The PACE notes that “although many of the decisions related to the so-called ‘sovereign debt crisis’ are taken in the realm of European Union institutions and the Eurozone, many countries of Greater Europe [i.e. CoE Member States] feel the need to further consolidate public budgets for various reasons, just as they continue to feel the impact of the persisting economic crisis.” This obviously applies beyond the CoE realm.

17. The Explanatory Memorandum to the PACE Resolution explores the question “*Why examine austerity measures from a democratic and social rights view*”. Regarding democratic standards, it underlines that, very often, “decisions are taken on the basis of very short-term considerations, alleged urgent necessities and by following urgent procedures, whilst the aspects of transparency and democratic processes are neglected. In some cases, austerity programmes are imposed by international creditors as a pre-condition for granting further loans. This has been the case in a dramatic manner in Greece, where the so-called “troika” [above No. 13] imposed drastic austerity measures”.

18. Regarding the ineffectiveness of austerity programmes, the Explanatory Memorandum, referring in particular to Greece, notes that “it has already become evident that they will not live up to the original expectations and that more positive approaches to economic recovery will be needed instead”. It invokes analyses of international economic bodies, such as the United Nations Conference on Trade and Development (UNCTAD), which stated in its 2011 Trade and Development Report that: “(1) the fiscal imbalances to be observed in many

⁷ This concerns mainly Greece, see below No. 17.

⁸ This refers to the “Treaty on Stability, Co-ordination and Governance in the Economic and Monetary Union”, signed by 25 EU Member States on 2 March 2012, and the “Treaty establishing the European Stability Mechanism”, signed by the Euro area Members States on 2 February 2012, and in the course of being ratified by the Member States.

⁹ Emphasis added in all paragraphs.

countries are a result and not a driving factor of the current crisis; (2) the significant increase of public debt in most European countries concerned could only be observed after the crisis and not before”. According to the UNCTAD, “the austerity programmes imposed upon certain countries - currently and in the past - by the IMF have in many cases had a negative impact on GDP growth and fiscal balances by deeply altering public revenue schemes, thus cancelling any intended positive effects”.

19. The Explanatory Memorandum quotes a 2012 study of the German Friedrich-Ebert Foundation, which found that many current austerity programmes “focused too strongly on expenditure cuts and had negative redistributive effects. They therefore catalysed the crisis and failed to provide long-term solutions to the most pressing European problems such as unemployment, poverty, regional imbalances or public infrastructure”.

20. Regarding the impact of austerity programmes on human rights, including social rights, the Explanatory Memorandum invokes, *inter alia*, a 2011 OECD study, the UN independent expert on foreign debt and human rights and information from NGOs deploring the detrimental effects of these programmes, in particular on vulnerable groups, such as the poor, elderly, unemployed and disabled, with a particular reference to Greece.

III. INGOs are sounding the alarm: we must reinforce social rights in order to exit the crisis

21. The PACE Resolution confirms concerns expressed in the Declaration “*Reinforcing social rights in order to exit the economic crisis*”¹⁰ launched in May 2011 by the Marangopoulos Foundation for Human Rights (MFHR) and the Association of Women of Southern Europe (AFEM) and supported by the Conference of INGOs of the CoE.

22. This Declaration recalls that fundamental rights, including gender equality, are an EU cornerstone, according to its Treaties, their effective guarantee being an obligation of the EU and its Member States. Social rights are fundamental rights all over Europe, by virtue of the Treaties and the Fundamental Rights Charter of the EU, the European Social Charter and the case law of both European Courts and of the CoE Committee of Social Rights. Yet, “*the real situation all over Europe is flagrantly diverging*” from the EU and CoE rules. “*The social protection structures are disintegrating and the gap between the economically weak and the powerful is dangerously widening and deepening*”.

23. The Declaration underlines that “*any policy aimed at achieving the exit from the crisis must be designed and implemented in light of the EU fundamental values, rights and objectives explicitly proclaimed in the EU fundamental texts. Otherwise, the substantial decrease of salaries and pensions, unemployment, the intensification of poverty and social exclusion, and the ensuing social tensions will further hamper economic growth and accelerate recession and misery, thus reinforcing the current crisis and putting at risk democratic structures*”.

24. The Declaration recalls that “all EU policies are about human beings and that the EU proclaims that ‘*it places the individual at the heart of its activities*’ (Fundamental Rights Charter, Preamble). The protection of the weak must be the EU first task, particularly at times of economic crisis”. “*Otherwise, it will betray the fundamental values and principles proclaimed in its fundamental texts and will deprive our youth of its future*”.

25. Subsequent developments confirmed these concerns. Thus, in an update of June 2012, it is underlined that “the tendency to adopt measures of ‘*economic governance*’ of purely monetarist character and to ignore the social dimension of the EU is increasing to the detriment of social cohesion and growth, as it is currently commonly admitted”.

26. Particular mention is made to the “*Treaty on Stability, Co-ordination and Governance in the Economic and Monetary Union*” and the “*Treaty establishing the European Stability*

¹⁰ See the text of the Declaration, in English, French and Greek, on www.afem-europa.org et www.mfhr.gr.

Mechanism” (above No. 13), which impose a strict budgetary discipline, ignoring social Europe. “None of these Treaties refers to the fundamental values and objectives of the Union or to the Fundamental Rights Charter, which are nonetheless binding on all Union institutions and Member States”. “These fundamental rights and values are universal and binding on all countries of the world”. In this respect the Union must “*point the way ahead for the world*”, as the Union itself proclaims.

27. It is also pointed out that the demands for an anti-crisis agenda which is socially fair and respectful of fundamental rights are growing in the EU and they are increasingly voiced by the European Parliament. Consequently, the alarm is sounded and the “*urgent requests*” formulated in the Declaration are repeated:

- that all measures of economic governance be accompanied by binding social clauses based on the fundamental rights guaranteed by the EU Treaties and the Charter;
- that the European Parliament avail itself of its powers as reinforced by the Lisbon Treaty in order to demand such clauses;
- that the European Parliament and the Commission members dealing with social affairs and human rights be actively involved in the elaboration and implementation of the economic governance measures.

“Otherwise, all economic governance measures are doomed to failure. They will only lead to misery and will shake the democratic institutions”.

IV. Greece: an example of the adverse effects on human rights, in particular women’s rights, and the ineffectiveness of austerity measures

28. Since May 2010, due to a deep financial crisis, Greece is under an EU/International Monetary Fund (IMF) assistance programme or “support mechanism”, which includes pooled bilateral loans by the Euro area Member States in conjunction with IMF funding. The disbursements were made dependent on compliance with strict austerity measures, whose implementation is under the strict control of the “troika” (above Nos. 13, 17).

29. The austerity measures brought about the abolition of fundamental social principles, such as the principle of *favourability* (primacy of provisions more favourable to workers), the reversal of the hierarchy of collective agreements and the shrinking of the fundamental right to collective bargaining. The primacy of enterprise-level collective agreements over sectoral agreements (covering a specific economic sector) was introduced; enterprise-level agreements are concluded by “associations of persons” which are not trade unions and do not enjoy the guarantees of independence proper to trade unions. Interventions in freely concluded collective agreements also included, at a first stage, wage freezes and a reduction in young workers’ wages below applicable collective agreements. At a second stage, interventions included a lowering of the minimum wages set by the national general collective agreement (NGCA) in effect by 22% for all workers and by 32% for the under 25 years of age. Furthermore, the government undertook the obligation to replace the NGCA minimum wage rates with statutory rates, i.e. to annihilate NGCAs, in obvious breach of relevant European and international rules.

30. Moreover, the unilateral prejudicial modification of working conditions by the employer was allowed, flexible forms of employment as well as dismissals were facilitated, recruitments in the public sector were drastically reduced, while drastic cuts in wages, pensions and social spending were made. At the same time, direct and indirect taxes rose, ‘extraordinary’ taxes were levied and the already low tax credits/rebates for low-wage workers and families were diminished or abolished. Thus, essential safety nets disappeared, while the welfare state was gradually dismantled.

31. While seriously affecting human rights, including social rights, the austerity measures have moreover proven ineffective, as stressed by the PACE Resolution and its Explanatory

Memorandum and the European Committee of Social Rights (above Nos. 11, 18, 19, below No. 37). The gravity of the situation and the bleakness of the outlook are also deplored by the European Commission (below No. 38).

A. The ILO Committee of Experts deplores the austerity measures imposed on Greece

32. In its 2012 Report, the ILO Committee of Experts on the Application of Conventions and Recommendations expressed its “*deep concern*”¹¹ about the measures regarding collective agreements and collective bargaining, which “are likely to have a significant – and potentially devastating – impact on the industrial relations system in the country”, as “they go to the heart of labour relations, social dialogue and social peace”, and called for “adequate safeguards to protect workers’ living standards”. Austerity measures should be assessed and planned with a view to preventing poverty; this was “*the duty of the government, together with all the parties involved with the international support mechanism*”.¹² These observations were a response to complaints by the Greek General Confederation of Labour (GSEE); they also relied on the findings of an ILO High Level Mission to Greece which investigated the complaints¹³ (see also below No. 42).

B. The European Committee of Social Rights declares certain austerity measures incompatible with the European Social Charter

33. By two decisions of 23 May 2012¹⁴ the European Committee of Social Rights upheld in part two collective complaints by Greek trade unions against Greece regarding the compatibility of austerity measures with the 1961 European Social Charter (ESC).

34. The first decision condemned a provision allowing the termination of a contract of indefinite duration during the first year of employment, without notice and redundancy pay (breach of Article 4(4) ESC, right to a reasonable period of notice).

35. The second decision condemned provisions which did not grant young persons aged 15 to 18, employed under apprenticeship contracts, at least three weeks’ paid annual leave and did not establish an adequate system of apprenticeship for them (breach of Articles 7(7) and 10(2) ESC), while their social security coverage was confined to sickness benefits in kind (breach of Article 12(3) ESC). The latter ESC provision, which requires the progressive raising of the social security system to a higher level, does not allow the establishment of a distinct category of workers who are excluded from the general social security protection system, as this constitutes a deterioration of this system.

36. The second decision also condemned a provision cutting the minimum salary for all workers under 25 years of age by 32% of the national minimum wage (above No. 29), i.e. below the poverty line. This breached Article 4(1) ESC alone (right to a fair remuneration sufficient for a decent standard of living) as well as this same provision in light of the non-discrimination clause of the Preamble to the ESC (discrimination on grounds of age).

37. Both decisions recalled that “*the economic crisis should not have as a consequence the reduction of the protection of the rights recognised by the [ESC]*”. This “would not only force employees to shoulder an excessively large share of the consequences of the crisis, but

¹¹ Emphasis in the Committee’s text.

¹² Emphasis added.

¹³ International Labour Conference, 101st Session, 2012, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Greece, Conventions 98, 100, 102, 111, 156: http://www.ilo.org/dyn/normlex/en/f?p=1000:11110:0::NO::P11110_COUNTRY_ID,P11110_CONTEXT:102658,SC.

¹⁴ *General Federation of Employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants’ Trade Unions (ADEDY) v. Greece* (Complaints Nos. 65/2011 and 66/2011): http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp.

also accept pro-cyclical effects liable to make the crisis worse and to increase the burden on welfare systems”. Passages of the Recommendation of the Greek National Commission for Human Rights (below Nos 49-50) are also quoted in these decisions, which are expected to have a far reaching impact at national and European level.

C. The European Commission confirms the gravity of the situation and the bleakness of the outlook

38. The gravity of the situation in Greece, with unemployment, in particular of women and the young, soaring and 68 % of the whole population living below the “at risk of poverty” rate, are confirmed by the European Commission. The latter, moreover, deplors that Greece is the lowest ranking EU country in respect of the social climate, i.e. people’s perceptions of the economic situation of households, the country and the welfare state. The Commission deplors in particular that “*the continuing austerity and the limited prospects for economic recovery*” are “likely to make homelessness a salient social problem of the coming years”. “A new class of homeless is on the rise: people with high education, no psychological or addiction problems, formerly with middle-class lifestyles, now unable to make ends meet following job loss or bankruptcy”. The demand for food handouts has risen, while a new class of recipients has formed.¹⁵

D. Women and families: the great victims of the crisis and the austerity measures

39. Women and families are the great victims of the crisis and the austerity measures everywhere. As the Explanatory Memorandum to the PACE Resolution (above Nos. 17-20) notes: “Recent research has shown that *women are disproportionately affected by the financial and economic crisis*.¹⁶ First, they are not included in decision-making processes on an equal basis and can therefore not assert themselves to put forward their own political priorities. Second, when it comes to tax and benefit reforms, women are often more affected than men, as a report by the Institute for Fiscal Studies in the [UK] shows. In particular single women lose more as a percentage of their income than single men, largely because more than 90% of lone parents are women and because lone parents are a group that loses a particularly large amount from tax and benefit changes. Finally, women also suffer from other types of cuts in social services, such as those concerning child benefits and childcare centres, which disproportionately affect single mothers and women on low incomes.”

40. In Greece, in the midst of the growing socio-economic crisis and the strict austerity measures that we summarily described, which are deplored by international and European organisations, bodies and institutions (above Nos 28-37), women and families are heavily affected. The already weak position of women in the labour market is constantly deteriorating. It is more and more difficult, and often impossible, for them to have access to employment and to obtain and retain a job under decent conditions, in particular due to drastic reductions of recruitments or unavailability of jobs, facilitation of dismissals, insufficiency and inadequacy of structures for the care of children and other dependent family members and gender stereotypes which are perpetuated by the crisis.

41. The Greek Deputy Ombudsman for Gender Equality deplors that “austerity measures contributed to a massive loss of employment in the private and public sectors, unprecedented deregulation of labour law and increase in atypical employment. Women’s complaints [to the Ombudsman] increase as they are more exposed to adverse working conditions, particularly during pregnancy and upon return from maternity leave. They are under greater pressure to

¹⁵ European Commission *Employment and Social Situation Quarterly Review* September 2012, pp. 16, 45-48; June 2012, pp. 45-47: <http://ec.europa.eu/social>. Emphasis added.

¹⁶ Emphasis added.

accept flexible forms of employment which do not ensure adequate living standards and do not allow them to meet their family obligations.¹⁷

42. The ILO Committee of Experts also strongly deplored the above, stressing “*the disproportionate impact of the crisis on women*”, including on their wages and the gender pay gap. It noted that the measures aimed at reducing employment in the public sector will affect primarily women, who are the vast majority in that sector. Moreover, small and medium-sized enterprises, “an important source of female and youth employment” are “closing down on a massive scale”. It further recalled that “the national general collective agreement and certain sectoral agreements contained provisions aimed at safeguarding the rights of workers with family responsibilities, which could be undermined due to the impact of the measures taken in the framework of the support mechanism on industrial relations and collective bargaining” (see above Nos. 28-30). The Committee also deplored the inadequacy of public care support for parents and called for it to be made adequate, accessible and affordable.¹⁸ Yet, as budget cuts severely affect care services, caring lies more heavily than ever on women, who have at the same time to cope with material deprivation, while gender stereotypes are perpetuated.

43. As a result of the dismantling of the Greek collective agreement system, a safety net protecting workers from poverty and social exclusion was removed and bargaining for wages and other working conditions was laid on individual workers’ shoulders. Yet, the already weak negotiating power of women (in particular pregnant women, mothers and migrants) is constantly diminishing, the more so as they are over-represented in low paid and precarious jobs and sectors heavily hit by the crisis. As a result, direct, indirect and multiple discrimination against women are growing.¹⁹

44. However, women are reluctant to bring cases to courts, mainly due to lack of evidence, fear of victimisation or labelling as trouble makers, length of proceedings and sharply rising litigation costs affecting the right of access to justice.²⁰ This reluctance is growing along with female unemployment, which is leading women to humiliating compromises.

45. In July 2012, registered unemployment in Greece was 25.1 % (it was 9 % in 2009). Female rate was 29 %, male rate 22.3 % and youth rate (up to 24 years old) 55 % (young women 62.1%, young men 46.8%). The unemployed were 1.216.410 in June 2012 (it was 450 000 in 2009) in a total population of 9 900 000 (2011 census).²¹ GSEE estimates are that the real general rate was much higher: at least 29 %, and is mounting.²² About 60 % of unemployment was long-term (of at least twelve months) – the highest in the EU; female long term unemployment rate was 15% and male rate 10.4%.²³ Moreover, as the ILO Committee stressed, “a large part of women had joined the ranks of the ‘discouraged’ workers who are not accounted for in the statistics”.²⁴

¹⁷ Greek Ombudsman *Gender and Employment Relationships*, Special Report 2011: www.synigoros.gr.

¹⁸ *Report of the Committee of Experts, op. cit.*, ILO Conventions 100, 111 and 156.

¹⁹ See GSEE Women’s Secretariat *The Economic Downturn, Impact on Female Employment and Trade Union Initiatives* (information included in GSEE’s complaint to the ILO).

²⁰ On these problems see NCHR *Comments* on the bill transposing Directive 2006/54/EC (equal treatment of men and women in employment and occupation, recast), 13.11.2008, Letter to the Minister of Labour and Social Security, on the same bill, 31.10.2010, as well as *Comments* on the bill which became Act 4055/2012 ‘fair trial and reasonable length thereof’, 26.01.2012: <http://www.nchr.gr>.

²¹ Hellenic Statistical Authority (ELSTAT) *Labour Force Survey July 2012*, and *Labour Force Survey 2nd trimester 2012*: <http://www.statistics.gr>.

²² GSEE/ADEDY Employment Institute (INE) *Greek Economy and Employment. Annual Report 2012*, p. 334: <http://www.inegsee.gr/kalwshlthate.html>.

²³ ELSTAT *Living Conditions in Greece 2012*, p. 27: <http://www.statistics.gr>.

²⁴ *Report of the Committee of Experts, op. cit.*, ILO Convention 111.

46. Unemployment benefits are a 57 % of the NGCA minimum wage (i.e. currently EUR 334.00) and are paid for a maximum of 12 months. They thus do not cover the long term unemployed and due to strict conditions, about 160 000 persons only receive them (May 2012 GSEE estimates).²⁵ Thus, unemployed women are more likely to miss them.

47. Along with unemployment, the in-work poverty rate (as conditioned by low earnings, employment status of household members and social benefits) was in Greece the second highest in the EU in 2010. This was, *inter alia*, due to tax credits/rebates for low-wage workers and their families being less common and often much lower than in other Member States; lone parent (mostly mother) families were in Greece the worst off in the EU in 2011.²⁶ The situation in these respects is constantly worsening.

48. The inferior position of women in the labour market and the widening gender pay gap are leading to lower pensions for women and a pension gender gap. Employment deregulation and the neutralisation of collective agreements also reflect on pensions, while pension cuts also affect low pensions. The increase in length of service requirements and minimum contributory periods for retirement and the calculation of old age pensions on the basis of the earnings of the entire working life introduced by a recent pension reform are increasing the prospects for women to be deprived of an old age pension. This is because women tend to have shorter and irregular careers due to family obligations and to their often flexible and precarious forms of employment.²⁷

D. The Greek National Commission for Human Rights is sounding the alarm: “the very survival of the EU is at stake”

49. In a Recommendation “*On the imperative need to put an end to the sharp decline in civil liberties and social rights*”,²⁸ the Greek National Commission for Human Rights (GNCHR) deplores the rapid deterioration of living standards coupled with the dismantling of the Welfare State and the adoption of measures incompatible with social justice, which are undermining social cohesion and democracy and which it summarily lists. It recalls that according to the case law of its Court and the EU Treaty, the EU “*is not merely an economic union, but is at the same time intended, by common action, to ensure social progress and seek constant improvement of the living and working conditions of the peoples of Europe, as is emphasized in the Preamble to the Treaty*”.²⁹

50. The GNCHR underlines that “there is no way out of the socio-economic and political crisis which plagues Europe as a whole, nor any future for the Union, if fundamental civil liberties and social rights are not guaranteed”. It calls for “an immediate joint mobilisation of all European forces with a view to saving the values on which the European civilization is founded. National governments and parliaments must act in common, so that every measure of ‘*economic governance*’ be adopted and implemented with due respect for and in a manner that safeguards fundamental civil liberties and social rights. *The very survival of the Union is at stake*”. Let us recall that in its recent decisions on the compatibility of austerity measures taken in Greece with the ESC, the European Committee of Social Rights referred to passages of this Recommendation (see above Nos. 33-37)

²⁵ European Commission *Employment and Social Situation Quarterly Review* March 2012, p. 83: <http://ec.europa.eu/social>; GSEE/ADEDY Employment Institute (INE) *Greek Economy and Employment*. Annual Report 2012, p. 334: <http://www.inegsee.gr/kalwshlthate.html>.

²⁶ European Commission *Employment and Social Situation Quarterly Review*, March 2012, p. 82; September 2012, p. 42: <http://ec.europa.eu/social>.

²⁷ See S. Renga, H. Masse-Dessen & S. Koukoulis-Spiliotopoulos ‘A Gender Perspective on the French, Italian and Greek Old-Age Pension Systems’ *European Gender Equality Law Review* No.2-2010, pp. 14-32. <http://ec.europa.eu/justice/gender-equality/document>

²⁸ Adopted in December 2011 and updated in May 2012: <http://www.nchr.gr>.

²⁹ Cases C-50/96 *Schröder* [2000] ECR-774 and C-270/97 *Sievers* [2000] ECR I-933.