

EQUINET Legal Training
'TOOLS OF EVIDENCE IN DISCRIMINATION CASES'
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Sharing the experiences

Case study (Greek Ombudsman) :

A Greek citizen of Roma origin filed a complaint to the Greek Ombudsman claiming that the local police authority in order to replace his ID card with a new one had asked from him a school certificate or similar official document proving that he was literate, although such a document is not required for the issuance and/or replacement of an ID card.

The complainant also mentioned that he had been informed by the police officers that in case that such a document cannot be provided by him, the holder of the ID card would not be allowed to sign it. In such case the ID card is being issued with the indication “incapacity of signing”, which subsequently causes severe problems in the individual’s social and everyday life activities.

It has to be noted that the indication “incapacity of signing” on the ID card is also a disputable practice that can be considered as discriminating, because it is usually referred to the legal incapacity (incapability or incompetence) of the holder (e.g. mental disability, deprivation of civil rights, etc.).

Moreover the complainant noted that such a certificate is only required by the competent police authority whenever the applicant is of Roma origin.

Investigation of the case by the Ombudsman

GO has asked from the competent police authority :

- a) to inform the GO if there was an order or official command or any circular containing instructions that requires different procedure and/or additional official documents treatment for the issuance of an ID card for illiterate persons
- b) why a ‘literate’ certificate is required only for Greek nationals of Roma origin.

The competent Police Department had replied that :

- a) there was no such official document providing instructions for the issuance of an ID card for illiterate persons
- b) this certificate is usually required by persons of roma origin “*because among them there is a large number of illiterate people*”
- c) the “literate” certificate had been required because the applicant’s previous ID card had been also issued with the indication “incapacity of signing”, and the certificate had been asked from him in order to prove that he was literate and able to sign.

Mediation and further investigation for discriminatory treatment

The GO pointed out that the complainant’s right to sign his ID card is not depended on his literacy. Furthermore, the GO noted that such a requirement only for citizens of

Roma origin.

The GO continued the investigation of the case and asked for :

- a) datas and statistics for the last two years (for the period 2005 -2007) of the total number of the ID cards that have been issued by the local police authority
- b) the total number of the ID cards that have been issued with the indication “incapacity of signing”
- c) information regarding the procedure that had been followed for the issuance of ID cards with the indication “incapacity of signing” and the documents that have been required by the applicants.

End of investigation: Instead of any other answer the competent Police Directorate informed the GO that “*the complainant’s ID card has been replaced and the holder has signed on it*” .

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